

**Cascade Township Planning Commission**







***June 17, 2014***

**7:00 PM**

**Cascade Town Hall**

**2025 75<sup>th</sup> St. NE**

**Agenda**

<b><u>Time</u></b>	<b><u>Topic</u></b>	<b><u>Presenters</u></b>	<b><u>Attachments</u></b>	<b><u>Purpose</u></b>
7:00 PM	<b>Call to Order</b>  -- Welcome Ex-Officio Members:  TCPA Staff  Cascade Township Clerk	Chair, Char Brown		
	<b>Roll Call</b>	Scribe, Ron Schaap		Establish a quorum
	<b>Pledge of Allegiance</b>	Chair, Char Brown		
	<b>Announcement of Agenda</b>	Chair, Char Brown		Adjust agenda, as necessary
	<b>Approval of Minutes</b>	Scribe, Ron Schaap	 Cascade Township Planning Commission	Establish a factual record
Limit 5 min per participant	<b>Call to the Audience</b>	Public Participants		Comments permitted on any topic not the subject of a public hearing
Time limits as announced	<b>Public Hearings</b> -- <b>Majestic Meadows GDP</b>	All present will have an opportunity to speak	 Haack_Rezone.p   Gmail - Haack Rezone report.p	Obtain public testimony and comment
	<b>Update from the Town Board</b>	Town Board Rep, Arlen Heathman		Information exchange
	<b>Unfinished Business</b> -- <b>Rules of Procedure</b> -- <b>Illicit Discharge Ordinance</b>	Commissioners	 Rules of Procedure.pdf   Cascade Township Illicit Discharge O   Gmail - Fwd_ EF Factsheet.pdf	Decisions and actions
	<b>Round-the-table</b>	Commissioners		Open forum

Limit 5 min per participant	<b>Second Call to the Audience</b>	Public Participants		Comments permitted on any topic not the subject of a public hearing
	<b>Adjournment</b>	All		

### **Note Items**

- 1.) Revise Zoning Ordinance to align with Olmsted County and incorporate definitions
- 2.) Revise Subdivision Ordinance to align with Olmsted County and capture open space requirement modification
- 3.) Post Construction Storm Water Ordinance (tentative)

### **Voting Members:**

Char Brown		Daniel Frissora		Arlen Heathman		Ron Schaap	
Chuck Masog							

### **Ex Officio Non-voting Members:**

Michael Brown		Roger Ihrke		David Meir			
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0 = absent

CASCADE TOWNSHIP  
OLMSTED COUNTY – MINNESOTA  
PLANNING COMMISSION MEETING MINUTES

MAY 20, 2014

Planning Commission members present were: Chairperson Char Brown, Ron Schaap, Scribe and Commissioners Chuck Masog, Dan Frissora and Arlen Heathman.

Other Attendees: Cascade Township Clerk/Treasurer Michael Brown, Roger Ihrke (TCPA), Patrick Murphy (Triple M), Mark Welch (representing Triple M), Messrs. Johnson and Johnson (developers of the Haack property) Bill Tointon (McGhie & Betts, representing the Haack development), and six other township residents as recorded on the attendance log.

CALL TO ORDER BY CHAIRPERSON CHAR BROWN AT 7:00 PM.

Pledge of Allegiance

Commissioner Masog moved to approve the minutes from the previous meeting. It was seconded by Commissioner Heathman. Motion carried.

CALL TO THE AUDIENCE

Time limits announced. All present will have opportunity to speak.

NEW BUSINESS

1. Haack Subdivision Open Space requirement discussion was held on the 10% public space requirement in our township ordinance. Two percent was mentioned as the norm in other townships. Discussion paper, "The Trade-off Between Private Lots and Public Open Space in Subdivisions at the Urban-Rural Fringe" by Kopits, McConnell & Walls was given to all commissioners prior to meeting for review. After several comments, a motion by Commissioner Frissora, seconded by Masog was made to recommend the Town Board revise the sub-division ordinance to reduce the open space requirement for 20 acre subdivisions with 2 acre lots or more to 1.5% open space instead of 10%.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

-Will move on to the Township Board for a final vote.

Chair Brown expressed that the open space requirement modification should happen in the context of a complete update of the sub-division ordinance and that may not occur within the time frame needed to allow the Haack property developers

to proceed. Chair Brown called for a motion for the Planning Commission to state its support for a variance to the open space requirement in lieu of an update to the subdivision ordinance. Subject to the terms of the preceding motion, Commissioner Frissora moved to state support for a variance. Commissioner Heathman Seconded.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

Commissioner Frissora volunteered to represent the Planning Commission at the variance hearing.

Chair Brown noted that the Planning Commission requires submission material one week in advance.

2. Public Hearing – Rezoning request – Triple M Properties. Instructions for public hearing were given by Chairperson Char Brown. Staff would comment, then applicant, public comments and final commissioners will debate the matter.

- a. Roger Ihrke, TCPA Administrator, presented the rezoning of property from A-2 Agricultural Protection District to Triple M Properties Special District (IMPSP) as an interim development to allow for the construction of a trade shop on a 5.23 acre parcel of property located southwest of the intersection of 75<sup>th</sup> St. NW and Highway 52 off of Prairie Vista Drive NW.
- b. Applicant Patrick Murphy and applicant's representative Mark Welch commented the proposed building would be 90' x 160' steel framed for Tonna Mechanical. Patrick stated they plan to make it a "Net-0" building. No retail or subdivision of lot would be allowed.
- c. Public Comments – Michael Brown asked which of the allowed uses were permitted and which were conditional. TCPA suggested the language could be modified to set all the listed uses as permitted.
- d. Call for comments of opposition to the change. There were none.
- e. The chair closed the public comments

Motion by Commissioner Frissora, seconded by Commissioner Masog to approve rezoning of 5.23 acre parcel to the TMP SD subject to the modification that all listed uses are permitted.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

3. Update from Commissioner Heathman on May 5<sup>th</sup> Township Board meeting was given as information.

4. Zoning Ordinance Definitions for Community Center and Park was presented by Commissioner Schaap. Motion was made by Commissioner Masog and seconded by Commissioner Heathman to adopt the language at the next zoning ordinance update.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

Commissioner Schaap volunteered to present these updated definitions to the town board

5. CUP Audit Plan and Record was presented. Roger Ihrke answered questions concerning the applicable procedures for cancelling CUPs. He stated that property owners would have to sign a letter stating they do not have an issue with the CUP being cancelled. Motion by Commissioner Frissora and seconded by Commissioner Masog to present the Audit Plan and Audit Form to the Township Board.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

Commissioner Heathman will review this item with the town board.

6. Motion by Commissioner Masog and seconded by Commissioner Frissora was made to request the town board to amend the Planning Commission Policy to allow TCPA and Township Treasurer/Clerk to be ex-officio non-voting members of the Cascade Township Planning Commission.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

Chair Brown will present the request to the town board.

7. Approval of the template for opening Public Meetings was motioned by Commissioner Frissora and seconded by Commissioner Masog.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

8. Motion by Commissioner Frissora and seconded by Commissioner Masog to table Cascade Township Planning Commission Rules of Procedure to our next meeting.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

9. Discussion on the Illicit Discharge Ordinance. Will look at County Ordinance and use track change when making changes to fit Township Ordinance.

10. Round the Table – Chairperson asked for comments from commissioners. Discussion with Clerk Brown. The property next to Viet Industrial zone may need CUP. Need to investigate the property and it's use.

11. Motion by Commissioner Schaap and seconded by Commissioner Masog to adjourn the meeting at 9:04 pm.

Aye: Brown, Frissora, Heathman, Masog, Schaap

Nay: None

Abstain: None

Motion Approved.

Respectfully submitted by Ronald D. Schaap, Commission Scribe

Ronald D. Schaap, Scribe

Char Brown, Planning Commission Chair

# **TOWNSHIP COOPERATIVE PLANNING ASSOCIATION**

**4111 11<sup>th</sup> Avenue SW Room 10  
Rochester, MN 55902**

**Phone: (507) 529-0774  
Fax: (507) 281-6821**



**Roger Ihrke, Administrator  
David Meir, Administrator  
Barbara Literski, Adm. Asst.  
roger@tcpamn.org  
david@tcpamn.org**

**-- TCPA --**

**Date:** 6/5/14

**To:** Cascade Township Planning Commission  
Cascade Town Board  
McGhie & Betts

## **Meeting:**

The Cascade Planning Commission will hold a public hearing at the Cascade Town Hall, 2025 75<sup>th</sup> Street NE, Rochester, MN on Tuesday, June 17, 2014 after 7:00 PM regarding:

## **Application:**

An application for a General Development Plan (GDP) and zone change for a parcel about 73 acres in size. The property is presently zoned A-3 Agricultural District and the requested change is to R-1 Low Density Residential District. Twenty-two single family residential lots are shown on the GDP and the proposed name of the subdivision is Majestic Meadows. The Planning Commission will make recommendations to the Town Board on the submitted applications.

**Legal Description:** That part of the N ½ of the NW ¼ of section 1, T107N-R14W, Olmsted County, MN. Located adjacent and to the north of the River Highlands Subdivision.

**Applicant:** Farmland LLC, Terry Johnson Vice-President, 4089 Stone Point Dr. NE, Rochester, MN 55906

**Owner:** Sharon Haack, Green Prairie Place, 810 2<sup>nd</sup> Ave NW #103, Plainview, MN

**Consulting Engineer:** McGhie & Betts, 1648 3<sup>rd</sup> Avenue SE, Rochester, MN 55904.

## **Present Zoning and requested zoning:**

A-3 (Agricultural) - Requested zoning change to R-1 (Low Density Residential)

## **Re-Submittal Reviewers List:**

Rochester-Olmsted County Planning  
Rochester Public Works  
Minnesota Department of Transportation  
Rochester Fire Department  
Olmsted County Public Works  
Olmsted Soil and Water  
GGG Engineering  
Minnesota Pollution Control Agency

Oronoco Township  
Farmington Township  
Rochester Public Utilities  
MN Energy  
Olmsted County Assessor  
Haverhill Township  
CenturyLink  
Olmsted County Health Department

**Enclosures:**

Proposed GDP and Rezone Submittals

**Overview:**

The location of the 73 acre (approximately) parcel listed on the application is described as;

- adjacent to the south is River Highlands Subdivision and two non-platted parcels all zoned R-1
- adjacent to the west is Huntington Woods Subdivision, zoned R-1
- adjacent to the east across the river is Salley Hill Subdivision, zoned R-1

To the north is 75<sup>th</sup> Street and across 75<sup>th</sup> Street in Oronoco Township is the Goldberg Quarry operated by Mathy Construction and a single family dwelling on a non-farm parcel. In this area the properties south of the river are zoned A-3 and the properties north of the river are A-2; one non-farm parcel in the northwest corner of the intersection of County Road 133 and 75<sup>th</sup> Street NW exists and is zoned A-3; continuing further to the northwest is a farm parcel part of which is zoned A-2 and part A-3.

