



MEMORANDUM

Highway Department

Jason, Benson, P.E.
County Engineer

Tomas B. Soucy, P.E.
Deputy County Engineer

Blaine Laaveg
Superintendent

TO: Cass County Board of Commissioners

FROM: Jason Benson, Cass County Engineer *JMB*

DATE: June 20, 2023

SUBJECT: Consent Agenda Topic for the July 5, 2023
Commission Meeting: Pacholke Subdivision
Application

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Gardner Township, Section 29 at a Public Hearing on April 27, 2023. The intended purpose of the subdivision is to separate the farmyard from the plot of land for the purpose of selling farmland.

The Planning Commission is recommending approval of the proposed plat entitlement request and Casselton Township has verified that they do not have township zoning requirements. 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 NW ¼ of Section 29, Township 142 North, Range 50 West		
Title:	Pacholke Subdivision	Date:	04/27/23
		Update:	07/05/23
Location:	NW ¼ of Section 29, Township 142 North, Range 50 West (Gardner Township)	Staff Contact:	Jason Benson
Parcel Number:	40-0000-05522-060	Water District:	Northern Cass Water District
Owner(s)/Applicant:	Timothy Pacholke	Engineer/Surveyor:	Houston Engineering
Status:	Planning Commission Hearing: April 27, 2023 County Commission Hearing: July 5, 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.
NuStar Energy	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

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

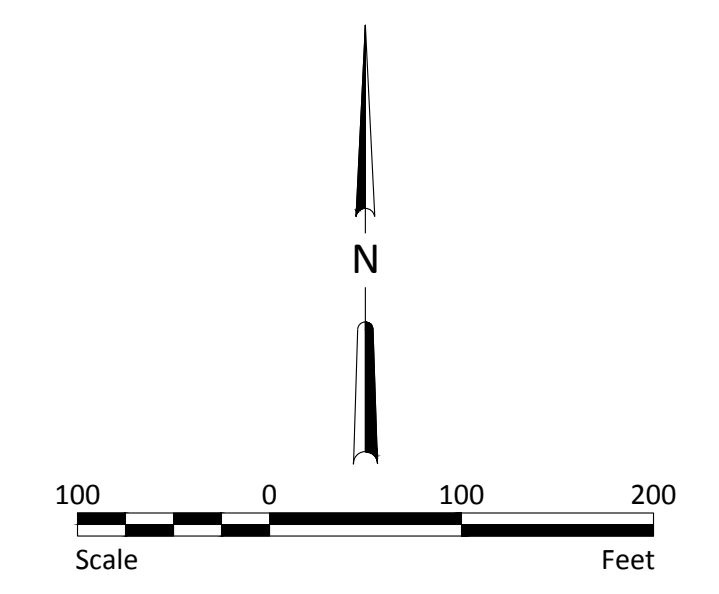
To accept the findings and recommendations of the Planning Commission and staff and recommend **approval** to the County Commission of the subdivision application as the proposal **meets** the goals and objectives of the Cass County Comprehensive Plan, the Cass County Highway Access Plan, the Flood Damage Prevention Ordinance, the Cass County Subdivision Ordinance and all other applicable regulations.

