

CASS COUNTY PLANNING COMMISSION AGENDA

Thursday, April 27, 2023 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 March 23, 2023

E. Public Hearing Items

1. Hearing on an application requesting a Minor Subdivision Plat of **Woitzel Subdivision** located in Section 22, Township 143 North, Range 50 West of the 5th Principal Meridian, Kinyon Township, Cass County, North Dakota.
2. Hearing on an application requesting a Minor Subdivision Plat of **Pacholke Subdivision** located in Section 29, Township 142 North, Range 50 West of the 5th Principal Meridian, Gardner Township, Cass County, North Dakota.
3. Hearing on an application requesting a Minor Subdivision Plat of **TEPI Fifth Subdivision** located in Section 33, Township 140 North, Range 52 West of the 5th Principal Meridian, Casselton Township, Cass County, North Dakota.

F. New Business

Meeting location during Highway Department Construction will be at West Fargo Public Works, 810 12th Ave NW, West Fargo, ND 58078. Update on location change will be sent when confirmed construction start date.

Puppe Resignation

G. Old Business

H. Adjournment

**CASS COUNTY PLANNING COMMISSION
March 23, 2023**

A. CALL TO ORDER

A meeting of the Cass County Planning Commission was called to order on March 23, 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, Keith Monson, Brad Olson, Keith Gohdes and Hugh Veit. Dr. Tim Mahoney and Katherine Naumann attended via Teams. Commissioner Duane Breitling was absent.

Attending in person were Grace Puppe, Cass County Planner, Jason Benson, Cass County Engineer, Tom Soucy, Assistant Cass County Engineer, Robert Vallie, Cass County Senior Attorney.

Members of the public attending in person were Scott Saewert, Maple River Township chairman, Carl Piper, Maple River Township Treasurer and Sarah and Kirk Johnson of the K&S Subdivision.

C. DETERMINATION OF A QUORUM

It was determined that there was a quorum based on the roll call.

D. MINUTES, APPROVED

MOTION, *passed*

Mr. Olson moved and Mr. Gust seconded to approve the minutes of the January 26, 2023 meeting as presented.

Motion carried.

E. PUBLIC HEARING

- 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 5th Principal Meridian, Berlin Township, Cass County, North Dakota.**

Mr. Lougheed opened the public hearing.

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.

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

MOTION, *passed*

Mr. Gust moved, and Mr. Monson seconded 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.

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

- 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 5th Principal Meridian, Ayr Township, Cass County, North Dakota.**

Mr. Lougheed opened the public hearing.

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 28th St 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. Gohdes seconded to accept the findings and recommend approval to the County Commission under the condition that a deed restriction is received 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 K&S Johnson Subdivision located in Section 13, Township 138 North, Range 52 West of the 5th Principal Meridian, Maple River Township, Cass County, North Dakota.**

Mr. Lougheed opened the public hearing.

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 45th St SE access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Mrs. Johnson spoke explaining their situation of going to the township and obtaining a building permit to build a home. They claim that they were not told to contact the Cass County Planning Department to go through the subdivision process. She is requesting that the variance and deed restriction be dismissed because they have received the building permit and bought 10 acres of land, they meet all requirements to be approved. They are not in the farming business but will have a house built. Mr. Bertsch asked who they purchased the land from. Mrs. Johnson stated it was from a 3rd party trust. The 3rd party trust said that the deed restriction is not needed, and they will not provide one.

Mr. Gust stated that the townships need to start understanding that there is a two-part process, one applying for a subdivision application, then applying for a building permit.

Further explanation regarding the differences of the zoning process, subdivision process and work being done at the Cass County Assessor's office.

Mr. Gust said there needs to be an educational process for the township even though Cass County does attend township meetings, explaining the process, but there is not a lot of interest in learning or understanding what is required.

Mr. Johnson said there is a lack of communication between departments at Cass County. He also mentioned that the zoning process and subdivision process are one in the same but was told they are completely separate entities or to update the policy including the Assessor's office. It was stated that the process does not need to be updated because it's a separate entity and the Assessors are looking at properties for tax purposes, not if it is a new build.

Mr. Gust explained further that the reason for these our policy is to control and have a handle on what is going on in the county, including making sure there is access for emergency services, flood control etc.

It was recommended that the Johnson's go back to the seller to obtain a deed restriction as its more of the responsibility of the seller to ensure this is done. Mr. Gust suggested they would have a good legal case against the 3rd part trust.

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

MOTION, passed

Dr. Mahoney moved, and Mr. Veit seconded to accept the findings and recommendations of staff and recommend denial to the County Commission of the subdivision application with variance 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.