**General Development Plan:** Ordinance in regular type and staff review in *italics*.

1. **Purpose:** Cascade Township considers vital the orderly, integrated, compatible development of the limited land area within the township. The Olmsted County General Land Use Plan establishes general land use policy. The zoning ordinance establishes detailed policies, regulations, and standards for specific areas of the township. General Development Plans are necessary to:
  - a. insure that the landowner and developer investigate(s) the broad effects development of property will have on the site and also on adjacent properties and the public infrastructure;
  - b. guide the future growth and development of those portions of the township identified for development in accordance with the land use plan;
  - c. protect the natural, social and economic character of the township by encouraging orderly development that assures appropriate timing and sequencing;
  - d. ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed development(s);
  - e. prevent the pollution of water bodies and groundwater; assure the adequacy of drainage; and establish protection for and wise management of natural resources in the township;
  - f. provide for open spaces through the efficient design and layout of the land;
  - g. avoid and remedy the problems associated with improperly subdivided lands, including premature subdivision and scattered subdivision.

**2. A General Development Plan (GDP) is required prior to:**

- a. any subdivision of land containing more than three non-farm lots.
- b. any zone change or subdivision of land requiring platting. A GDP is not required if the plat consists of three lots or less.
- c. the Cascade Township Zoning Administrator may waive the requirement of a GDP under the following circumstances:
  - 1) A preliminary plat has been prepared and is presented at the same time the zone change request is presented.
  - 2) The rezoning or subdivision has been initiated by the Cascade Town Board.
- d. the Cascade Town Board may waive the requirement for a GDP under the following circumstances:
  - 1) The request has been determined to be consistent with the Olmsted County Land Use Plan.
  - 2) A majority of the adjoining properties are zoned the same and the request is determined to be infill development.

*Staff via email requested Olmsted County to review this development as to its consistency with the Olmsted County Land Use Plan. A copy of the response is included with this report and should be a part of the findings. The majority of the surrounding properties are zoned R-1. The Olmsted County Future Land Use Map has been provided for your reference.*

**3. A General Development Plan shall include:**

- a. all current parcels proposed for subdivision and development and their current zoning.

*Provided, Including adjacent properties.*

- b. any zone change request that will be necessary prior to platting.

*An application to rezone has been submitted with this GDP by the owner/developer.*

- c. all other parcels abutting the property proposed for rezoning or within one-half mile of the boundaries of the property proposed for rezoning

*See zoning map attachment*

- d. all adjacent lands under the same ownership as the owner or applicant proposing the development.

*The County GIS records do not show any other property owned by the developer or the property owner at this time.*

**A General Development Plan shall be acted on separately** by the Planning Commission and the Town Board in accordance with the procedures of Section 4.00 Amendments. A General Development Plan and Zoning Map Amendment may be reviewed at the same time in the hearing process. The action taken must be by separate motion of the Commission and the Town Board.

**5. The following physical and planning factors should be addressed in a General Development Plan:**

- a. existing and proposed land uses, densities, and general lot sizes and location;

*Provided are; property size, current and future zoning, density, open space, lot sizes, septic areas, storm water areas, connection to township road to the south in the River Highland Subdivision, and setback area is identified from the bluff and shoreland buffer. Two single family dwelling and several outbuildings are located on the property which at one time would have supported a farming operation. The GDP indicates that the applicant is proposing to remove one of the dwellings and all of the outbuildings except one. Since the outbuilding will not meet the standards of an R-1 district, the applicant would need to file for and receive a variance from the Town Board of Adjustment. This should be done during the preliminary platting process after Planning Commission approval and before Town Board approval. As previously discussed, a variance to the open space requirement of ten percent down to two percent will be required in order to move this proposal forward and again it should happen at the same time as the building variance.*

- b. all parcels must have access to public roads either by abutting the roadway system or by private drives. The present and proposed transportation and other infrastructure systems internal to the planning area, including the street pattern and connections to the external street network and shared water supply and sewage treatment systems;

*The applicant and his engineer have been working with Olmsted County Public Works on an approved access to the development from County Road 133; we are waiting on a final permit from the County to allow the proposed access as shown on the GDP exhibit. The property presently has two driveways off of County Road 133 accessing two dwellings. The applicant is proposing to remove those driveways and provide one access to the development directly across the road from Hastings Lane NW. Additional access will be provided via a roadway connection through River Highlands Subdivision which was required as part of the development process for River Highlands Subdivision. The property at the corner of County 133 and 75<sup>th</sup> Street NW, owned by Fred and Marlene Daly gets access from 75<sup>th</sup> Street NW. An*

*earlier letter addressed the proposed road way hook up as one that could be approved; the applicant is waiting on that approval letter from the County. Septic and well sites are shown, the supporting data for these sites will be provided during the preliminary platting process.*

*Four wells are included in the proposal but no mention of how many wells presently exist on the parcel nor if any wells will be closed. The septic support areas are shown and during the preliminary platting process evidence will need to be provided to the township septic inspector that the areas will support both a primary and secondary septic site.*

c. the surface water drainage systems;

*Shown are; storm water retention ponds on lot 3 block 1, a pond which extends across the lots lines between lots 6&7 block 1 (lot 7's number on the GDP is missing and is assumed to be lot 7 since it is between lots 6 and 8), and on lot 12; drainage easements are shown which also are intended to provide access for cleaning. Since these are drainage easements many times they are not wide enough or flat enough to provide good access to the ponds. This should be considered during the preliminary platting process and grading permits. In most cases the homeowners association is in charge of pond upkeep, when that fails the township must have the right to come in and provide pond maintenance and have the ability to assess the homeowners for said maintenance.*

*In this proposal the ponds are a part of individual lots rather than outlots. Developers have done it both ways in the past, the applicant's engineer believes that maintenance will be better if the ponds are part of an individual lot. On the other hand, these lots can become difficult to market.*

d. the open space system that may include natural resource lands (unique habitat, outdoor recreation space, wooded areas, significant visual resource areas), and sensitive lands (shorelands, wetlands, flood plain, steep slopes, sinkhole concentrations and other features dependent on the site); and,

*The Township Subdivision Ordinance requires the following:*

All developments exceeding twenty (20) acres shall provide a minimum of ten (10%) of the gross development area in a single contiguous area with permanent dedication for common open space. This space shall not include development septic set aside area or wetland as defined in the Cascade Township Zoning Ordinance. The open space area shall be covered by a homeowner's association agreement. One-third (1/3) of the open space must be of a buildable quality. Open spaces exceeding two (2) acres may be non-contiguous. Open space shall reflect the site-specific natural characteristics.

*Open space is shown on the GDP as out lot "A" (1.60 acres) which is located across the river from the proposed subdivision and would only be usable to this subdivision's*

*residents if they entered it from the environmental corridor area of the Salley Hill subdivision plat. An environmental corridor easement should also be provided for this lot similar to the Salley Hill and River Highlands environmental corridors. As explained earlier in this report a variance would have to be approved to the open space area requirement of the ordinance if the open space area stays as submitted on the GDP.*

Olmsted County Subdivision Ordinance requires the following: All subdivisions abutting a public lake, river or stream shall provide public access at least eighty feet in width to the low water elevation so that there will be public access at not more than one-half mile intervals as measured along the lake, river or stream shoreland.

*River access is being provided on this GDP, river access is provided on the east side of the subdivision through Salley Hill's access and environmental corridor. The township may want to consider an access easement to the west side of the river somewhere within this development.*

e. the schedule for development of infrastructure.

*Applicant has not provided one*

**6. In the review of a General Development Plan, the Commission and the Town Board shall make findings indicating that:**

a. proposed land uses are in accordance with the Olmsted County General Land Use Plan, any Cascade Township Land Use Plan, and Cascade Township Zoning Map;

*The land use is consistent with residential uses.*

b. the street pattern is appropriate to serve properties under consideration and future development of adjoining properties;

*The proposal is for 22 single family lots using the road way system; the lots are to be served by River Highlands Drive NW, and the proposed roadways of Majestic Drive NW, Majestic Circle NW and Majestic Lane NW. The connection to an existing roadway system is being provided via River Highland Drive NW. The GDP does not indicate if the road will be private or public nor has the township committed to taking over the road at this time. Private roads often are not constructed to meet the standards of a public roadway; if the development or the home owners in the future decide to petition to have the road taken over by the Township it may not be allowable unless the roads have major work done to them, by that time in many cases the developer no longer has an interest or ownership in the development. Moving forward we will consider the roads are being proposed as public.*

c. the proposal makes provision for planned capital improvements and streets based on the Olmsted County Capital Improvement Plan and Olmsted County Thoroughfare Plan;

*Olmsted County Public Works have been working with the applicant's consultant to work out final details for the parcels access onto county road 133. The applicant has addressed connectivity to the south by connecting and constructing River Highland Drive NW. Who pays for the portion of the roadway within River Highlands Subdivision which is not constructed will need to be worked out between the developers.*

- d. the proposal makes adequate provision for surface water drainage, soil erosion control, water supply and sewage treatment, consistent with State statute and rule and County or Township ordinance;

*The exhibit indicates three storm water basins included in the subdivision. A grading plan will have to be submitted and approved prior to construction of the road and or dwellings. Septic areas have been identified on each proposed lot. Four wells are shown on the exhibit.*

- e. the lot, block and street layout is consistent with general development and resource management policy, and subdivision design principles;

*The lot, block and street layout is consistent with the general development and resource management policy and subdivision design principals.*

- f. unique natural resource features and sensitive areas are protected through the open space provisions and appropriate lot layout;

*Open space has been identified on the GDP. No space is provided at the entrance to the development for a subdivision sign, although no sign is required, most subdivisions have them. If the developer decides a sign is needed, an easement for said sign would be warranted. The open space located across the river would have to be entered thru the Salley Hill Development. The proposal does lack enough open space to meet the ordinance requirements, and the developer will ask the Township Board of Adjustment for a variance to that standard during the preliminary plat process.*

- g. development will occur in an orderly fashion; and

*No phasing plan has been provided so we assume it will be done in a single phase. This would be considered orderly.*

- h. connecting roads are adequate to handle projected traffic, or provision has been made to correct deficiencies.

