



Planning Department

Telephone: 701-298-2375

Fax: 701-298-2395

planning@casscountynd.gov

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: September 27, 2024

SUBJECT: Consent Agenda Topic for the October 7, 2024 Commission Meeting: L Wieers Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Rush River Township, Section 2 at a Public Hearing on September 26, 2024. The intended purpose of the subdivision is to break out an existing farmstead from the farmland to sell the farmstead.

The Planning Commission is recommending approval of the proposed plat entitlement request and Rush River 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 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 (1 Lot) of a part of the SW ¼ of Section 2, Township 141 North, Range 51 West		
Title:	L Wieers Subdivision	Date:	09/26/24
Location:	SW ¼ of Section 2, Township 141 North, Range 51 West (Rush River Township)	Staff Contact:	Cole Hansen
Parcel Number:	63-0000-11709-010	Water District:	Maple River Water District
Owner(s)/Applicant:	Larry Wieers	Engineer/Surveyor:	Neset Surveys
Status:	Planning Commission Hearing: September 26, 2024 County Commission Hearing: October 7, 2024		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **L Wieers Subdivision** to plat a one (1) Lot subdivision of approximately 21.31 acres. According to the applicant, the subdivision is requested to plat a lot for sale of an existing farmstead.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 4 for road access, ditches for storm sewer conveyance, rural water. The property currently does not have a licensed 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 comments were received prior to publishing the staff report.
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, south, west, and east sides of the lot. County Road 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

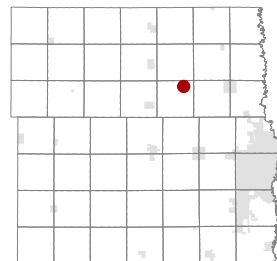
Minor Subdivision

L Wieers Subdivision

Section 2, Rush River Township
Township 141 North - Range 51 West



Cass County Planning Commission
September 26, 2024



Imagery: NAIP, summer/fall 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.



L WIEERS SUBDIVISION

PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 2, T141N, R51W
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT LARRY D. WIEERS, IS THE OWNER OF THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 141 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER OF SAID SECTION 2; THENCE S87°31'27"W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 315.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S87°31'27"W ALONG SAID LINE A DISTANCE OF 1008.88 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE N02°09'33"W ALONG SAID WEST LINE A DISTANCE OF 850.17 FEET; THENCE N87°17'47"E ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 1323.04 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S02°13'03"E ALONG SAID LINE A DISTANCE OF 235.42 FEET; THENCE S87°31'35" W A DISTANCE OF 173.00 FEET; THENCE S68°48'58"W A DISTANCE OF 90.00 FEET; THENCE S53°09'32"W A DISTANCE OF 80.00 FEET; THENCE S21°23'28"W A DISTANCE OF 90.00 FEET; THENCE S02°13'03"E A DISTANCE OF 90.00 FEET; THENCE S22°28'04"E A DISTANCE OF 130.00 FEET; THENCE S02°13'03"E A DISTANCE OF 176.50 FEET; THENCE S02°13'06"E A DISTANCE OF 75.01 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 L WIEERS 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 L WIEERS SUBDIVISION, CONSISTS OF ONE LOT AND ONE BLOCK, AND CONTAINS 21.31 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: _____
LARRY D. WIEERS

STATE OF _____)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LARRY D. WIEERS, 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: _____

SURVEYOR'S 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 L. WIEERS 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)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, 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.

