

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, May 26, 2022 at 7:00 a.m.

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

A. Call to Order

B. Roll Call

C. Determination of a Quorum

D. Approve Meeting Minutes of April 28, 2022

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **McPherson Subdivision** located in the SW $\frac{1}{4}$ of Section 35, Township 143 North, Range 54 West of the 5th Principal Meridian, Page Township, Cass County North Dakota.
2. Hearing on an application requesting a Major Subdivision Plat of **TEPI Third Subdivision** located in Section 33, Township 140 North, Range 52 West of the 5th Principal Meridian, Casselton Township, Cass County North Dakota.
3. Hearing on an application requesting a Major Subdivision Plat of **TEPI Fourth Subdivision** located in Section 33, Township 140 North, Range 52 West of the 5th Principal Meridian, Casselton Township, Cass County North Dakota. (Preliminary Review)
4. Hearing on amendments to the Cass County Subdivision Ordinance.

F. New Business

Information Only - Gary Hoglund Variance Request

G. Old Business

H. Adjournment

CASS COUNTY PLANNING COMMISSION
APRIL 28, 2022

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on April 28, 2022, at 7:06am in the Vector Conference room at the Highway Department.

B. ROLL CALL

Planning Commissioners attending in person were David Gust, Ken Loughheed, Dr. Tim Mahoney and Brad Olson. Commissioner Mary Scherling attended virtually via Teams. Rocky Bertsch, Keith Monson, Kris Schipper and Keith Gohdes were absent.

Also attending in person were Grace Puppe, Cass County Planner and Tracy Peters, Cass County Senior Attorney.

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 March 24, 2022 meeting as presented.

Motion carried.

E. PUBLIC HEARING

There were no public hearing topics or comments.

F. NEW BUSINESS

Ms. Puppe reviewed changes to the subdivision ordinance.

Variances will not be allowed to be submitted on their own without a subdivision application. There will be a standardized form provided from the County Planner that will be used to get the proper information. This form will also be used to track variances that have been approved and denied so that we can make sure we are treating all variances fairly.

Notices of applications with a variance will be sent to all property owners within a 1-mile radius of the proposed subdivision.

All applications will be reviewed by the County Planner and then brought before the Planning Commission with a recommendation. Then no matter if the Planning Commission approves or denies the application or variance their recommendation will be heard at the County Commission. If the application is recommended for approval by the Planning Commission, it will be placed on the consent agenda for the County Commission Meeting. If the recommendation of the Planning Commission was to deny the application or variance the item will be placed on the regular agenda of the County Commission Meeting. This will allow for the County Planner to provide background on the application as well as let the applicant speak also. Commissioner Scherling commented that it will be very helpful in knowing why something is denied assisting with the decision to approve or deny. The County Commission will make the final decision of the plat.

Ms. Peters spoke about the appeal process that an applicant can take if they want to appeal a decision made by the County Commission. If the applicant wants to appeal the decision of the County Commission, they can do so by submitting a formal appeal. This appeal would then be heard at district court.

There will be a wording change to remove the seven-day requirement to review the subdivision application. This will allow time in case the planner is out of the office when an application is received. The County Planner will continue to provide application review, feedback and approval or denial in a timely manner.

The next Planning Commission meeting is scheduled to have a first reading of the updated ordinance. The second reading will be at the next available County Commission meeting to review and provide a decision as to approve or deny.

Ms. Peters gave a status update on the Stanley Township legal issues.

G. OLD BUSINESS

None

H. ADJOURNMENT

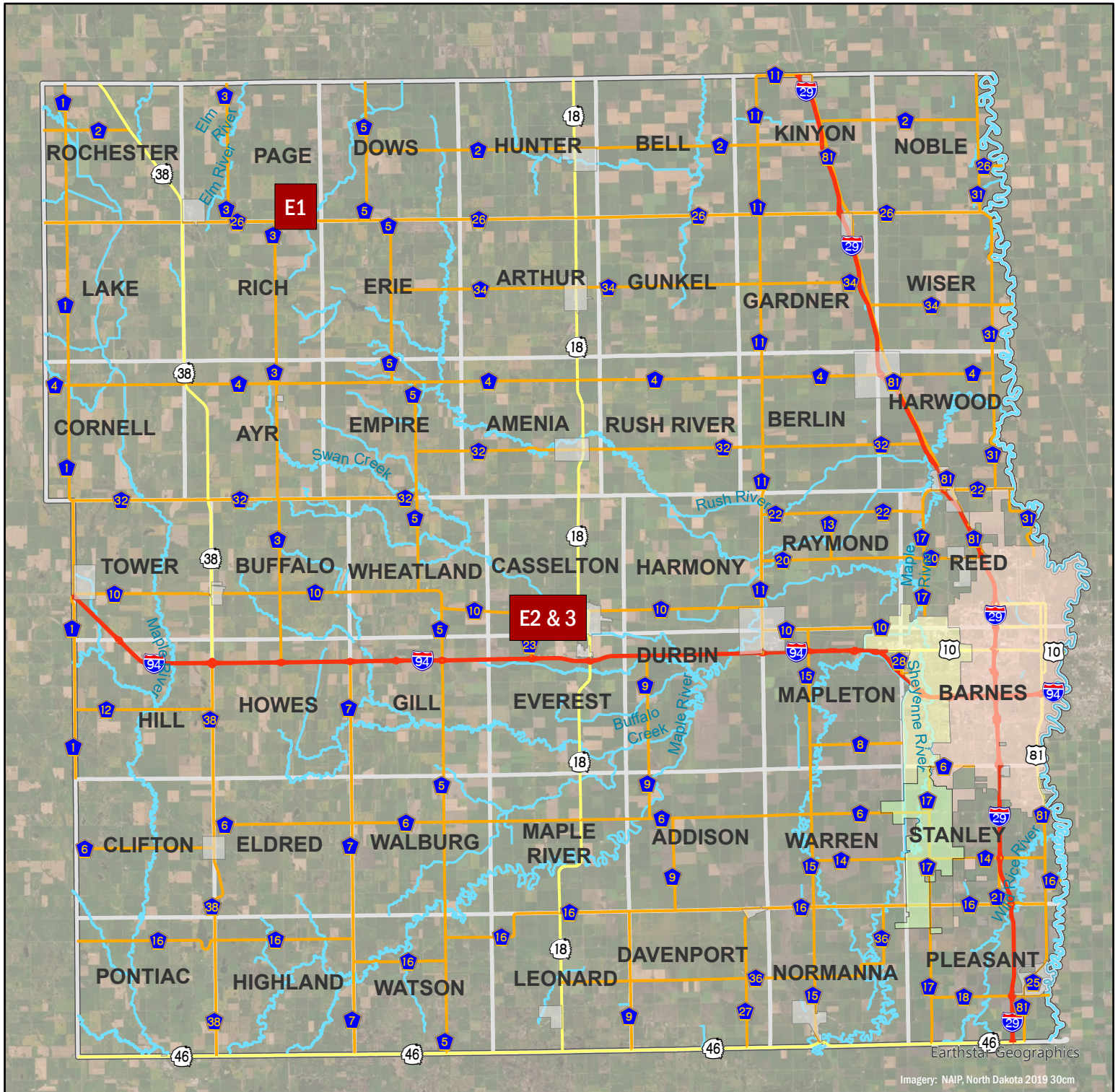
On motion by Mr. Gust seconded by Mr. Olson and all voting in favor, the meeting was adjourned at 7:35am.