*The applicant and Olmsted Public Works are working on an agreement for the proposed access.*

## **General Development Plan Conclusion:**

Findings shall be based on the General Development Plan meeting the criteria as listed above. Staff has reviewed this request in accordance with the applicable standards and provisions as included in this report. Based upon staff review and analysis above, staff recommends that the Planning Commission move the request forward to the Town Board for approval with at least the following points for discussion:

- A. Public/private roadway?
  - B. Outlot A environmental corridor easement.
  - C. Access to the River, should it be provided in this subdivision on the west side?
  - D. Development of the portion of River Highlands Drive NW within the River Highlands Subdivision.
  - E. Outlot areas are not meeting 10% requirement. Variance.
  - F. Building on lot 3 block 1 will not meet the R-1 accessory building standard. Variance.
  - G. Final approval for the road access from Olmsted County Public Works.
  - H. Developer's agreement and its contents.
  - I. Will there be a homeowner's association?
  - J. The storm water areas will be privately owned, and not owned by an association-easements provided to the township for cleaning out if the owners of the lots do not maintain them? Will easements be large enough and have adequate grading to provide access to ponds? How do we prevent property owners who have ponds on their lots from filling them or changing the drainage?
  - K. Should there be a grading plan for the entire development instead of just the roadway areas as in the past? The plan would then include erosion measures to be followed on each lot when construction takes place on them.
- 

## **Application # 2: Rezoning**

### **Proposal Rezone:**

To rezone 73.05 acres from A-3 Agricultural Protection District to R-1 Low Density Residential District. Residential Districts currently surround the area on three sides. The petitioner is proposing to rezone the property in order to facilitate a residential subdivision of a suburban nature.

### **Land Use Plan:**

The property proposed for rezoning is located within an area designated as "Suburban Subdivision Area" on the Olmsted County General Land Use Plan.

### **Existing Land Use:**

The property has wooded areas, agricultural cropped areas and the Zumbro River is located just along a portion of the eastern edge of the property. Floodplain and hydric soils do exist and are mostly located on the east end of the parcel around the river. There is a shoreland buffer and a bluff impact zone that has been identified on the proposed GDP and there will be no structures allowed in these areas. The parcel has wooded areas on the east end, and areas of row cropping on the west part, the applicant did not submit any information on how many acres are actually being tilled, (see aerial photo). Some soils are considered good for row cropping on the western part of the parcel with crop equivalent ratings (CER's) of between 70 and 100; the eastern part of the

property has soils with CER's ranging from 15 to 65. Any lands with a CER lower than 55 are not considered good for row cropping (see attachment).

### **Adjacent Land Use and Zoning:**

The location of the 73 acre (approximately) parcel listed on the application is described as;

- adjacent to the south is River Highlands Subdivision and two non-platted parcels all zoned R-1
- adjacent to the west is Huntington Woods Subdivision, zoned R-1
- adjacent to the east across the river is Salley Hill Subdivision, zoned R-1

To the north is 75<sup>th</sup> Street and across 75<sup>th</sup> Street in Oronoco Township is the Goldberg Quarry operated by Mathy Construction and a single family dwelling on a non-farm parcel. In this area the properties south of the river are zoned A-3 and the properties north of the river are A-2; one non-farm parcel in the northwest corner of the intersection of County Road 133 and 75<sup>th</sup> Street NW exists and is zoned A-3; continuing further to the northwest is a farm parcel part of which is zoned A-2 and part A-3.

Because 75<sup>th</sup> Street has now become US Highway 63 and because a rock quarry is located north of this property, commercial uses may be considered better use of the property, if access off of 75<sup>th</sup> could be obtained. The rural service center district recently adopted by the township which allows for mixed uses may have been a better alternative for the property.

The developer has decided not to move forward with an RSD so staff must assess the proposal as applied for and since it is consistent with adjoining uses and consistent with the Olmsted County Land Use Plan as "Suburban Subdivision" the application should move forward.

### **Ordinance:**

Section 4.00 (C) of the Cascade Township Zoning Ordinance governs zoning amendments by property owners. The Planning and Zoning Commission's recommendation will be taken to the Township Board for final approval.

### **Reviewers List was the same as the GDP (see above)**

Comments have not been returned by reviewers. Any comments will be provided to the Commission at the hearing.

### **General Development Plan:**

The applicant has submitted a general development plan and a copy are provided in your packet.

### **Analysis:**

Most of the adjoining areas are zoned residential. Development on this parcel could be considered fill-in connecting other such residential developments in the area. The parcel does lie entirely within the "Suburban Subdivision Area" of the Olmsted County Land Use Plan.

### Findings

Section 4.00 H Amendment Findings (ordinance is in regular text, staff finding in italics)

1. The proposal is consistent with the policies of the General Land Use Plan;

*Fill in development within the Suburban Subdivision Area is preferred, rather than creating new areas throughout the Township. The Land Use Plan recommends residential development to occur in this area.*

2. the amendment is in the public interest;

*Suburban subdivisions are located in this area now. Roadways and transportation systems for the area have already been developed.*

3. the proposed development is timely based on surrounding land uses, proximity to development and the availability and adequacy of infrastructure;

*A majority of the area is suburban in nature now.*

4. the proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood.

*Adjoining properties to the south, east and west are zoned residential. No intensive agricultural uses are located within the area.*

5. the proposal does not result in spot zoning;

*Adjacent areas have already been developed into residential lots.*

6. The proposal is consistent with a GDP for the area, if one exists.

*A GDP has been provided.*

**Staff Recommendation:**

Staff has reviewed this request in accordance with the applicable standards and provisions as included in this report. Based upon staff review and analysis above, staff recommends approval of the zone change request, in conjunction with the Commission recommended approval of the proposed GDP.

**TOWNSHIP COOPERATIVE PLANNING ASSOCIATION -- CONSIDERATION OF ZONING REQUEST APPLICATION**

4111 11<sup>th</sup> Avenue SW Room 10  
Rochester, MN 55902

**-- T CPA --**

(507) 529-0774  
Fax: (507) 281-6821

TOWNSHIP Cascade

DATE 5/14/14

Property Address County Road #133/Hastings Lane NW

Rochester

City

Minnesota

State

55901

Zipcode

Legal Property Description A part of the Northwest Quarter, Section 1, Cascade Township.

Olmsted County, MN. See attached legal description.

Property Owner Sharon L. Haack  
Green Prairie Place, 810 2nd Ave. NW #103  
Plainview, MN 55964

City

State

Zipcode

Telephone # (507) 534-0113

Street Address:

Type of Request

☐ Conditional Use Permit

☐ Rezoning

☐ Review of Decision

☒ Other General Development Plan

Request Description Zone change to R-1 (low density residential) consistent with Suburban Subdivision Land Use.

Reason for Request To allow for low density, single family residential lots.

Existing Use of Property Agricultural / Homestead

Present Zoning Classification A-3

Requested Zoning Classification R-1

Has a request for rezoning, variance, or conditional use on the property been previously sought?

☐ Yes

☒ No

If Yes, when? \_\_\_\_\_

Signature of Applicant Terry Johnson V.P.  
Terry Johnson, V.P., Farmland, LLC.

Date 5-20-14

Filing Fee \$ \_\_\_\_\_, made payable to T CPA

Reviewed by the Planning Commission on \_\_\_\_\_, to consider the above request.

☐ Approved ☐ Denied for the following reason(s) \_\_\_\_\_

Chairperson's Signature \_\_\_\_\_

Reviewed by the Town Board of \_\_\_\_\_ on \_\_\_\_\_, to consider the  
recommendations of the Planning Commission on the above request. ☐ Approved ☐ Denied for the  
following reason(s) \_\_\_\_\_

Board Chairperson \_\_\_\_\_

Town Clerk \_\_\_\_\_

Supervisor \_\_\_\_\_

Supervisor \_\_\_\_\_

I, Sharon Haack, am the current owner of the property described in the attached re-zone application, whereby Farmland, LLC is the applicant. I am currently in the process of selling the property to Farmland, LLC by virtue of a Purchase Agreement dated March 19, 2014, which is to close on or before June 20, 2014. I hereby join in the application conditioned upon the following:

