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Olmsted County, Minnesota



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PO BOX 339
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**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-00-02**

WHEREAS, an application for a conditional use permit has been filed on behalf of Veit Disposal Systems of Rochester, the owners of the premise described as:

(Lot 3, Block 1, Hodge Subdivision, Olmsted County, MN

WHEREAS, the applicant asked the Cascade Township Planning Commission to grant a conditional use permit per Section 8.06 B and Section 4.02 of the Cascade Township Interim Zoning Ordinance to expand an existing conditional use permit located on the premise described as:

(Lot 2, Block 1, Hodge Subdivision, Olmsted County, MN

WHEREAS, the Zoning Administrator reviewed the application and submitted a report to the Planning Commission concerning the conditional use;

WHEREAS, the Planning Commission held a public hearing on September 19, 2000 at Peoples Cooperative Services, 3935 Hwy 14 E., Rochester, MN, continued that hearing onto October 17, 2000, at Rochester Covenant Church, 4950 31st Ave NW, Rochester, MN

WHEREAS, Commissioner Steve Nigon, moved to deny the application, and Commissioner LaDonna Camrud seconded the motion, with Commissioners Curt Axen, Nigon, and Camrud voting in favor of denial, Commissioner Arlen Heathman voting against denial and Commissioner Harold Atkinson abstaining.

WHEREAS, on November 31, 2000 a motion by Harold Atkinson, second by LaDonna Camrud to approve the following findings. Atkinson, Camrud and Curt Axen all voted to adopt the following findings.

1. The original application was for a disposal business with the storing and crushing of recycled concrete as a small sideline. The area that was allowed in the present conditional use permit has been filled beyond the area allowed on the original permit. The applicant is in violation of the present permit by expanding beyond the designated area for recycled concrete.

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2. The recycling of concrete was not the major intent of the original permit. In the testimony given during the June 17, 1999 hearing at the Olmsted County Government Center, the demolition and construction waste recycling and transfer facility was to be inside with only a relatively small area for the stockpiling of recycled concrete. Expansion of the recycling area would go beyond the intent of the original permit and would adversely affect property values of the neighboring properties.
3. The stockpiling of crushed material was not addressed in the original permit. At the first hearing, the Commission requested a site plan indicating how large of an area was being applied for. During review of the drawings, the Commission indicated that the stockpiling of crushed materials should not be allowed.
4. The Commission questioned if the current conditional use permit was being adhered too, since materials were stockpiled closer to the property lines than allowed.
5. The Commission determined that allowing the additional stockpiling and crushing space would resemble a quarry operation, which should be within an Agricultural/Resource Commercial District.

WHEREAS, the applicant appealed the Planning Commission's decision to the Cascade Town Board per Section 4.04 of the Cascade Township Interim Zoning Ordinance;

WHEREAS, a public hearing for the appeal was held on Monday, December 4, 2000 at the Calvary Evangelical Free Church, 5500 25th Ave NW, Rochester, MN;

NOW, THEREFORE, be it resolved by the Cascade Town Board as follows:

FINDING OF FACT AND CONDITIONS:

On June 17, 1999 Olmsted County granted Viet Disposal Systems a conditional use permit to operate a demolition and construction waste and transfer facility for a premise located on Lot 2, Block 1, Hodge Subdivision.

The applicant is requesting to expand that use to Lot 3, Block 1, Hodge Subdivision. Supervisor Arlen Heathman moved, second by Supervisor Lenny Laures, to approve conditional use request by Veit Disposal Systems of Rochester, with the following conditions: Heathman, Laures in favor, Chairman Fred Daly opposed.

1. All concrete brought in for recycling shall be crushed at least annually. The raw materials storage area shall be emptied at least annually.
2. A MPCA permit must be obtained and requirements met for proper solid waste management. Also, the applicant must obtain a permit with the MPCA for Industrial Stormwater.

3. All storage of full roll off units and source separation (recycling) shall be done inside the building.
4. The property shall be managed to control the release of solid waste within the fenced and bermed areas of the applicant's lots.
5. Hours of recycling operation shall be limited to 7 a.m. to 7 p.m. Monday through Friday and Saturday 8 a.m. to 5 p.m. Sunday operation with approval of the Cascade Town Board prior to operation.
6. Dust shall be controlled and managed by the applicant year round.
7. The provisions set forth in the application submitted by the applicant be adhered to.
8. All parking and drive aisles and building loading areas be maintained with an all-weather, durable surface (blacktop or concrete).
9. The area to be utilized for outdoor storage be paved or be a dust-free gravel surface.
10. The total outdoor storage area for both the stockpiling of raw material and the final stockpile combined shall be no larger than 220 feet by 400 feet in size. The required setbacks from the combined property lines be:
 - a. 45-foot front yard
 - b. 25-foot side yard
 - c. 25-foot rear yard

All the required yards (listed above) shall be maintained in sod, trees or shrubs.

11. Any weigh scale be located no closer than five feet to the west side lot line. Any building associated with the weigh scale should be located in the buildable area of the lot.
12. A berm at least four feet in height shall be established on the north, east and south sides of the raw material and final stockpile area. Article X, Section 10.08 Bufferyards; as listed in Table II Bufferyard Requirements of the Township Interim Zoning Ordinance shall be established on top of the berm. Raw material and final product stockpiles shall not exceed the roofline of the present building. Applicant shall work with the Olmsted County Soil and Water Conservation District to establish the berm and manage stormwater within the berm area. Erosion control and grading plans shall be approved by Cascade Township. Applicant shall be responsible for any federal, state or county permits concerning stormwater run off.
13. Concrete crushing shall be limited to 4 weeks per year between November 15 and March 30 from the hours of 7 a.m. and 5 p.m. Monday through Friday.

14. The drive aisle be at least 18 feet in width for two way aisle; off street parking spaces be at least 9 feet x 18 feet in size; and the drive aisle behind the parking spaces be 25 feet in width.
15. The facility accepts no contaminated soil or other hazardous materials.
16. No grinding or mixing of waste takes place (except for grinding of concrete).
17. A revised site plan reflecting the listed changes be submitted prior and incorporated as part of the permit.
18. The applicant agrees to appear before the Township Planning Commission in October 2001 and each year thereafter, at which time the Commission will review the request and hear from neighbors with regard to the activity of the operation. An annual fee of \$150.00 shall be paid each October to compensate for mailings and advertising of these meeting.
19. The concrete recycling portion of this permit is not transferable. If the property is transferred to a new owner, a new conditional use permit for concrete recycling shall be applied for and received prior to any concrete recycling.
20. The applicant agrees to allow the township to inspect the premise every three months for the first year of the permit.

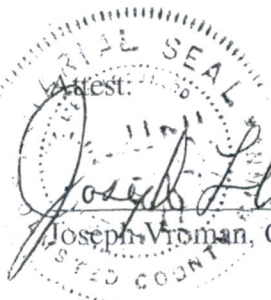
CONCLUSION

The applicant has acknowledged and agreed to above conditions and understands that these conditions shall apply to both of the above described lots.

The Cascade Town Board hereby overturns the denial of the Township Planning Commission per Section 4.04 and granted a conditional use permit per Section 8.06 B and Section 4.02 of the Cascade Township Interim Zoning Ordinance to operate a demolition and construction waste and recycling and transfer facility, subject to the above conditions.

Passed and adopted by the Cascade Town Board this 4th day of December 2000.


Fred Daly, Chair



Joseph L. Roman, Clerk