



CASCADE **--- TOWNSHIP ---**

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CASCADE TOWNSHIP PLANNING COMMISSION MINUTES

October 21, 2014

Call to order at 7:00PM at the Cascade Town Hall.

Members Present: Commissioners Brown, Evans, Frissora, Heathman, Masog

Members Absent: none

Ex-Officio members present: Clerk/Treasurer Michael Brown, Roger Ihrke TCPA, David Meir (TCPA)

Ex-Officio members absent: none

Attendees present: Mark Severtson (WSB), Bill Tointon (WSB), Terry Johnson (Farmland LLC), Craig Johnson (Farmland LLC), Andrew Peters, (RSG), Chad Kelly (RSG), Brian Schumacher (RSG), Perry Atterholt (Mathy), Tony Tomashek (Milestone Materials), Bill Fitzgerald (Wilmar Investments), Fred Bauer(RSG), Mark Hinderman (Wilmar Investments), 17 other township residents as noted on the attendance log.

1. Announcement & Adjustment of Agenda

No adjustments to the agenda were made.

2. Approval of Minutes

Minutes were not available for approval.

3. Call to Audience

The chair called three times for anyone wishing to speak on a topic not on the agenda. No requests were made.

4. Review of Majestic Meadows Variances

The chair reviewed the Board of Adjustment action on he previously requested variances for Majestic Meadows. The Open Space variance was granted. The Variance to allow the pole shed to remain was withdrawn as it can exist as a legal non-conforming structure and a variance application should not have been required/accepted. The applicant's application fee was refunded.

5. Public Hearing for Majestic Meadows Final Plat

Chair called for questions before opening the public hearing. None were noted.

Mr. Ihrke of TCPA reviewed the details of the request for final plat for Majestic Meadows. Mr. Ihrke noted several deficiencies.

1. Easements for water need dimensions
2. For public purpose easements definitions are required

In general the final plat reflects the preliminary plat. A question regarding dimensions was resolved by scale comparisons and the final plat appears correct. Olmsted County EC approval is in place. A developer's agreement is required before board approval of the final plat. The development agreement will clarify any issues with the buffer yard. The environmental corridor easement was signed and delivered. Remaining issues include the trail which will be resolved by the town board. Mr. Ihrke noted that the final plat has only a 60 day timeline which may not be extended per state statute. The TCPA opinion is that the request not be tabled. Definitive action is necessary.

The chair called for questions of staff.

Mr. Masog asked who had responsibility to develop the trail. Staff noted that is an item of discussion with the town board but there are no provisions in any development to build the trail.

Mr. Frissora inquired about legal review of the HOA covenants. Per staff, counsel is concerned about the maintenance agreements for the storm water system. The responsibilities of the homeowners may be revisited.

Mr. Heathman expressed a concern about the late information from the county surveyor about lot line issues.

Ms. Brown asked staff about their recommendation to update the preliminary plat to correct the issues and noted the ordinance requires the preliminary plat to be presented as approved. TCPA feels the preliminary plat discrepancy is only a typographical error. TCPA agreed to leave the preliminary plat as is.

Ms. Brown questioned the requirement for the buffer yard. Ms. Brown stated she is unable to find any requirement in any ordinance for a buffer yard. Mr. Ihrke pointed to the GDP and preliminary plat as both showing a buffer yard. Staff stated the requirements of the buffer yard will be resolved by the town board.

The Chair asked for further questions. Hearing none, the applicant was invited to speak.

Mr. Tointon, the developer's representative addressed the commission.

Mr. Tointon stated he agreed with the chair that a buffer yard was not required but the developer would install it. Mr. Tointon stated the definition of public easements would be added. Olmsted County EC approval is in place. The connecting road to River Highlands and the trail are due to be worked with the board.

Ms. Brown called for questions of the applicant. Ms. Brown noted the final plat is required to be reviewed by the county EC per our ordinance. Staff stated the ordinance requirement refers to the need to obtain the county EC signature before recording. Mr. Tointon will contact the county EC for clarification.

Mr. Masog asked about the dimension of lot 2 blk 2. Mr. Severtson of WSB addressed the question and noted the final plat is correct.

Mr. Severtson addressed the late issue regarding the mistake of the River Highlands plat that created an unplatted 15-20 ft. strip between River Highlands and Majestic Meadows. Majestic Meadows was platted to the assumed correct line. Option 1 is to obtain the land from Dr. Merry and the plat will be correct. Option 2 is to redraw the Majestic Meadows plat to what is owned by Farmland LLC. Negotiations are ongoing.

Mr. Evans asked how we can approve a plat that is demonstrably incorrect.

The chair opened the meeting for public comments.

The chair called three times for those wishing to speak in favor. No one spoke

The chair called three times for those wishing to speak in opposition. No one spoke.

