

# CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, March 23, 2023 at 7:00 a.m.

Vector Conference Room, 1201 Main Avenue West, West Fargo, 58078

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**A. Call to Order**

**B. Roll Call**

**C. Determination of a Quorum**

**D. Approve Meeting Minutes of January 26, 2023**

**E. Public Hearing Items**

1. Hearing on an application requesting a Minor Subdivision Plat of **Jones Second Subdivision** located in Section 23, Township 141 North, Range 50 West of the 5<sup>th</sup> Principal Meridian, Berlin Township, Cass County, North Dakota.
2. Hearing on an application requesting a Minor Subdivision Plat of **Buhr Erickson Farms Subdivision** located in Section 19, Township 141 North, Range 54 West of the 5<sup>th</sup> Principal Meridian, Ayr Township, Cass County, North Dakota.
3. Hearing on an application requesting a Minor Subdivision Plat of **K&S Johnson Subdivision** located in Section 13, Township 138 North, Range 52 West of the 5<sup>th</sup> Principal Meridian, Maple River Township, Cass County, North Dakota.

**F. New Business**

**G. Old Business**

**H. Adjournment**

**CASS COUNTY PLANNING COMMISSION  
January 26, 2023**

**A. CALL TO ORDER**

A meeting of the Cass County Planning Commission was called to order on January 26, 2023 at 7:00 am in the Vector Conference room at the Highway Department.

**B. ROLL CALL**

Planning Commissioners attending in person were Rocky Bertsch, David Gust, Ken Lougheed, Dr. Tim Mahoney, Keith Monson, Brad Olson, Duane Breitling, Hugh Veit. Keith Gohdes attended via Teams.

Attending in person were Jason Benson, Cass County Engineer, Tom Soucy, Assistant Cass County Engineer, Kimberlee Hegvik, Cass County States Attorney and Robert Vallie, Cass County Senior Attorney.

Members of the public in attendance were Ryan and Jessica Richards and Bob Staloch, Planning and Zoning Administrator for several townships.

Mr. Lougheed introduced the new Planning Commissioner, Hugh Veit. Mr. Benson introduced Kimberlee Hegvik and Robert Vallie.

**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 December 8, 2022 meeting as presented.**

**Motion carried.**

**E. PUBLIC HEARING**

- 1. Hearing on an application requesting a Minor Subdivision Plat of Richard Family Farm Subdivision located in Section 36, Township 139 North, Range 52 West of the 5th Principal Meridian, Everest Township, Cass County North Dakota.**

This was a previously tabled agenda item.

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Richard Family Farm Subdivision to plat a one (1) Lot subdivision of approximately 21 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the parent tract of farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 156th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Ms. Richard said that they had just received a preliminary site plan from Houston Engineering on January 25, 2023, the night before the Planning meeting. Mr. Richard said that they are at the mercy of everyone else in getting things that are needed in order to finalize the application. Mr.

Benson said that the biggest concern would be the drainage on the property. Mr. Richards said that there has never been drainage issues and they have always built homes or other buildings higher than what is recommended.

Commissioner Breitling came to the meeting at 7:10am.

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

**MOTION, passed**

**Mr. Gust moved, and Mr. Bertsch seconded to accept the findings and recommend approval to the County Commission on the condition that the site plan is approved by the Cass County Engineer and the Township.**

**On a roll call vote with all in favor, motion carried.**

**2. Hearing on an application requesting a Minor Subdivision Plat of Giermann Subdivision located in Section 9, Township 140 North, Range 52 West of the 5th Principal Meridian, Casselton Township, Cass County, North Dakota.**

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Giermann Subdivision to plat a one (1) Lot subdivision of approximately 11.67 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 154th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Mr. Monson asked why the grain bins are being left out of the plat. Mr. Bertsch said that often it is due to financing a mortgage, as banks do not like to see extra building where they may not be functional. Mr. Gust asked if there is a road easement that allows access. Mr. Benson confirmed that is correct.

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

**MOTION, passed**

**Mr. Olson moved, and Mr. Veit seconded to accept the findings and recommend approval to the County Commission with any conditions outlined by the County Planner.**

**On a roll call vote with all in favor, motion carried.**

**3. Hearing on an application requesting a Minor Subdivision Plat of Killoran Partnership Subdivision located in Section 18, Township 140 North, Range 54 West of the 5th Principal Meridian, Buffalo Township, Cass County, North Dakota.**

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Killoran Partnership Subdivision to plat a one (1) Lot subdivision of approximately 14.127 acres. According to the applicant, the subdivision is requested to split the existing farmstead off from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 140th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

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

**MOTION, *passed***

**Mr. Bertsch moved, and Mr. Gust seconded to accept the findings and recommend approval to the County Commission with any conditions outlined by the County Planner.**

**On a roll call vote with all in favor, motion carried.**

**4. Hearing on an application requesting a Minor Subdivision Plat of Brandon Hovland Subdivision located in Section 4, Township 140 North, Range 54 West of the 5th Principal Meridian, Buffalo Township, Cass County North Dakota.**

Mr. Lougheed opened the public hearing.

The applicant is seeking approval of a minor subdivision entitled Brandon Hovland Subdivision to plat a one (1) Lot subdivision of approximately 12.55 acres. According to the applicant, the subdivision is requested to split the existing farmstead from the rest of the quarter section.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 31st St SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Applicant is looking to redevelop the site as it is a former farmstead. The odd shape of the plat is to include the trees to maximize the existing ag land. There have been no flooding issues.

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

**MOTION, *passed***

**Mr. Monson moved, and Mr. Bertsch seconded to accept the findings and recommend approval to the County Commission with any conditions outlined by the County Planner.**

**On a roll call vote with all in favor, motion carried.**

**F. NEW BUSINESS**

Bob Staloch attended to give an update of changes of Pleasant Township Planning and Zoning ordinance.

They created a building moratorium as retention for the diversion encompasses about 75% of Pleasant Township. There will be no building permits issued.

His township is also restricting campers on properties. They now allow one camper per parcel. The campers must be hooked up to sanitary, water and utilities. Campers will not be allowed on FM Diversion or Water Resource District land. Campers require a permit for \$800 and a rental fee. Exclusions will be made for family wishing to park a camper for no more than 21 days. Normanna Township has adopted this ordinance, Mapleton Township plans to in March 2023.

Pleasant Township has established a setback from the Southern Embankment to 450' for residential and retail, and 350' for other structures such as farm machinery shops. The setbacks will be reviewed once the diversion is complete. Dr. Mahoney agreed that 450' is very reasonable.