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

F. NEW BUSINESS

G. OLD BUSINESS

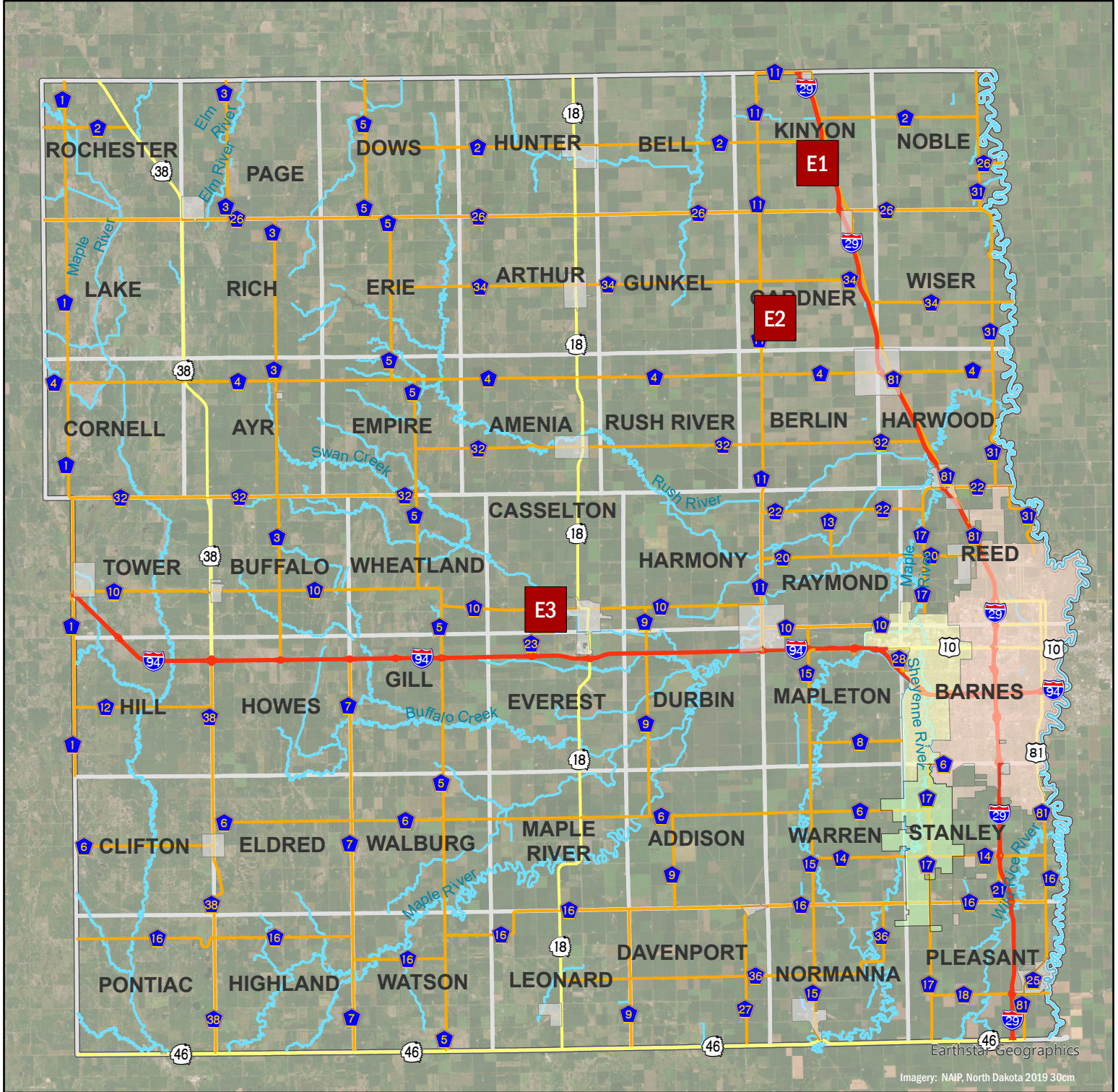
H. ADJOURNMENT

On motion by Mr. Gust seconded by Mr. Gohdes and all voting in favor, the meeting was adjourned at 8:15 am.

Agenda Items Map

Cass County Planning Commission

April 27, 2023

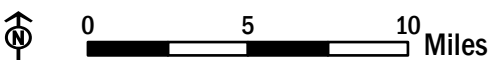


Earthstar Geographics
Imagery: NAIP, North Dakota 2019 30cm

Agenda Items No.

- E1. - Woitzel Subdivision
- E2. - Pacholke Subdivision
- E3. - TEPI Fifth 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 SE ¼ of Section 22, Township 143 North, Range 50 West		
Title:	Woitzel Subdivision	Date:	04/18/2023
Location:	SE ¼ of Section 22, Township 143 North, Range 50 West (Kinyon Township)	Staff Contact:	Grace Puppe
Parcel Number:	49-0000-07897-000	Water District:	Northern Cass Water Resource District
Owner(s)/Applicant:	Charlotte Woitzel	Engineer/Surveyor:	Moore Engineering, Inc.
Status:	Planning Commission Hearing: April 27, 2023		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Woitzel Subdivision** to plat a one (1) Lot subdivision of approximately 3.1 acres. According to the applicant, the subdivision is requested to break out farmstead from remaining ag land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 16th St SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
Water Resource District	No Comments
Cass County Electric Cooperative	Has power on site and does not have any issues with this new subdivision.
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.

Minnkota Power	No comments.
Cass Rural Water	No comments were received prior to publishing the staff report.
North Dakota Department of Transportation	No comments
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 east. Township road 16th St SE borders the south of the property.