The chair closed the public comment session.

Mr. Evans noted the PC needs to know the solution before action can be taken.

Mr. Frissora opined the approval could be contingent upon satisfaction of the remaining issues.

Mr. Heathman noted the final plat cannot be approved without completion of the developer's agreement. Mr. Heathman stated the connecting road to River Highlands needs to be built. Mr. Heathman feels the PC does not have a correct final plat.

Mr. Frissora inquired why the outlot needs to be walk in accessible.

Ms. Brown restated her concern with county EC approval and inquired if the lot line adjustments would affect setbacks. Ms. Brown restated the deficiencies that must be addressed.

1. Water easement dimensions
2. Public easement definitions
3. Environmental corridor
4. Developer's agreement
5. EC review
6. Lot line resolution or property acquisition.

Mr. Evans expressed a concern about unanticipated consequences of options we have not seen. It was noted this action is advisory and the town board will verify completeness.

Mr. Frissora moved to approve with the noted conditions. Discussion ensued regarding the conditions. Mr. Frissora withdrew his motion.

Clerk Brown reviewed the conditions.

1. Provide dimensions for the water easements
2. Add definitions for the drainage and utility easements.
3. Trail access is resolved
4. Developer's agreement is finalized and addresses the trail and road connection.
5. County EC review requirement resolved
6. Resolution of the lot line such that final plat presented to the board is correct.

Mr. Frissora moved to approve the final plat request with the above conditions except #5. Second by Mr. Evans

AYE: Brown, Evans, Frissora, Heathman, Masog

NAY: None

Motion Approved.

The Chair called for a 5 minute recess.

Meeting called back to order at 8:24 PM

The Chair called for questions before beginning the proceedings for the Wilmar Investments rezone request.

The audience was solicited for questions prior to opening the hearing. None were asked.

The Chair disclosed contacts from the applicants and requested future questions and inquiries to go through TCPA. The Chair asked for disclosures from the other commission members of any communications with the applicants regarding the pending business. All other commissioners affirmed no contacts were received or made.

Mr. Ihrke of TCPA reviewed the history of the property and the staff review of the application. Mr. Ihrke noted the position of the county and the township is that there has not been continuous activity and the current process must be followed. The applicant disagrees. TCPA noted the DNR conducted an EAW and no further review is required. Staff explained the process of the zone change with the note that the town board is the final authority. Staff stated the application meets the county land use plan.

Mr. Ihrke reviewed the conditions for approving a zone change. Staff noted the most problematic condition is the impact on surrounding properties as the area is developed. Reclamation is a key factor to consider. Staff feels the application meets the criteria of the ordinance. Staff provided late information from the county stating the application complies with the county land use plan.

The chair asked for questions of staff by the commission. Mr. Frissora asked about setbacks. Mr. Masog stated a concern about the new homes overlooking the property and the expectations of the homeowners.

The applicant was invited to speak. Mr. Peters provided a presentation reviewing the history of the mining operation and the site characteristics.

The Chair called for questions of the applicant. Mr. Frissora inquired about the continuity of operations. Clerk Brown provided the perspective of the township that the north parcels have not been continuously mined. Mr. Atterholt provided the Mathy perspective that the subject parcels are part of the current operation and thus continuity is established.

Mr. Heathman clarified the purpose of this hearing is strictly for rezoning.

Mr. Evans asked when the parcels became A3 and why not ARC. Staff provided a history of the evolution of the zoning ordinance.

The Chair opened the meeting for public comments. Those wishing to speak in favor of the application were invited to speak.

Mr. Fitzgerald spoke in favor and expressed his perspective that the continuous operation concern is a side issue.

The Chair called a second and third time for comments.

The Chair called for those wishing to speak in opposition.

Ms. Siecks spoke in opposition with noted concerns over the impact to wells and the generation of noise.

Mr. Klampe spoke in opposition with concern over the impact on the river. Mr. Klampe asked for clarification of the county land use plan. Mr. Klampe asked about plans for restoration.

Ms. Jansen spoke about concerns over the water table and the impact on wells. She expressed concern over the reclamation efforts.

Mr. Goldstein stated a concern over the dewatering and the noise. Inquired if blasting was to take place and where does the extracted water go. Additionally inquired about the restoration efforts.

The Chair restated that matters of conditions are premature

Mr. Sieck stated a concern over the impact to adjacent properties and the enjoyment of their properties. A concern over hours of operation was noted.

Mr. Klampe asked if an EIS could be required. The understanding is an EIS is not required.

Mr. Ashton expressed a concern over the impact on adjoining property values.

Mr. Wallace asked about the traffic implications and the increase in intensity.

Mr. Gathman inquired what happens if the 55th street extension does not go through. Is the application dependent upon the 55th street activity. He further stated a concern over the impact to property values.