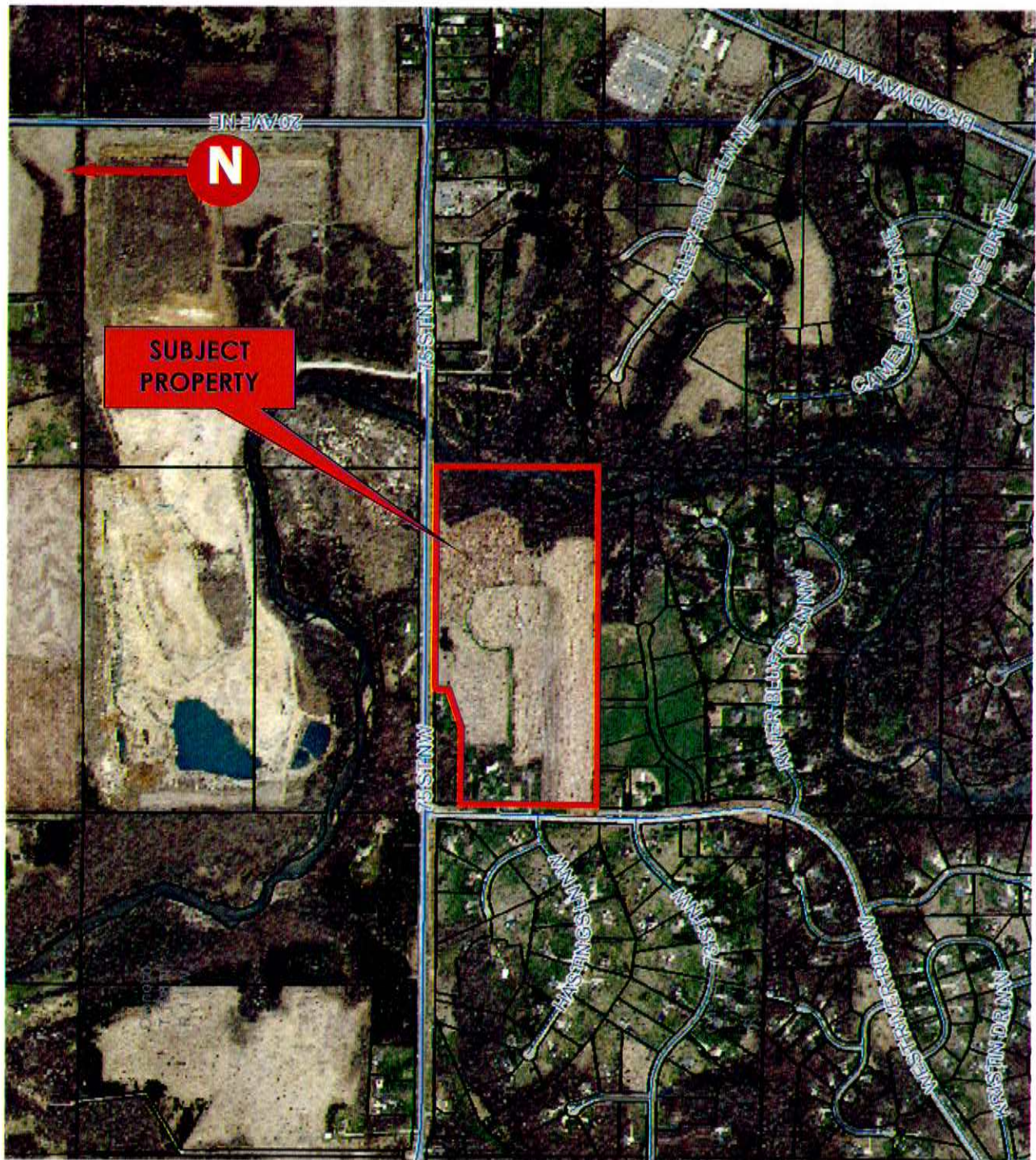
- 1) that the property sale must close on or before June 20, 2014;
- 2) that if the sale does not close on or before June 20, 2014, I do not want to re-zone my property;
- 3) I will not be responsible for completing any further paperwork regarding the re-zoning request;
- 4) I will not be responsible for any costs associated with the re-zoning request, which must be paid by Farmland, LLC.

If any of these contingencies are not met, I ask that the re-zoning be denied.

Dated: May 20, 2014

Sharon L. Haack  
Sharon L. Haack

**AERIAL PHOTO MAP**

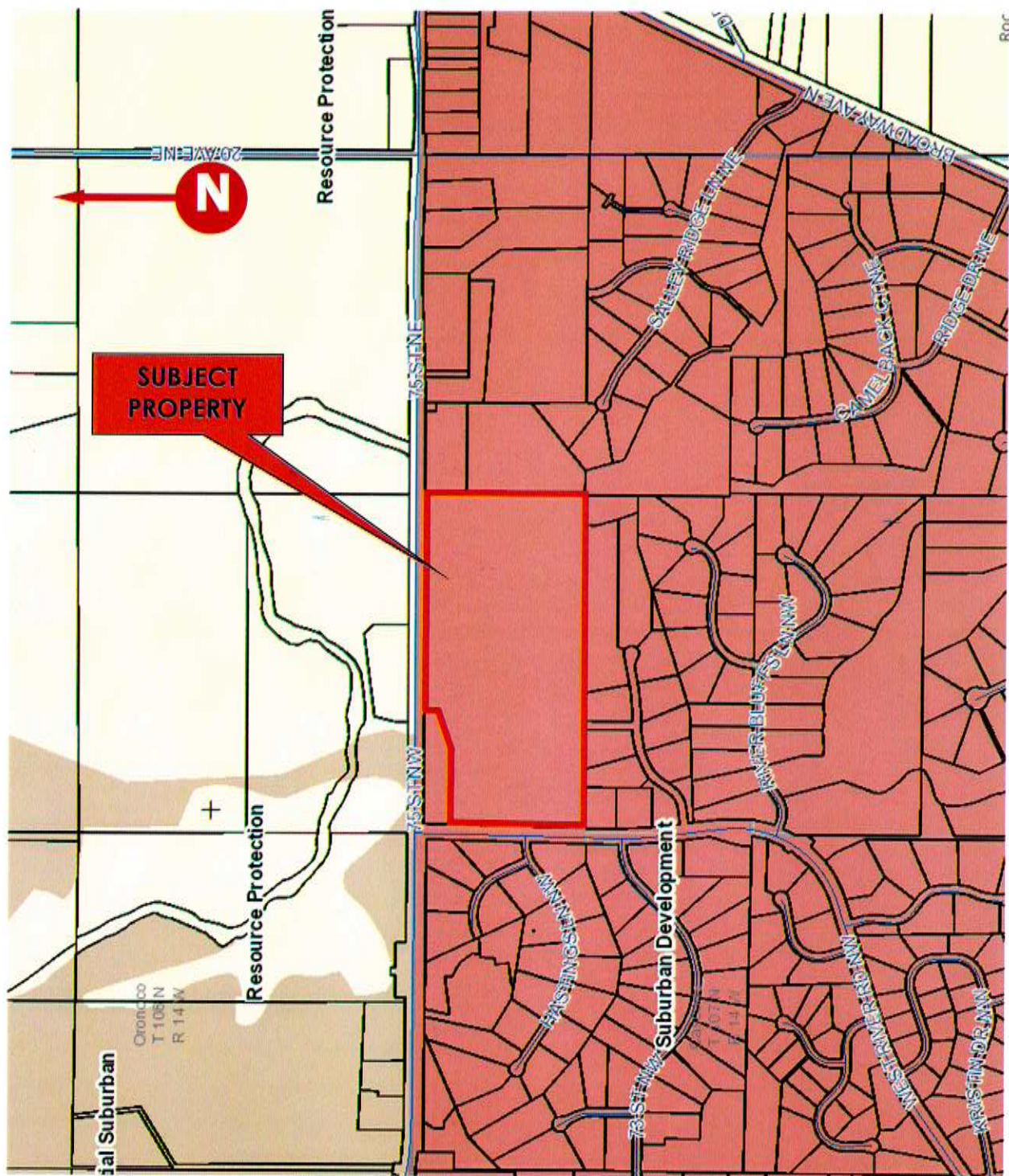


LEGAL DESCRIPTION:

Parcel #: 74.01.22.030715  
SECT-01 TWP-107 RANGE-014 72.58 AC N1/2 NW1/4 FRAC LESS COM AT NWCOR  
NW1/4 TH ELY 920FT TH S185FT TH SW332.04FT TH NW600FT TO W LINE NW1/4 TH  
N260FT TO BEG SEC 1 107-14

