



## 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:** February 26, 2024

**SUBJECT:** Consent Agenda Topic for the March 4, 2024 Commission Meeting: Rutten Subdivision Application

---

The Cass County Planning Commission reviewed the application of the proposed subdivision located in Mapleton Township, Section 33 at a Public Hearing on February 22, 2024. The intended purpose of the subdivision is to divide farmstead and home from the tillable land to help convey the smaller parcels to future Rutten generations.

The Planning Commission is recommending approval of the proposed plat entitlement request and Mapleton 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 on the condition that access to the existing property is modified to comply with the Cass County Highway Access Ordinance, 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 NW ¼ of Section 33, Township 139 North, Range 50 West		
<b>Title:</b>	<b>Rutten Subdivision</b>	<b>Date:</b>	02/22/24
<b>Location:</b>	NW ¼ of Section 33, Township 139 North, Range 50 West (Mapleton Township)	<b>Staff Contact:</b>	Cole Hansen
<b>Parcel Number:</b>	53-0000-09166-020	<b>Water District:</b>	Maple River Water District
<b>Owner(s)/Applicant:</b>	John Rutten	<b>Engineer/Surveyor:</b>	Houston Engineering
<b>Status:</b>	Planning Commission Hearing: February 22, 2024 County Commission Hearing: March 4, 2024		

Existing Land Use	Proposed Land Use
Residential	Residential
Proposal	

The applicant is seeking approval of a minor subdivision entitled **Rutten Subdivision** to plat a two (2) Lot subdivision of approximately 17.7 acres. According to the applicant, the subdivision is requested to help convey land to future Rutten generations by separating the home and farmstead from the tillable land.

The proposed ownership and maintenance responsibility of the subdivision will be private. The subdivision will use County Road 8 for road access, ditches for storm sewer conveyance, rural water. The property currently does have an on-site septic system for wastewater treatment.

Agency Comments	
<b>County Engineer</b>	No comment.
<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>	Water service from shared wells, no comment to submit.
<b>North Dakota Department of Transportation</b>	No comments were received prior to publishing the staff report.
<b>County Sanitarian</b>	Septic system certified in 2001 for 4-bedroom house.
<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 north, west, south, and east sides of the lot. County Road 8 borders the north of the property.

#### *Floodzone*

According to the FEMA Flood Map Service Center, this property is currently unmapped and no Special Hazard Flood Area has been identified. In addition, no wetlands or other notable features are present on the proposed subdivision Lot.

#### *Land Development Rights*

The subject quarter-quarter section currently is developed and requires the transfer of a development right. Section 5.04 (e) of the Cass County Subdivision Ordinance states that every quarter-quarter section is granted one (1) Development Right to create a buildable lot with a minimum of 40 acres. Because the lot subdivision proposal is less than 40 acres, a transfer of a development right is required along with a deed restriction.

### Staff Recommendation

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

### Attachments

1. Location Map
2. Plat Document

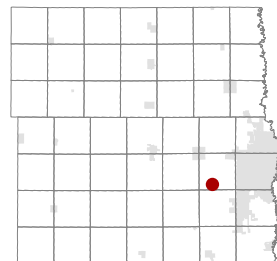
# Minor Subdivision

## Rutten Subdivision

Section 33, Mapleton Township  
Township 139 North - Range 50 West



Cass County Planning Commission  
February 22, 2024



Imagery: spring 2021  
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.