Minutes prepared by Lisa Shasky, Principal Secretary, Highway Department

Agenda Items Map

Cass County Planning Commission

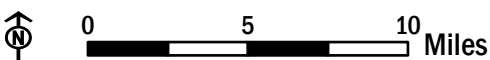
May 26, 2022



Agenda Items No.

- E1. - McPherson Subdivision
- E2. - TEPI Third Subdivision
- E3. - TEPI Fourth 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

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the SW ¼ of Section 35, Township 143 North, Range 54 West		
Title:	McPherson Subdivision	Date:	05-10-2022
Location:	SW ¼ of Section 35, Township 143 North, Range 54 West (Page Township)	Staff Contact:	Grace Puppe
Parcel Number:	56-0000-10047-000	Water District:	North Cass Water Resource District
Owner(s)/Applicant:	George Hagen/ Tyler McPherson	Engineer/Surveyor:	KLJ
Status:	Planning Commission Hearing: May 26, 2022		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **McPherson Subdivision** to plat a one (1) Lot subdivision of approximately 4.59 acres. According to the applicant, the subdivision is requested to break out a tract of land with an existing house on it, from a quarter section to a residential lot.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 18th St SE (County Road 26) road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	Any future house on the lot is recommended to be built to the height of the existing home or higher.
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	Clear
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	Currently provides water service to this property.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	This subdivision meets the requirements of Page Township.
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 and east. 18th St SE (County Road 26) borders the south of the property and township road 142nd Ave SE borders the west.

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, 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 308 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 308 of the Cass County Subdivision Ordinance.

Attachments

1. Location Map
2. Plat Document

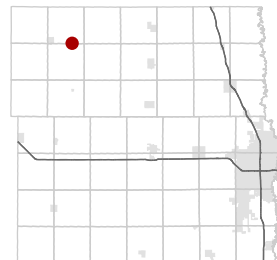
Minor Subdivision

McPherson Subdivision

Page Twp, Section 35 - Township 143 North - Range 54 West



Cass County Planning Commission
May 26, 2022



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Cass County Planning Commission Staff Report

Entitlements Requested:	Major Subdivision (7 Lot) of a part of Section 33, Township 140 North, Range 52 West		
Title:	TEPI Third Subdivision	Date:	05-10-2022
Location:	Section 33, Township 140 North, Range 52 West (Casselton Township)	Staff Contact:	Grace Puppe
Parcel Number:	29-0300-00010-000	Water District:	Maple River Water Resource District
Owner(s)/Applicant:	Tharaldson Ethanol Plant I, LLC	Engineer/Surveyor:	Dan Bueide
Status:	Planning Commission Hearing: May 26, 2022		

Existing Land Use	Proposed Land Use
Commercial	Commercial
Proposal	

The applicant is seeking approval of a major subdivision entitled **TEPI Third Subdivision** to plat a seven (7) Lot subdivision of approximately 498.15 acres. According to the applicant, the plat of TEPI Third Subdivision was approved by the City of Casselton, North Dakota and recorded in the Cass County, North Dakota Recorder’s Office on December 19, 2013, as Document No. 1407712.

A consent and joinder by Cass County is required because a portion of such plat lies within the City of Casselton’s ETJ (shared jurisdiction with Cass County) and the other portion of such plat lies outside of the ETJ. This application is being made to cure the jurisdictional defect of such plat by retroactively obtaining Cass County’s consent to and approval thereof.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 153rd Ave SE (County Road 23) road access, ditches and storm sewer system for storm sewer conveyance, rural water, and on-site septic systems 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	Clear

AT&T	AT&T has a fiber cable on the South side of the RR TOW. AT&T is not affected by the subdivision and has no objection.
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.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No comments were received prior to publishing the staff report.
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 County Road 23 to the west, BNSF to the north, agriculture to the east, and Legal Drain 62 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, no wetlands or other notable features are present on the proposed subdivision.

Land Development Rights

The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 308 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 this is a major subdivision proposal a transfer of a development right is not 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, with the following conditions:

1. No additional accesses off of County Road 23.

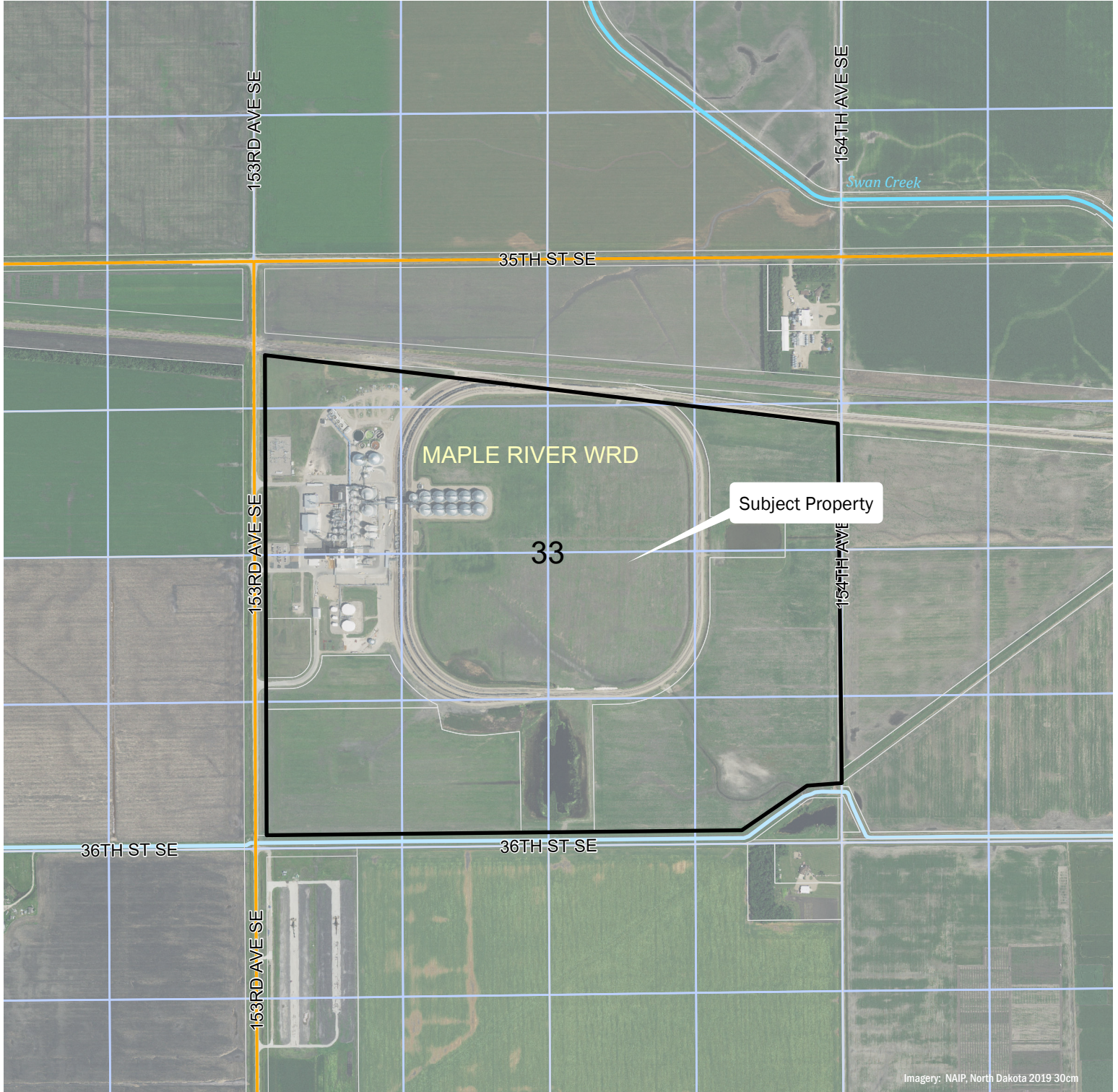
Attachments

1. Location Map
2. Plat Document
3. Consent and Joinder

Minor Subdivision

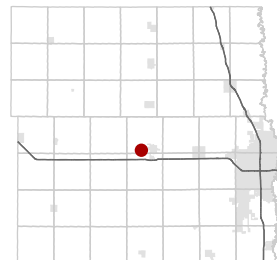
TEPI Third Subdivision

Casselton Twp, Section 33- Township 140 North - Range 52 West



Imagery: NAIP, North Dakota 2019 30cm

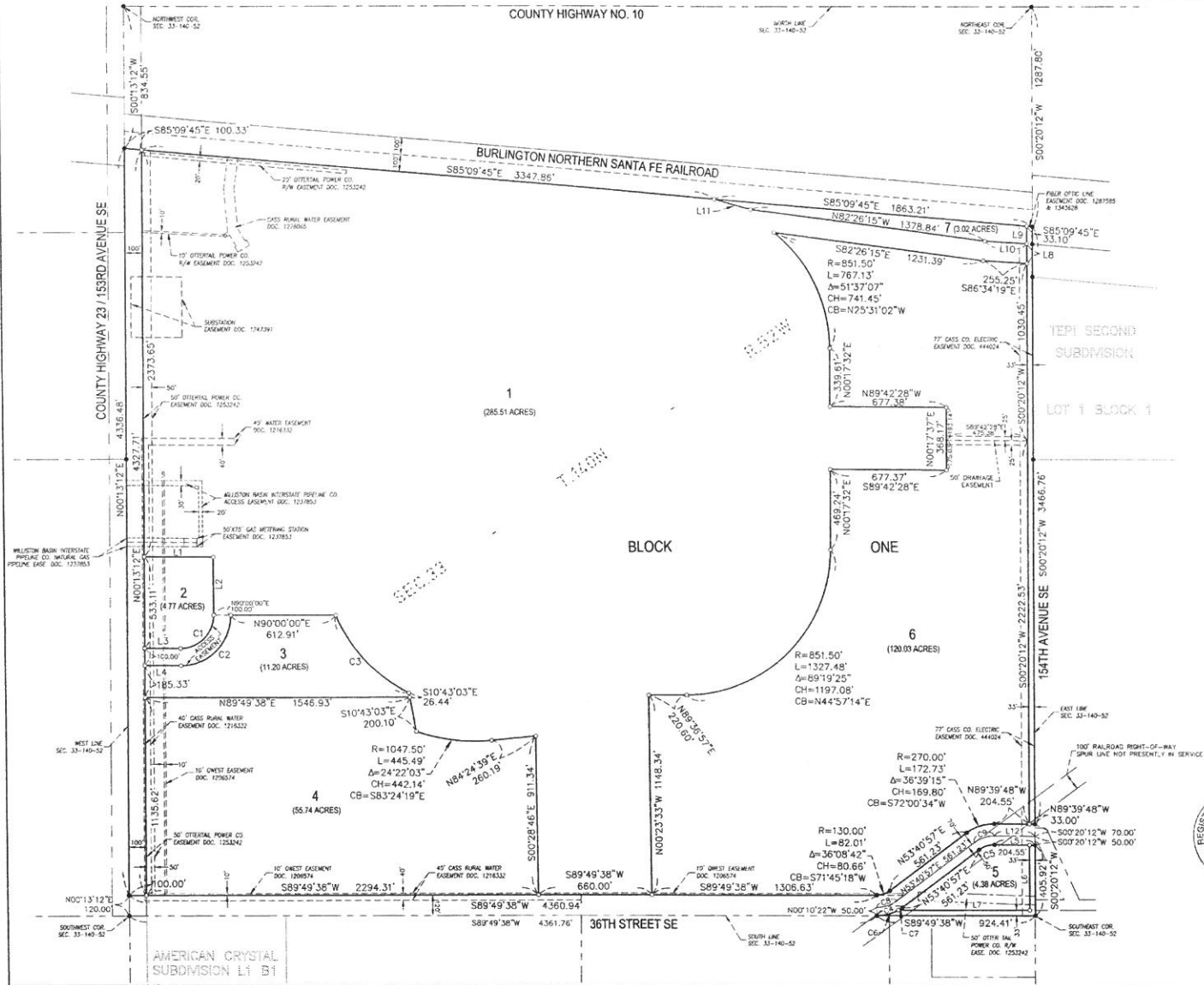
Cass County Planning Commission
May 26, 2022



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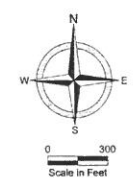
A PLAT OF **TEPI THIRD SUBDIVISION**
 IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, A PART OF SECTION 33,
 TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA.