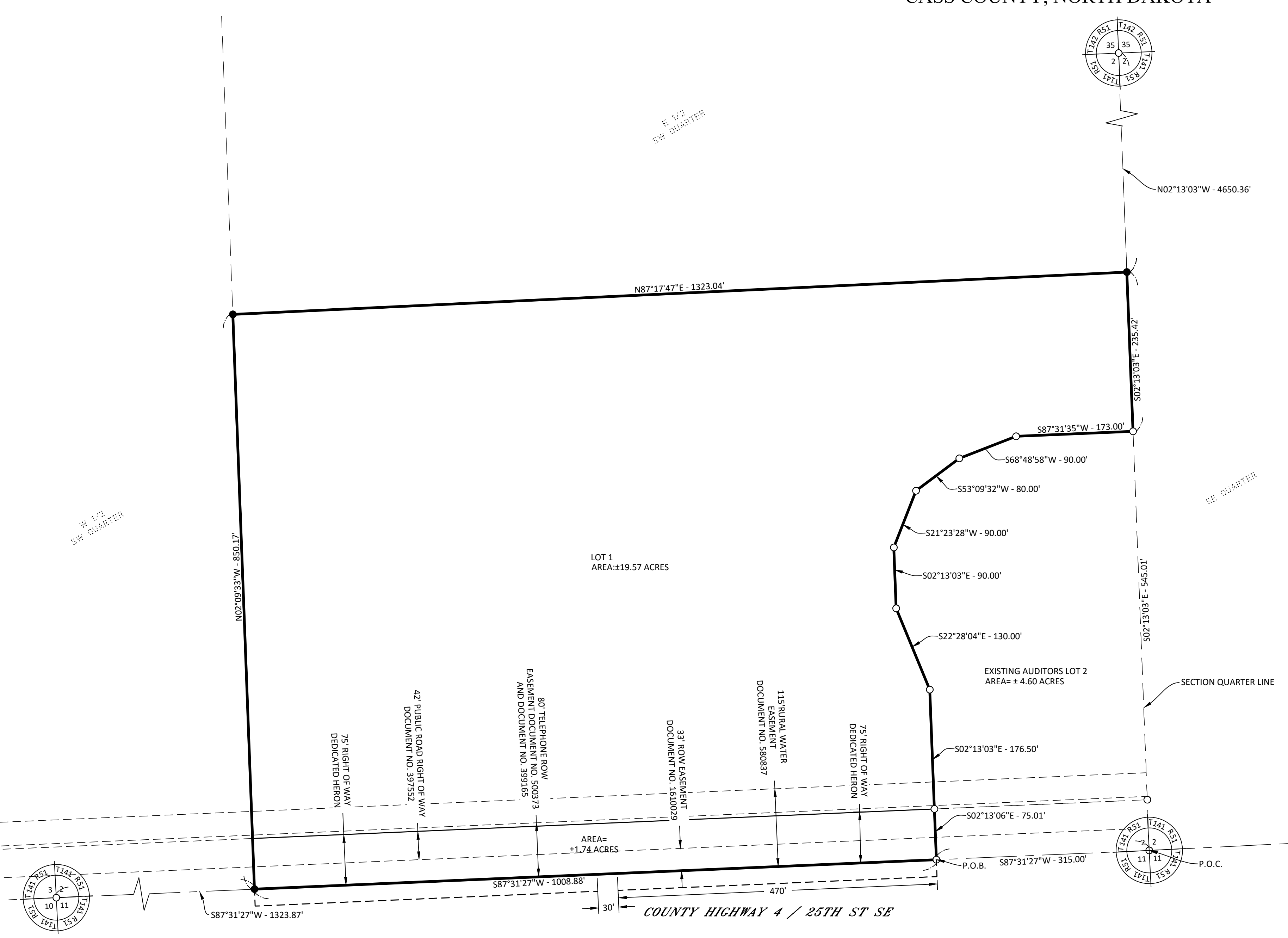
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

NOTES

- DOCUMENT NO. 776023 NOTES EASEMENT TO RUN ELECTRIC LINE TO TRAILER HOUSE. THERE IS NO TRAILER HOUSE PRESENT. EASEMENT CANNOT BE DEFINED.

FOR RECORDING PURPOSES ONLY

G:\0524\0524-42-52PM Z:\Neset\Shared\Files\Cole\Projects\2024_North Dakota Property Surveys\50_25_Larry Wieers- 16035 25th St SE, Argonneville, ND\Larry Wieers Card.dwg



