

Cascade Township Planning Commission





July 15, 2014

7:00 PM

Cascade Town Hall

2025 75th St. NE

Agenda

<u>Time</u>	<u>Topic</u>	<u>Presenters</u>	<u>Attachments</u>	<u>Purpose</u>
7:00 PM	Call to Order	Chair, Char Brown		
	Roll Call	Scribe, Ron Schaap		Establish a quorum
	Pledge of Allegiance	Chair, Char Brown		
	Announcement of Agenda	Chair, Char Brown		Adjust agenda, as necessary
	Approval of Minutes	Scribe, Ron Schaap	Not available	Establish a factual record
Limit 5 min per participant	Call to the Audience	Public Participants		Comments permitted on any topic not the subject of a public hearing
Time limits as announced	Public Hearings -- Majestic Meadows Preliminary Plat	All present will have an opportunity to speak	 MajesticMeadowsPrel inPlatStaffRev.pdf	Obtain public testimony and comment
	Update from the Town Board	Town Board Rep, Arlen Heathman		Information exchange
	New Business -- Discuss Plans to Revise Zoning Ordinance	Commissioners	 Changes.pdf  VacationRentalsInfof orweb.pdf  Duluth.pdf	Decisions and actions
	Round-the-table	Commissioners		Open forum
Limit 5 min per participant	Second Call to the Audience	Public Participants		Comments permitted on any topic not the subject of a public hearing
	Adjournment	All		

Note Items

- 1.) Revise Zoning Ordinance to align with Olmsted County, incorporate definitions, add construction storm water requirements and add vacation rental regulations
- 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

JUNE 17, 2014

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

Other Attendees: Cascade Township Clerk/Treasurer Michael Brown, Administrator Roger Ihrke (TCPA) and David Meir. These are advisory Ex-officio Members. Other township residents as recorded on the meeting attendance log.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. ANNOUNCEMENT OF THE AGENDA
4. APPROVAL OF MINUTES AS AMENDED

Motion of Commissioner Frissora to approve minutes of previous meeting. Seconded by Commissioner Heathman. Motion approved. Commissioner/Chairperson Char Brown read Notice for Public Hearing and Time Limits for the Hearing.

Chairperson Brown read the Agenda and asked if there were questions. None were asked.

- A. Chairperson Brown opened hearing for Majestic Meadows (GDP). She asked Roger Ihrke (TCPA) for opening comments (GDP) will be discussed first, followed by the zoning change requirement.
 - a. Lower the open space requirement to 1.6% instead of the present 10%.
 - b. Existing environmental corridor would be used.
 - c. Majestic Meadows is a 73 acre parcel and would have 22 lots.
 - d. It is consistent with the county plan. Olmsted County Land Use Plan was handed out to the Commissioners.
 - e. Roger stated the property would be connected by road to River Highlands and the county road.

- f. Chairperson Brown asked why a variance was necessary for building on site. Roger stated that you must have an open space and building site variance.
- g. Plan calls for three retention ponds within the lots on the property.
- h. Pros and Cons were discussed.
- i. First lift would be put down in 2014 if time lines for plot approval are met.
- j. Commissioner Heathman asked if homeowners would maintain the ponds. Roger responded that a Homeowners Association would be taking care of the ponds.
- k. Commissioner Heathman questioned what number would be used for lot size - 3 or 3 ½ acres. Heathman also questioned the plans numbers.
- l. Commissioner Frissora asked if pond size was included in lot size. Roger's reply was "Yes, they are".

5. GENERAL DEVELOPMENT PLAN

Presenters: Bill Tointon and Mr. Johnson

Plans were bought in April, May and June is here now.

A. Discussion

- Would like to keep out building on lot three of plan which would require a variance.
- Request 1.6 acres of open space instead of 10% of total land.
- Public road access has been asked for and a verbal "yes" has been given by the county.
- McGhie & Betts is looking at alternative designs for ponds. (Vertical Infiltration) and environmental corridor.
- Restrictions to a Homeowners Association should include basin maintenance.
- Suggestion was made to turn in a plot plan when the building permit is granted.
- No permanent sign will be used on property.
- There is one open well on lot three of site.
- March 1999, 1.35 acres was rolling average on Olmsted County Land use map. (Filed with public records)
- Commissioner Frissora asked if drain tile ran through the property. Mr. Tointon did not know, so he will contact the ASC office to find out.