CURVE AND LINE DATA

L1 =	S90°00'00"W	404.14'
L2 =	N00°00'00"E	336.11'
L3 =	N90°00'00"E	211.18'
L4 =	N90°00'00"E	211.57'
L5 =	S89°39'48"E	237.55'
L6 =	S00°20'12"W	312.91'
L7 =	S89°49'38"W	767.56'
L8 =	S00°20'12"W	115.17'
L9 =	S00°20'12"W	101.22'
L10 =	N86°34'19"W	244.83'
L11 =	N74°19'02"W	219.89'
L12 =	S89°39'48"E	237.55'(M)
		237.18'(R)

C1	R=195.00'	C2	R=295.00'
	L=306.31'		L=463.38'
	Δ=90°00'00"		Δ=90°00'00"
	CH=275.77'		CH=417.19'
	CB=N45°00'00"E		CB=N45°00'00"E
C3	R=870.00'	C4	R=250.00'
	L=630.25'		L=157.71'
	Δ=41°30'24"		Δ=36°08'42"
	CH=616.56'		CH=155.11'
	CB=N43°10'07"E		CB=N74°56'27"E
C5	R=150.00'	C6	R=250.00'
	L=95.96'		L=129.91'
	Δ=36°39'15"		Δ=39°46'24"
	CH=94.33'		CH=128.45'
	CB=N72°00'35"E		CB=N74°56'27"E
C7	R=250.00'	C8	R=200.00'
	L=27.80'		L=126.17'
	Δ=05°22'19"		Δ=36°08'42"
	CH=27.79'		CH=124.05'
	CB=N56°52'08"E		CB=N71°45'17"E
C9	R=200.00'		
	L=127.65'(M)		126.17'(R)
	Δ=35°39'15"(M)		36°08'42'(R)
	CH=124.59'		
	CB=N71°45'16"E		



- LEGEND**
- IRON MONUMENT FOUND
 - SET 5/8"x18" REBAR WITH YELLOW PLASTIC CAP #657
 - "R" DENOTES RADIUS LENGTH
 - "L" DENOTES ARC LENGTH
 - "Δ" DENOTES DELTA ANGLE
 - "CH" DENOTES CHORD LENGTH
 - "CB" DENOTES BEARING
 - "M" DENOTES MEASURED DIMENSION
 - "R" DENOTES RADIUS DIMENSION

AUDITOR'S OFFICE
 COUNTY OF CASS, NORTH DAKOTA
 Tanya and Special Assessments paid and transfer entered.
 Tanya A. Holm, AUDITOR
 Tanya A. Holm, DEPUTY



1407712
 Page: 1 of 2
 12/18/2013 3:16 PM
 PLOT # 100.00

RECORDED IN FULL-TEXT
 ELECTRONICALLY
 by Tanya A. Holm, Dep. 1407712



A PLAT OF TEPI THIRD SUBDIVISION

IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, A PART OF SECTION 33,
TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA.

CERTIFICATE

STEVEN W. HOLM, BEING FIRST DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR, WHO SURVEYED AND MADE THE PLAT OF "TEPI THIRD SUBDIVISION" IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, A PART OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA, THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AND THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT, THAT MONUMENTS FOR THE GUIDANCE OF FUTURE SURVEYS HAVE BEEN PLACED IN THE GROUND AS INDICATED, THAT THE EXTERIOR BOUNDARY LINES OF SAID ADDITION ARE CORRECTLY SHOWN ON SAID PLAT AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS:

THAT PART OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTY THREE (33), THENCE N 00°15'12" E (ASSUMED BEARING) ALONG THE WEST LINE OF SAID SECTION THIRTY THREE (33) FOR A DISTANCE OF FOUR THOUSAND FOUR HUNDRED FIFTY SIX AND FORTY EIGHT HUNDREDTHS (4,456.48) FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD, THE POINT OF BEGINNING; THENCE S 85°09'45" E ALONG THE SAID SOUTH RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF FIVE THOUSAND THREE HUNDRED ELEVEN AND FORTY HUNDREDTHS (5,311.40) FEET TO A POINT ON THE EAST LINE OF SAID SECTION THIRTY THREE (33) LYING THREE THOUSAND NINE HUNDRED NINE TWO AND SIXTY EIGHT HUNDREDTHS (3,922.68) FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION THIRTY THREE (33) AS MEASURED ALONG THE EAST LINE OF SAID SECTION THIRTY THREE (33), THERE TERMINATING.

LESS THE FOLLOWING DESCRIBED TRACTS:

THE SOUTH ONE HUNDRED TWENTY (120.00) FEET OF THE WEST FOUR THOUSAND THREE HUNDRED SIXTY ONE AND SEVENTY SIX HUNDREDTHS (4,361.76) FEET OF THE SOUTH HALF (S 1/2) OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA;

AND:

THAT PART OF THE SOUTHEAST QUARTER (S.E. 1/4) OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA BEING A STRIP OF LAND ONE HUNDRED (120.00) FEET WIDE LYING SEVENTY (70.00) FEET ON THE NORTH SIDE AND FIFTY (50.00) FEET ON THE SOUTH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION THIRTY THREE (33), THENCE N 89°49'38" E (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SECTION THIRTY THREE (33) FOR A DISTANCE OF FOUR THOUSAND THREE HUNDRED SIXTY ONE AND SEVENTY SIX HUNDREDTHS (4,361.76) FEET, THENCE N 00°02'22" W PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION THIRTY THREE (33) FOR A DISTANCE OF FIFTY (50.00) FEET TO THE POINT OF BEGINNING, THENCE NORTH-EASTERLY ALONG A CURVE TO THE LEFT (P = 200.00, Δ = 36°08'42", CHORD BEARING = N 71°43'17" E) FOR AN ARC DISTANCE OF ONE HUNDRED TWENTY SIX AND SEVENTEEN HUNDREDTHS (126.17) FEET, THENCE S 53°40'57" E FOR A DISTANCE OF FIVE HUNDRED SIXTY ONE AND TWENTY THREE HUNDREDTHS (561.23) FEET, THENCE NORTH-EASTERLY ALONG A CURVE TO THE RIGHT (R = 200.00, Δ = 36°39'15", FOR AN ARC DISTANCE OF ONE HUNDRED TWENTY SIX AND SEVENTEEN HUNDREDTHS (126.17) FEET, THENCE S 89°39'48" E FOR A DISTANCE OF TWO HUNDRED THIRTY SEVEN AND EIGHTEEN HUNDREDTHS (237.55) FEET TO A POINT ON THE EAST LINE OF SAID SECTION THIRTY THREE (33), SAID POINT LYING N 00°20'12" E A DISTANCE OF FOUR HUNDRED FIFTY FIVE AND NINETY TWO HUNDREDTHS (455.92) FROM THE SOUTHEAST CORNER OF SAID SECTION THIRTY THREE (33), THERE TERMINATING.