**G. OLD BUSINESS**

none

**H. ADJOURNMENT**

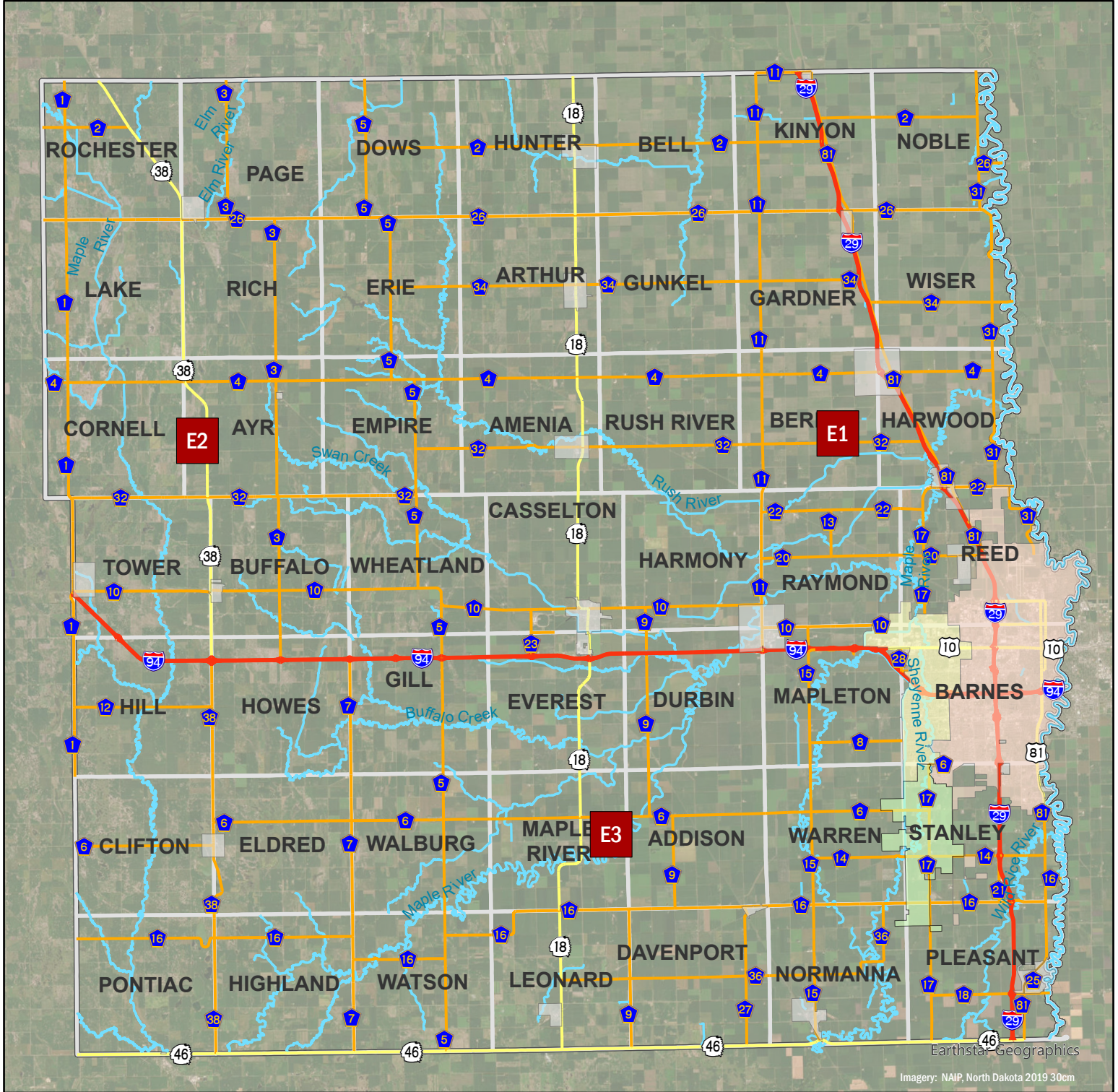
On motion by Mr. Gust seconded by Mr. Bertsch and all voting in favor, the meeting was adjourned at 7:48 am.

Minutes prepared by Lisa Shasky, Principal Secretary, Cass County Highway Department.

# Agenda Items Map

Cass County Planning Commission

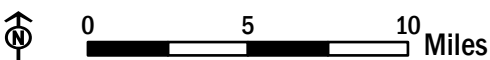
March 23, 2023



## Agenda Items No.

- E1. - Jones Second Subdivision
- E2. - Buhr Erickson Farms Subdivision
- E3. - K&S Johnson 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

<b>Entitlements Requested:</b>	<b>Minor Subdivision (2 Lots)</b> of a part of the SE 1/4 of Section 23, Township 141 North, Range 50 West		
<b>Title:</b>	<b>Jones Second Subdivision</b>	<b>Date:</b>	02/27/2023
<b>Location:</b>	SE 1/4 of Section 23, Township 141 North, Range 50 West (Berlin Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	27-0300-00010-000; 27-0300-00020-000	<b>Water District:</b>	Rush River Water District
<b>Owner(s)/Applicant:</b>	Mary Jean Jones	<b>Engineer/Surveyor:</b>	Houston Engineering
<b>Status:</b>	Planning Commission Hearing: March 23, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
<b>Proposal</b>	

The applicant is seeking approval of a minor subdivision entitled **Jones Second Subdivision** to plat a two (2) Lot subdivision of approximately 9.13 acres. According to the applicant, the subdivision is requested to adjust the property line so that an existing shop is on Lot 2 instead of Lot 1.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 28th St SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
<b>County Engineer</b>	No issues with lot line adjustment. Subdivision is authorized to use existing access to Cass 32 as previously platted.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<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</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.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	No issues.
<b>Township Chairman</b>	The proposed subdivision meets township zoning and floodplain requirements.
<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 and west. Township road 167<sup>th</sup> Ave SE borders the east of the property with 28th St SE to the south.

*Floodzone*  
 According to the FEMA Flood Map Service Center, this property is currently in Special Hazard Flood Area Zone A. In addition, wetlands are present on the proposed subdivision Lot. The proposed Western Cas FIS map shows the proposed subdivision as Zone X.

*Land Development Rights*  
 The subject quarter-quarter section currently is developed as two buildable lots. Since this will be a replat with no new lots being created, no further development rights are required.

