



## 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: March 31, 2025

SUBJECT: Regular Agenda Topic for the April 7, 2025 Commission Meeting:  
Freeman Subdivision Application

---

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Pleasant Township, Section 2 at a Public Hearing on October 24, 2024. The intended purpose of the subdivision is to plat a new lot for the construction of a new house.

The Planning Commission is recommending approval of the proposed plat entitlement request and Davenport 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

<b>Entitlements Requested:</b>	<b>Minor Subdivision (1 Lot)</b> of a part of the NE ¼ of Section 2, Township 137 North, Range 49 West		
<b>Title:</b>	<b>Freeman Subdivision</b>	<b>Date:</b>	10/24/24
<b>Location:</b>	NE ¼ of Section 2, Township 137 North, Range 49 West (Pleasant Township)	<b>Staff Contact:</b>	Cole Hansen
<b>Parcel Number:</b>	57-0000-10229-002	<b>Water District:</b>	Southeast Water District
<b>Owner(s)/Applicant:</b>	Carol Freeman, Owner Eric Johnson, Applicant	<b>Engineer/Surveyor:</b>	Houston Engineering
<b>Status:</b>	Planning Commission Hearing: October 24, 2024 County Commission Hearing: April 7, 2025		

Existing Land Use	Proposed Land Use
Agricultural	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Freeman Subdivision** to plat a one (1) Lot subdivision of approximately 11.3 acres. According to the applicant, the subdivision is requested to plat a lot to plat a lot for construction of a residential home.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use 174<sup>th</sup> 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	
<b>County Engineer</b>	No comments were received prior to publishing the staff report.
<b>Water Resource District</b>	No comments were received prior to publishing the staff report.
<b>Cass County Electric Cooperative</b>	No comments were received prior to publishing the staff report.
<b>Century Link</b>	No comments were received prior to publishing the staff report.
<b>Sprint/T-Mobile/Congent</b>	No comments were received prior to publishing the staff report.
<b>AT&amp;T</b>	No comments were received prior to publishing the staff report.
<b>Xcel Energy</b>	No comments were received prior to publishing the staff report.
<b>Otter Tail Power Company</b>	No comments were received prior to publishing the staff report.

<b>Magellan Pipeline Company</b>	No comments were received prior to publishing the staff report.
<b>NuStar Energy</b>	No comments were received prior to publishing the staff report.
<b>Cass Rural Water</b>	No comments were received prior to publishing the staff report.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	No issue with proposal.
<b>Township Chairman</b>	No comments were received prior to publishing the staff report.
<b>The City of Fargo</b>	No comments were received prior to publishing the staff report.
<b>The City of West Fargo</b>	No comments were received prior to publishing the staff report.
<b>Public Comment</b>	No comments were received prior to publishing the staff report.

### Staff Analysis

#### *Land Use and Surrounding Uses*

The subject property is bound by agricultural production land on the south, west, and east sides of the lot and by residential and industrial uses to the north. 174<sup>th</sup> Ave SE borders the west of the property and County Road 16 borders the north of the property.

#### *Floodzone*

According to the FEMA Flood Map Service Center, this property is currently mapped with Zone AE Special Hazard Flood Area being identified with a Base Flood Elevation of 912'. 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