TCPA  
4111 11th Avenue SW  
Rochester, MN 55902  
www.tcpamn.org  
507-529-0774

# CASCADE LAND USE PLAN

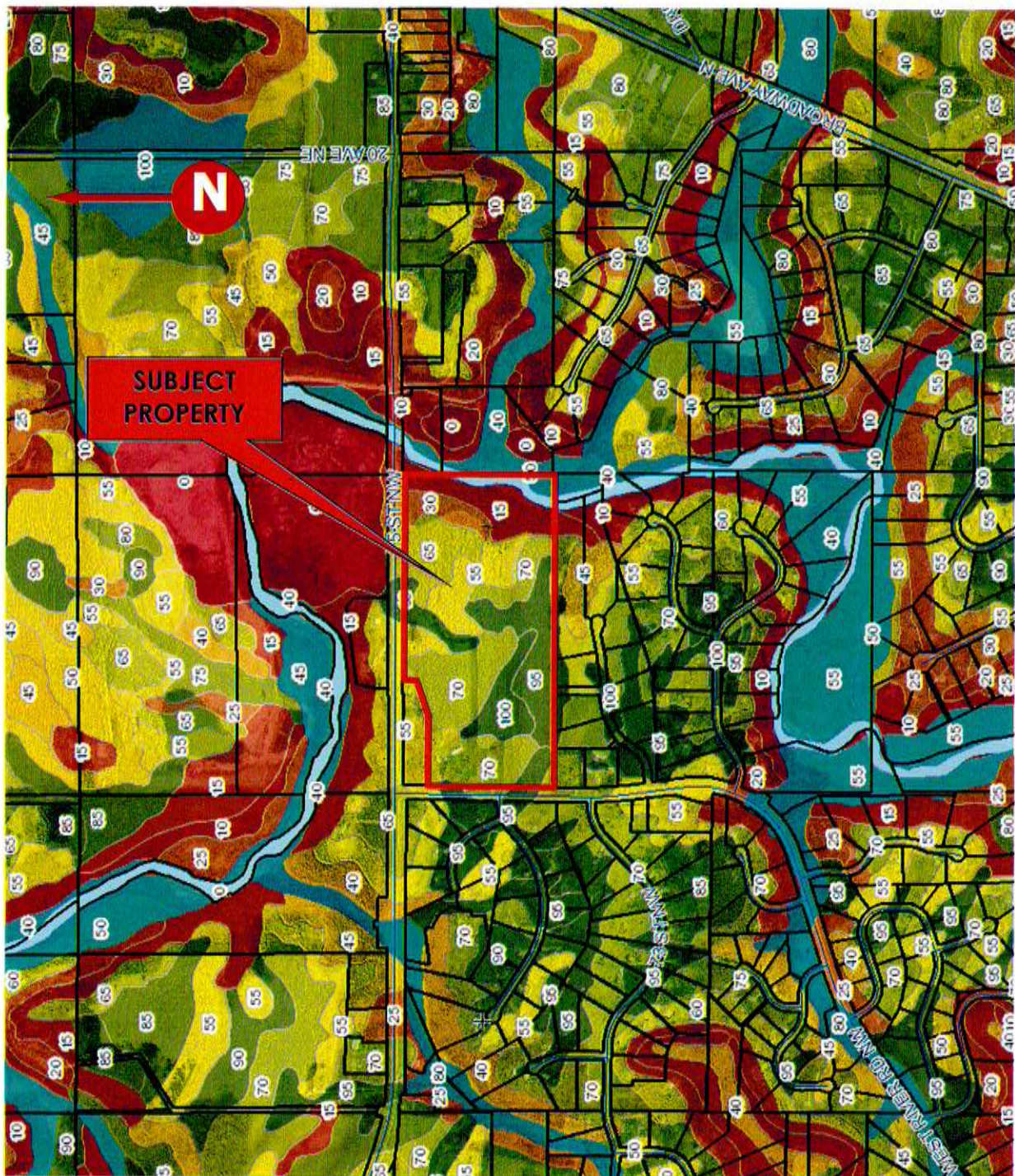


## LEGAL DESCRIPTION:

Parcel #: 74.01.22.030715  
 SECT-01 TWP-107 RANGE-014 72.58 AC N1/2 NW1/4 FRAC LESS COM AT NWCOR  
 NW1/4 TH ELY 920FT TH S185FT TH SW332.04FT TH NW600FT TO W LINE NW1/4 TH  
 N260FT TO BEG SEC 1 107-14

TCPA  
 4111 11th Avenue SW  
 Rochester, MN 55902  
[www.tcpamn.org](http://www.tcpamn.org)  
 507-529-0774

# SOILS MAP



## LEGAL DESCRIPTION:

Parcel #: 74.01.22.030715

SECT-01 TWP-107 RANGE-014 72.58 AC N1/2 NW1/4 FRAC LESS COM AT NWCOR  
NW1/4 TH ELY 920FT TH S185FT TH SW332.04FT TH NW600FT TO W LINE NW1/4 TH  
N260FT TO BEG SEC 1 107-14

TCPA  
4111 11th Avenue SW  
Rochester, MN 55902  
[www.tcpamn.org](http://www.tcpamn.org)  
507-529-0774

# REZONING EXHIBIT

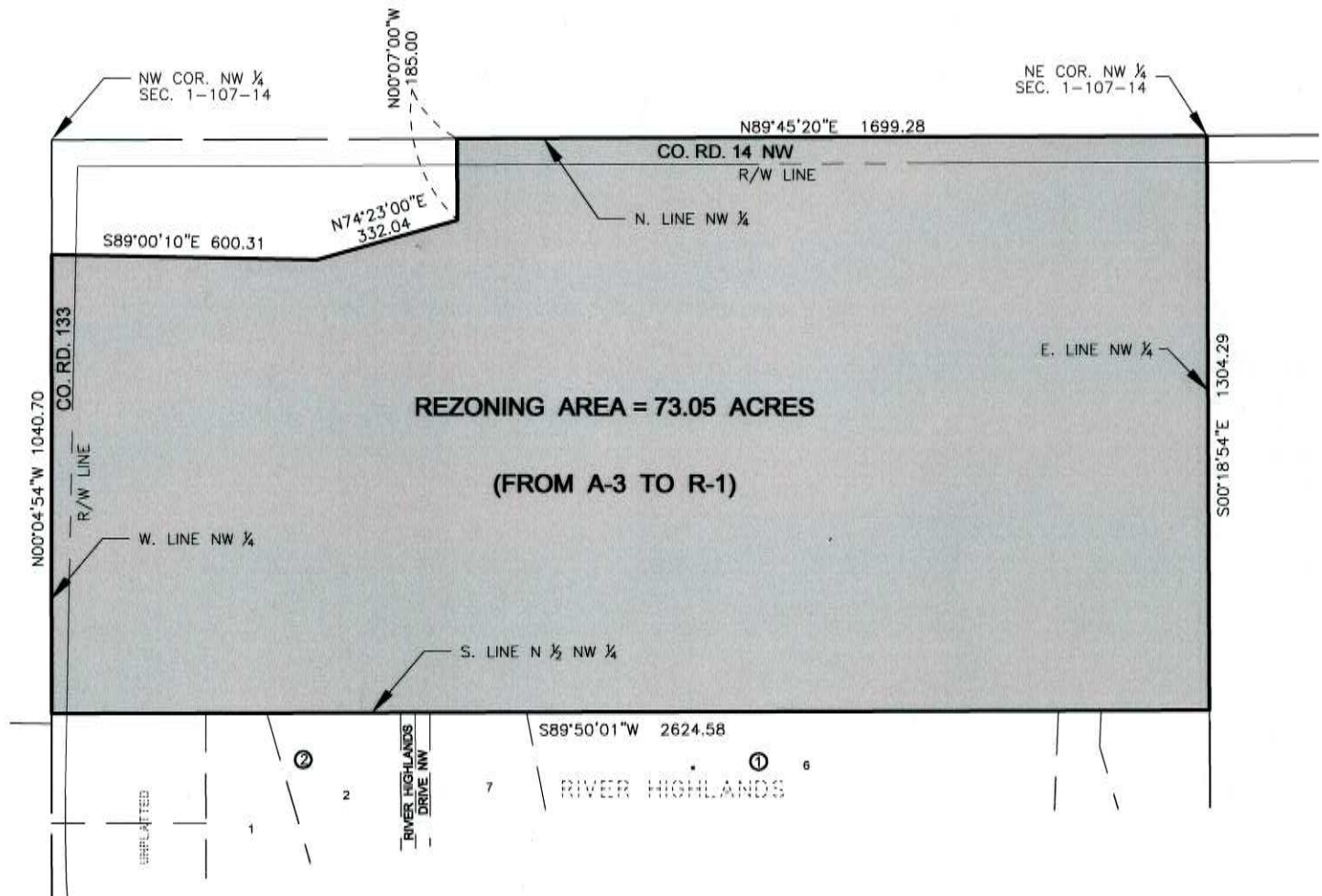
## REZONING DESCRIPTION:

The North Half of the Northwest Quarter ( $N\frac{1}{2}NW\frac{1}{4}$ ) of Section 1, Township 107, Range 14, excepting therefrom the following: Beginning at the northwest corner of said Northwest Quarter ( $NW\frac{1}{4}$ ); thence on an assumed bearing of North 89 degrees 52 minutes 20 seconds East along the North line of said Northwest Quarter ( $NW\frac{1}{4}$ ) a distance of 920 feet; thence South 185 feet; thence South 74 degrees 30 minutes 00 seconds West 332.04 feet; thence North 88 degrees 53 minutes 10 seconds West 600 feet to the West line of said Northwest Quarter ( $NW\frac{1}{4}$ ); thence North along said West line a distance of 260.00 feet to the point of beginning.

Containing 73.05 acres, more or less.



SCALE: 1" = 400'



CLIENT: MAJESTIC HOMES

SCALE: 1" = 400'

DRAWN BY: JJR

DATE: 05/22/14

ACCT. NO.: 02421-010

DWG: 02421-010 EX2

FILE NUMBER:

BK.

PG.

Land Surveying  
Urban-Land Planning  
Consulting - Civil Engineering  
Geotechnical Engineering  
Construction Material Testing  
Landscape Architecture  
1648 Third Avenue S.E.  
Rochester, MN 55904  
Telephone 507.289.3919  
Facsimile 507.289.7333

McGhie



Betts

WSB  
& Associates, Inc.

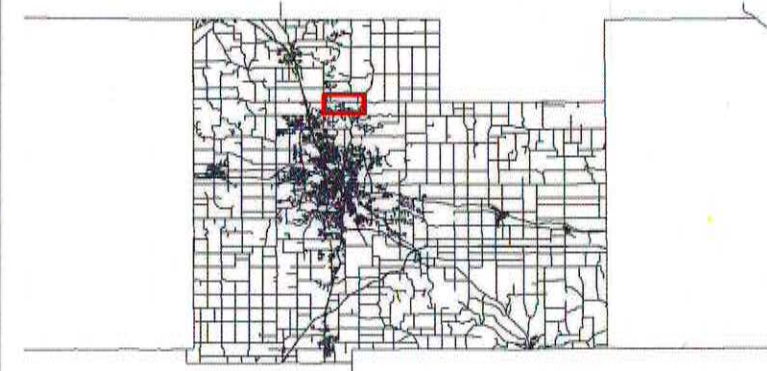
email: mbl@mcghiebetts.com





- Legend**
- OLMSTED COUNTY ZONING
- A1, Agricultural Protection
  - A2, Agricultural Protection
  - A3, Agricultural
  - A4, Agricultural - Urban Expansion
  - HC, Highway Commercial
  - I, Industrial
  - R1, Low Density Residential
  - RA, Rural Residential
  - RSD, Rural Service Center
  - SD, Special District

GENERAL DEVELOPMENT PLAN  
**MAJESTIC MEADOWS**  
 PART OF NW 1/4 SECTION 1-107-14  
 OLMSTED COUNTY, MINNESOTA



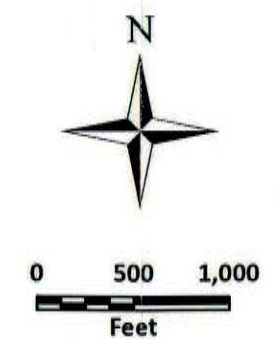
Client:  
 Farmland LLC  
 4089 Stone Point Dr NE  
 Rochester, MN 55906

Job No. 02421-010

Map By: BMO

Map Scale: 1" = 1,000'

Date: 5/22/2014





Roger Irlhke &lt;roger@tcpamn.org&gt;

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**development in section 1 cascade township**

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**Goslee Sandra** <goslee.sandi@co.olmsted.mn.us>

Fri, May 30, 2014 at 9:57 AM

To: "roger@tcpamn.org" &lt;roger@tcpamn.org&gt;

Cc: Harford John &lt;harford.john@co.olmsted.mn.us&gt;, Ellerbusch Jeff &lt;ellerbusch.jeff@co.olmsted.mn.us&gt;

Roger,

The Haack property is indeed designated as Suburban Development on the Olmsted County Future Land Use Map, so that is consistent with the proposed R-1 rezoning. As far as the density of the proposed development goes, the Plan states "The long-term predominant use of these areas is intended to be

very low-density residential development (3.5 acres per lot average density) relying for the indefinite future on on-site sewage treatment and private water supplies." This wording appears to be a bit different than the previous version of the Plan in that the density applies to the "area" whereas previously (2000 Plan) it applied to the "particular site".