**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 Request



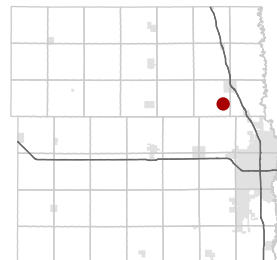
# Minor Subdivision

## Jones Second Subdivision

Berlin Twp, Section 23 - Township 141 North - Range 50 West



Cass County Planning Commission  
March 23, 2023



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## VARIANCE APPLICATION



Cass County Planning Department  
 1201 Main Ave W  
 West Fargo, ND 58078  
 701-298-2375

### FOR OFFICE USE ONLY

PC Meeting Date	
PC Meeting Decision	
CC Meeting Date	
CC Meeting Decision	

Please fill out the following information.

**PROPERTY OWNER**

**APPLICANT (IF DIFFERENT THEN OWNER)**

Name: <u>Mary Jean Jones</u> Address: <u>16691 28 St S</u> <u>Argusville, ND 58005</u> Phone: <u>(701) 238-4829</u> Email: <u>Sheyemj@gmail.com</u>	Name: _____ Address: _____ Phone: _____ Email: _____
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**SUBJECT PROPERTY**

Legal Description: Lot 1, Block 1, Jones Subdivision  
 Parcel ID Number: 27-0300-00010-000  
 Address: 16691 28 St S, Argusville, ND 58005  
 Current Zoning Classification Residential

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary):

Replatting 2 existing Lots to move the interior Lot lines, not adding any extra lots.

Request variance from any deed restriction requirement.

*M. J. Jones*  
 Signature of Applicant

M. J. JONES  
 Print Name

1-25-23  
 Date



## Cass County Planning Commission Staff Report

<b>Entitlements Requested:</b>	<b>Minor Subdivision (2 Lots)</b> of a part of the SE 1/4 of Section 19, Township 141 North, Range 54 West		
<b>Title:</b>	<b>Buhr Erickson Farms Subdivision</b>	<b>Date:</b>	02/27/2023
<b>Location:</b>	SE 1/4 of Section 19, Township 141 North, Range 54 West (Ayr Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	24-0000-00981-060	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	Reed Erickson	<b>Engineer/Surveyor:</b>	KLJ – Valley City
<b>Status:</b>	Planning Commission Hearing: March 23, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
<b>Proposal</b>	

The applicant is seeking approval of a minor subdivision entitled **Buhr Erickson Subdivision** to plat a two (2) Lot subdivision of approximately 27.02 acres. According to the applicant, the subdivision is requested to break out a tract of land to separate the house from the rest of the farm.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 28<sup>th</sup> St SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
<b>County Engineer</b>	No issues.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<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</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. The site has water service.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	No issues.
<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 and west. ND Highway 38 (139th Ave SE) borders the east of the property with Township road 28th St SE to the south.

*Floodzone*  
 According to the FEMA Flood Map Service Center, this property is currently unmapped and not Special Hazard Flood Area has been identified. In addition, wetlands are present on the proposed subdivision Lot. The proposed Western Cas FIS map does not show any Special Hazard Flood Area identified.

*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, with the following conditions:

1. A deed restriction be recorded that meets the requirements of Section 5.04(g) of the Cass County Subdivision Ordinance.

**Attachments**

1. Location Map
2. Plat Document

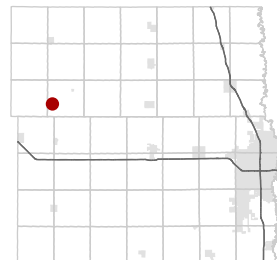
# Minor Subdivision

## Buhr Erickson Farms Subdivision

Ayr Twp, Section 19 - Township 141 North - Range 54 West



Cass County Planning Commission  
March 23, 2023



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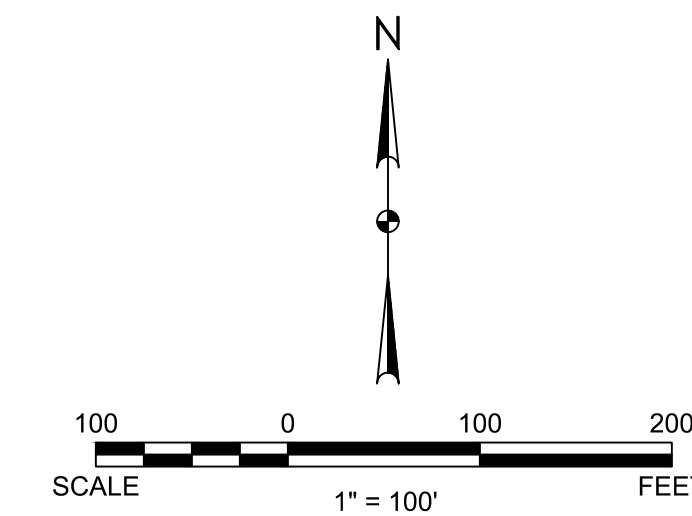
# BUHR ERICKSON FARMS SUBDIVISION

(A MINOR SUBDIVISION)

IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, FIFTH PRINCIPAL MERIDIAN,  
AYR TOWNSHIP, CASS COUNTY, NORTH DAKOTA

13	18	17
138TH AVE SE		27TH ST SE
24	19	20
28TH ST SE		ND HWY. 38
SITE LOCATION		139TH AVE SE
25	30	29

VICINITY MAP  
NO SCALE



DRAWING COMPLETED: 2-9-23

**FLOOD PLAIN STATEMENT:**  
THERE ARE NO PUBLISHED FEMA FLOOD PLAIN MAPS FOR  
AYR TOWNSHIP, CASS COUNTY, NORTH DAKOTA.

**ENGINEER:**  
KLJ  
1010 4TH AVE SW  
VALLEY CITY, ND 58072

**CLIENT:**  
REED ERICKSON  
738 4T ST SW  
VALLEY CITY, ND 58072

**NOTE:**  
SURVEY IS BASED ON NORTH DAKOTA STATE PLANE  
COORDINATE SYSTEM, NAD83 (2011), SOUTH ZONE, CASS  
COUNTY GROUND DISTANCES.