- Chairman Brown asked about existing septic systems. There is only one on site. Roger stated set back requirements are met for other lots. Tanks would have to be removed at present septic site.
 - Chairman Brown asked if other access points to the river have been considered. Ex. Sally Hills Environmental Paths, however, they are not open to the public until trails are improved.
 - Supervisor Arlen asked about turn lanes onto the property and variance for existing buildings.
6. Chairperson Brown called for comments in favor of the proposed site plan.
 - a. Mr. Lenny Laures spoke in favor of the site.
 - Questioned access to storm water ponds and easement for cleaning ponds.
 - Lenny said 1.6 acre open space is a question for me.
 - Also stated a variance for the out building may head to uses not favorable to future home owners.
 - b. Comments against.
 - Fred Daley stated rule on open space should be followed.
 - c. Closed public comments at 8:05 pm.
 7. Chairperson Brown declared discussion open for board comments.
 - a. Commissioner Frissora asked what is meant by future plans. How do we respond to future plan now.
 - b. Chairperson Brown asked about acreage size. 73.03 said survey will be done for plot plan. Roger of TCPA stated that no court house documents are accurate.
 8. Chairman Brown asked why a variance for a pole shed. Because it is a 60,000 square foot building and a waste of a good building was the answer. It may be torn down if not up to code was another comment.
 9. Mr. Johnson talked about benefits of open space near Environmental corridors. It would make it wider.

10. Commissioners Heathman, Frissora, Brown and Schaap all made final comments.
11. Roger (TCPA) said developer is showing many things in Plan. Not hiding anything.
12. Commissioner Frissora made motion to approve plan. Supervisor Heathman seconded the motion. Chairperson Brown made amendment to include Considering access to the river from the west. Motion with amendment, Approved.
13. Roger asked for approval for R1 from A3 zoning for this Property. Said mining across the road would cause some Concern with traffic and noise, but it is not different from other R1 subdivisions.
14. Commissioner Schaap made a motion to approve the R1 Zoning. Seconded by Commissioner Frissora. Motion approved – all ayes.

15. TOWNSHIP BOARD REPORT – Supervisor Heathman
 - St. Mary's barn incident. Four deputies called.
 - Frito Lay trash issue was addressed.
 - Athelon Abatement Company discussed. Should be no commercial business in RA zone.
 - Kevin Binkley – most of his equipment is gone Hotel run on property for Mayo visitors.
 - Community building definition will be brought by Char Brown to next meeting.
 - Annual Financial audit will be June 18th.
 - Glen's Motor Coach would like to widen his driveway.
 - Cameron Drive NW black top is finished.
 - Garbage dumpster was discussed.
 - Township Board short course will be held June 19th at the Ramada Inn in Rochester. All supervisors, except Laures will attend.

16. Unfinished Business
 - a. Adopt rules of procedure

- b. Motion by Commissioner Ron Schaap. Seconded by Commissioner Heathman.
Motion approved.
- c. Illicit discharge ordinance
- Appeals would go to board of adjustment.
Page 3. Changed urbanized area – remove it.
 - Section III. Remove phrase, “as describe on the attached map and in the definition” pp.3
 - Section IIII. Any duties of Responsibility for Administration
- d. Clerk Brown stated it would be in our best interest to use the county’s template.
- e. Motion made by Commissioner Schaap to approve IDO as amended. Seconded by Commissioner Heathman.
Aye: Schaap, Heathman, Brown
Nye: Commissioner Frissora
- f. Motion by Commissioner Frissora and seconded by Commissioner Heathman to adjourn the meeting at 9:12 pm.
Aye: Brown, Frissora, Heathman, Schaap
Nay: None
Abstain: None
Motion Approved.