# RUTTEN SUBDIVISION

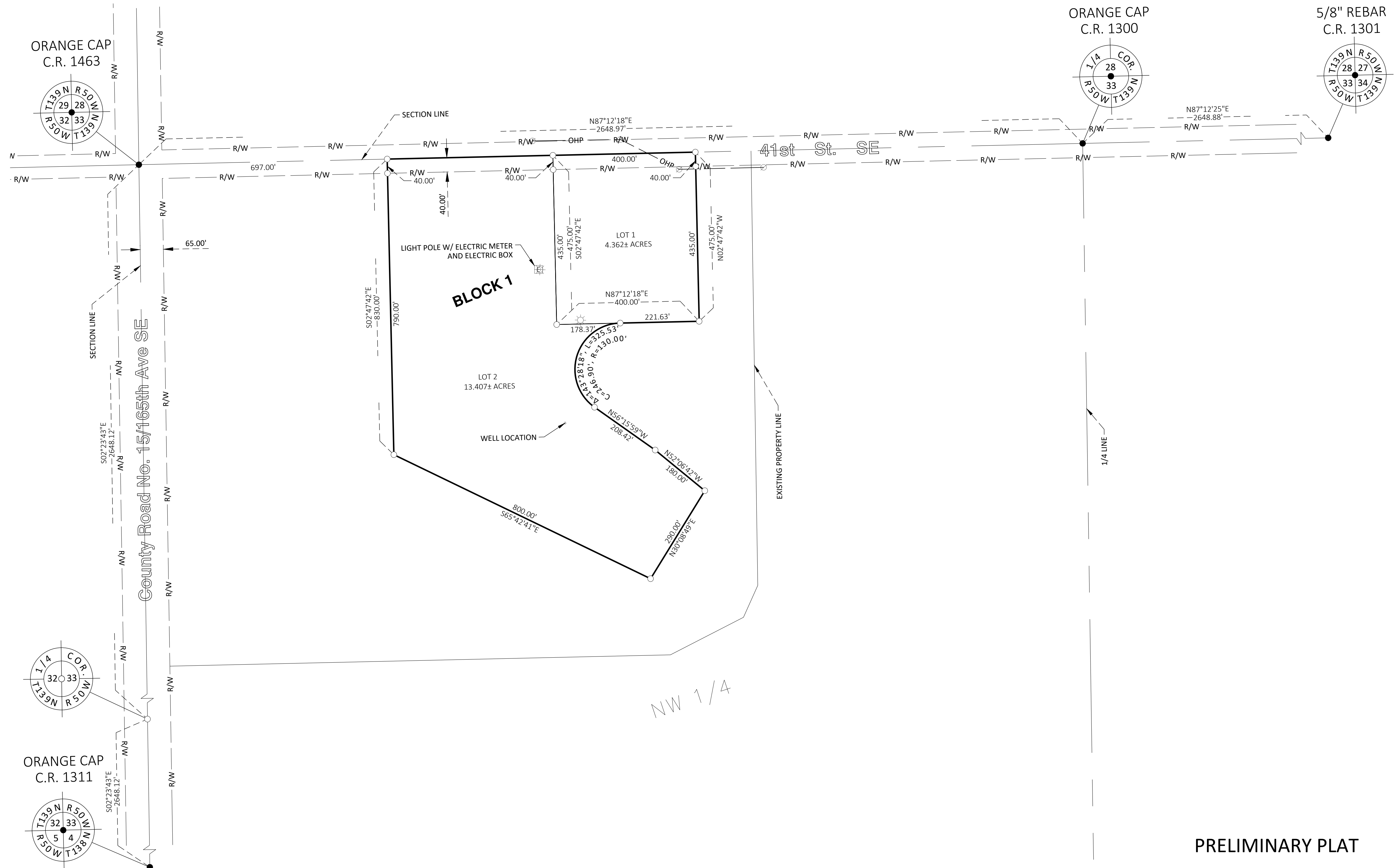
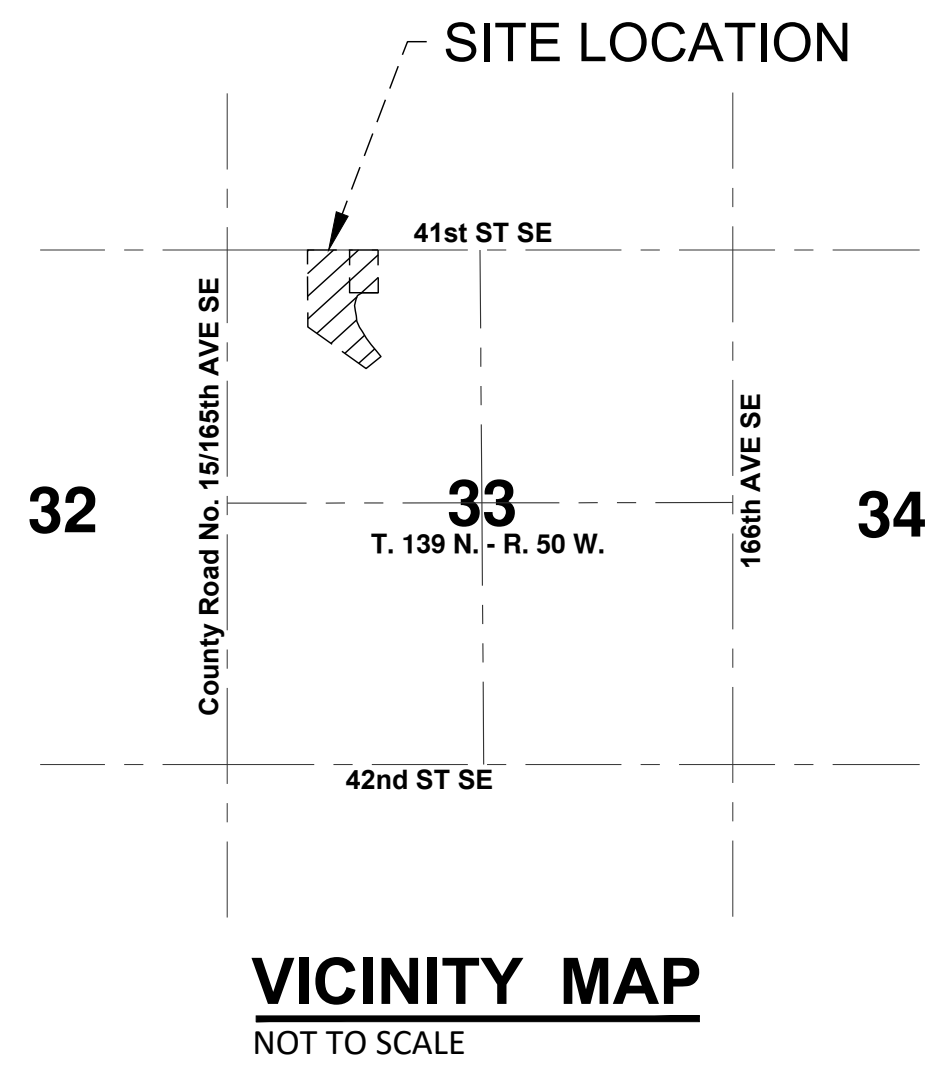
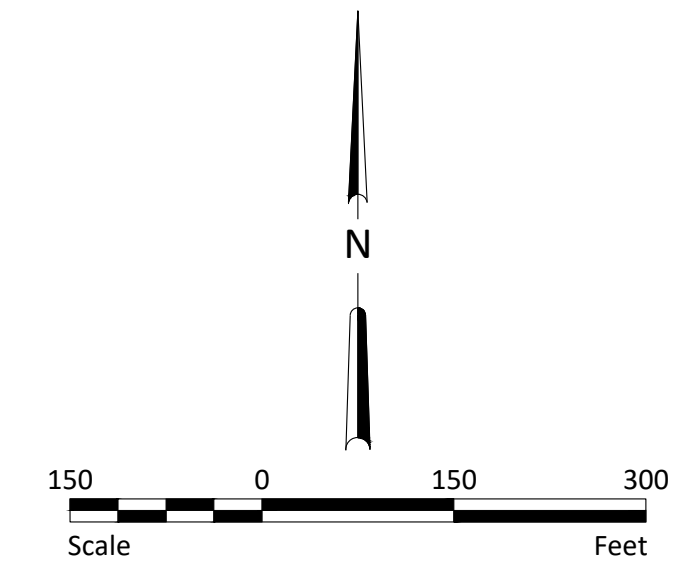
BEING A PLAT OF PART OF THE NORTHWEST QUARTER  
SECTION 33, T. 139 N., R. 50 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

## LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
PLAT BOUNDARY	—
LOT LINE	---
EXISTING RIGHT OF WAY LINE	--- R/W ---
OVERHEAD ELEC. POWER LINE	--- OHP ---
UTILITY POLE	⊙
LIGHT POLE	☼

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.



H:\JBM\12200\12237\12237\_0001\CAD\12237\_0001\_Rutten\_Subdivision\_Plat.dwg

# RUTTEN SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER  
SECTION 33, T. 139 N., R. 50 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: John W. Rutten and Margaret T. Rutten, husband and wife, are the owners and proprietors of that part of the Northwest Quarter of Section 33, Township 139 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°12'18" East, along the northerly line of the Northwest Quarter, for a distance of 697.00 feet to the TRUE POINT OF BEGINNING; thence South 02°47'42" East for a distance of 830.00 feet; thence South 65°42'41" East for a distance of 800.00 feet; thence North 30°08'49" East for a distance 290.00 feet; thence North 52°06'42" West for a distance of 180.00 feet; thence North 56°15'59" West for a distance of 208.42 feet to a point of tangential curve to the right, having a radius of 130.00 feet; thence northerly, along said curve, for a distance of 325.53 feet, through a central angle of 143°28'18"; thence North 87°12'18" East for a distance 221.63 feet; thence North 02°47'42" West for a distance 475.00 feet to a point of intersection with the northerly line of said Northwest Quarter; thence South 87°12'18" West, along the northerly line of said Northwest Quarter, for a distance of 865.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 17.769 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **RUTTEN SUBDIVISION**.

