

**PLANNING COMMISSION MEETING MINUTES: FINAL  
CASCADE TOWNSHIP – OLMSTED COUNTY – MINNESOTA  
January 19, 2011**

Commission members present: Michael Brown, Dan Frissora, Lenny Laures for Arlen Heathman, Joe Kocer, Kevin Lenz

Guests Present: Roger Ihrke (TCPA), Steve Buehler (SMB Homes Inc.), Dana Sigrist (SMB Homes Inc.)

Meeting called to order at 7:00PM by Chairman Frissora

OLD BUSINESS

Com. Kocer moved to approve the minutes, as distributed, for the August 17, 2010 Planning Commission meeting. Second by Lenz. All voted in favor. Motion carried.

NEW BUSINESS

Roger Ihrke of TCPA provided the Planning Commission with the history of the elder care facility on 75th street that precipitated the request by the town board to the planning commission to amend the township zoning ordinance to allow group home and elder care facilities in the A4 zoning. Although the Olmsted county zoning ordinance does not allow group homes and adult day care as permitted uses in A4 zones, state statutes do allow these as permitted uses. Accordingly, with the concurrence of Olmsted County, the town board has asked the Planning Commission to look at adding these permitted uses to the Cascade zoning ordinance.

Chairman Frissora requested from Mr. Ihrke a clarification of the specific action the town board was requesting. Mr. Ihrke clarified that the action was simply choosing, or not, to recommend adding the previously provided language for the permitted uses to the A4 zoning.

In response to an inquiry from Commissioner Kocer, Mr. Buehler stated that the use of the residence would include a maximum of six full time residents. These residents would be mostly independent individuals. Additionally, the residence would be used for a maximum of 16 day care adults. Accordingly, a maximum of 22 non-staff individuals may be present during day time hours.

Commissioner Brown inquired about the typographic errors in the existing ordinance. Specifically, in section 5.08 B.1 a reference is made to section 5.02 B.22. Section 5.02 B.22 does not exist. Roger Ihrke stated this was likely an error from the process of creating the township ordinance from the county ordinance and is something that should be fixed if the proposed language is added. Roger stated that he would review the ordinance and respond to the planning commission with the corrections to the typographic errors.

Roger also reminded the commission that the members should avoid using a reply to all function for any information he may send. The reply to all function may create a commissioner to commissioner communication which could create a de-facto meeting in violation of open meeting laws.

Brown also inquired about the correctness of allowing uses defined as multifamily uses in the state statutes (MN 245A.11 Subd. 3) to be added to a zoning designation (A4) intended for single family use. Mr. Ihrke responded that an equivalent situation had arisen in Rochester township and the legal opinion issued in that request supported allowing a facility for up to 16 individuals (multi-family per state statute) to be a permitted use in an A4 zone.

Brown also inquired if the proposed facility on 75th street would be prohibited by the lot size requirement for A4 zones as stated in section 5.08 D.2.a. Mr. Ihrke provided a detailed chronology of the zoning changes to support the position that the existing property is grandfathered and is not subject to the 35 acre requirement.

Chairman Frissora opened the meeting for public comment. Receiving no public comment, Frissora closed the meeting to public comment.

Commissioner Kocer inquired about the ages of the residents for the proposed facility. Mr. Buehler responded that they will all be adults.

Brown moved that the planning commission recommend the town board add the proposed permitted uses to the township zoning ordinance for the A4 zone with the typographic error corrections to be included. 2nd by Lenz. All voted in favor. Motion carried.

Kocer moved to adjourn the meeting. 2nd by Brown. All voted in favor. Meeting adjourned.