CASS COUNTY ENGINEER'S APPROVAL

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

TOM SOUCY, INTERIM 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

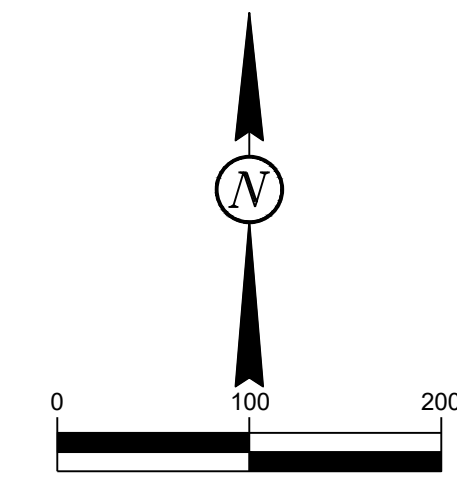
RUSH RIVER TOWNSHIP

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

KEN CRAMER, CHAIRMAN

ATTEST: _____
AUDREY CRAMER, CLERK/ TREASURER

SHEET 1 OF 1



LEGEND	
●	MONUMENT SET
○	MONUMENT FOUND
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
---	EX. EASEMENT
---	EX. SECTION LINE
---	LOT LINE
---	PLAT BOUNDARY LINE
---	NEGATIVE ACCESS EASEMENT

SURVEY INFORMATION

DATE OF SURVEY: MAY 2024
BASIS OF BEARING: NORTH DAKOTA STATE PLAIN SOUTH ZONE
INTERNATIONAL FOOT. DISTANCES SHOWN ARE GROUND
DISTANCES.



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MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: September 27, 2024

SUBJECT: Consent Agenda Topic for the October 7, 2024 Commission Meeting:
Buchholtz Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Maple River Township, Section 36 at a Public Hearing on September 26, 2024. The intended purpose of the subdivision is to break out an existing farmstead from the farmland to sell the farmstead.

The Planning Commission is recommending approval of the proposed plat entitlement request and Maple River 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 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 (1 Lot) of a part of the SW ¼ of Section 36, Township 138 North, Range 52 West		
Title:	Buchholtz Subdivision	Date:	09/26/24
Location:	SW ¼ of Section 36, Township 138 North, Range 52 West (Maple River Township)	Staff Contact:	Cole Hansen
Parcel Number:	52-0000-08861-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Carol Meyers, Bruce Buchholtz, and Brian Buchholtz	Engineer/Surveyor:	Neset Surveys
Status:	Planning Commission Hearing: September 26, 2024 County Commission Hearing: October 7, 2024		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Buchholtz Subdivision** to plat a one (1) Lot subdivision of approximately 10.11 acres. According to the applicant, the subdivision is requested to plat a lot for sale of an existing farmstead.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 16 for road access, ditches for storm sewer conveyance, rural water. The property currently does not have a licensed 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 comments were received prior to publishing the staff report.
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, south, west, and east sides of the lot. County Road 16 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.