In witness whereof we have set our hands and seals.

Owners:

\_\_\_\_\_  
John W. Rutten

\_\_\_\_\_  
Margaret T. Rutten

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared John W. Rutten and Margaret T. Rutten, husband and wife, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their 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 Interim 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

Mapleton Township:

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

\_\_\_\_\_  
(Print Name), Supervisor

Attest: \_\_\_\_\_  
Bruce Bollinger, 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\12200\12237\12237\_0001\CAD\12237\_0001\_Rutten\_Subdivision\_Plat.dwg

# RUTTEN SUBDIVISION

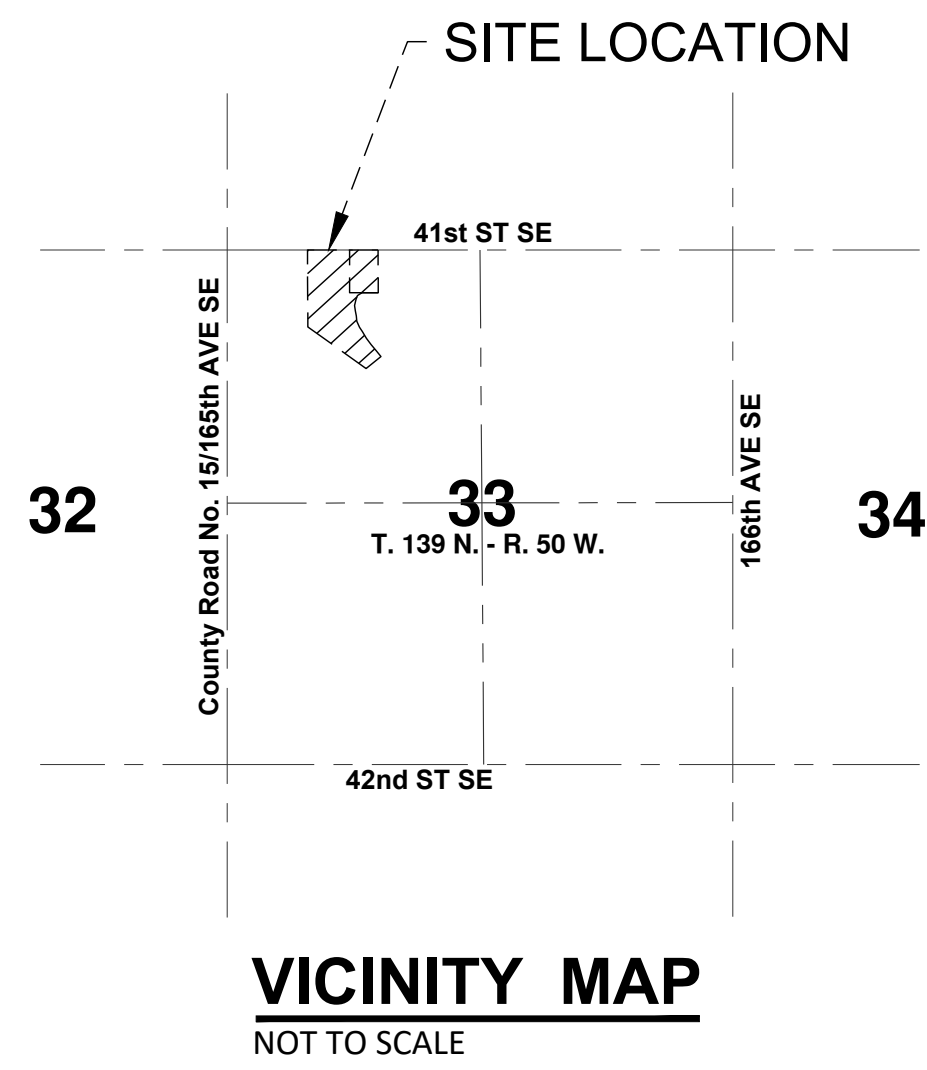
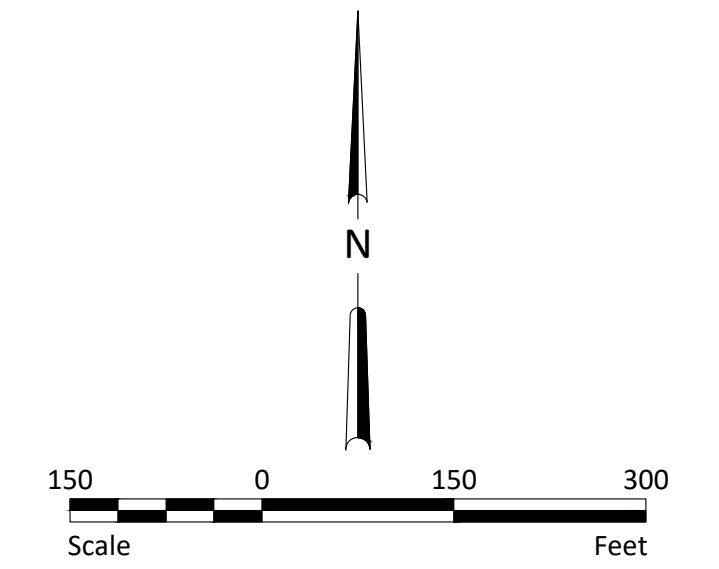
BEING A PLAT OF PART OF THE NORTHWEST QUARTER  
SECTION 33, T. 139 N., R. 50 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