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

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

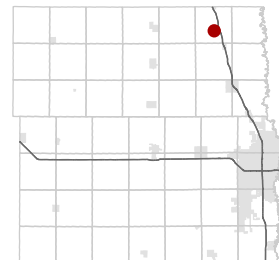
Minor Subdivision

Woitzel Subdivision

Kinyon Twp, Section 22- Township 143 North - Range 50 West



Cass County Planning Commission
April 27, 2023

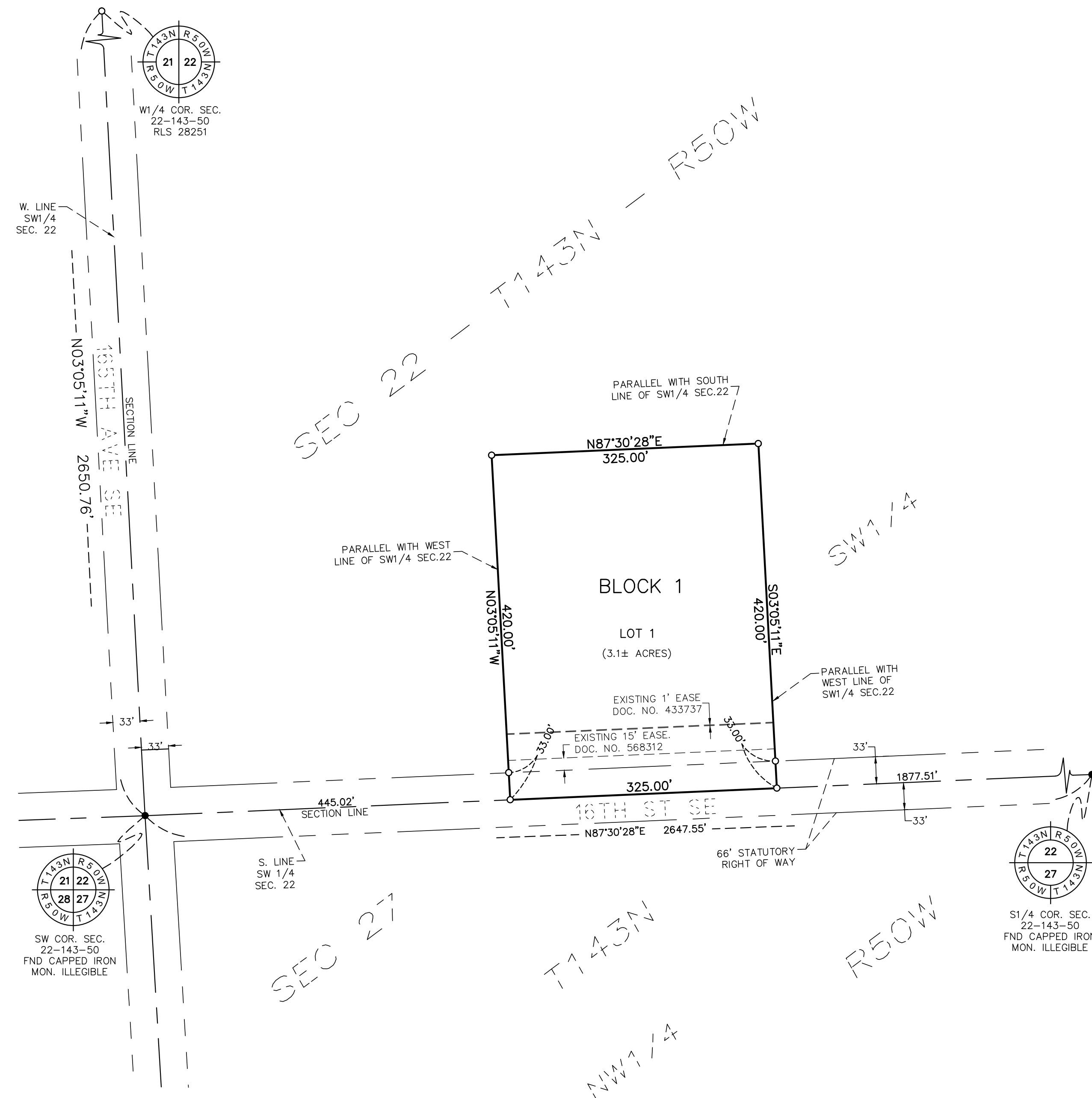


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A MINOR SUBDIVISION PLAT OF WOITZEL SUBDIVISION

A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 143 NORTH,
RANGE 50 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CASS COUNTY, NORTH DAKOTA.



CERTIFICATE

JACOB R. DUCHSHERER, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE REGISTERED LAND SURVEYOR WHO PREPARED AND MADE THE ATTACHED PLAT OF "WOITZEL SUBDIVISION" A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 143 NORTH, RANGE 50 WEST OF THE FIFTH 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 THE GROUND AS INDICATED FOR THE GUIDANCE OF FUTURE SURVEYS AND THAT SAID SUBDIVISION IS DESCRIBED AS FOLLOWS, TO WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE NORTH 87 DEGREES 30 MINUTES 28 SECONDS EAST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 445.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 03 DEGREES 05 MINUTES 11 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 420.00 FEET; THENCE NORTH 87 DEGREES 30 MINUTES 28 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 325.00 FEET; THENCE SOUTH 03 DEGREES 05 MINUTES 11 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 420.00 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER. THENCE SOUTH 87 DEGREES 30 MINUTES 28 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 325.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.1 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.

JACOB R. DUCHSHERER
REGISTERED LAND SURVEYOR
REG. NO. LS-28251

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

DEDICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT OF "WOITZEL SUBDIVISION", A PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 143 NORTH, RANGE 50 WEST OF THE FIFTH 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 JACOB R. DUCHSHERER, REGISTERED LAND SURVEYOR AND THAT THE DESCRIPTION AS SHOWN IN THE CERTIFICATE OF THE REGISTERED LAND SURVEYOR IS CORRECT.

OWNER:

CHARLOTTE F. WOITZEL

STATE OF NORTH DAKOTA)
COUNTY OF CASS

ON THIS _____ DAY OF _____, 2023, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED CHARLOTTE F. WOITZEL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE ACT AND DEED.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

KINYON TOWNSHIP REVIEW

REVIEWED BY KINYON TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

SIGNED: _____

ATTEST: _____

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2023.