CONTAINING 498.15 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.


STEVEN W. HOLM
REGISTERED LAND SURVEYOR
ND REG. NO. LS-6571



STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 24th DAY OF October, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

DEBRA J. LEE
Notary Public
State of North Dakota
My Commission Expires June 7, 2019


NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: June 7, 2019

CITY OF CASSELTON PLANNING COMMISSION APPROVAL

THIS PLAT IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON WAS APPROVED THE 9th DAY OF September, 2013.


LORINE STERNER, CHAIR

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 9th DAY OF December, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LORINE STERNER, CHAIR OF THE CASSELTON PLANNING COMMISSION, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE CITY OF CASSELTON PLANNING COMMISSION.


SHEILA KLEVGAARD
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES:

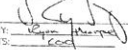
SHEILA KLEVGAARD
Notary Public
State of North Dakota
My Commission Expires Oct. 21, 2017

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "TEPI THIRD SUBDIVISION" IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, A PART OF SECTION THIRTY THREE (33), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE FIFTY TWO (52) WEST, CASS COUNTY, NORTH DAKOTA, THAT WE HAVE CAUSED IT TO BE SURVEYED AND PLATED INTO LOTS, BLOCKS AND STRIPS AS SHOWN BY SAID PLAT AND CERTIFICATE OF STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT. WE HEREBY DEDICATE FOREVER ALL STREETS AND EASEMENTS AS SHOWN ON SAID PLAT TO THE USE OF THE PUBLIC.

OWNER: THARALDSON ETHANOL PLANT L, LLC
A NORTH DAKOTA LIMITED LIABILITY COMPANY

MORTGAGEE: DOUGHERTY FUNDING, LLC, A
DELAWARE LIMITED LIABILITY COMPANY

BY: 
ITS: Scott Zibley

BY: 
ITS: Scott Zibley

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 26th DAY OF October, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Ruth Thrive, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THARALDSON ETHANOL PLANT L, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY.

JAMIE L. SASANANIS
Notary Public
State of North Dakota
My Commission Expires Mar. 19, 2014


NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: March 19, 2014

STATE OF Minnesota
COUNTY OF Hennepin

ON THIS 12th DAY OF November, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Scott Zibley, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF DOUGHERTY FUNDING, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

MOORE/MOORE
Notary Public
State of Minnesota
My Commission Expires 03/20/15


NOTARY PUBLIC, MINNESOTA
MY COMMISSION EXPIRES: 12/12/2015

CASSELTON CITY COUNCIL APPROVAL

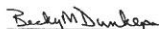
THIS PLAT IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON WAS APPROVED THE 9th DAY OF September, 2013.


EDWARD MCCONNELL, MAYOR


SHEILA KLEVGAARD, CITY AUDITOR

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 6th DAY OF December, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED EDWARD MCCONNELL, MAYOR, AND SHEILA KLEVGAARD, CITY AUDITOR OF THE CITY OF CASSELTON, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THE CITY OF CASSELTON.


BETH M. DUNBAR
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Jan 9, 2019

CITY ENGINEER'S APPROVAL

THIS PLAT IN THE EXTRA-TERRITORIAL LIMITS OF THE CITY OF CASSELTON, NORTH DAKOTA IS HEREBY APPROVED THIS 19th DAY OF December, 2013.


BRANDON OYE, CITY ENGINEER



STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS 19th DAY OF Dec., 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED BRANDON OYE, CITY ENGINEER, 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.


MICHAEL SELLS
NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES: Oct. 1, 2018

MICHAEL SELLS
Notary Public
State of North Dakota
My Commission Expires Oct. 1, 2018

1407712
Page 2 of 2
12/19/2013 3:16 PM
PLAT \$10.00

**CONSENT, JOINDER AND CONFIRMATION OF
PLAT**

The undersigned, certify as follows:

1. That the Plat of TEPI Third Subdivision, in the extra-territorial limits of the City of Casselton, a part of Section 33, Township 140 North, Range 52 West, Cass County, North Dakota was recorded in the Cass County, North Dakota Recorder's Office on December 19, 2013, as Document No. 1407712 (the "Plat").
2. That the Plat was reviewed and approved by the City of Casselton.
3. That Cass County, North Dakota, by action of the undersigned, now hereby affirms, confirms, joins in, consents to and ratifies the Plat, effective as of December 19, 2013.

CASSELTON-EVEREST JOINT TOWNSHIP REVIEW

REVIEWED BY CASSELTON-EVEREST TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS ____ DAY OF _____, 2022.

SIGNED: _____
RYAN RADERMACHER, CHAIR

ATTEST: _____
ROBERT RUNCK JR., CLERK

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS ____ DAY OF _____, 2022.

SIGNED _____
JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS ____ DAY OF _____, 2022.

SIGNED: _____
KEN LOUGHEED, CHAIR

ATTEST: _____
LISA SHASKY, SECRETARY

CASS COUNTY COMMISSION APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS ____ DAY OF _____, 2022.

SIGNED: _____
RICK STEEN, CHAIR

ATTEST: _____
BRANDY MADRIGGA, CASS COUNTY FINANCE DIRECTOR



Cass County Planning Commission Staff Report

Entitlements Requested:	Major Subdivision (7 Lot) of a part of Section 33, Township 140 North, Range 52 West		
Title:	TEPI Fourth Subdivision	Date:	05-10-2022
Location:	Section 33, Township 140 North, Range 52 West (Casselton Township)	Staff Contact:	Grace Puppe
Parcel Number:	29-0300-00010-000	Water District:	Maple River Water Resource District
Owner(s)/Applicant:	Tharaldson Ethanol Plant I, LLC	Engineer/Surveyor:	Dan Bueide
Status:	Planning Commission Hearing: May 26, 2022		

Existing Land Use	Proposed Land Use
Commercial	Commercial
Proposal	

The applicant is seeking approval of a major subdivision entitled **TEPI Third Subdivision** to plat a seven (7) Lot subdivision of approximately 498.15 acres. According to the applicant, the plat of TEPI Fourth Subdivision is a replat of Lot 1, Block 1, TEPI Third Subdivision, splitting such lot into 5 lots.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 153rd Ave SE (County Road 23) road access, ditches and storm sewer system for storm sewer conveyance, rural water, and on-site septic systems 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	Clear
AT&T	AT&T has a fiber cable on the South side of the RR TOW. AT&T is not affected by the subdivision and has no objection.
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.
North Dakota Department of Transportation	No comments were received prior to publishing the staff report.
County Sanitarian	No comments were received prior to publishing the staff report.
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 County Road 23 to the west, BNSF to the north, agriculture to the east, and Legal Drain 62 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, no wetlands or other notable features are present on the proposed subdivision.