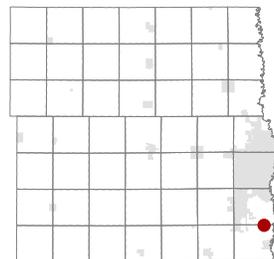
# Minor Subdivision

## Freeman Subdivision

Section 2, Pleasant Township  
Township 137 North - Range 49 West



Cass County Planning Commission  
October 24, 2024



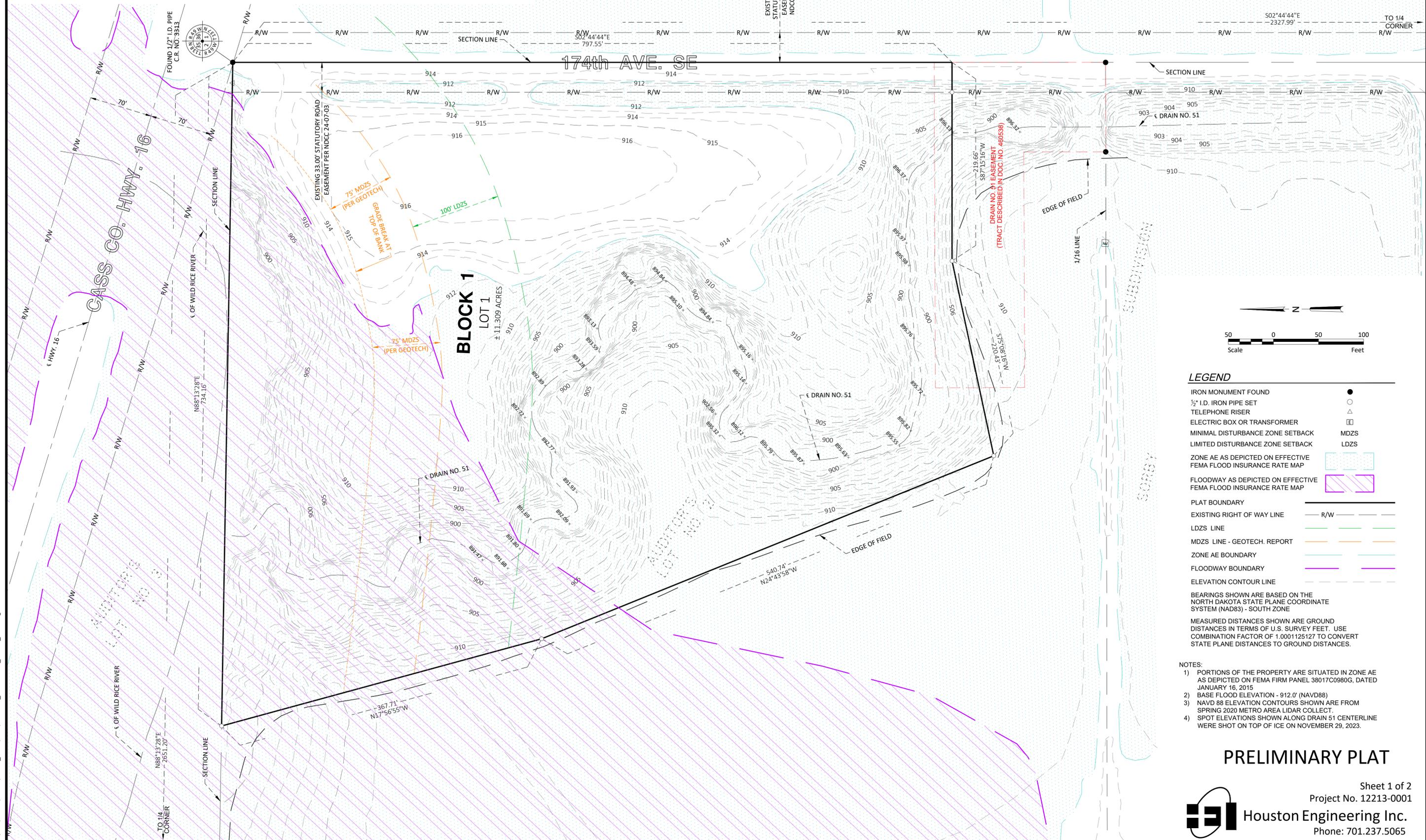
Imagery: NAIP, summer/fall 2023

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.