SIGNED: JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

SIGNED: KEN LOUGHEED, CHAIR

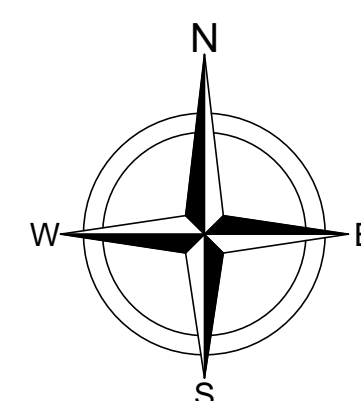
ATTEST: SECRETARY

CASS COUNTY COMMISSION APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

SIGNED: RICK STEEN, CHAIR

ATTEST: BRANDY MADDRIGA, FINANCE DIRECTOR



NOTES

1. TOTAL PLATTED AREA: 3.1± ACRES

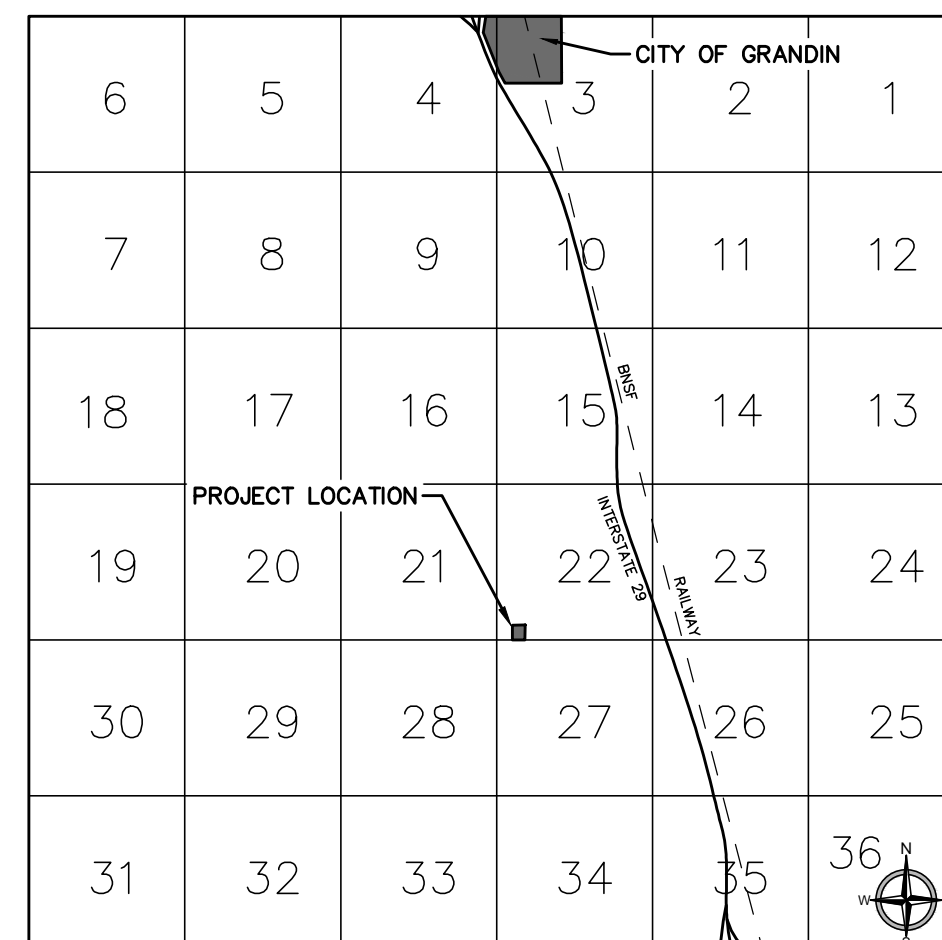
EASEMENTS OF RECORD:

- RIGHT OF WAY EASEMENT TO CASS COUNTY ELECTRIC COOPERATIVE, INC., RECORDED JULY 19, 1971 AS DOCUMENT NO. 449877.
- RIGHT OF WAY EASEMENT TO NORTHWESTERN BELL TELEPHONE CO., RECORDED APRIL 26, 1965 AS DOCUMENT NO. 398470
- LICENSE TO INSTALL UNDERGROUND WATER DISTRIBUTION FACILITIES TO THE CITY OF GRANDIN RECORDED DECEMBER 18, 1991 AS DOCUMENT NO. 748650

LEGEND

- IRON MONUMENT FOUND
- SET 5/8"X18" REBAR WITH PINK PLASTIC CAP #28251
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING

VICINITY MAP
KINYON TOWNSHIP
NOT TO SCALE





Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (1 Lot) of a part of the NW ¼ of Section 29, Township 142 North, Range 50 West		
Title:	Pacholke Subdivision	Date:	04/18/2023
Location:	NW ¼ of Section 29, Township 142 North, Range 50 West (Gardner Township)	Staff Contact:	Grace Puppe
Parcel Number:	40-0000-05522-060	Water District:	Northern Cass Water Resource District
Owner(s)/Applicant:	Timothy Pacholke	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: April 27, 2023		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Pacholke Subdivision** to plat a one (1) Lot subdivision of approximately 4.514 acres. According to the applicant, the subdivision is requested to break out farmstead from remaining ag land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use an existing 22nd St SE road access, ditches for storm sewer conveyance, rural water, and on-site septic systems for wastewater treatment.

Agency Comments	
County Engineer	No concerns.
Water Resource District	No Comments
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.

Minnkota Power	No comments.
Cass Rural Water	This property currently has water service.
North Dakota Department of Transportation	No comments
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	No issues.
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 south and east. Township road 22nd St SE borders the north of the property with residential to 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
 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