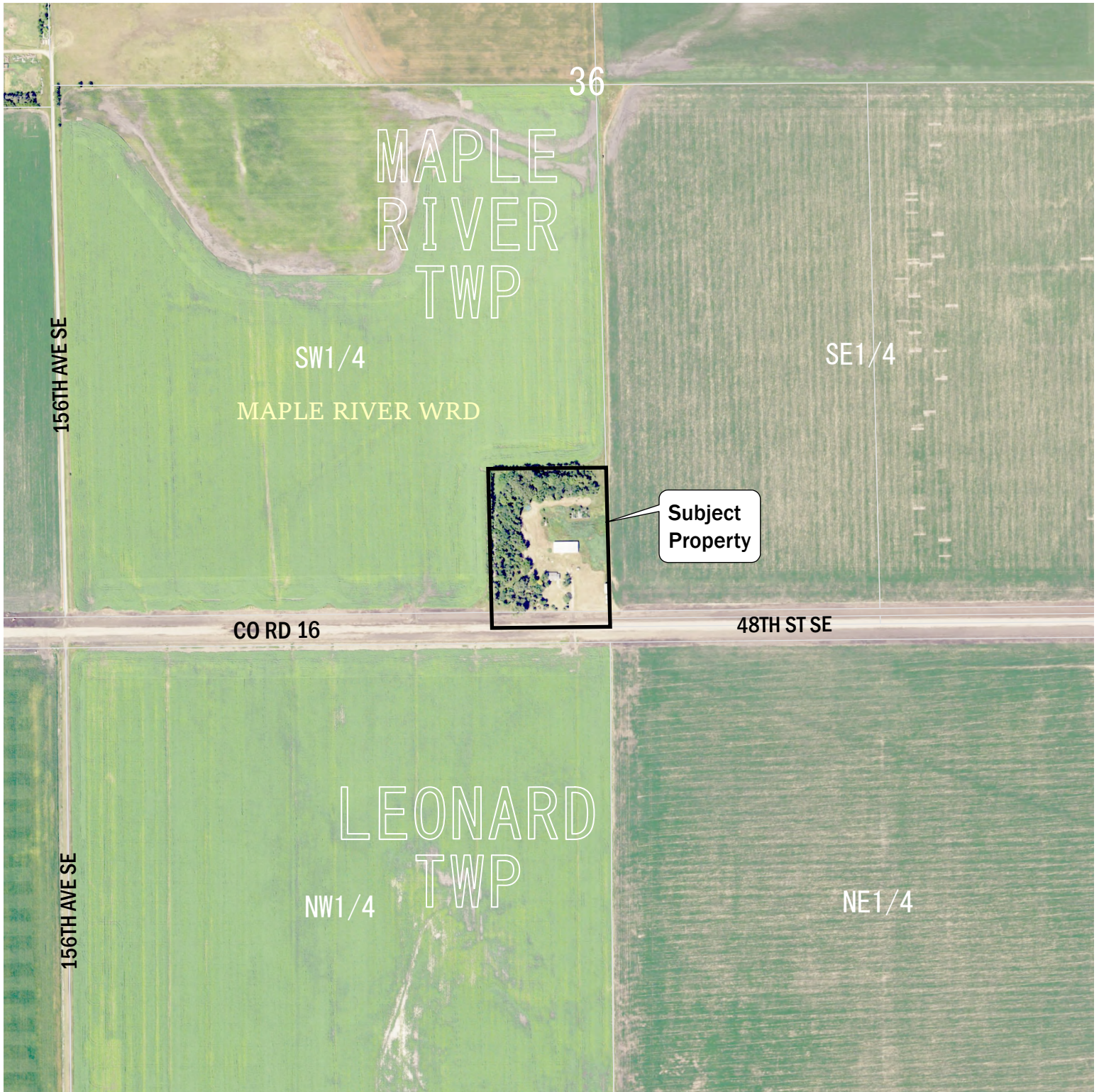
Attachments

1. Location Map
2. Plat Document

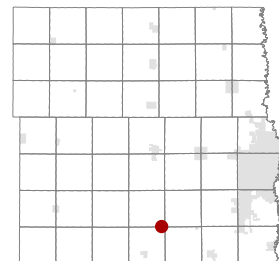
Minor Subdivision

Buchholtz Subdivision

Section 36, Maple River Township
Township 138 North - Range 52 West



Cass County Planning Commission
September 26, 2024



Imagery: NAIP, summer/fall 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.



BUCHHOLTZ SUBDIVISION

PART OF THE SOUTHWEST QUARTER OF SECTION 36, T138N, R52 W
CASS COUNTY, NORTH DAKOTA

OWNERS' CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS, THAT CAROLE G. MEYERS, BRUCE M. BUCHHOLTZ, AND BRIAN H. BUCHHOLTZ, ARE THE OWNERS OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 138 NORTH, RANGE 52 WEST OF THE 5TH PRINCIPAL MERIDIAN TO THE COUNTY OF CASS, STATE OF NORTH DAKOTA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER OF SAID SECTION 36; THENCE N03°30'43"W ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 770.11 FEET; THENCE S87°26'48"W A DISTANCE OF 571.27 FEET; THENCE S03°25'58"E A DISTANCE OF 770.09 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N87°26'48"E ALONG SAID LINE A DISTANCE OF 572.33 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 BUCHHOLTZ 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 BUCHHOLTZ SUBDIVISION, CONSISTS OF ONE LOT AND ONE BLOCK, AND CONTAINS 10.11 ACRES, MORE OR LESS TOGETHER WITH EASEMENTS AND RIGHT OF WAYS OF RECORD.

BY: _____
CAROLE G. MEYERS

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CAROLE G. MEYERS, 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: _____

BY: _____
BRUCE M. BUCHHOLTZ

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRUCE M. BUCHHOLTZ, 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.