# FREEMAN SUBDIVISION

BEING A PLAT OF PART OF AUDITOR'S LOT NO. 2,  
NORTHEAST QUARTER OF SECTION 2, T. 137 N., R. 49 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA



**LEGEND**

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
TELEPHONE RISER	△
ELECTRIC BOX OR TRANSFORMER	⊠
MINIMAL DISTURBANCE ZONE SETBACK	MDZS
LIMITED DISTURBANCE ZONE SETBACK	LDZS
ZONE AE AS DEPICTED ON EFFECTIVE FEMA FLOOD INSURANCE RATE MAP	
FLOODWAY AS DEPICTED ON EFFECTIVE FEMA FLOOD INSURANCE RATE MAP	
PLAT BOUNDARY	—
EXISTING RIGHT OF WAY LINE	R/W
LDZS LINE	
MDZS LINE - GEOTECH. REPORT	
ZONE AE BOUNDARY	
FLOODWAY BOUNDARY	
ELEVATION CONTOUR LINE	

BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE

MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE COMBINATION FACTOR OF 1.0001125127 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.

- NOTES:**
- 1) PORTIONS OF THE PROPERTY ARE SITUATED IN ZONE AE AS DEPICTED ON FEMA FIRM PANEL 38017C0980G, DATED JANUARY 16, 2015
  - 2) BASE FLOOD ELEVATION - 912.0' (NAVD88)
  - 3) NAVD 88 ELEVATION CONTOURS SHOWN ARE FROM SPRING 2020 METRO AREA LIDAR COLLECT.
  - 4) SPOT ELEVATIONS SHOWN ALONG DRAIN 51 CENTERLINE WERE SHOT ON TOP OF ICE ON NOVEMBER 29, 2023.

**PRELIMINARY PLAT**

H:\JBM\12200\12213\12213\_0001\CAD\Freeman\_Subdivision\_Prelim\_Plat.dwg

# FREEMAN SUBDIVISION

BEING A PLAT OF PART OF AUDITOR'S LOT NO. 2,  
NORTHEAST QUARTER OF SECTION 2, T. 137 N., R. 49 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: That Carol Freeman, a single person, is the owner and proprietor of that part of Auditor's Lot No. 2 of the Northeast Quarter of Section 2, Township 137 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

BEGINNING at the Northeast Corner of said Section 2; thence South 02°44'44" East, along the easterly line of said Section 2, for a distance of 797.55 feet; thence South 87°15'16" West for a distance of 219.66 feet; thence South 75°08'16" West for a distance of 220.43 feet; thence North 24°43'58" West for a distance of 540.74 feet; thence North 17°56'55" West for a distance of 367.71 feet to a point of intersection with the northerly line of said Section 2; thence North 88°13'28" East, along the northerly line of said Section 2, for a distance of 734.16 feet to the POINT OF BEGINNING.

Said tract contains 11.309 acres, more or less.

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

In witness whereof I have set my hand and seal.

Owner:

\_\_\_\_\_  
Carol Freeman

State of North Dakota )  
                                  ) ss  
County of Cass         )

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, a notary public within and for said county and state, personally appeared Carol Freeman, a single person, known to me to be the person described in and who executed the foregoing instrument and acknowledged that she executed same as her 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 )  
                                  ) ss  
County of Cass         )

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 \_\_\_\_.

\_\_\_\_\_  
Tom Soucy, Interim Cass County Engineer

Cass County Planning Commission:

Reviewed by the Cass County Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Ken Lougheed, Chairman

Attest: \_\_\_\_\_  
Secretary

Pleasant Township:

Reviewed by Pleasant Township, Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mark Hiatt, Chair

Attest: \_\_\_\_\_  
Nicole Bice, Clerk

Cass County Board of Commissioners' Approval:

Approved by Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

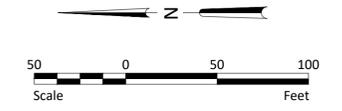
\_\_\_\_\_  
Chad M. Peterson, Chair

Attest: \_\_\_\_\_  
Brandy Madrigga, Cass County Finance Director

PRELIMINARY PLAT

# FREEMAN SUBDIVISION

BEING A PLAT OF PART OF AUDITOR'S LOT NO. 2,  
NORTHEAST QUARTER OF SECTION 2, T. 137 N., R. 49 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA