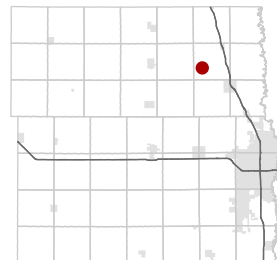
Pacholke Subdivision

Gardner Twp, Section 29 - Township 142 North - Range 50 West



Imagery: NAIP, North Dakota 2019 30cm

Cass County Planning Commission
April 27, 2023

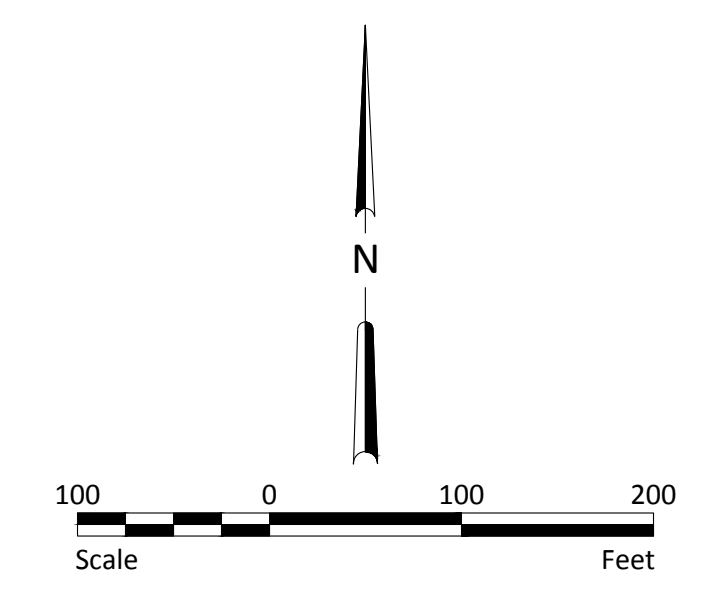


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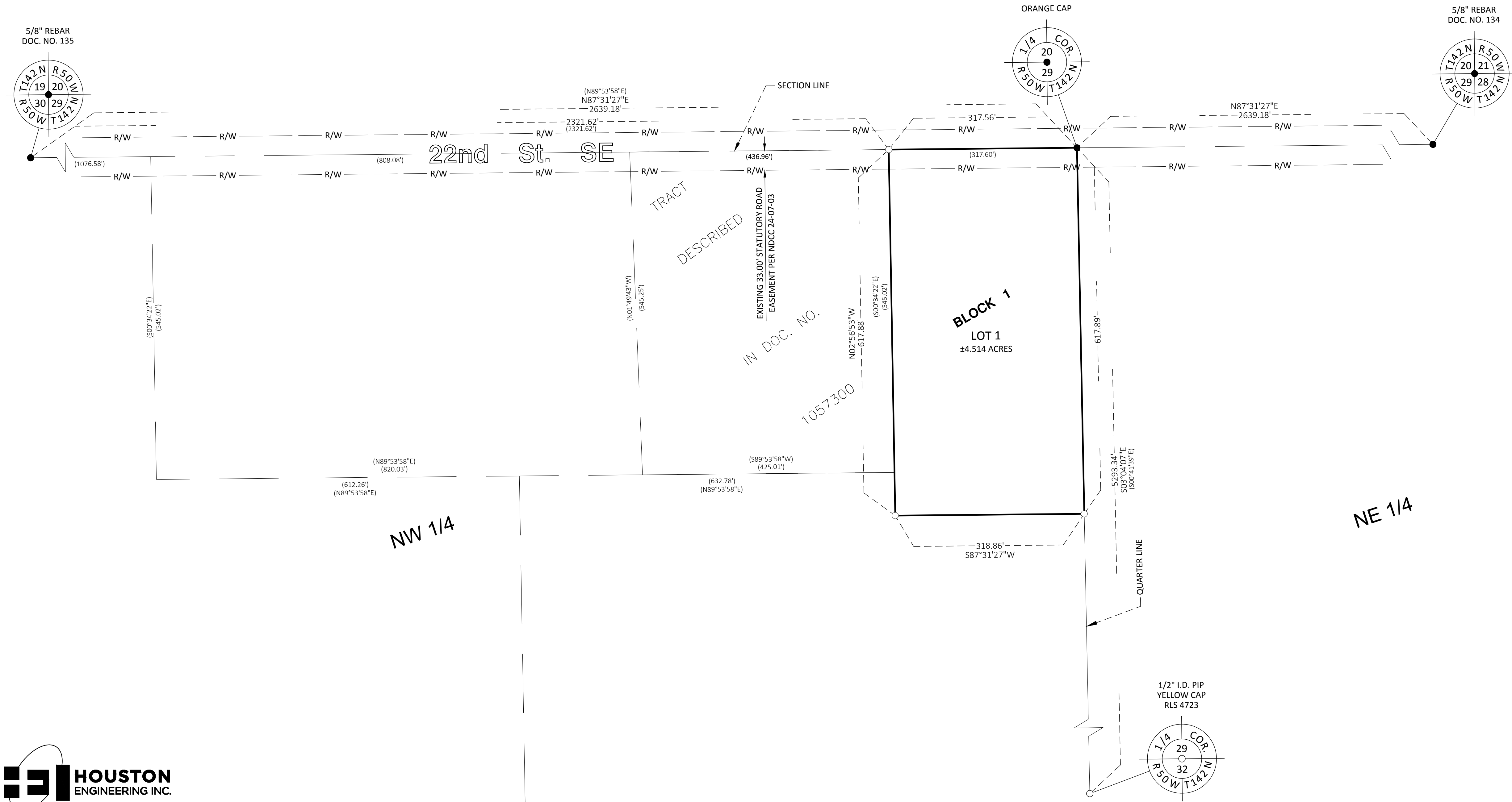
PACHOLKE SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER
SECTION 29, T. 142 N., R. 50 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA



LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
MEASURED BEARING	N00°00'00"E
RECORD BEARING	(N00°00'00"E)
MEASURED DISTANCE	100.00'
RECORD DISTANCE	(100.00')
PLAT BOUNDARY	—————
EXISTING PROPERTY LINE	—————
EXISTING RIGHT-OF-WAY LINE	— R/W —



H:\JRW\11500\11553\11553_0001\CAD\11553-0001_PacholkeSubdivision_Prelim_Plat.dwg

PACHOLKE SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER
SECTION 29, T. 142 N., R. 50 W., 5th P.M.
CASS COUNTY, NORTH DAKOTA

Owner's Certificate and Dedication:

Know all persons by these presents: that Timothy Pacholke, a single person, is the owner and proprietor of that part of the Northwest Quarter of Section 29, Township 142 North, Range 50 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence North 87°31'27" East (assumed bearing), along the north line of said Northwest Quarter, for a distance of 2321.62 feet to the northeast corner of a tract of land described in Document No. 1057300, said document on file at the Cass County Recorder's Office, said northeast corner being the True Point of Beginning; thence continue North 87°31'27" East, along the north line of said Northwest Quarter, for a distance of 317.56 feet to the northeast corner of said Northwest Quarter; thence South 03°04'07" East, along the east line of said Northwest Quarter, for a distance of 617.89 feet; thence South 87°31'27" West for a distance of 318.86 feet; thence North 02°56'53" West, along the east line as extended south and the east line of a tract of land described in said Document No. 1057300, for a distance of 617.88 feet to the True Point of Beginning.