Respectfully Submitted.

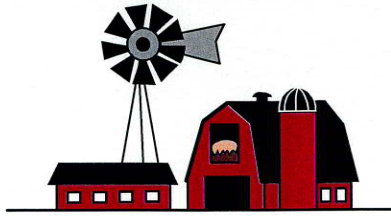
Ron Schaap, Scribe

Char Brown, Planning Commission Chair

TOWNSHIP COOPERATIVE PLANNING ASSOCIATION

4111 11th Avenue SW
Room 10
Rochester, MN 55902

PH: (507) 529-0774
FX: (507) 281-6821



Roger Ihrke, Administrator
David Meir, Administrator
Barbara Literski, Adm. Asst.

roger@tcpamn.org
david@tcpamn.org

-- TCPA --

Date: 6/30/14

To: Cascade Township Planning Commission
Cascade Town Board
McGhie & Betts, Inc.
GGG, Inc.
Farmland LLC

RE: Preliminary Plat Review, Section 1, Cascade Township

Application:

The Cascade Planning Commission will hold a public hearing at the Cascade Town Hall, 2025 75th Street NE, Rochester, MN on Tuesday, July 15, 2014 after 7:00 PM regarding:

Request:

An application for a preliminary plat consisting of 73.05 acres being subdivided into 22 single family residential lots and 1 out-lot. The property is in the process of being rezoned to R-1, Low Density Residential District. The development is known as Majestic Meadows. The Planning Commission will send their recommendations to the Town Board on the proposed preliminary plat for final approval. Each residential lot as proposed is to be served by an individual septic system and one of four shared wells.

For the plat to be approved as proposed, a variance to the Cascade Township Subdivision Ordinance Article IX Section 9.1 Open Space requirement must be considered and approved by the Cascade Township Board of Adjustment.

Additionally the applicant is requesting a variance to the size regulations for an accessory structure to allow for an agricultural building to remain on a parcel of property zoned R-1; Low Density Residential District. The structure is located on Lot 3, Block 1, of this proposal.

Legal Description:

That part of the N ½ of the NW ¼ of Section 1, T107N-R14W, Olmsted County, MN. Located north of the River Highlands subdivision.

Applicant & Property Owner:

①

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

Consulting Engineer:

McGhie & Betts, 1648 3rd Avenue SE, Rochester, MN 55904.

Present Zoning:

R-1 (Low Density Residential)

Re-Submittal Reviewers List:

Rochester-Olmsted County Planning
Olmsted County Public Works
GGG-Septic Inspector
Olmsted County Health Department
MN Department of Transportation
Cascade Maintenance Department
Peoples Cooperative Services- Gary Fritterer

MN Department of Natural Resources
Olmsted County Soil and Water
MN Pollution Control Agency
Rochester Fire Department
Northern Natural Gas
Charter

Enclosures:

1. Location Map
2. Proposed Preliminary Plat

*A large copy of the preliminary plat and roadway design plans will be available for review at the Cascade Township Hall after the July 7, 2014 Town Board meeting.

Preliminary Plat Requirements – Staff review in italics

ARTICLE IV - SPECIFICATIONS FOR PLANS AND PLATS

Section 4.0. PRELIMINARY PLAT. The preliminary plat shall be drawn on suitable tracing paper or other material of suitable quality with black waterproof ink or pencil at a scale not greater than one hundred (100) feet equals one (1) inch. Legible reproductions of said drawing may be submitted to the Planning Advisory Commission for purposes of receiving conditional approval.

Section 4.2. GENERAL INFORMATION. The information to be included on the preliminary plats is as follows:

Preliminary Plat Requirements:

- Date, scale, north point.

Yes

2

- Proposed subdivision name and all intended street names.