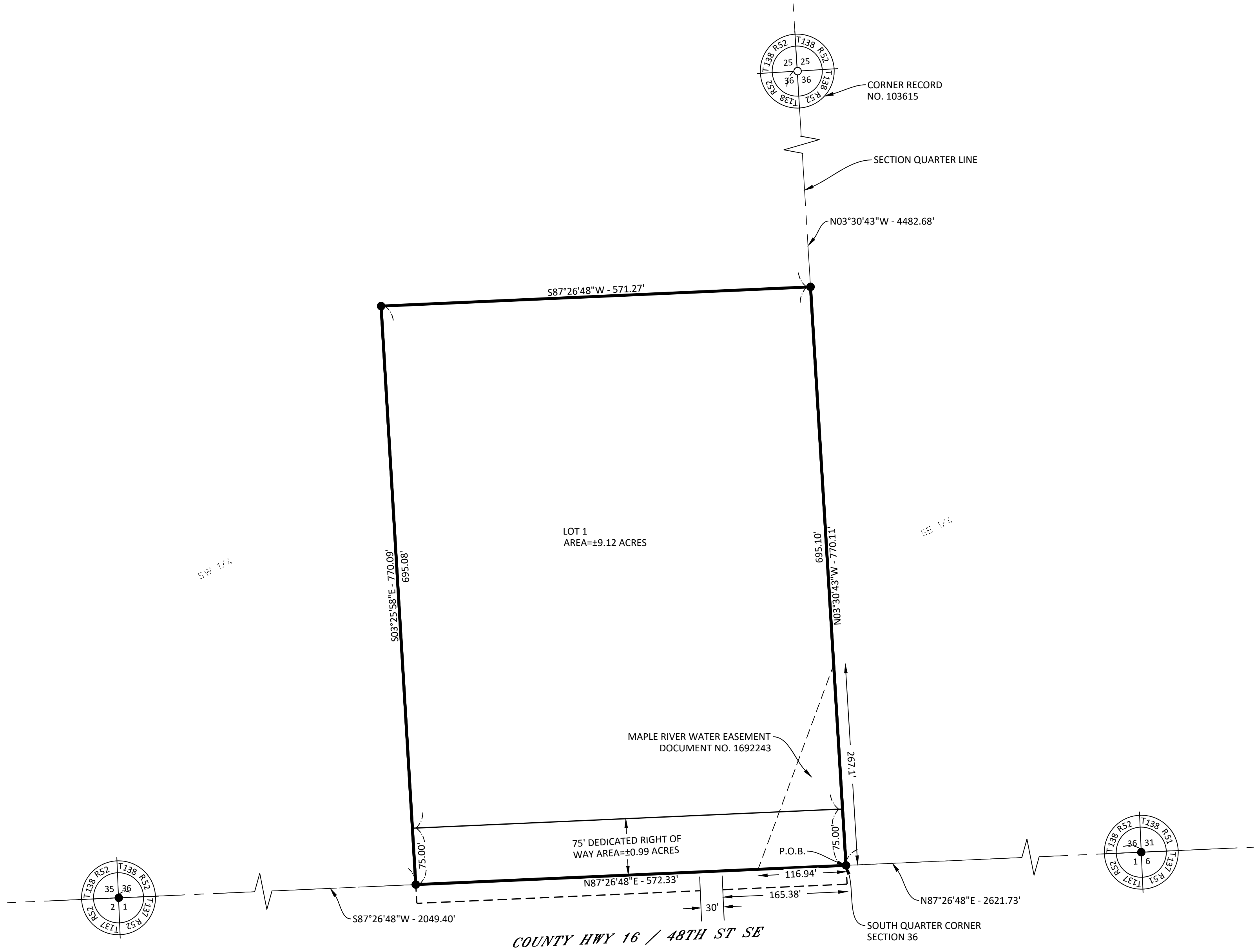
NOTARY PUBLIC, COUNTY: _____ STATE: _____
MY COMMISSION EXPIRES: _____

BY: _____
BRIAN H. BUCHHOLTZ

STATE OF _____)
COUNTY OF _____)SS

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRIAN H. BUCHHOLTZ, 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: _____



LEGEND

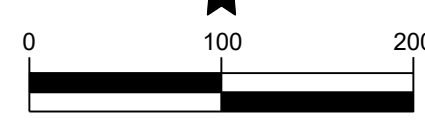
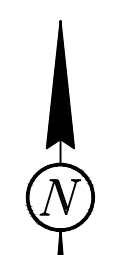
- MONUMENT SET
- MONUMENT FOUND
- P.O.B.
- - - EX. EASEMENT
- - - EX. SECTION LINE
- _____ PROPERTY BOUNDARY LINE
- _____ NEW ROW/PROPERTY LINE
- - - NEGATIVE ACCESS EASEMENT