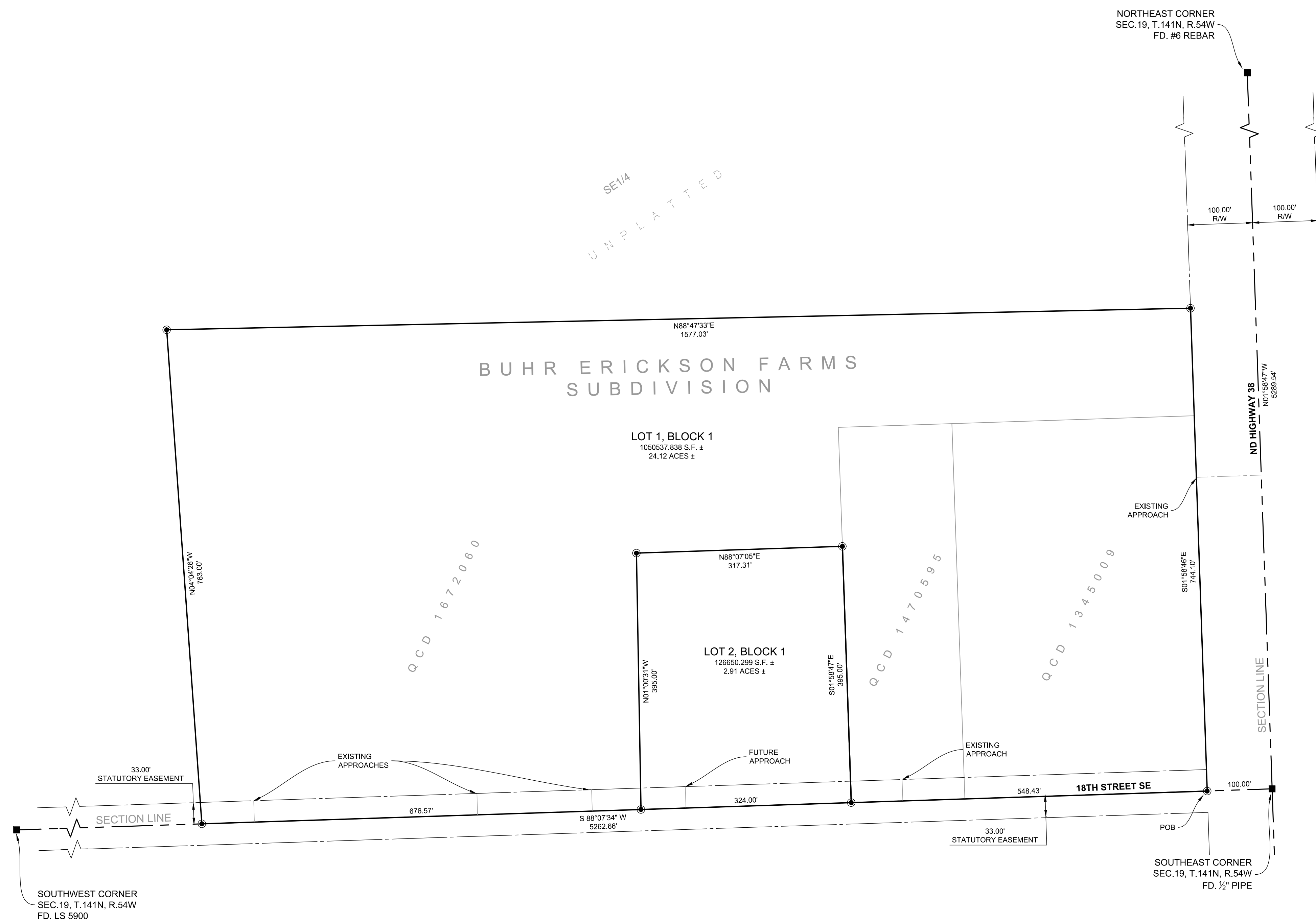
USE CONVERSION FACTOR OF 0.9998875 TO CONVERT  
GROUND DISTANCES TO GRID DISTANCES.

SAID TRACT OF LAND IS SUBJECT TO ANY EASEMENT  
RESTRICTIONS OR RESERVATIONS, EITHER EXISTING OR  
RECORD.

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS  
PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.

**LEGEND**

- FOUND MONUMENT - AS DESCRIBED
- SET #5X18" REBAR W/BPC LS 8441



# BUHR ERICKSON FARMS SUBDIVISION

(A MINOR SUBDIVISION)

IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, FIFTH PRINCIPAL MERIDIAN,  
AYR TOWNSHIP, CASS COUNTY, NORTH DAKOTA

**CERTIFICATE**

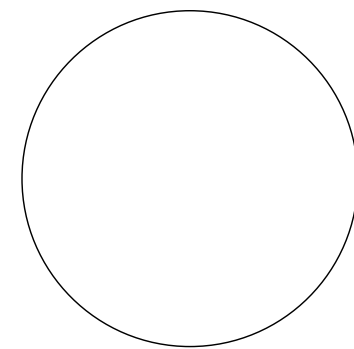
I, FELIX LIEBOLD, BEING DULY SWORN DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "ERICKSON SUBDIVISION" TO THE COUNTY OF CASS, A PLAT PART OF THE SE 1/4 OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY THEREOF; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT; THAT MONUMENTS HAVE BEEN PLACED IN GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS, TO WIT:

THAT PART OF THE SE 1/4 OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4); THENCE S88°07'34"W ALONG THE SOUTH BOUNDARY OF SAID SOUTHEAST QUARTER (SE 1/4) A DISTANCE OF 100.00 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY OF NORTH DAKOTA HIGHWAY 38, THE POINT OF BEGINNING; THENCE CONTINUING S88°07'34"W ALONG SAID SOUTH BOUNDARY OF SAID SOUTHEAST QUARTER (SE 1/4) A DISTANCE OF 1549.00 FEET; THENCE N04°04'26"W A DISTANCE OF 763.00 FEET; THENCE N88°47'33"E A DISTANCE OF 1577.03 FEET TO THE SAID WEST RIGHT OF WAY OF NORTH DAKOTA HIGHWAY 38; THENCE S01°58'47"E ALONG SAID RIGHT OF WAY A DISTANCE OF 744.10 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 27.03 ACRES, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

\_\_\_\_\_  
FELIX LIEBOLD  
REGISTERED LAND SURVEYOR  
REG. NO. 8441



STATE OF NORTH DAKOTA)  
  )SS  
COUNTY OF CASS                  )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE, WHO EXECUTED THE SAME AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC

**DEDICATION**

WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "BUHR ERICKSON FARMS SUBDIVISION" TO THE COUNTY OF CASS, A PLAT OF PART OF THE SE 1/4 OF SECTION 19, TOWNSHIP 141 NORTH, RANGE 54 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA; THAT WE HAVE CAUSED IT TO BE PLATTED INTO LOTS AND BLOCKS AS SHOWN BY SAID PLAT AND CERTIFICATE OF FELIX LIEBOLD, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE ALL STREETS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

\_\_\_\_\_  
ZANE ERICKSON  
OWNER

\_\_\_\_\_  
CAMI ERICKSON  
OWNER

\_\_\_\_\_  
REED ERICKSON  
OWNER

STATE OF NORTH DAKOTA)  
  )SS  
COUNTY OF CASS                  )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE SAME PERSON WHO IS DESCRIBED IN THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC

**CASS COUNTY ENGINEER:**

REVIEWED BY THE CASS COUNTY ENGINEER, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
JASON BENSON, CASS COUNTY ENGINEER

ATTEST: \_\_\_\_\_  
SECRETARY

**AYR TOWNSHIP:**

REVIEWED BY AYR TOWNSHIP, CASS COUNTY, NORTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
, CHAIRMAN

ATTEST: \_\_\_\_\_  
CLERK

**CASS COUNTY PLANNING COMMISSION:**

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
KEN LOUGHEED, CHAIRMAN

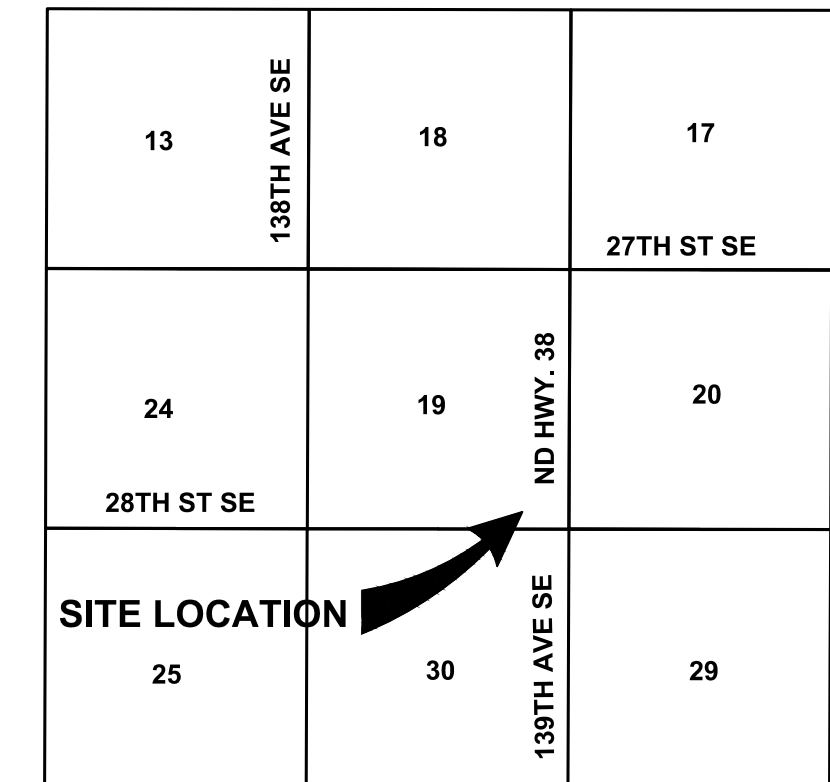
ATTEST: \_\_\_\_\_  
SECRETARY

**CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL**

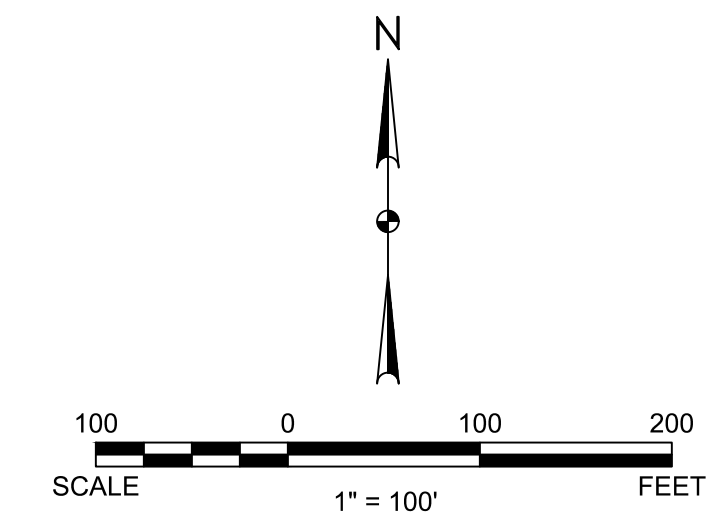
APPROVED BY CASS COUNTY, NORTH DAKOTA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
RICK STEEN, CHAIRMAN

ATTEST: \_\_\_\_\_  
BRANDY MADRIGGA, CASS COUNTY FINANCE DIRECTOR



VICINITY MAP  
NO SCALE



DRAWING COMPLETED: 2-9-23

**FLOOD PLAIN STATEMENT:**

THERE ARE NO PUBLISHED FEMA FLOOD PLAIN MAPS FOR AYR TOWNSHIP, CASS COUNTY, NORTH DAKOTA.

**ENGINEER:**

KLJ  
1010 4TH AVE SW  
VALLEY CITY, ND 58072

**CLIENT:**

REED ERICKSON  
738 4T ST SW  
VALLEY CITY, ND 58072

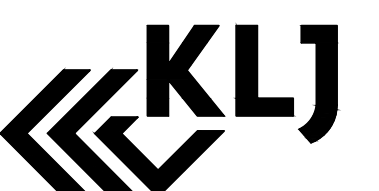
**NOTE:**

SURVEY IS BASED ON NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD83 (2011), SOUTH ZONE, CASS COUNTY GROUND DISTANCES.

USE CONVERSION FACTOR OF 0.9998875 TO CONVERT GROUND DISTANCES TO GRID DISTANCES.

SAID TRACT OF LAND IS SUBJECT TO ANY EASEMENT RESTRICTIONS OR RESERVATIONS, EITHER EXISTING OR RECORD.

BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS PLATS DUE TO DIFFERENT METHODS OF MEASUREMENT.