Land Development Rights

The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 308 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 this is a major subdivision proposal a transfer of a development right is not 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, with the following conditions:

1. No additional accesses off of County Road 23.

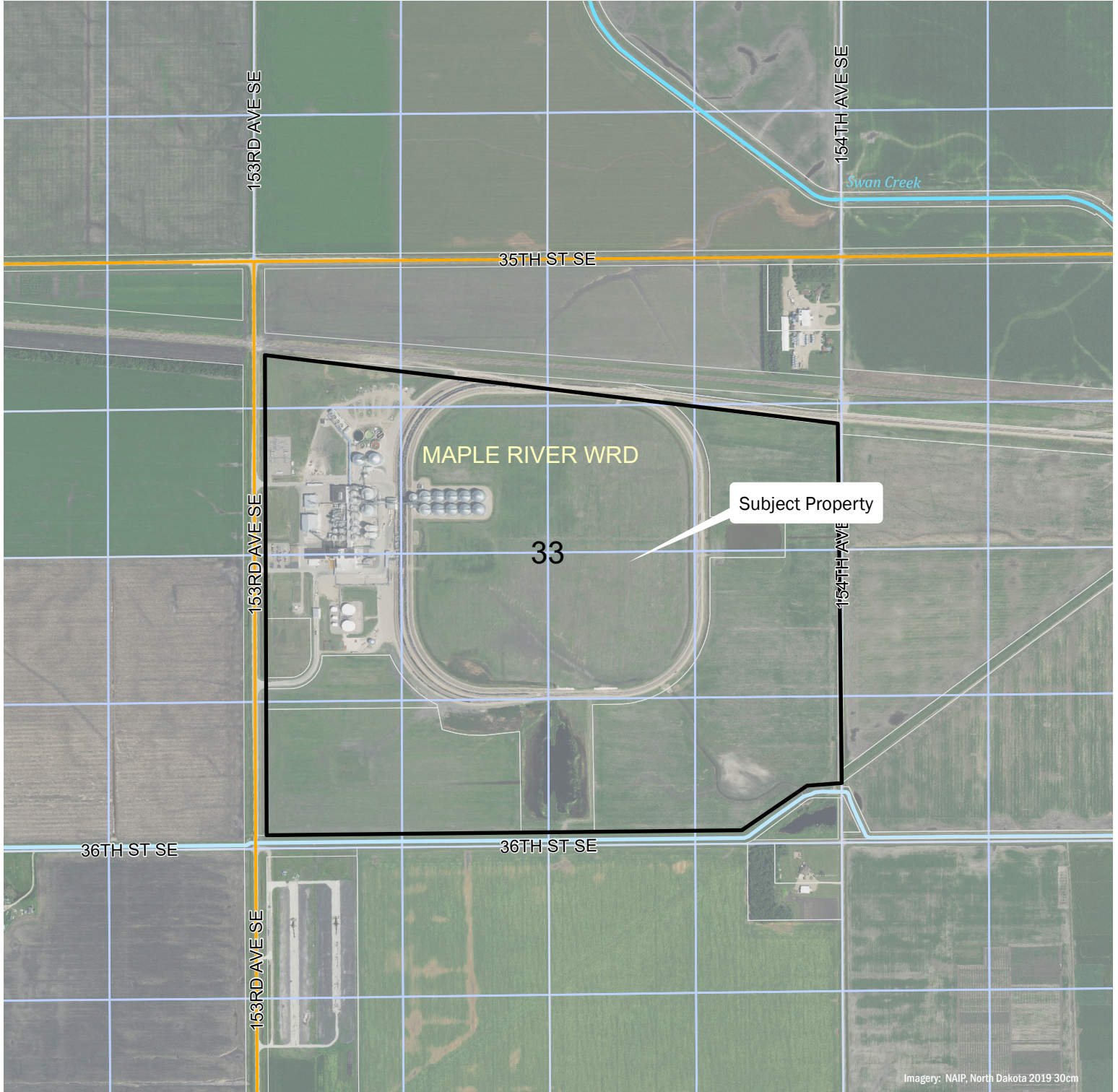
Attachments

1. Location Map
2. Plat Document

Minor Subdivision

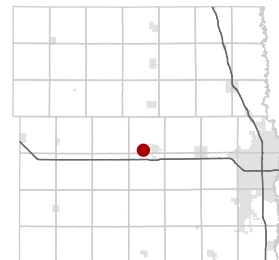
TEPI Fourth Subdivision

Casselton Twp, Section 33- Township 140 North - Range 52 West



Imagery: NAIP, North Dakota 2019 30cm

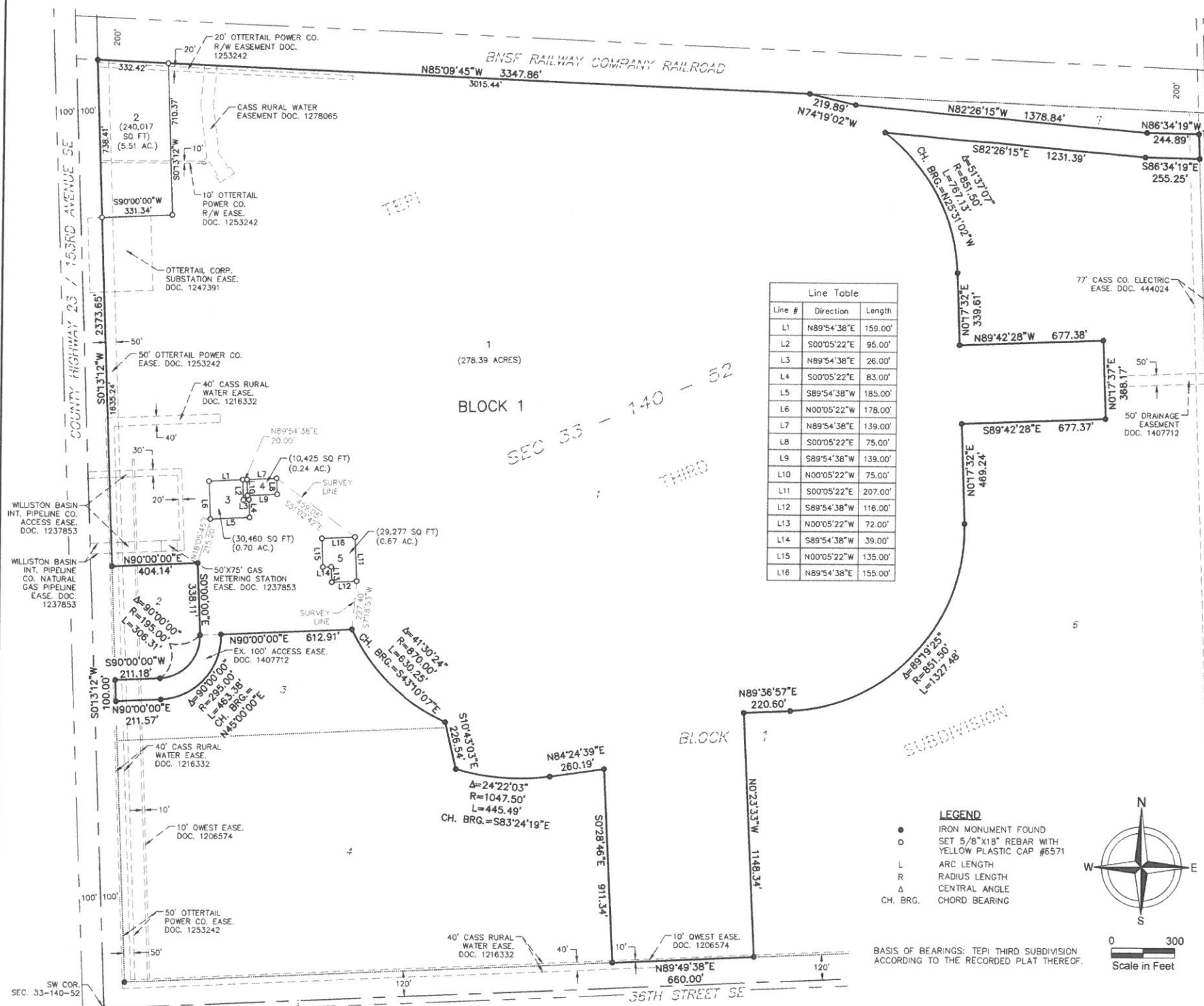
Cass County Planning Commission
May 26, 2022



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.

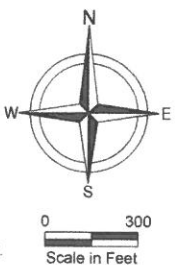


**PLAT OF
TEPI FOURTH SUBDIVISION**
A REPLAT OF LOT 1, BLOCK 1, TEPI THIRD SUBDIVISION IN SECTION 33,
TOWNSHIP 140 NORTH, RANGE 52 WEST, CASS COUNTY, NORTH DAKOTA



Line #	Direction	Length
L1	N89°54'38"E	159.00'
L2	S00°05'22"E	95.00'
L3	N89°54'38"E	26.00'
L4	S00°05'22"E	83.00'
L5	S89°54'38"W	185.00'
L6	N00°05'22"W	178.00'
L7	N89°54'38"E	139.00'
L8	S00°05'22"E	75.00'
L9	S89°54'38"W	139.00'
L10	N00°05'22"W	75.00'
L11	S00°05'22"E	207.00'
L12	S89°54'38"W	116.00'
L13	N00°05'22"W	72.00'
L14	S89°54'38"W	39.00'
L15	N00°05'22"W	135.00'
L16	N89°54'38"E	155.00'

LEGEND
 ● IRON MONUMENT FOUND
 ○ SET 5/8"X18" REBAR WITH YELLOW PLASTIC CAP #6571
 L ARC LENGTH
 R RADIUS LENGTH
 Δ CENTRAL ANGLE
 CH. BRG. CHORD BEARING



BASIS OF BEARINGS: TEPI THIRD SUBDIVISION
 ACCORDING TO THE RECORDED PLAT THEREOF.

CERTIFICATE

STEVEN W. HOLM, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "TEPI FOURTH SUBDIVISION", A REPLAT OF LOT 1, BLOCK 1, TEPI THIRD SUBDIVISION IN SECTION 33, TOWNSHIP 140 NORTH, RANGE 52 WEST, 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 THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID ADDITION IS DESCRIBED AS FOLLOWS, TO WIT:

LOT 1, BLOCK 1, TEPI THIRD SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER, CASS COUNTY, NORTH DAKOTA.

SAID TRACT CONTAINS 285.51 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

PRELIMINARY

STEVEN W. HOLM
 REGISTERED LAND SURVEYOR
 REG. NO. LS-6571

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED STEVEN W. HOLM, 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 "TEPI FOURTH SUBDIVISION", A REPLAT OF LOT 1, BLOCK 1, TEPI THIRD SUBDIVISION IN SECTION 33, TOWNSHIP 140 NORTH, RANGE 52 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 STEVEN W. HOLM, REGISTERED LAND SURVEYOR, AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNER: THERALDSON ETHANOL PLANT I, LLC A NORTH DAKOTA LIMITED LIABILITY COMPANY

RYAN THORPE, CHIEF OPERATING OFFICER

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2022, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RYAN THORPE, CHIEF OPERATING OFFICER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE NAME OF THERALDSON ETHANOL PLANT I, LLC, A NORTH DAKOTA LIMITED LIABILITY COMPANY.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CASSELTON TOWNSHIP REVIEW

REVIEWED BY CASSELTON TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2022.

SIGNED: _____
 RYAN RADERMACHER, CHAIRPERSON

ATTEST: _____
 ROBERT RUNCK JR., CLERK

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2022.

SIGNED: _____
 JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2022.

SIGNED: _____
 KEN LOUGHEED, CHAIRPERSON

ATTEST: _____
 USA SHASKY, SECRETARY

CASS COUNTY COMMISSION APPROVAL

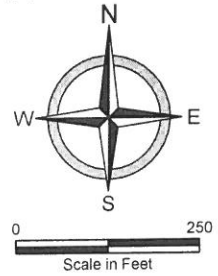
APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2022.