SURVEY INFORMATION

DATE OF SURVEY: JUNE 2024
BASIS OF BEARING: NORTH DAKOTA STATE PLAIN SOUTH ZONE
INTERNATIONAL FOOT.
VERTICAL DATUM: NAVD 88

NOTES

- DOCUMENT NO. 367703 NOTES A BLANKET EASEMENT FOR THE PURPOSES OF CONTROLLING FLOODS ON AGRICULTURAL LAND. EASEMENT AREA CANNOT BE DEFINED.



FOR RECORDING PURPOSES ONLY



BUCHHOLTZ SUBDIVISION
PART OF THE SOUTHWEST QUARTER OF SECTION 36, T138N, R52 W
CASS COUNTY, NORTH DAKOTA

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 BUCHHOLTZ 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)
)SS
COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2024, 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.

TOM SOUCY, INTERIM 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

MAPLE RIVER TOWNSHIP

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

SCOTT SAEWERT, CHAIRMAN

ATTEST: _____
CARL PIPER, TREASURER

FOR RECORDING PURPOSES ONLY





Planning Department

Telephone: 701-298-2375

Fax: 701-298-2395

planning@casscountynd.gov

MEMORANDUM

TO: Cass County Board of Commissioners

FROM: Cole Hansen, Cass County Planner

DATE: September 27, 2024

SUBJECT: Consent Agenda Topic for the October 7, 2024 Commission Meeting: Ries Subdivision Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Howes Township, Section 30 at a Public Hearing on September 26, 2024. The intended purpose of the subdivision is to break out an existing farmstead from the farmland.

The Planning Commission is recommending approval of the proposed plat entitlement request and Howes 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 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 (1 Lot) of a part of the SE ¼ of Section 30, Township 139 North, Range 54 West		
Title:	Ries Subdivision	Date:	09/26/24
Location:	SE ¼ of Section 30, Township 139 North, Range 54 West (Howes Township)	Staff Contact:	Cole Hansen
Parcel Number:	47-0000-07324-000	Water District:	Maple River Water District
Owner(s)/Applicant:	Jerry Ries	Engineer/Surveyor:	KLJ Engineering
Status:	Planning Commission Hearing: September 26, 2024 County Commission Hearing: October 7, 2024		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Ries Subdivision** to plat a one (1) Lot subdivision of approximately 7.74 acres. According to the applicant, the subdivision is requested to plat a lot to break out a farmstead from the farmland.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 140th Ave SE for road access, ditches for storm sewer conveyance, rural water. The property currently does not have a licensed 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 comments were received prior to publishing the staff report.
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, south, west, and east sides of the lot. 140th Ave SE 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

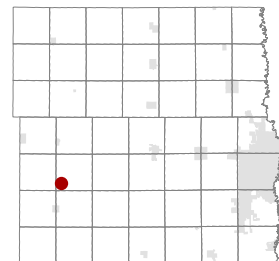
Minor Subdivision

Ries Subdivision

Section 30, Howes Township
Township 139 North - Range 54 West



Cass County Planning Commission
September 26, 2024



Imagery: NAIP, summer/fall 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.



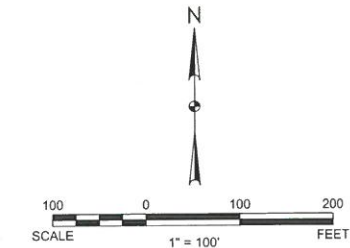
PRELIMINARY RIES SUBDIVISION

(A MINOR SUBDIVISION)

IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 54 WEST, FIFTH PRINCIPAL MERIDIAN,
HOWES TOWNSHIP, CASS COUNTY, NORTH DAKOTA