Said tract contains 4.514 acres, more or less.

And that said party has caused the same to be surveyed and platted as **PACHOLKE SUBDIVISION**.

In witness whereof we have set our hands and seals.

Owner:

Timothy Pacholke

State of _____)
County of _____) ss

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Timothy Pacholke, a single person, known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

Notary Public: _____

Surveyor's Certificate:

I, Curtis A. Skarphol, Professional Land Surveyor under the laws of the State of North Dakota, do hereby certify on this _____ day of _____, 20____, that the plat hereon is a true and correct representation of the survey thereof, that all distances are correctly shown on said plat in feet and decimals of a foot, and that the monuments for the guidance of future surveys have been placed in the ground as shown.

Curtis A. Skarphol
North Dakota PLS No. 4723

State of North Dakota)
County of Cass) ss

On this _____ day of _____, 20____, before me, a notary public within and for said county and state, personally appeared Curtis A. Skarphol, known to be the person described in and who executed the foregoing instrument and acknowledged that he executed same as his free act and deed.

Notary Public: _____

Cass County Engineer:

Reviewed by the Cass County Engineer this _____ day of _____, 20____.

Jason Benson, Cass County Engineer

Cass County Planning Commission:

Reviewed by the Cass County Planning Commission this _____ day of _____, 20____.

Ken Lougheed, Chairman

Attest: _____
Secretary

Gardner Township:

Reviewed by Amenia Township, Cass County, North Dakota, this _____ day of _____, 20____.

Tim Tschida, Chair

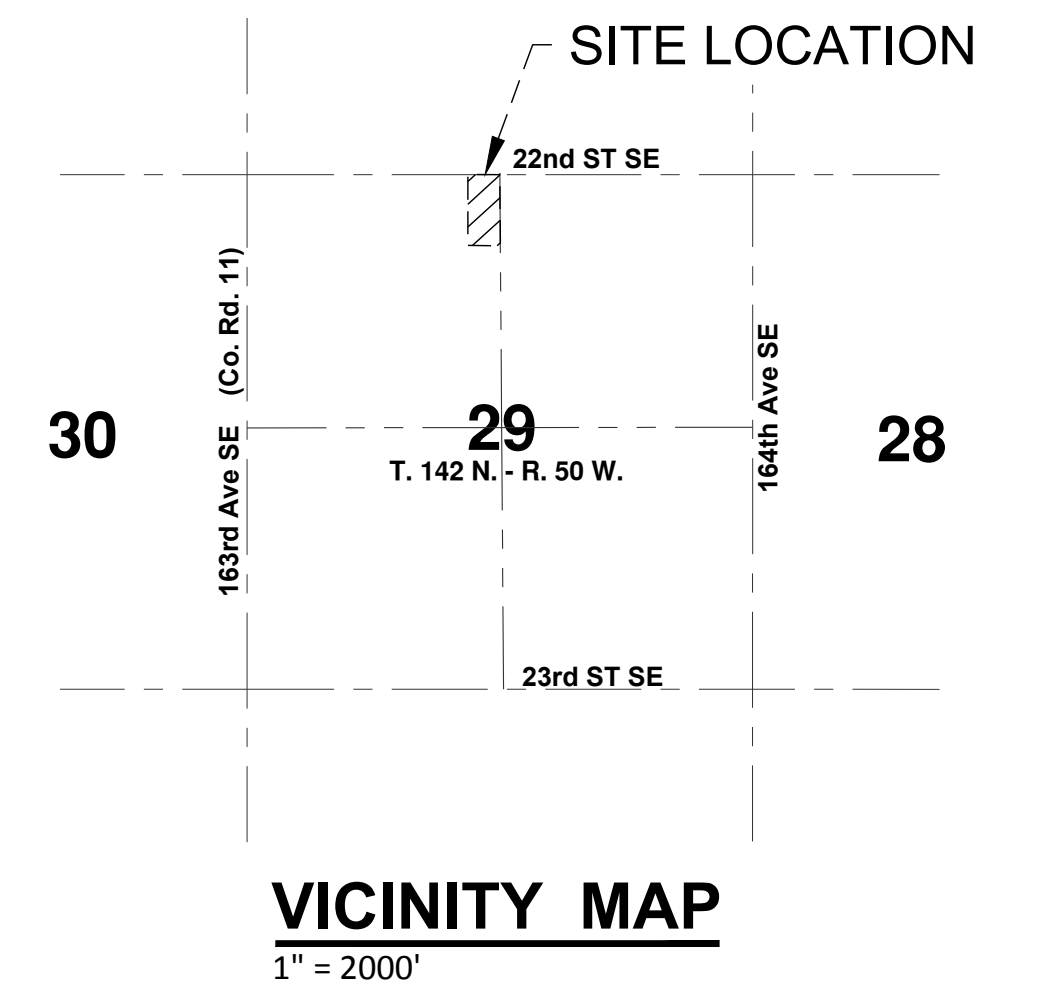
Attest: _____
Victoria Colwell, Clerk

Cass County Board of Commissioners' Approval:

Approved by Cass County, North Dakota, this _____ day of _____, 20____.

Chad M. Peterson, Chair

Attest: _____
Brandy Madrigga, Cass County Finance Director



H:\JBM\11500\11553\11553_0001\CAD\11553-0001_PacholkeSubdivision_Prelim_Plat.dwg



Cass County Planning Commission Staff Report

Entitlements Requested:	Minor Subdivision (2 Lot) of a part of Section 33, Township 140 North, Range 52 West		
Title:	TEPI Fifth Subdivision	Date:	04/19/2023
Location:	Section 33, Township 140 North, Range 52 West (Casselton Township)	Staff Contact:	Grace Puppe
Parcel Number:	29-0320-00010-000	Water District:	Maple River Water Resource District
Owner(s)/Applicant:	Tharaldson Ethanol Plant I, LLC	Engineer/Surveyor:	Moore Engineering
Status:	Planning Commission Hearing: June 23, 2022		

Existing Land Use	Proposed Land Use
Commercial	Commercial
Proposal	

The applicant is seeking approval of a minor subdivision entitled **TEPI Fifth Subdivision** to plat a two (2) Lot subdivision of approximately 283.90 acres. According to the applicant, the plat will be for Otter Tail Power Company who is purchasing the previously leased land plus additional land adjacent to leased land.