Page 29 under "Cluster Development" of the Plan goes on to say "Suburban densities averaging 3 or more acres per unit can be accomplished either through conventional large lot development designs or through cluster designs."

Based on the densities of suburban developments approved in the past 10 years, the statement that the 3.5 acres/lot density applies to the "area", and the recognition that suburban densities of 3+ acres can be accomplished through conventional large lot development designs, staff is of the opinion that this proposal meets the intent of the Olmsted County Future Land Use Plan, based on the information you provided us. One thing you may want to look into further, however, is whether there are any sensitive environmental features on the site that might be better protected through the use of cluster development design than traditional design.

Please let me know if you have any other questions on this item. Have a great weekend!

***Sandi Goslee***

Sandi Goslee, Principal Planner | Rochester-Olmsted Planning Department | 2122 Campus Drive SE, Suite 100 |  
Rochester, MN 55904 | Phone: 507.328.7133 | Fax: 507.328.7958 | E-mail: [goslee.sandi@co.olmsted.mn.us](mailto:goslee.sandi@co.olmsted.mn.us)

---

**From:** Harford John  
**Sent:** Thursday, May 29, 2014 3:49 PM  
**To:** Goslee Sandra  
**Subject:** FW: development in section 1 cascade township

Another part of the puzzle.

John

---

**From:** Roger Ihrke [<mailto:roger@tcpamn.org>]  
**Sent:** Thursday, May 29, 2014 2:52 PM  
**To:** Harford John  
**Subject:** development in section 1 cascade township

[Quoted text hidden]

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**From:** Harford John  
**Sent:** Thursday, May 29, 2014 3:48 PM  
**To:** Ellerbusch Jeff; Goslee Sandra  
**Subject:** FW: Rezone

Sandi would you be able to comment on this email and proposal per the land use plan?

John

---

**From:** Roger Ihrke [<mailto:roger@tcpamn.org>]  
**Sent:** Thursday, May 29, 2014 2:17 PM  
**To:** Harford John  
**Subject:** Rezone

John:

We have received a request to rezone a property in Section 1 of Cascade Township from A-3 Agricultural Protection District to R-1 Low Density Residential District. The property is presently owned by Sharon Haack and the legal is most of the North 1/2 of the Northwest Quarter of Section 1 of Cascade Township. The most recent land use plan map on the County web site shows the property within the "Suburban Subdivision Area" of the Olmsted County Land Use Plan.

Would you review this request and determine if rezoning would be consistent with the Olmsted County Land Use Plan.

Roger Ihrke



Michael Brown <townclerk.cascadetownship@gmail.com>

---

## Haack Rezone report

5 messages

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David Meir <david@tcpamn.org>

Mon, Jun 9, 2014 at 1:33 PM

To: Michael Brown <townclerk.cascadetownship@gmail.com>

Mike,

Attached please find the scanned Haack Rezone report.

I have also mailed hard copies to all Town Board and Planning Commission members.

Let me know if you have questions.

Respectfully,

**David H. Meir**

TCPA Zoning Administrator  
4111 11th Avenue SW  
Room 10  
Rochester, MN 55902

ph: 507-529-0774  
fax: 507-281-6821

[TCPA Website](#)



**Haack\_Rezone.pdf**  
4452K

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Michael Brown <townclerk.cascadetownship@gmail.com>

Mon, Jun 9, 2014 at 1:59 PM

To: Arlen Heathman <raheathman@gmail.com>, Ron Schaap <rondschaap@msn.com>, Chuck Masog <cmasog@msn.com>, Char Brown <brownmk@charter.net>, Dan Frissora <danfriz@gmail.com>  
Bcc: brown.char@mayo.edu

For those who prefer an electronic copy, attached is the TCPA report for the Haack property GDP and rezone.

[Quoted text hidden]

--

Michael Brown  
Clerk/Treasurer  
Cascade Township, Olmsted County, MN  
[www.cascadetownship.us](http://www.cascadetownship.us)



**Haack\_Rezone.pdf**  
4452K

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**Robert Heathman** <raheathman@gmail.com>

Tue, Jun 10, 2014 at 11:13 AM

To: Michael Brown <townclerk.cascadetownship@gmail.com>

Cc: Ron Schaap <rondschaap@msn.com>, Chuck Masog <cmasog@msn.com>, Char Brown <brownmk@charter.net>, Dan Frissora <danfriz@gmail.com>

Unless I have my numbers wrong, there appears to be at least one lot, possibly two too many ..... 70.3 acres divided by 3.5 = 20.08 lots .... I count 22 .... Decreasing the open space does not allow additional lots .... The two aren't tied together like that .... The open space issue is separate here, but the number of lots is in the ordinances ..... just a comment ....

[Quoted text hidden]

---

**Michael Brown** <townclerk.cascadetownship@gmail.com>

Tue, Jun 10, 2014 at 11:22 AM

To: Robert Heathman <raheathman@gmail.com>

Cc: Ron Schaap <rondschaap@msn.com>, Chuck Masog <cmasog@msn.com>, Char Brown <brownmk@charter.net>, Dan Frissora <danfriz@gmail.com>, Roger TCPA <roger@tcpamn.org>, David Meir <david@tcpamn.org>

Bcc: brown.char@mayo.edu

A good question so I have copied TCPA on this comment so that they can be prepared to answer the question regarding the 3.5 acre average. Discussion and debate amongst the commission should take place at the public meeting.

I may be overly cautious regarding public hearings and the open meeting law but I'm willing to accept that criticism.

Thank you.

[Quoted text hidden]

---

**Robert Heathman** <raheathman@gmail.com>

Tue, Jun 10, 2014 at 11:57 AM

To: Michael Brown <townclerk.cascadetownship@gmail.com>

point taken .... thanks for the reminder

Arlen

[Quoted text hidden]

**Document Title:** Cascade Township Planning Commission Rules of Procedure

**Effective Date:** Month, Day, Year

**Scope:** These Rules of Procedure apply to the operation of the Cascade Township Planning Commission

**Precedence:** In case of conflict between these Rules of Procedure and any ordinance of Cascade Township, the Cascade Township Ordinance shall take precedence.

**Amendments:** The Planning Commission rules of procedure may be amended at any regular meeting of the Planning commission by a majority vote of the entire membership. Copies of such rules shall be available to the public through the Cascade Township Clerk's office.

### **Section 1. Meetings:**

- a. Regular Meetings. The Planning Commission meets on the third Tuesday of each month, in the Cascade Township Town Hall, commencing at 7:00PM unless otherwise noticed.
- b. Special Meetings. The Planning Commission shall meet for special meetings at the call of the Chair or a majority of the Planning Commission.
- c. Open Meeting Requirements and Notification:
  - i. The open meeting provisions of the Statutes of the State of Minnesota shall apply to Planning Commission meetings.
  - ii. Notification procedures shall follow the requirements of the Cascade Township Zoning Ordinance and the Statutes of the State of Minnesota.
- d. Record. A record will be made of all public hearing proceedings and all other meetings. Public hearing proceedings will be audio recorded by means of electronic equipment.
- e. Minutes. The Scribe will prepare minutes of each meeting that include all pertinent information, motions, decisions made, and actions and votes taken. The objective of the meeting minutes is to maintain a complete factual record of motions, findings of fact and actions taken by the Planning Commission. Approved minutes shall be submitted to the Township Clerk and shall include at least the following:
  - i. Date, time called to order, time adjourned, place
  - ii. Members' attendance
  - iii. General description of matters considered
  - iv. An accurate description of all legal actions proposed, discussed or taken, and the names of members who proposed each motion, and
  - v. Names of persons making statements or presenting material to the public body and a brief description of the presented material
  - vi. Signatures by the Chair and Scribe

### **Section 2. Officers:**

- a. Appointment. The Planning Commission has the following officers:
  - vii. The Chair;
  - viii. Vice Chair;

- ix. Scribe; and
- b. Temporary Chair. If both the Chair and Vice Chair are absent from a meeting, the Planning Commission shall, by a majority vote of those members present, elect a Temporary Chair for that meeting. The Temporary Chair shall have the full powers of the Chair during the absence of the Chair and Vice Chair.
- c. Duties of Officers. The duties and powers of the officers of the Planning Commission are as follows:
  - i. Chair: Preside at all meetings and hearings of the Planning Commission, call meetings of the Planning Commission, work with the Scribe to set the meeting agendas, declare votes, and sign documents of the Planning Commission.
  - ii. Vice Chair: During the absence, disability, or disqualification of the Chair, or upon the request of the Chair, the Vice Chair shall exercise all the duties and be subject to all the responsibilities of the Chair.
  - iii. Scribe: Keep a record of all meetings of the Planning Commission, prepare, with the Chair, meeting agendas, coordinate and distribute meeting materials, including written comments received from the public, prior to the meeting.
  - iv. Chairing the Meetings: The person chairing the meeting shall make every effort to facilitate the orderly discussion of the Planning Commission and to guide the Commission in making recommendations to the Board.