24	19	20
ND HWY. 38		40TH ST SE
25	30	29
41ST ST SE	↗	
36	31	32
	140TH AVE SE	

VICINITY MAP
NO SCALE



DRAWING COMPLETED: 1-5-24

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

ENGINEER: KLJ 1010 4TH AVE SW VALLEY CITY, ND 58072	CLIENT: MARVIN RIES 4033 140TH AVE SE ALICE, ND 58031-9542
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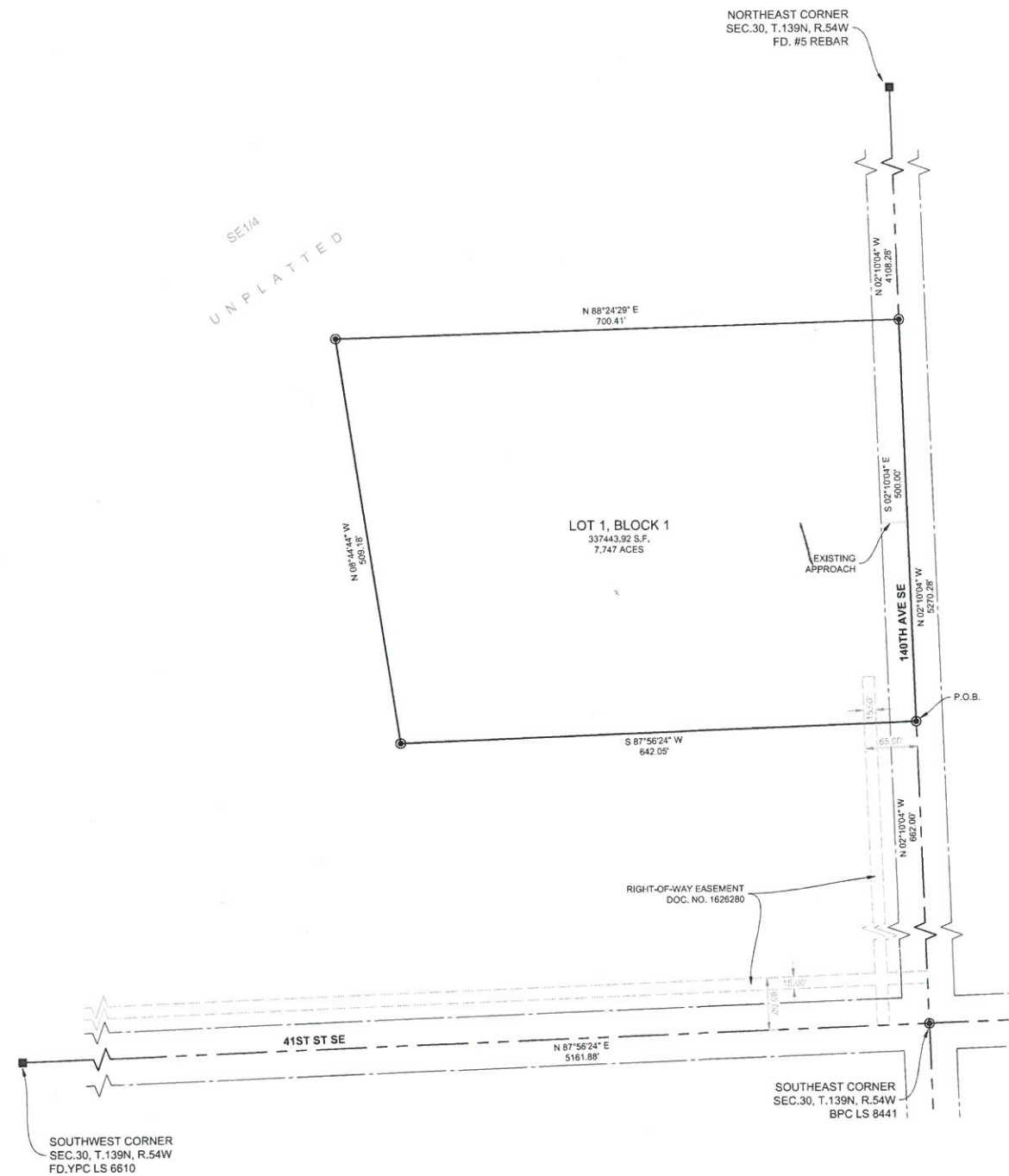
NOTE:
SURVEY IS BASED ON NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NAD83 (2011), SOUTH ZONE, CASS COUNTY GROUND DISTANCES, INTERNATIONAL FOOT.