## LEGEND

IRON MONUMENT FOUND	●
1/2" I.D. IRON PIPE SET	○
PLAT BOUNDARY	———
LOT LINE	———
EXISTING RIGHT OF WAY LINE	— R/W —
OVERHEAD ELEC. POWER LINE	— OHP —
UTILITY POLE	⊙
LIGHT POLE	⊙

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.



H:\JBM\12200\12237\12237\_0001\CAD\12237\_0001\_Rutten\_Subdivision\_Plat.dwg

# RUTTEN SUBDIVISION

BEING A PLAT OF PART OF THE NORTHWEST QUARTER  
SECTION 33, T. 139 N., R. 50 W., 5th P.M.  
CASS COUNTY, NORTH DAKOTA

Owners' Certificate and Dedication:

Know all persons by these presents: John W. Rutten and Margaret T. Rutten, husband and wife, are the owners and proprietors of that part of the Northwest Quarter of Section 33, Township 139 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°12'18" East, along the northerly line of the Northwest Quarter, for a distance of 697.00 feet to the TRUE POINT OF BEGINNING; thence South 02°47'42" East for a distance of 830.00 feet; thence South 65°42'41" East for a distance of 800.00 feet; thence North 30°08'49" East for a distance 290.00 feet; thence North 52°06'42" West for a distance of 180.00 feet; thence North 56°15'59" West for a distance of 208.42 feet to a point of tangential curve to the right, having a radius of 130.00 feet; thence northerly, along said curve, for a distance of 325.53 feet, through a central angle of 143°28'18"; thence North 87°12'18" East for a distance 221.63 feet; thence North 02°47'42" West for a distance 475.00 feet to a point of intersection with the northerly line of said Northwest Quarter; thence South 87°12'18" West, along the northerly line of said Northwest Quarter, for a distance of 865.00 feet to the TRUE POINT OF BEGINNING.

Said tract contains 17.769 acres, more or less.

And that said parties have caused the same to be surveyed and platted as **RUTTEN SUBDIVISION**.

In witness whereof we have set our hands and seals.

Owners:

\_\_\_\_\_  
John W. Rutten

\_\_\_\_\_  
Margaret T. Rutten

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a notary public within and for said county and state, personally appeared John W. Rutten and Margaret T. Rutten, husband and wife, known to me to be the persons described in and who executed the foregoing instrument and acknowledged that they executed same as their 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 Interim 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

Mapleton Township:

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

\_\_\_\_\_  
(Print Name), Supervisor

Attest: \_\_\_\_\_  
Bruce Bollinger, 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\12200\12237\12237\_0001\CAD\12237\_0001\_Rutten\_Subdivision\_Plat.dwg