### **Section 3. Rules of Procedure:**

- a. Order of Business. Each regular meeting of the Planning Commission will consist of the following order of business (items may be taken out of order at the discretion of the Chair):
  - i. Call to Order
  - ii. Roll Call
  - iii. Pledge of Allegiance
  - iv. Announcement of agenda. Items can be added to a regular meeting agenda by the Chair or by vote of the Planning Commission.
  - v. Approval of Minutes
  - vi. Call to the Audience on any topic that is not the subject of a public hearing.
  - vii. Hearings
  - viii. Study Sessions
  - ix. Unfinished Business
  - x. New Business
  - xi. Round-the-table
  - xii. Second call to the Audience may be included at the discretion of the Chair
  - xiii. Adjournment
- b. Study Sessions. The purpose of study sessions is to allow the Planning Commission to hear presentations on items prior to their presentation at a public hearing. The Planning Commission is allowed to ask questions and request more information on such items in an effort to better

prepare for the public hearing. The Chair may allow members of the public to speak at a study session.

c. Public Hearings.

a. The following procedure shall be utilized for all public hearings as determined by the Chair:

- i. Opening statement by the Chair
- ii. Chair shall declare the Public Hearing open before the staff presentation is given.
- iii. Presentation by staff and, as applicable, applicant.
- iv. Questions for staff and/or applicant, as applicable.
- v. Chair opens the public comment portion of the meeting.
  1. All persons wishing to speak in favor.
  2. All persons wishing to speak in opposition.
  3. Applicant rebuttal, if requested.
- vi. Chair closes the public comment portion of the meeting.
- vii. Discussion by the Planning Commission.
- viii. Motion for recommendation and a second.
- ix. Further discussion and deliberation. Deliberation shall include:
  1. The information submitted;
  2. The written comments received;
  3. Any presentation and discussion made at the hearing;
  4. The staff report
- x. Vote.
- xi. Chair shall declare the Public Hearing closed.

b. The Chair may re-open the public comment portion of the meeting after it has been closed and prior to a vote that establishes a recommendation.

c. The Planning Commission may continue the matter to a specific date, time and place by an affirmative vote of a majority of the members present.

d. The Planning Commission may also agree to keep the public comments open solely for written comment to be submitted by an agreed upon date. However, in no event shall oral comments be permitted unless the Planning Commission decides to re-open the public hearing and has properly provided notice before doing so.

e. Persons attending Planning Commission meetings and hearings shall remain silent during the proceedings except when called upon by the Chair to address the Planning Commission.

f. Persons speaking to the Planning Commission shall address the matter under consideration by the Planning Commission in a courteous and respectful manner.

g. Comments to the Planning Commission should not repeat or duplicate the comments of others who have already spoken.

h. The Chair may impose time limits on public comments at the beginning of a public hearing when appropriate.

d. Motions.

- a. Motion. A proposal for some type of action made by one Commissioner, seconded on by another, and then voted on by the full Planning Commission. The name of the members making and seconding a motion shall be recorded in the minutes of the meeting.
- b. Substitute Motion. Substitute motions are made by another commissioner after a motion has been made and seconded, but before a vote has been taken. When substitute motions are made, they must be voted on first before a vote can be taken on the main motion. If the substitute motion is passed, the main motion is dropped.
- c. Friendly Amendment. Friendly amendments to motions are requests to amend a motion. They can be proposed by Commissioners after a main motion has been made and seconded, but must be accepted/approved by the Commissioner whose motion they want to amend and the seconder of that motion.
- d. Making Motions. There are six steps to processing motions. In instances where there are substitute motions, these six steps must be followed on the secondary motions before the main motion can be voted on.
  - i. A Commissioner makes a motion.
  - ii. Another Commissioner seconds the motion. This Commissioner does not have to agree with the motion, rather, they only have to agree that it should be discussed.
  - iii. The Chair may restate or have the motion restated, formally placing it before the Planning Commission.
  - iv. Debate/discussion ensues.
  - v. The Chair asks for a vote on the motion.
  - vi. The Chair announces the result of the vote.
- e. Call to the Audience.
  - a. Any member of the public is allowed to address the Planning Commission on any issue except items scheduled for a public hearing at the meeting.
  - b. Speakers are limited to five minute presentations.
  - c. Speakers must state their name, address, whom they represent and the subject matter.
  - d. The Planning Commission may not take action on new matters raised during the Call to the Audience. The Planning Commission may, at its discretion, request an item be placed on a future agenda.
- f. Decorum and Debate.
  - a. When members desire to make a motion they shall address themselves to the Chair.
  - b. No member shall interrupt another, except to Call to Order or to correct a mistake.
  - c. No person shall interrupt proceedings.
  - d. Opportunities for public participation include the Call to the Audience and the open comment period during public hearings.
- g. Voting.
  - a. Each member present at a meeting shall cast one vote on each motion. Voting may be by voice call or by roll call.

- b. Although it is the duty of every member to vote, a member may abstain. An abstention has the same effect as a negative vote.
- c. Majority and Minority Opinions. As determined by the Planning Commission, a minority report may accompany a voted decision or recommendation. An additional spokesperson may be designated to present the minority report.
- h. Conflict of Interest. Any member of the Planning Commission who has a conflict of interest related to any matter before the Planning Commission shall so publicly state and shall refrain from participating in the meeting, shall step down and leave the hearing room and shall abstain from all proceedings, deliberations and voting on the matter. The minutes shall show that the member left the hearing room.

Adopted by Cascade Township Planning Commission, Month, Day, Year

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Chairperson

-----

Scribe

**ORDINANCE NO. 13-02****OLMSTED COUNTY CASCADE TOWNSHIP ILLICIT  
DISCHARGE ORDINANCE**

- Section I. Purpose/Intent
- Section -II. Definitions
- Section III. Applicability
- Section ~~I~~IV. Responsibility for Administration
- Section V. Severability
- Section VI. Discharge Prohibitions
- Section VII. MS4 Access
- Section VIII. Monitoring of Discharges
- Section -IX. Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices
- Section X. Watercourse Protection
- Section XI. Notification of Spills
- Section XII. Enforcement
- Section XIII. Appeal of Notice of Violation
- Section XIV. Enforcement Measures After Appeal
- Section XV. Cost of Abatement of the Violation
- Section XVI. Injunctive Relief
- Section XVII. Violations Deemed a Public Nuisance
- Section XVIII. Criminal Prosecution
- Section XIX. Remedies Not Exclusive
- Section XX. Adoption of Ordinance

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**Section I. Purpose/Intent.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of ~~Olmsted County~~Cascade Township through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the ~~county-township~~ separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

1. To regulate the contribution of pollutants to the ~~county-township~~ separate storm sewer system (MS4) from ~~stormwater~~storm water discharges by any user
2. To prohibit Illicit Connections and Discharges to the ~~county-township~~ separate storm sewer system
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

**Section II. Definitions.**

For the purposes of this ordinance, the following shall mean:

**Authorized Enforcement Agency.** An agent of the Cascade Township Board of Supervisors designated to enforce this Ordinance or his or her designees.

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**Best Management Practices (BMPs).** ~~schedules~~ Schedules of activities, prohibitions of practices, general good house-keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Construction Activity.** Activities subject to NPDES Construction Permits or the erosion control or runoff control plan requirements of ~~Olmsted County~~ Cascade Township Zoning Ordinance (~~OCZO~~) Section 10.20. NPDES Storm Water permits are required for construction projects resulting in land disturbance of 1 acre or more, or as otherwise required by the Minnesota Pollution Control Agency. Such activities include but are not limited to a land disturbing activity, clearing and grubbing, grading, excavating, and demolition.

**Director.** ~~The director of the county agency designated to enforce this ordinance or his or her designees~~

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illegal Discharge.** Any direct or indirect discharge to the storm drainage system that is not storm water runoff (a "non-storm water discharge"), except as exempted in Section VI of this ~~e~~Ordinance.

**Illicit Connections.** An illicit connection is defined as any of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drainage system, including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system; or any connection to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an ~~authorized~~ Authorized enforcement ~~Enforcement agency~~ Agency; or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an ~~authorized~~ Authorized enforcement ~~Enforcement agency~~ Agency.

**Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit.** ~~means a~~ A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Non-Storm Water Discharge.** Any discharge to the storm drainage system that is not composed entirely of storm water.

**Person.** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent, or has charge, care or

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Space Before: 0 pt, Line spacing: single

control of the property-.

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes as defined in state statute or other discarded or abandoned objects, munitions, accumulations including litter, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers-; hazardous substances and wastes; sewage, fecal coliform and pathogens and sewage sludge; dissolved and particulate matter including soil sediment; animal wastes; wastes and residues that results from constructing a building or structure or grading work; industrial and agricultural waste; and noxious or offensive matter of any kind.

**Precipitation** - A deposit on the earth of hail, mist, rain, sleet, or ~~snow-snow~~; also, the quantity of water ~~deposited-deposited~~.

**Premises.** Any building-, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Storm Drainage System.** Publicly-owned facilities by which storm water is collected and/or conveyed-, including but not limited to any roads with drainage systems, municipal or county streets, gutters, curbs, inlets, piped storm drains, pumping ~~facilities-facilities~~, retention and detention basins and other storm water facilities, natural and human-made or altered drainage channels, reservoirs-, and other drainage structures located within ~~the townships of Cascade, Haverhill, Marion and Rochester-Cascade Township~~.

**Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation-, and resulting from such precipitation-.

**Stormwater Pollution Prevention Plan (SWPPP).** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**Urbanized Area-.** The portions of ~~the City of Rochester and the Townships of Cascade, Haverhill, Marion, and Rochester~~Cascade Township which have been identified by the U.S. Census Bureau as part of the Rochester, Minnesota Urbanized Area [see map].

**Wastewater.** Any water or other liquid, other than uncontaminated storm water, discharged from a facility-.

**Watercourse.** Any channel having definable beds and banks capable of conducting generally confined runoff from adjacent lands. During floods water may leave the confining beds and banks but under low and normal flows water is confined within the channel. A watercourse may be perennial or intermittent and natural or artificially constructed-. A watercourse includes but is not limited to all public waters-.

**Waters of the United States.** As defined in 33 U.S.C. §1251 et seq. (1972) and as amended from time to time.

### Section III. Applicability.

This ~~ordinance-Ordinance~~ shall apply to all storm water-, non-storm water discharge, pollutant,

wastewater or other discharge entering the storm drainage system under the jurisdiction of ~~Olmsted County~~Cascade Township generated on any developed and undeveloped lands within ~~the townships of Cascade, Haverhill, Marion and Rochester~~Cascade Township as described on the attached map and in the definition unless explicitly exempted by an ~~authorized~~Authorized ~~enforcement~~Enforcement agencyAgency.