SIGNED: _____
 RICK STEEN, CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS

ATTEST: _____
 BRANDY MADRIGGA, CASS COUNTY FINANCIAL DIRECTOR

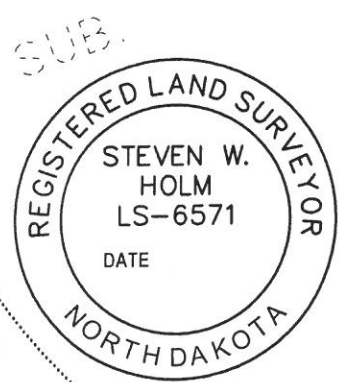
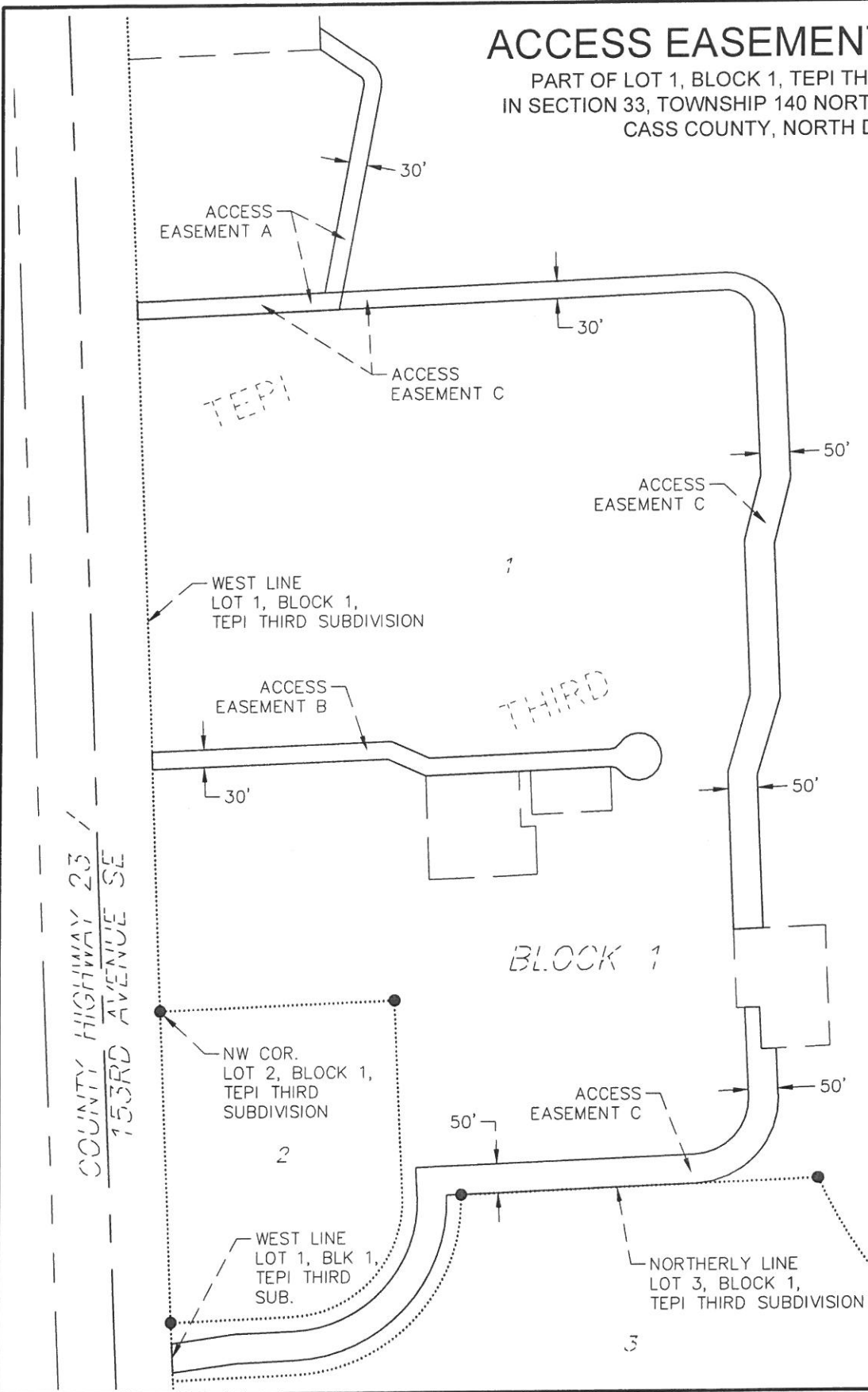
ACCESS EASEMENTS A, B & C

PART OF LOT 1, BLOCK 1, TEPI THIRD SUBDIVISION
 IN SECTION 33, TOWNSHIP 140 NORTH, RANGE 52 WEST,
 CASS COUNTY, NORTH DAKOTA



LEGEND

● IRON MONUMENT FOUND



ACCESS EASEMENTS A, B & C

Part of Lot 1, Block 1, TEPI THIRD SUBDIVISION
 in Section 33, Township 140 North, Range 52 West, Cass County, North Dakota

PROJECT No. 22365
 DATE: 04.29.22
 REVISED: --
 DRAFTER: SWH
 REVIEWER: CDH





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the E ½ of Section 12, Township 141 North, Range 52 West		
Title:	Hoglund Subdivision	Date:	05-10-2022
Location:	E ½ of Section 12, Township 141 North, Range 52 West (Amenia Township)	Staff Contact:	Grace Puppe
Parcel Number:	22-0000-00351-080	Water District:	Rush River Water Resource District
Owner(s)/Applicant:	Gary Hoglund	Engineer/Surveyor:	
Status:	Planning Commission Hearing: May 26, 2022 (Informational)		

Existing Land Use	Proposed Land Use
Agriculture	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Hoglund Subdivision** to plat a one (1) Lot subdivision of approximately 11.65 acres. According to the applicant, the subdivision is requested to plat lot as a developable lot for sale.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an new 156th Ave SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems 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	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 comments were received prior to publishing the staff report.
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 and south. A residential property borders the east.

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, 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 308 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 308 of the Cass County Subdivision Ordinance.

Attachments

1. Location Map
2. Variance Request

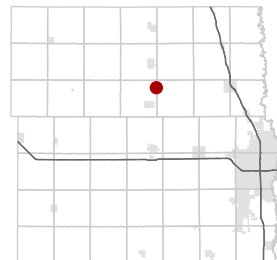
Minor Subdivision

Hoglund Subdivision

Amenia Twp, Section 12 - Township 141 North - Range 52West



Cass County Planning Commission
May 26, 2022



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.



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

Name: Gary Hoylund
Address: 4620 148th Ave SE
Wheatland N.D. 58074
Phone: 701-238-3377
Email: ~~g.hoylund@ndhoggys.com~~ ndhoggys@gmail.com

APPLICANT (IF DIFFERENT THEN OWNER)

Name: _____
Address: _____
Phone: _____
Email: _____

SUBJECT PROPERTY

Legal Description: _____
Parcel ID Number: _____
Address: _____
Current Zoning Classification _____

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

Have reach out to neighbors for a
needed restriction and was turned
down by both.

Gary Hoylund
Signature of Applicant

Gary Hoylund
Print Name

5-5-2022
Date