## Cass County Planning Commission Staff Report

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the SW 1/4 of Section 13, Township 138 North, Range 52 West		
<b>Title:</b>	<b>K&amp;S Johnson Subdivision</b>	<b>Date:</b>	02/27/2023
<b>Location:</b>	SW 1/4 of Section 13, Township 138 North, Range 52 West (Maple River Township)	<b>Staff Contact:</b>	Grace Puppe
<b>Parcel Number:</b>	52-0000-08757-040	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	Kirk Johnson	<b>Engineer/Surveyor:</b>	KLJ
<b>Status:</b>	Planning Commission Hearing: March 23, 2023		

Existing Land Use	Proposed Land Use
Agriculture	Agriculture
<b>Proposal</b>	

The applicant is seeking approval of a minor subdivision entitled **K&S Johnson Subdivision** to plat a one (1) Lot subdivision of approximately 10 acres. According to the applicant, the subdivision is requested to get a 911 address assigned for a single resident farmstead on the parcel.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use a new 45<sup>th</sup> St SE access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
<b>County Engineer</b>	No issues, owner should look to build in the SW portion of this lot to avoid flood issues along the Maple River.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<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</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. The site has water service.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	No issues.
<b>Township Chairman</b>	The proposed subdivision meets township zoning and floodplain requirements.
<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 west. The Maple River borders the east of the property with Township Road 45th St SE to the south.

*Floodzone*  
 According to the FEMA Flood Map Service Center, this property is currently unmapped and not Special Hazard Flood Area has been identified. In addition, wetlands are present on the proposed subdivision Lot. The proposed Western Cas FIS map shows Special Hazard Flood Area Zone X and Zone A.

*Land Development Rights*  
 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 denial to the County Commission of the subdivision application as the proposal does not meet 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, with the following conditions:

1. A deed restriction be recorded that meets the requirements of Section 5.04(g) of the Cass County Subdivision Ordinance.