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
---	SECTION LINE
---	33' STATUTORY EASEMENT
---	EASEMENT



PRELIMINARY RIES SUBDIVISION
(A MINOR SUBDIVISION)

IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 54 WEST, FIFTH PRINCIPAL MERIDIAN,
HOWES TOWNSHIP, CASS COUNTY, NORTH DAKOTA

CERTIFICATE

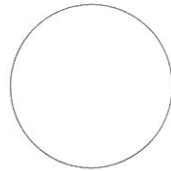
I, FELIX LIEBOLD, BEING DULY SWORN DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "RIES SUBDIVISION" TO THE COUNTY OF CASS, A PLAT PART OF THE SE 1/4 OF SECTION 30, TOWNSHIP 139 NORTH, RANGE 54 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH 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 30, TOWNSHIP 139 NORTH, RANGE 54 WEST, OF THE 5TH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4); THENCE N02°10'04"W ALONG THE EAST BOUNDARY OF SAID SOUTHEAST QUARTER (SE 1/4) A DISTANCE OF 662.00 FEET TO THE POINT OF BEGINNING; THENCE S87°56'24"W PARALLEL TO THE SOUTH BOUNDARY OF SAID SOUTHEAST QUARTER (SE 1/4) A DISTANCE OF 642.05 FEET; THENCE N08°44'44"W A DISTANCE OF 509.18 FEET; THENCE N88°24'29"E A DISTANCE OF 700.41 FEET; THENCE S02°10'04"E ALONG THE EAST BOUNDARY OF SAID SOUTHEAST QUARTER (SE 1/4) A DISTANCE OF 500.00 FEET TO THE POINT OF BEGINNING

SAID TRACT CONTAINS 7.747 ACRES (337443.92 S.F.), 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 BARNES)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED FELIX LIEBOLD, 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

CASS COUNTY ENGINEER:

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

JASON BENSON, CASS COUNTY ENGINEER

ATTEST: _____
SECRETARY

HOWES TOWNSHIP:

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

RON FRAAZE, CHAIRMAN

ATTEST: _____
CLERK

CASS COUNTY PLANNING COMMISSION:

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

KEN LOUGHEED, CHAIRMAN

ATTEST: _____
SECRETARY

DEDICATION

WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "RIES SUBDIVISION" TO THE COUNTY OF CASS, A PLAT OF PART OF THE SE 1/4 OF SECTION 30, TOWNSHIP 139 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.

~~Trust name
owner~~

MARVIN J. RIES
OWNER

~~PHILOMENA RIES
OWNER~~

PHILOMENA RIES
OWNER

STATE OF NORTH DAKOTA)
)SS
COUNTY OF _____)

ON THIS _____ DAY OF _____, 2024, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MARVIN J. RIES AND PHILOMENA RIES, HUSBAND AND WIFE, KNOWN TO ME TO BE THE SAME PERSONS WHO ARE DESCRIBED IN THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

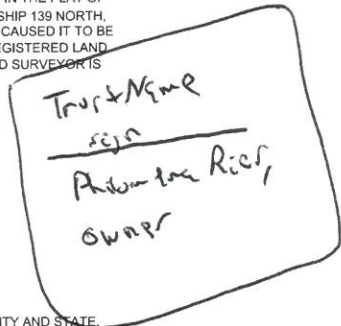
NOTARY PUBLIC

CASS COUNTY BOARD OF COMMISSIONERS' APPROVAL

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

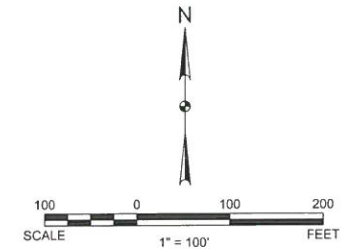
CHAD PETERSON, CHAIRMAN

ATTEST: _____
BRANDY MADRIGGA, CASS COUNTY FINANCE DIRECTOR



24	ND HWY. 38	19	20
			40TH ST SE
25		30	29
41ST ST SE			
SITE LOCATION		140TH AVE SE	
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VICINITY MAP
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ENGINEER:

KLJ
1010 4TH AVE SW
VALLEY CITY, ND 58072

CLIENT:

MARVIN RIES
4033 140TH AVE SE
ALICE, ND 58031-9542

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