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	I have no issues as the subdivision has been existing with the substation.
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.
Minnkota Power	No Comments.
Cass Rural Water	No Comments.
North Dakota Department of Transportation	No comments.
County Sanitarian	No comments were received prior to publishing the staff report.
Township Chairman	No issues.
The City of Fargo	No comment.
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

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. No additional accesses off of County Road 23.

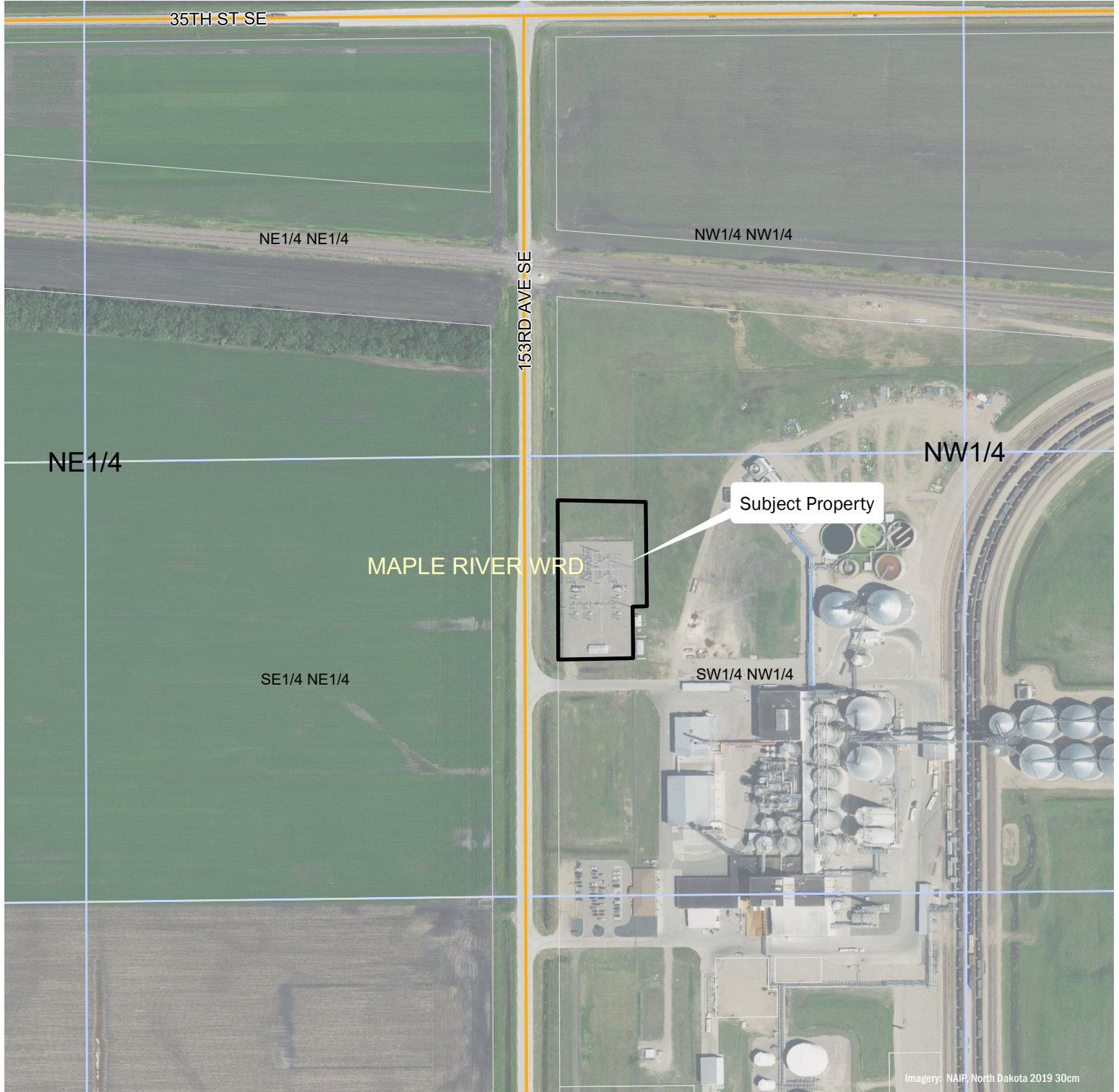
Attachments

1. Location Map
2. Plat Document

Minor Subdivision

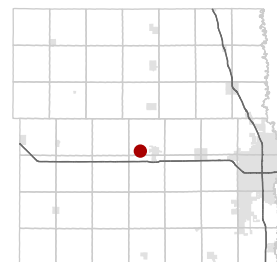
TEPI Fifth Subdivision

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



Imagery: NAIP, North Dakota 2019 30cm

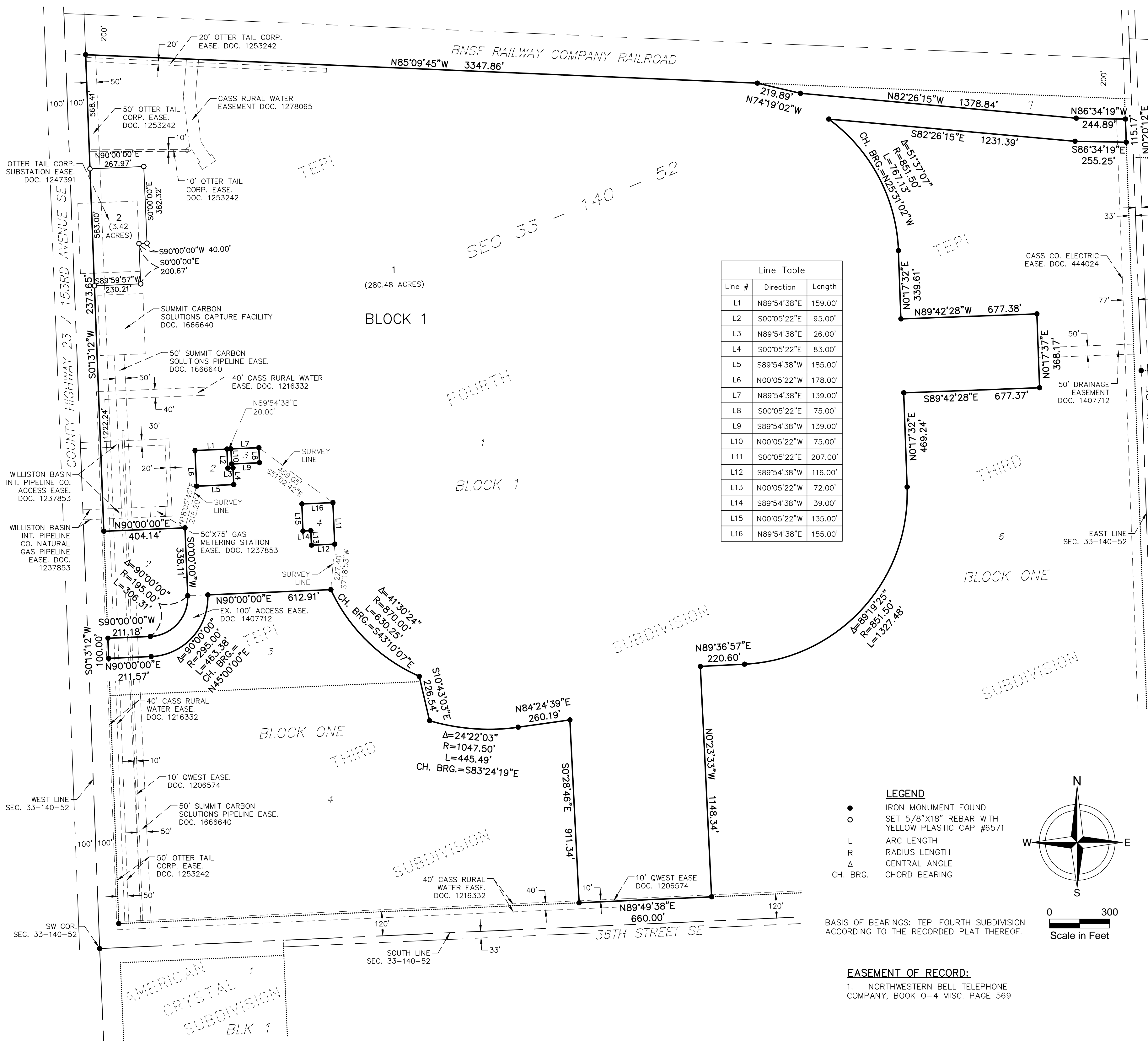
Cass County Planning Commission
April 27, 2023



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.



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



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 FIFTH SUBDIVISION", A REPLAT OF LOT 1, BLOCK 1, TEPI FOURTH 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 FOURTH 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 283.90 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD, IF ANY.



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

STATE OF NORTH DAKOTA)
 COUNTY OF CASS)