**LEGEND**

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
TELEPHONE RISER	△
ELECTRIC BOX OR TRANSFORMER	⊞
MINIMAL DISTURBANCE ZONE SETBACK	MDZS
LIMITED DISTURBANCE ZONE SETBACK	LDZS
ZONE AE AS DEPICTED ON EFFECTIVE FEMA FLOOD INSURANCE RATE MAP	
FLOODWAY AS DEPICTED ON EFFECTIVE FEMA FLOOD INSURANCE RATE MAP	
PLAT BOUNDARY	—
EXISTING RIGHT OF WAY LINE	— R/W —
LDZS LINE	—
MDZS LINE - GEOTECH. REPORT	—
ZONE AE BOUNDARY	—
FLOODWAY BOUNDARY	—
ELEVATION CONTOUR LINE	—

BEARINGS SHOWN ARE BASED ON THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM (NAD83) - SOUTH ZONE

MEASURED DISTANCES SHOWN ARE GROUND DISTANCES IN TERMS OF U.S. SURVEY FEET. USE COMBINATION FACTOR OF 1.0001125127 TO CONVERT STATE PLANE DISTANCES TO GROUND DISTANCES.

- NOTES:**
- 1) PORTIONS OF THE PROPERTY ARE SITUATED IN ZONE AE AS DEPICTED ON FEMA FIRM PANEL 38017C0980G, DATED JANUARY 16, 2015
  - 2) BASE FLOOD ELEVATION - 912.0' (NAVD88)
  - 3) NAVD 88 ELEVATION CONTOURS SHOWN ARE FROM SPRING 2020 METRO AREA LIDAR COLLECT.
  - 4) SPOT ELEVATIONS SHOWN ALONG DRAIN 51 CENTERLINE WERE SHOT ON TOP OF ICE ON NOVEMBER 29, 2023.

**PRELIMINARY PLAT**

H:\JBM\12200\12213\12213\_0001\CAD\Freeman\_Subdivision\_Prelim\_Plat.dwg

# FREEMAN SUBDIVISION

BEING A PLAT OF PART OF AUDITOR'S LOT NO. 2,  
NORTHEAST QUARTER OF SECTION 2, T. 137 N., R. 49 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: That Carol Freeman, a single person, is the owner and proprietor of that part of Auditor's Lot No. 2 of the Northeast Quarter of Section 2, Township 137 North, Range 49 West of the Fifth Principal Meridian, Cass County, North Dakota, described as follows:

BEGINNING at the Northeast Corner of said Section 2; thence South 02°44'44" East, along the easterly line of said Section 2, for a distance of 797.55 feet; thence South 87°15'16" West for a distance of 219.66 feet; thence South 75°08'16" West for a distance of 220.43 feet; thence North 24°43'58" West for a distance of 540.74 feet; thence North 17°56'55" West for a distance of 367.71 feet to a point of intersection with the northerly line of said Section 2; thence North 88°13'28" East, along the northerly line of said Section 2, for a distance of 734.16 feet to the POINT OF BEGINNING.

Said tract contains 11.309 acres, more or less.

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

In witness whereof I have set my hand and seal.

Owner:

\_\_\_\_\_  
Carol Freeman

State of North Dakota )  
                                  ) ss  
County of Cass         )

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, before me, a notary public within and for said county and state, personally appeared Carol Freeman, a single person, known to me to be the person described in and who executed the foregoing instrument and acknowledged that she executed same as her 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 )  
                                  ) ss  
County of Cass         )

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 \_\_\_\_.

\_\_\_\_\_  
Tom Soucy, Interim Cass County Engineer

Cass County Planning Commission:

Reviewed by the Cass County Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Ken Lougheed, Chairman

Attest: \_\_\_\_\_  
Secretary

Pleasant Township:

Reviewed by Pleasant Township, Cass County, North Dakota, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mark Hiatt, Chair

Attest: \_\_\_\_\_  
Nicole Bice, 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:\JBA\12200\12213\12213\_0001\CAD\Freeman\_Subdivision\_Prelim\_Plat.dwg

PRELIMINARY PLAT