**Comment [CLB1]:** Need to attach a map or modify this assertion.

## Section IV. Responsibility for Administration.

The ~~Olmsted County Public Works Department~~Cascade Township Board of Supervisors shall administer, implement, and enforce the provisions of this ~~ordinance~~Ordinance. Any ~~powers granted or duties imposed upon the Olmsted County Public Works Department~~the Cascade Township Board of Supervisors may be delegated in writing by the ~~Director of the Olmsted County Public Works Department~~ to persons or entities acting in the beneficial interest of or in the employ of the ~~agency~~Board. All further references in the ~~ordinance~~Ordinance shall be identified as "the ~~agency~~Board".

## Section V. Severability.

The provisions of this ~~ordinance~~Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

## Section VI. Discharge Prohibitions.

### Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the ~~County~~township storm drainage system or watercourses any materials other than storm water. Materials not permitted to be discharged into the storm drainage system include but are not limited to pollutants or waters containing pollutants that cause or contribute to a violation of applicable water quality standards.

A. Illegal Discharge. The commencement, ~~-~~conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this ~~ordinance~~Ordinance: flushing of municipal water lines or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated to a level of less than one PPM chlorine), ~~fire-fighting~~firefighting activities, and any other water source not containing Pollutants.
2. Discharges specified in writing by the ~~agency~~Board as being necessary to protect public health and safety.
3. Dye testing is an allowable discharge, but requires a written notification to the ~~agency~~Board at least three days prior to the time of the test.
4. Any non-storm water ~~-~~discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided ~~-~~that written approval has been granted for any discharge to the storm drain system. Proof of compliance with said permit may be required in a form

acceptable to the ~~agency-Board~~ prior to the allowance of discharges to the MS4.

**B. Prohibition of Illicit Connections.**

1. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ~~ordinance-Ordinance~~ if the person connects a pipe from a premises that conveys sewage to the MS4, or allows such a connection to continue.

## Section VII. MS4 Access.

**A. General Permission**

Any parcel existing as of the effective date of this ~~ordinance-Ordinance~~ is presumed to have permission to discharge storm water to the ~~County-township~~ MS4 system provided it is in compliance with provisions of NPDES permits, grading permits or other development approvals in effect at the time of development, except as provided below.

**B. Performance Standards**

~~The County~~Cascade Township may adopt standards applying to the water quality, rate of flow, and volume of discharge of storm water to the MS4 system that apply retroactively to any parcel discharging storm water to the system.

**C. Suspension due to Illegal Discharges in Emergency Situations.**

The ~~agency-Board~~ may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the ~~agency-Board~~ may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons. This may include, but is not limited to, installation of a storm sewer pipe plug to stop an actual or threatened illegal discharge.

**D. Suspension due to the Detection of Illegal Discharge.**

Any person discharging to the MS4 in violation of this ~~ordinance-Ordinance~~ may have their MS4 access terminated if such termination would abate or reduce an illicit discharge-. This may include, but is not limited to, installation of a storm sewer pipe plug to abate or reduce an illicit discharge. The ~~agency-Board~~ will notify a violator of the proposed termination of its MS4 access in writing. The violator may petition the ~~agency-Board~~ in writing for a reconsideration and hearing within 5 business days following the termination of access to the MS4.

A person commits a violation if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the ~~agencyBoard~~.

## Section VIII. Monitoring of Discharges.

**A. Applicability.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction ~~activity-activity~~.

#### B. Access to Facilities.

1. The ~~agency-Board~~ shall be permitted to enter and inspect premises or facilities subject to regulation under this ~~ordinance-Ordinance~~ as often as may be necessary to determine compliance with this ~~ordinance-Ordinance~~. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the ~~agency-Board~~.
2. Facility operators shall allow the ~~agency-Board~~ ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The ~~agency-Board~~ shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the ~~agency-Board~~ to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The ~~agency-Board~~ has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written request of the ~~agency-Board~~ and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the ~~agency-Board~~ access to a permitted facility is a violation of a storm water discharge permit and of this ~~ordinance-Ordinance~~. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits a violation if the person denies the ~~agency-Board~~ reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ~~ordinance-Ordinance~~.
7. If the ~~agency-Board~~ has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ~~ordinance-Ordinance~~, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ~~ordinance-Ordinance~~ or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the ~~agency-Board~~ may seek issuance of a search warrant from any court of competent jurisdiction.

### Section IX. Requirements to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

~~Olmsted County~~Cascade Township will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drainage system, or Waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, protection from accidental discharge of prohibited materials or other wastes into the ~~county-township~~ storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illegal discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the ~~County's-township's~~ separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of

the NPDES permit.

## Section X. Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, or contaminate, the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the MS4

## Section XI. Notification of Spills.

- A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water-, the storm drainage system, or Waters of the United States said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.
- B. Hazardous Materials Illegal Discharge: In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services-.
- C. Non-Hazardous Illegal Discharge: In the event of a release of non-hazardous materials, said person shall notify the ~~authorized~~ Authorized enforcement Enforcement agency-Agency in person, by phone or e-mail no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the ~~Olmsted County Public Works Department~~ Cascade Township Board of Supervisors within three business days of the oral notice.
- D. Records Retained: If the illegal discharge emanates from a commercial or industrial establishment-, the owner or operator of such establishment shall also retain an on-site written record ~~of the of the~~ discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years-.

## Section XII. Enforcement.

### A. Notice of Violation.

Whenever the ~~Olmsted County Public Works Department~~ Cascade Township Board of Supervisors finds that a person has violated a provision or failed to meet a requirement of this Ordinance, the ~~agency~~ Board may order -compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or illegal discharges;
3. That violating discharges-, practices-, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a

deadline within which such remediation or restoration must be completed-. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline-, the work will be done by a designated governmental agency -or a contractor and the expense thereof shall be charged to the violator.

### Section XIII. Appeal of Notice of Violation.

Any -person -receiving a Notice of Violation- may appeal the determination -of the ~~agency~~Board-. The notice of appeal must be received within 10 business days from the date of the Notice of Violation-. Hearing on the appeal before the ~~Environmental Commission~~Board of Adjustment shall take place within- 30 business days from the date of receipt of the notice of appeal. The ~~Environmental Commission~~Board of Adjustment shall issue a written decision -supported by findings -of fact. The decision- of the ~~Environmental Commission~~Board of Adjustment- -may be appealed to the Olmsted County District Court by filing a notice of appeal and petition with the Court within 30 calendar days after the date of mailing of the decision by the ~~Environmental Commission~~Board of Adjustment to the alleged violator. In the event ~~the County~~Cascade Township has sought preliminary or permanent injunctive relief from the Olmsted County -District Court pursuant to Section XVI below, any challenge which the alleged violator wishes to raise concerning the merits of the Notice of Violation -shall not be considered -by the ~~Environmental Commission~~Board of Adjustment, -but by the Court in the context of the injunction proceeding or subsequent proceedings-. -This section does not apply where violations of other federal or state laws occur ~~s-~~ or where a hazardous material spill or release occurs. -

### Section XIV. Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the date a copy of the decision of the ~~Environmental Commission~~Board of Adjustment -upholding the decision of the ~~authorized~~Authorized enforcement Enforcement ~~agency~~-Agency is mailed to the violator, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

### Section XV. Cost of Abatement of the Violation.

Within 15 business days after abatement of the violation by ~~Olmsted County~~Cascade Township, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 business days. ~~If~~ the amount due is not paid within a timely manner as determined by the decision of the ~~agency~~Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment pursuant to Minn. Stat. Section 429.101, Subd 1(a)(3) and Minn. Stat. Section 429.011, Subd 2a(5). Any person violating any of the provisions of this article shall become liable to ~~the County~~Cascade Township by reason of such violation. The liability shall be paid in not more than 10 equal annual installment payments for levies pursuant to Minn. Stat. 429.101. Interest at the rate of percent per annum shall be assessed on the balance beginning on the 30th day following completion of the work to abate the violation.

### Section XVI. Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance-~~f a.~~ If a person has violated or continues to violate the provisions of this

~~ordinance~~Ordinance, the ~~agency-Board~~ may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

## Section XVII. Violations Deemed A Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. The ~~agency-Board~~ may also recover all attorney's fees, court costs and other expenses associated with enforcement of this ~~ordinance~~Ordinance, including sampling and monitoring expenses.

## Section XVIII. Criminal Prosecution.

Any person violating the provisions of this ~~ordinance-Ordinance~~ shall be guilty of a misdemeanor criminal offense punishable by a fine of up to \$1000 or a jail sentence of up to 90 days or both. Each day that violation is committed or permitted to exist shall constitute a separate offense. The ~~authorized-Authorized enforcement-Enforcement agency-Agency~~ may recover as restitution all other expenses associated with the enforcement of this ~~ordinance~~Ordinance, including sampling and monitoring expenses. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this ~~ordinance~~Ordinance.

## Section XIX. Remedies Not Exclusive.

The remedies listed in this ~~ordinance-Ordinance~~ are not exclusive of any other remedies available under any applicable federal, state or local law. ~~The County~~Cascade Township may pursue, by appropriate actions or proceedings, any or all additional other remedies.

## Section XX. Adoption of Ordinance.

This ~~ordinance-Ordinance~~ shall be in full force and effect the day of its final passage and adoption. PASSED AND ADOPTED this tbd day of tbd month, 2014.



Michael Brown <townclerk.cascadetownship@gmail.com>

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## Fwd: EPA Factsheet

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**Michael Brown** <brown.cascadetwnshp@gmail.com>  
To: Michael Brown <townclerk.cascadetownship@gmail.com>

Mon, Jun 9, 2014 at 12:31 PM

----- Forwarded message -----

From: **Dan Frissora** <danfriz@gmail.com>  
Date: Wed, Jun 4, 2014 at 4:48 PM  
Subject: EPA Factsheet  
To: Mike Brown <brown.cascadetwnshp@gmail.com>

Please distribute to planning commission members (and supervisors as appropriate)

Stormwater Phase II  
Final Rule  
Fact Sheet Series

Illicit discharge minimum control measure.

<http://www.vhb.com/stormwaterseminars/resources/EPA%20IDDE%20Fact%20Sheet.pdf>

Dan Frissora

Phone & SMS [507 722 1153](tel:5077221153)  
Fax [601 510 1532](tel:6015101532)