ON THIS _____ DAY OF _____, 2023, 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 FIFTH SUBDIVISION", A REPLAT OF LOT 1, BLOCK 1, TEPI FOURTH 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: THARALDSON ETHANOL PLANT I, LLC

NAME: _____
 TITLE: _____

STATE OF NORTH DAKOTA)
 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 PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN THE NAME OF THARALDSON ETHANOL PLANT I, LLC.

NOTARY PUBLIC, CASS COUNTY, NORTH DAKOTA

CASSELTON TOWNSHIP REVIEW

REVIEWED BY CASSELTON TOWNSHIP, CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

SIGNED: _____
 RYAN RADERMACHER, CHAIRPERSON

ATTEST: _____
 ROBERT RUNCK JR., CLERK

COUNTY ENGINEER REVIEW

REVIEWED BY THE CASS COUNTY ENGINEER THIS _____ DAY OF _____, 2023.

SIGNED: _____
 JASON BENSON, CASS COUNTY ENGINEER

CASS COUNTY PLANNING COMMISSION REVIEW

REVIEWED BY THE CASS COUNTY PLANNING COMMISSION THIS _____ DAY OF _____, 2023.

SIGNED: _____
 KEN LOUGHEED, CHAIRPERSON

ATTEST: _____
 LISA SHASKY, SECRETARY

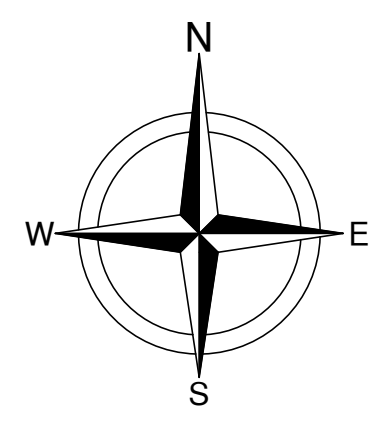
CASS COUNTY COMMISSION APPROVAL

APPROVED BY CASS COUNTY, NORTH DAKOTA, THIS _____ DAY OF _____, 2023.

SIGNED: _____
 CHAD M. PETERSON, CHAIRPERSON, BOARD OF COUNTY COMMISSIONERS

ATTEST: _____
 BRANDY MADRIGGA, CASS COUNTY FINANCIAL DIRECTOR

- 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



0 300
 Scale in Feet

EASEMENT OF RECORD:
 1. NORTHWESTERN BELL TELEPHONE COMPANY, BOOK 0-4 MISC. PAGE 569