

PLANNING COMMISSION
CASCADE TOWNSHIP – OLMSTED COUNTY – MINNESOTA
January 20, 2009

Commission Members Present: Arlen Heathman, Jay Hesley, Kevin Lenz, Tom Schwalen

Township Board Members Present (in the audience): Harold Atkinson, Lenny Laures

TPCA Representative: Roger Ihrke, Gary Pedersen

Owner / Developer: Adam DeCook, Brenda DeCook, Bryce DeCook

- Cedric Schutz, Land Consultants (developer's engineer / surveyor)

Call to order at 6:40 PM

Hesley presented the agenda for the meeting.

Lenz moved and Heathman seconded to formally approve the Commission meeting minutes from regularly scheduled meeting on 07/15/2008 and special meeting on 09/30/2008. (Minutes had been electronically approved). Motion passed. All members voting for.

Open tabled item on Salley Hill GDP and rezoning of 74.4 acres to R-1.

- Hesley ask for comments from the Commission members – no comments.
- TPCA distributed letters from:
 - MDOT – outlining the requirement for the entrance from US 63.
 - Olmsted Planning – access to Outlots A and B; hydric soils, floodplain and shoreline concerns.
 - Olmsted Public Works – recommend private roads be public roads on a 66 foot public right of way.
- Adam DeCook presented letter that responded to the open issues from the 09/30/2008 Special Planning Commission meeting on the Salley Hill proposal.
- Discussion between the Commission members and the developer relating to the private roads and the large sized lot (Lot 9 – 18.18 acres).
- Developer presented soil map of the area in Lot 9 indicating that portions may not be suitable for building sites and stated his intention to use this lot for only his personal residence.
 - Discussion of legal document (perhaps the lot title) stating that the lot could only have one residence was discussed.
 - Developer agreed to this suggestion.
 - TPCA stated their opinion that even with that restriction the owner of the lot could still request that the lot be subdivided.
- Cedric Schutz stated changing the private road (Outlot D) to a public road may push the building sites on the North of the road toward the back of the lots and require variances for some lots.
- Discussion of TPCA option to solve the private road issue by eliminating lots 10 and 11.

- Schwalen moved and Lenz seconded to open the discussion to public comment. Motion passed. All members voting for.
 - From Tom Miller (1138 Camelback Court NE):
 - Likes the large Lot 9 as a buffer between Zumbro Ridge and the new development.
 - Concerned about storm water / run off thru Lot 9. Run off originates from the other side of US 63. Not an issue for the development but developer stated he would consider that when building on the lot.
 - From Brenda DeCook (co-owner of the property) (2734 90th Ave SW, Byron):
 - Member of Salem Township Planning Commission.
 - Shared her experience on that Commission and successful / positive experiences with private roads – owners of the lots responsible for following the rules established for the private roads.
 - From Phil Vitale (1137 Camelback Ct NE):
 - Question what prevents Lot 9 from being rezoned to something other than R-1 in the future.
 - Process of rezoning by the Planning Commission and Township Board briefly explained.
- Board members discussed possible solutions and the following were proposed:
 - Rider / stipulation on the deed for Lot 9 that prohibits sub-dividing that lot and places a limit of one residence on that lot.
 - Create a public access easement to the open areas designated by Outlots A, B and C.
 - Change the private roads designated by Outlot E and F to private drives.
- TPCA raised the following concerns that will have to be addressed in the preliminary plat:
 - Wet land areas.
 - Bluff areas – concern about roadway in Outlot D.
 - Floodplain areas.
 - Hydric soils.
 - Remove / reduce the private road in Outlot D.
 - Developer restated that he does not see anyway to remedy this problem.
- Schwalen moved and Lenz seconded to table the GDP and zoning request until the following conditions are addressed:
 - Rider / stipulation on the deed for Lot 9 that prohibits sub-dividing that lot and places a limit of one residence on that lot.
 - Create a public access easement to the open areas designated by Outlots A, B and C.
 - Change the private roads designated by Outlot E and F to private drives.
 - Remove / reduce private road in Outlot D.
 - Motion fails to pass. Schwalen and Lenz voting for; Heathman and Hesley voting against.
- Heathman stated that the Commission needs to move forward on the proposal.
- Ihrke stated:
 - Commission can approve the proposal and send it on to the Township Board with or without conditions.
 - Deny the proposal.

- Heathman moved and Lenz seconded to approve the GDP with the following conditions:
 - Rider / stipulation on the deed for Lot 9 that prohibits sub-dividing that lot and places a limit of one residence on that lot.
 - Create a public access easement to the open areas designated by Outlots A, B and C.
 - Change the private roads designated by Outlot E and F to private drives.
 - Work on a resolution of the Outlot D problem by changing private road to public road. Include impact to bluff area of either solution.
 - Motion passed. Heathman, Hesley and Lenz voting for; Schwalen voting against.
- Heathman moved and Lenz seconded to approve the rezoning request from A-3 to R-1 when the GDP has been approved.
 - Motion passed. All members voting for.

5 minute recess – developer and public leave.

Access Management

- Heathman distributed hand outs:
 - Cascade Township Access Management Ordinance
 - Rochester Township Survey of Existing Driveway Entrances
 - Rochester Township Preliminary Findings Driveway Survey
- Township Board would like recommendations on Cascade Access Management Plan.
- Lawsuits are the major issue with private “stuff” in the public right of away.
- Commission member should review the handouts for a discussion at the next Commission meeting.

Discussion on the electronic approval of meeting minutes. Following process was discussed:

1. Secretary electronically distributes minutes to Commission members.
2. Commission members review with comments returned to the Secretary.
3. If necessary, Secretary resolves comments, revises and re-distributes minutes to members.
4. Steps 2 and 3 repeated as necessary until all comments are resolved.
5. Secretary electronically distributes revised copy for Commission member’s electronic approval.
6. Commission members have 7 days to approve – no response in 7 day is considered to be approval. 100% approval required.
7. If approval not obtained steps 2 thru 6 are repeated as necessary.
8. When approved the minutes are sent to the Township Secretary for publishing (with copies send to the Commission members).

Heathman moved and Lenz seconded to approve the electronic approval process as described above. Motion passed. All members voting for.

Schwalen moved and Hesley seconded that the meeting be adjourned. Motion passed. All members voting for.

Meeting adjourned at 8:20 PM.