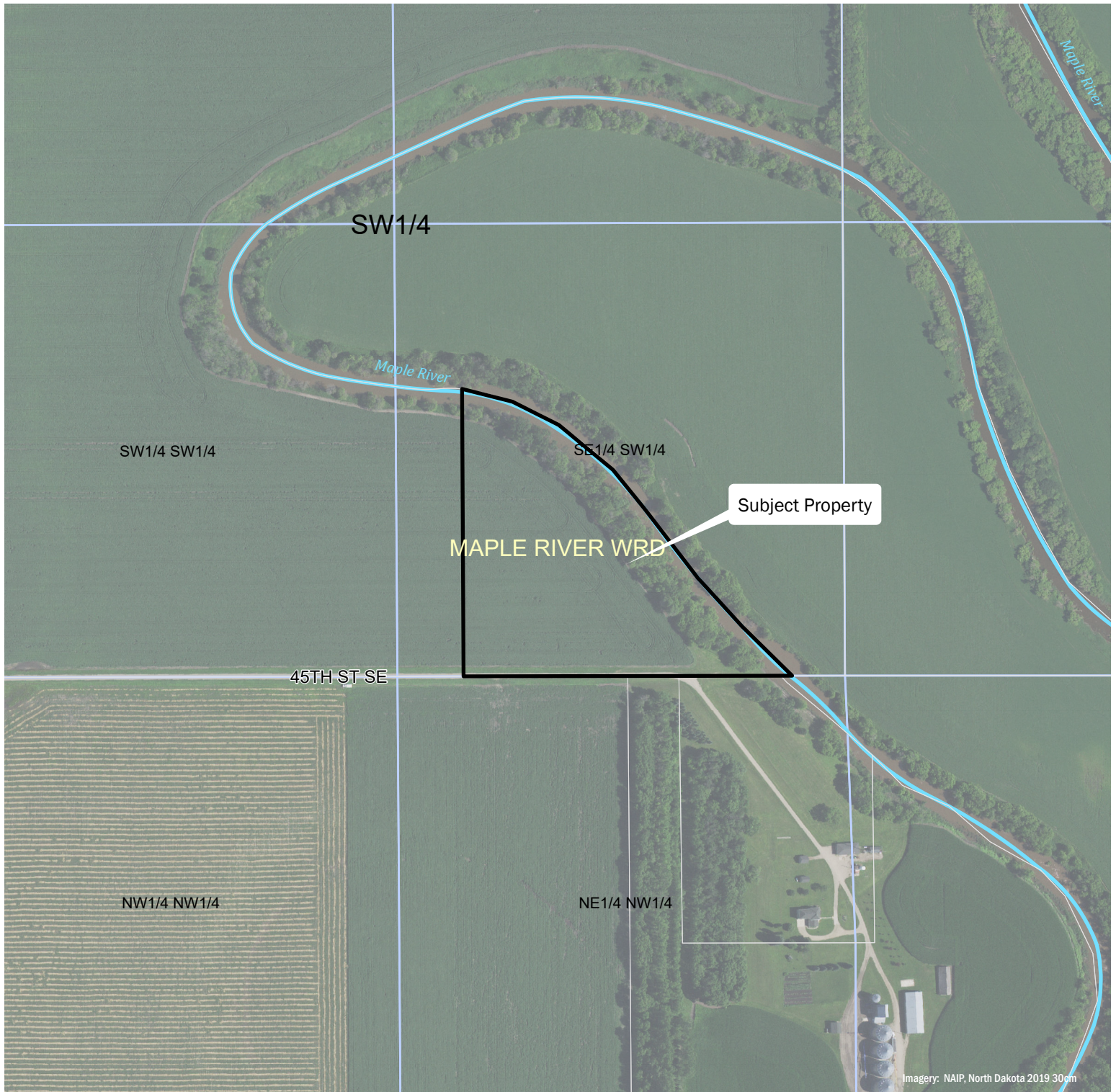
**Attachments**

1. Location Map
2. Plat Document
3. Variance Request

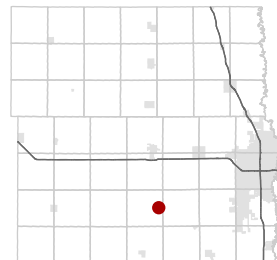
# Minor Subdivision

## K&S Johnson Subdivision

Maple River Twp, Section 13 - Township 138 North - Range 52 West



Cass County Planning Commission  
March 23, 2023

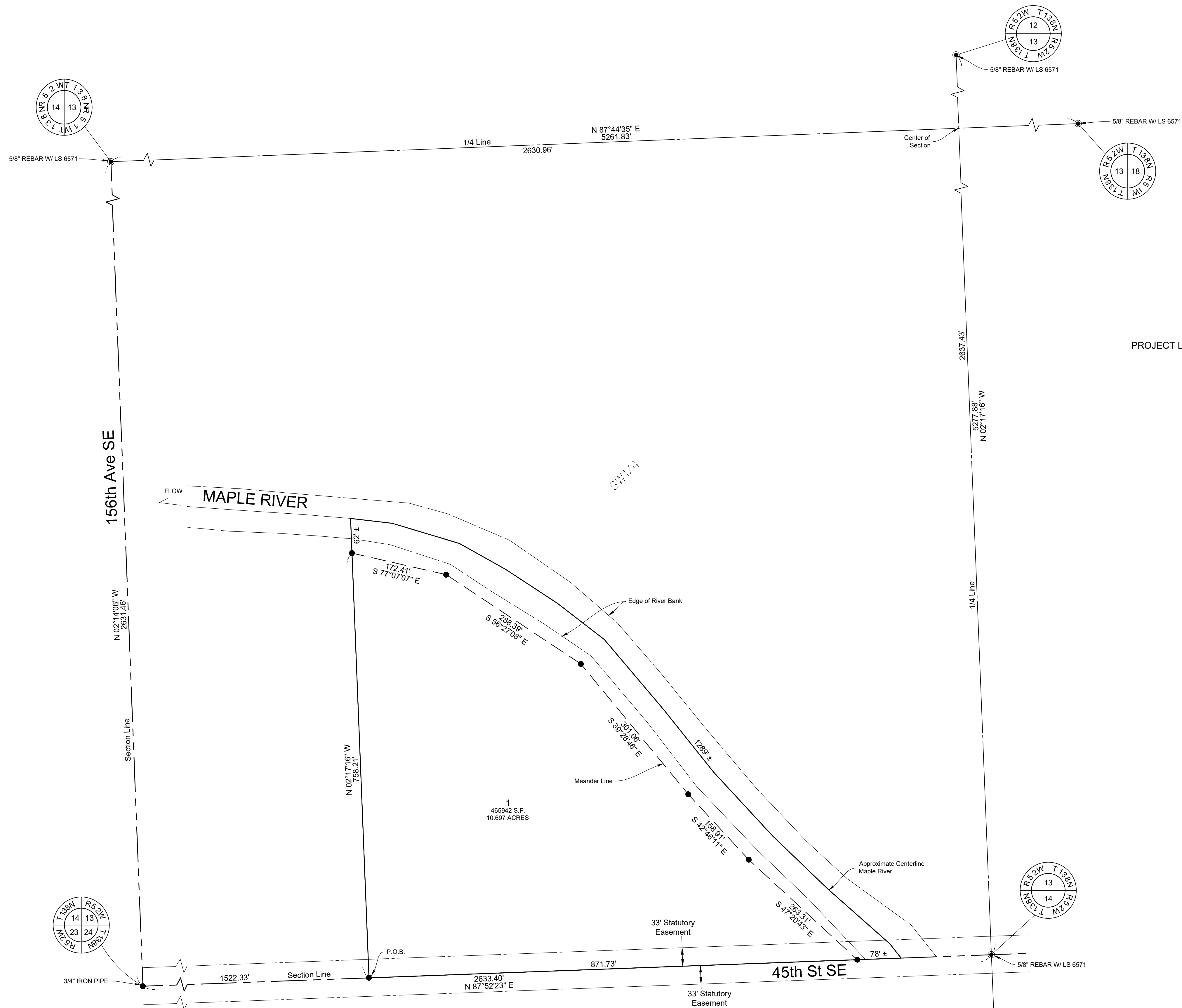


Maps and data are to be used for reference purposes only and Cass County, ND, is not responsible for any inaccuracies herein contained. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



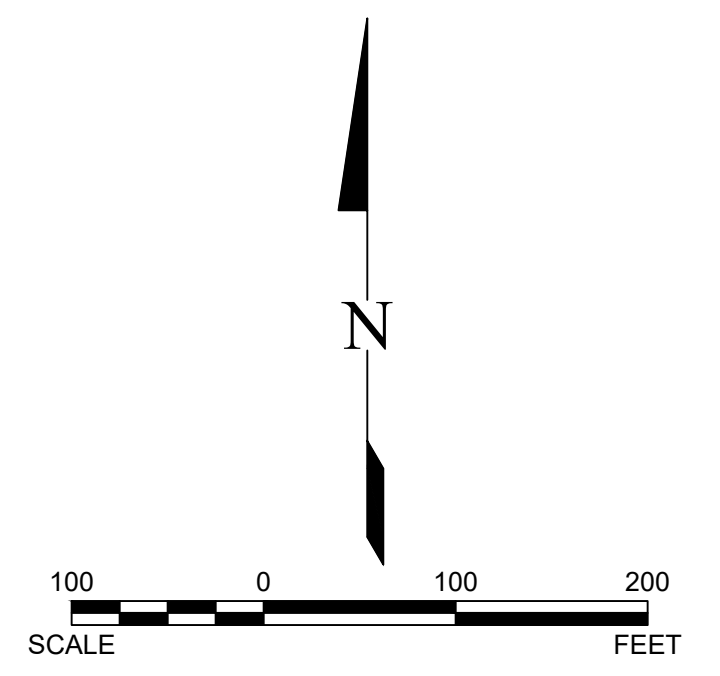
# K & S JOHNSON SUBDIVISION

BEING A PLAT FOR MINOR SUBDIVISION OF PART OF THE SW1/4, SECTION 13, TOWNSHIP 138N, RANGE 52W, CASS COUNTY, NORTH DAKOTA.



**LEGEND**

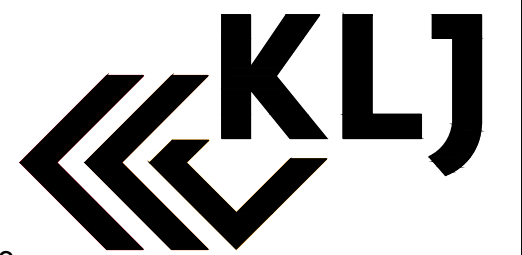
●	IRON MONUMENT FOUND - AS DESCRIBED
○	CALCULATED CORNER
—	SECTION LINE
- - -	1/4 LINE
— · — · —	EDGE OF WATER
- - -	MEANDER LINE
— · — · —	PROPERTY BOUNDARY
300.40'	MEASURED DISTANCE
N 87°02'05" E	MEASURED BEARING



PRELIMINARY PLAT

SHEET 1 OF 2

2/16/2023



# K & S JOHNSON SUBDIVISION

BEING A PLAT FOR MINOR SUBDIVISION OF PART OF THE SW1/4, SECTION 13, TOWNSHIP 138N, RANGE 52W, CASS COUNTY, NORTH DAKOTA.

