



## 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: Grace Puppe, Cass County Planner  
DATE: April 4, 2023  
SUBJECT: Agenda Topic for the April 17, 2023 Commission Meeting: K&S Johnson Subdivision Application (UPDATED)

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The Cass County Planning Commission reviewed the application of the proposed subdivision located in Maple River Township, Section 13 at a Public Hearing on March 23, 2023. The intended purpose of the subdivision is to get a 911 address assigned for a single resident farmstead on the parcel.

The 10.7 acre lot was sold through a Quit Claim Deed on March 1, 2023 from Jane M. Piper Revocable Living Trust to Sarah & Kirk Johnson. Maple River Township issued a building permit for the property on August 1, 2022. With that application for building permit a copy of the minor subdivision plot was attached. This plat was not submitted to the Cass County Planning Department at that time.

On February 14, 2023 a minor subdivision application was submitted to the County in request of a 911 address. As part of the subdivision requirements a deed restriction is necessary as the parcel is less than 40 acres. The applicant submitted a variance request from the deed restriction requirement.

During the Planning Commission meeting there was discussion about the differences between the County Subdivision ordinance and the township zoning ordinances and what each is used to regulate.

Upon roll call vote with all in favor, motion carried to **deny** the variance from the deed restriction requirement by the Planning Commission.

The Planning Commission is recommending **denial** of the proposed plat entitlement request and Maple River Township

has verified that the proposed subdivision meets township zoning requirements. Therefore, the Planning Commission recommendation is forwarded to the Cass County Board of Commissioners for action.

**UPDATE:**A preliminary deed restriction has been submitted by the applicant that meets the requirements of the Subdivision Ordinance. This deed restriction brings the subdivision application for K&S Johnson Subdivision into compliance with the Subdivision Ordinance.

**SUGGESTED MOTION:**

To accept the findings and recommendations of the Planning Commission and staff and recommend **approval** of the Final Plat with the variance request, 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.