Attachments

1. Location Map
2. Plat Document
3. Deed Restriction

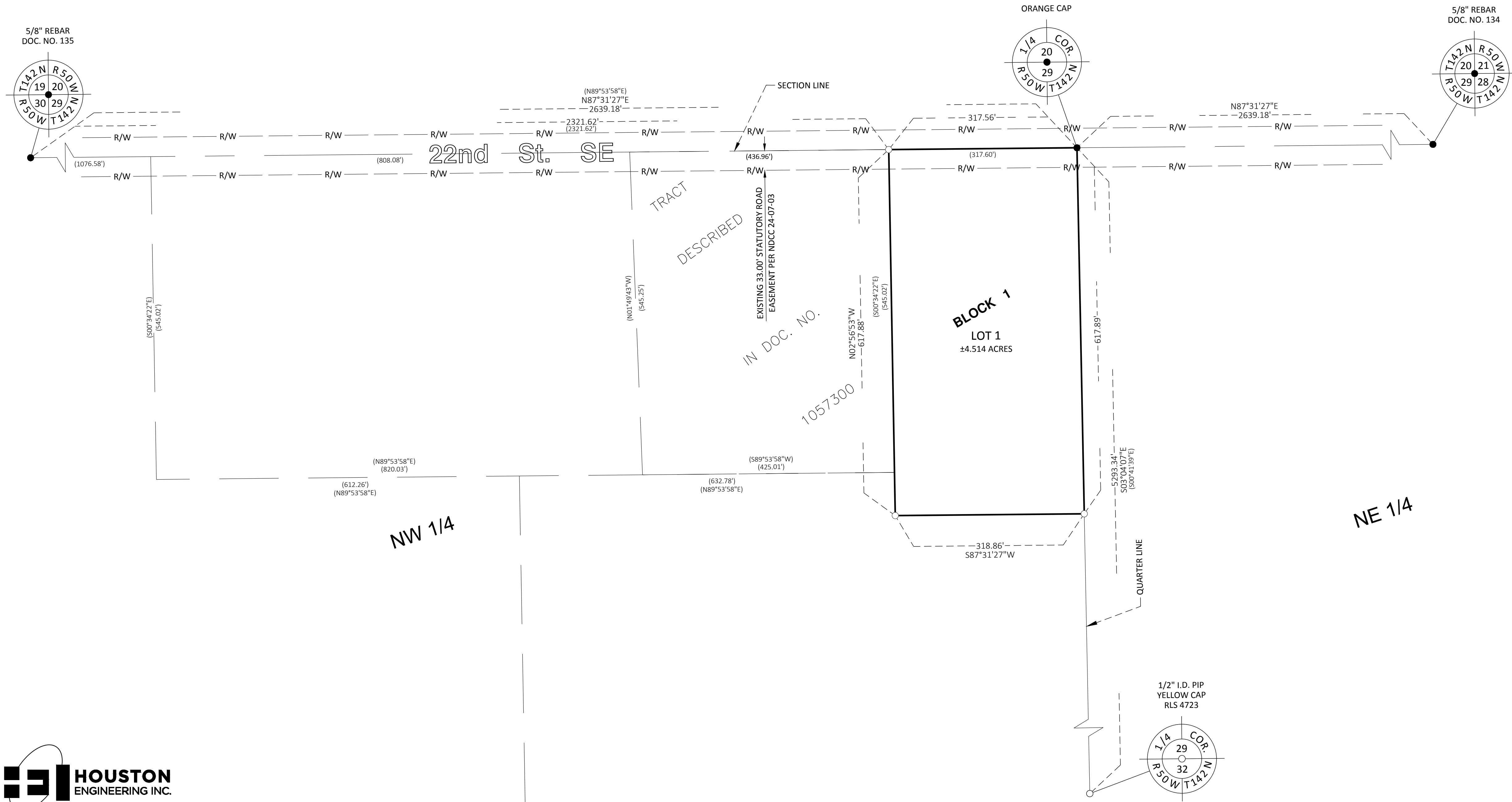
PACHOLKE SUBDIVISION

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

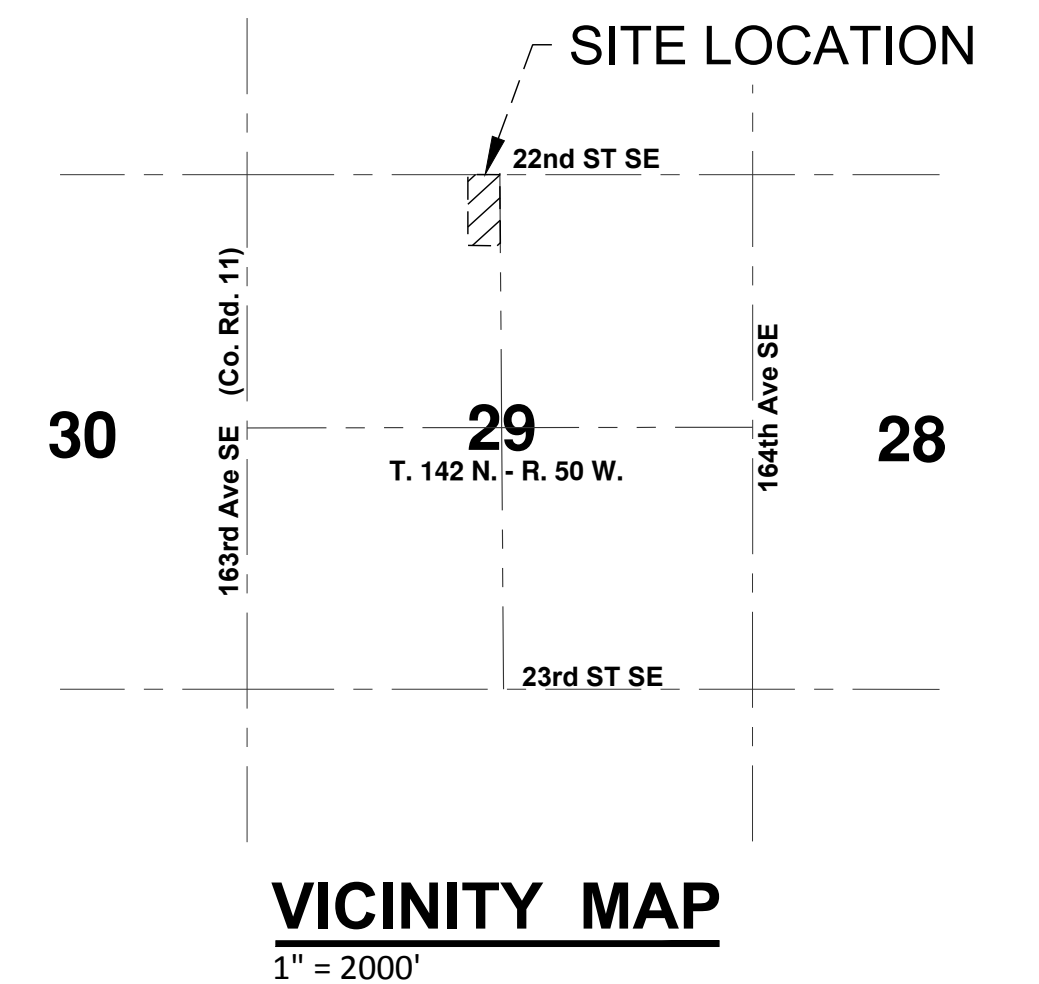
Attest: _____
Victoria Colwell, Clerk

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:\B\11500\11553\11553_0001\CAD\11553-0001_PacholkeSubdivision_Prelim_Plat.dwg