## OWNER'S CERTIFICATE AND DEDICATION:

A portion of the Southwest Quarter (SW¼) of Section Thirteen (13), Township One Hundred Thirty-eight (138) North, Range Fifty-two (52) West of the 5th Principal Meridian, County of Cass, State of North Dakota, described as follows:

Commencing at the SW corner of said section 13, thence easterly along the south line of section 13, N 87 deg. 52 min. 23 sec. E (assumed bearing) a distance of 1522.33 feet to the point of beginning; thence N 02 deg. 17 min. 16 sec. W a distance of 758.21 feet to a point on the bank of the Maple River; thence continue N 02 deg. 17 min. 16 sec. W a distance of 62 feet, more or less, to the centerline of the Maple River; thence east and southeasterly along said centerline for 1289 feet, more or less, to a point on the south line of section 13; thence westerly along said south line S 87 deg. 52 min. 23 sec. W a distance of 78 feet, more or less, to a point on the bank of the Maple River; thence continue westerly along said south line S 87 deg. 52 min. 23 sec. W a distance of 871.73 feet to the point of beginning.

Said parcel contains 10.70 Acres more or less, and is subject to any easements or rights of way previously acquired.

WE, THE UNDERSIGNED, BEING THE SOLE OWNER(S) OF THE LAND PLATTED HEREIN, DO HEREBY VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT, AND DO DEDICATE THE ROAD EASEMENTS, ALLEYS, PARKS, AND PUBLIC GROUNDS AS SHOWN HEREON, INCLUDING ALL SEWERS, CULVERTS, BRIDGES, WATER DISTRIBUTION LINES AND SIDEWALK GROUNDS WHETHER SUCH IMPROVEMENTS ARE SHOWN OR NOT, TO THE PUBLIC USE FOREVER.

WE AGREE NOT TO VACATE ANY PORTION OF THIS PLAT WITHOUT THE CONSENT OF THE CASS COUNTY BOARD OF COUNTY COMMISSIONERS. WE ALSO HEREBY DEDICATE EASEMENTS TO RUN WITH THE LAND FOR WATER, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON, OR OVER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS "UTILITY EASEMENTS", WHETHER SHOWN OR EXISTING.

KIRK AND SARA JOHNSON

\_\_\_\_\_  
KIRK JOHNSON DATE

\_\_\_\_\_  
SARA JOHNSON DATE

STATE OF NORTH DAKOTA )  
 )SS  
COUNTY OF CASS )

BE IT KNOWN THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BEFORE ME PERSONALLY APPEARED KIRK AND SARA JOHNSON, KNOWN TO ME OR PROVEN TO ME TO BE THE PERSON DESCRIBED HEREIN, AND WHO EXECUTED THE WITHIN PLAT, AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME.

NOTARY PUBLIC: \_\_\_\_\_

## CASS COUNTY PLANNING COMMISSION:

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
KEN LOUGHEED, CHAIRMAN

ATTEST: \_\_\_\_\_  
SECRETARY

## CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL:

REVIEWED BY CASS COUNTY, NORTH DAKOTA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
RICK STEEN, CHAIR

ATTEST: \_\_\_\_\_  
BRANDY MADRIGGA, CASS COUNTY FINANCE DIRECTOR

## TOWNSHIP:

REVIEWED BY \_\_\_\_\_ TOWNSHIP, CASS COUNTY, NORTH DAKOTA,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
, CHAIR

ATTEST: \_\_\_\_\_  
, CLERK

## SURVEYOR'S CERTIFICATE:

I, Carl P. Olson, Professional Land Surveyor, N.D. PLS No. LS-4687, do hereby certify that the tract survey shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed August 30, 2020.

\_\_\_\_\_  
Carl P. Olson  
N.D. PLS No. LS-4687

STATE OF NORTH DAKOTA )  
 )SS  
COUNTY OF CASS )

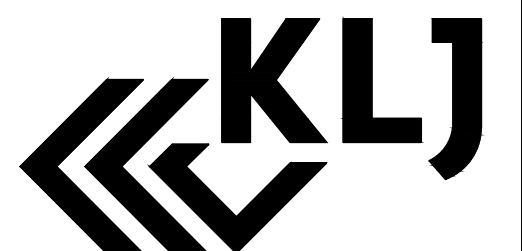
BE IT KNOWN TO ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC WITH AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CARL P. OLSON, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE SAME AS A FREE ACT AND DEED.

\_\_\_\_\_  
NOTARY PUBLIC

## CASS COUNTY ENGINEER:

REVIEWED BY THE CASS COUNTY ENGINEER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JASON BENSON, CASS COUNTY ENGINEER



## VARIANCE APPLICATION



Cass County Planning Department  
 1201 Main Ave W  
 West Fargo, ND 58078  
 701-298-2375

### FOR OFFICE USE ONLY

PC Meeting Date	
PC Meeting Decision	
CC Meeting Date	
CC Meeting Decision	

Please fill out the following information.

**PROPERTY OWNER**

**APPLICANT (IF DIFFERENT THEN OWNER)**

Name: <u>Kirk &amp; Sara Johnson</u> Address: <u>613 Cottonwood Dr.</u> <u>Casselton, ND 58012</u> Phone: <u>701-941-0895</u> Email: <u>Kljohns072@outlook.com</u>	Name: <u>Same</u> Address: _____ _____↓ Phone: _____ Email: _____
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**SUBJECT PROPERTY**

Legal Description: SW 1/4 Sec. 13, 138-52 Maple River Township  
 Parcel ID Number: 52-0000-08757-040  
 Address: To be determined.  
 Current Zoning Classification Ag.

Description of requested variance and applicable conditions/circumstances justifying request  
 (continue on separate sheet, if necessary):

The sale of parcel is final August of 2022 without  
Deed Restriction. Maple River Township provided a building  
permit at that time. Maple River Township has determined  
the project met their criteria of no more than  
4 dwellings per quarter section. The township  
board met and approved the building permit. The  
township criteria and Counties are the same. Please proceed  
without the Deed Restriction.

Kirk J. Johnson  
 Signature of Applicant

Kirk Johnson  
 Print Name

3/13/23  
 Date