Mr. Block echoed the questions of others relative to noise, aquifer degradation and property values.

Mr. Koster echoed the foregoing concerns and inquired about protection for failed wells.

The Chair issued a second call for comments. A third call for comments. Hearing none the chair closed the public comment session.

The Chair invited staff to address the questions raised. Staff deferred until after the applicant spoke. Mr. Peters addressed the aquifer impacts and noted the DNR stated there would not be a detrimental impact. Mr. Frissora asked about the magnitude of the dewatering.

Mr. Tomashek stated the applicant's willingness to work with neighbors on screening and stated the prerequisites for appropriating water. A permit has not yet been issued. Mr. Tomashek stated well interference programs are specific to each mine. Mr. Tomashek gave an overview of typical quarry operations.

Mr. Frissora asked about the intensity of blasting activities.

Ms. Brown asked about reclamation activities. Mr. Tomashek noted Minnesota does not have a reclamation law but the applicant has stated an intention for reclamation. No timeline exists for the current operations

Mr. Brown asked if the asphalt plant could be moved to the north quarry. It would be possible but a CUP would be required. Mr. Atterholt stated Mathy has no intention of putting the asphalt plant on the north property.

Mr. Frissora asked if anyone from Oak Meadows was in attendance to offer perspectives. No one present.

Mr. Evans inquired about well repair. Mr. Tomashek stated that would be part of the well interference program. The radius of potential impacts has yet to be determined.

Mr. Evans asked about botanical impacts from a lowered aquifer. Mr. Tomashek noted a hydrogeologist would need to address this. No known issues.

Mr. Masog asked about the various uses and discharges of water. Mr. Tomashek defined the types of operation.

Mr. Atterholt stated that if the 55th St. extension does not go through Mathy would still operate the quarry and they would maintain the township roads leading to their current operation.

Mr. Ihrke noted the ordinance does call for a traffic impact study but the county engineer should be contacted to determine if one is needed.

Ms. Brown moved to continue the meeting to the next regularly scheduled meeting to allow the public an opportunity to understand the proposal and offer additional comments if desired. The motion died for lack of a second.

The commission engaged in a discussion of the differences between the permitted/conditional uses of the current zoning and the requested zoning.

Mr. Frissora stated his position that the zoning should go forward.

Mr. Heathman expressed a concern over directing how property owners can use their property.

Ms. Brown expressed a concern over the timeliness of responses and the lack of complete responses from reviewers before staff prepared their conclusion. It was also noted that it might not be timely for the request as development around the area has proceeded.

Mr. Evans stated his belief the process has been followed and the issues raised are not specific to the rezoning.

Mr. Brown asked for clarification of the traffic impact study requirement. Per staff the traffic impact study is required before the rezone. Staff suggested any approval should be contingent upon county assessment of the need for a study.

Mr. Brown suggested the commission carefully step through a point by point review of the six criteria. The commission was encouraged to have a crisp answer for each point.

Mr. Masog expressed concern over protections for property owners surrounding the property.

Mr. Heathman reiterated that the town board has final authority.

The commission engaged in a discussion of property rights.

Mr. Frissora expressed his perspective that the absence of those homeowners (Oak Meadow) most impacted indicates a lack of impact. Had one individual expressed a concern his perspective might be different.

Mr. Brown encouraged the commission not to assess the impact only from an R1, large lot subdivision perspective. The commission was encouraged to consider the perspectives of those in the mobile home courts.

Mr. Frissora expressed his perspective of the benefits accruing to the county from the resources.

Mr. Evans spoke of the stated direction in the GLUP to remove resources before development. The time to remove the resources is now.

Mr. Masog expressed his reservation about the zoning and that it should proceed toward more restrictive uses. Mr. Brown noted that the subject property already has an R1 zoned portion. The applicant feels this is an error in the GIS maps.

The commission discussed the need for additional comments. Ms. Brown stated the commission has not carefully evaluated each of the six criteria. Mr. Evans feels there has been adequate opportunity for the public to offer comments.

Mr. Frissora moved to recommend approval contingent upon receipt of a traffic impact study requirement clarification from the county engineer. Second by Mr. Heathman. Mr. Frissora asked for friendly amendments. Staff noted the motion should include staff findings as distributed.

AYE: Evans, Frissora, Heathman
NAY: Brown, Masog
Motion Approved.

The Chair closed the public hearing.

Motion by Ms. Brown to adjourn. Second by Mr. Masog
AYE: Brown, Evans, Frissora, Heathman, Masog
NAY: None
Motion Approved. Meeting adjourned at 10:57 PM

Submitted: Michael Brown, Clerk/Treasurer



Michael Brown, Clerk/Treasurer



Char Brown, Planning Commission Chair