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Olmsted County, Minnesota

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DANIEL J. HALL - County Recorder, by _____ Deputy.

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TCPA

PO BOX 339
ROCHESTER, MN 55903

**CASCADE TOWNSHIP
CONDITIONAL USE RESOLUTION
NUMBER CUP-03-01-AMENDED**

WHEREAS, an application to amend 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 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 March 18, 2003, at Rochester Covenant Church, 4950 31st Ave NW, Rochester, MN after 6:30 PM.

NOW, THEREFORE, be it resolved by the Cascade Planning Commission approved the Conditional Use Permit as proposed by Veit Disposal Systems of Rochester.

FINDING OF FACT AND CONDITIONS:

The applicant is requesting to expand the concrete recycling area by an additional 91 feet, and was approved as long as all of the existing conditions are met prior to the expansion, and with the following conditions:

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.

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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 491 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.

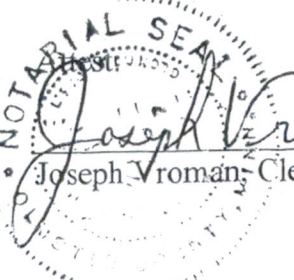
CONCLUSION

The applicant has acknowledged and agreed to above conditions and must comply with all of the above conditions prior to expanding the stockpiling concrete area, and understands that these conditions shall apply to both of the above described lots.

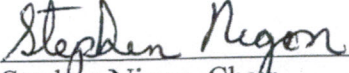
The Cascade Planning Commission hereby grants a conditional use permit per Section 8.06 B and Section 4.02 of the Cascade Township Zoning Ordinance to operate a demolition and construction waste and recycling and transfer facility, subject to the above conditions.

Motion by Jay Hesley and seconded by Mike Watson and approved on a 3-1 vote with Lenny Laures voting against the motion.

Passed and adopted by the Cascade Planning Commission this 18th day of March 2003.

A circular notary seal for Joseph Vroman, Clerk. The seal contains the text "NOTARIAL SEAL" at the top and "JOSEPH VROMAN, CLERK" at the bottom. A signature is written across the seal.

Joseph Vroman, Clerk

A handwritten signature of Stephen Nigon in cursive script, written over a horizontal line.

Stephen Nigon, Chair

Distribution
Zoning Administrator
Rochester-Olmsted County Planning
Town Clerk
Applicant
County Recorder

TCPA
PO Box 339
Rochester, MN 55903