The subdivision name of "Majestic Meadows", along with the roadway name of "West River Road NW (CO. RD. 133)" are present. Additionally the developer is proposing an extension of River Highlands Drive NW from the River Highlands Subdivision and a circular drive with a proposed name of Majestic Circle NW from West River Road NW. Off of the circular drive extends a short cul-de-sac with a proposed name of Majestic Lane NW. These proposed names will need to be approved by Rochester-Olmsted County GIS Division before the recording of the final documents. The plat shows 75th St. NW (County Road 14) which is incorrect. It should be US Highway 63 NW. A new plat with this correction should be required by the Commission.

- Name and address of the owner of record, the sub divider and surveyor or the engineer preparing plat.

Address of property owner is not listed on the plat but is included on the application.

- Location of the plat by quarter, quarter section, section, town and range.

Yes

- Topographic map of the area showing two foot contours and delineating areas with the following changes in slope: minimum contours of two feet as follows: seven (7) percent or less; eight (8) to fifteen (15) percent; sixteen (16) to twenty-five (25) percent; greater than twenty five percent.

Yes

- Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.

Yes

- Zoning classification of land to be subdivided and all adjacent lands.

The property owners and classifications are on the plat, but the zoning classification of Fred Daly's parcel is incorrect. It should be listed as A-3.

- Location, widths and names of all existing platted or dedicated streets, easements, railroad and utility right-of-way, parks, water courses, drainage ditches, permanent building and structures and such other data as may be required by the Commission within the area to be subdivided and within three-hundred (300) feet of the exterior boundaries of the area being subdivided.

The preliminary plat extends approximately 100 feet from the property boundaries. Staff viewed aerial photos of the proposed development and found nothing unusual extending beyond the 100 foot shown on the plat. Structures are shown on the property located at the intersection of US 63 NW and West River Road NW (Daly property), but no other structures outside of the platted area are shown. Additional structures would be shown on the parcel just south of the development along West River Road NW (Vehrenkamp property) if the plat were extended to the 300 feet. As indicated by the developer during the general development phase of approval a (3) variance to allow the structure located on Lot 3, Block 1, to remain has been applied for by the applicant. That variance is scheduled to be considered by the Town Board of Adjustment on August 4, 2014. From the plat

illustration the building seems to infringe upon the drainage easement for a proposed storm-water treatment site. The drainage easement should be moved to make sure the structure is outside of the easement area. Additional information may be desired by the Commission and or the Board as indicated by the above criteria.

- Water elevations of adjoining lakes, rivers and streams at date of the survey and their approximate high and low water elevations. All elevations shall refer to the established United States Coast and Geodetic Survey and/or United States Geodetic Survey Datum.

The water elevation on the date of the survey and the known high and low water elevations of the river are not provided and may be unknown. The 100 year flood elevation is shown.

- Location and boundaries of all floodplain, floodway and wetland areas. Location and edge boundaries of any sinkholes must be clearly indicated. (Ref. Article VII).

The 100 year flood elevation is shown along with the flood area. The county sinkhole inventory does not show any sinkholes on the property, nor has the developer indicated that any exist. No wetland areas are identified nor is staff aware of any on this property.

- The layout and width of all proposed new streets and the right-of-way, private roads, storm drainage and easements, whether public or private, for public and private utilities.

Yes, provided on plat. The easements to all of the storm-water treatment areas are twenty feet in width. The engineer should review those easement to make sure the water flows down the easements and that vehicle access to those areas via those easements is possible. Lot 3, Block 1, will need additional consideration since any driveway will require crossing a drainage easement, the developer's engineers should include a driveway design for this lot as part of the grading plan approval for this subdivision.

Drainage and utility easement definitions are not shown.

- Length and bearing of the exterior boundaries of the land being subdivided.

Yes

- Approximate dimensions of all lots.

Yes. Although it is not required, the size of all lots is also shown.

- Approximate radii of all curves and lengths of all tangents.

Yes

- Location and area of all property to be dedicated for public use or reserved by deed covenant for use by all property owners in the development with a statement of conditions of such dedication or reservation.

Outlot A needs to be addressed as to the eventual ownership and regulation there-of. During the approval process of the general development plan, the applicant indicated that an environmental corridor easement similar to the one for Salley Hill and River Highlands would be recorded and cover the entire outlot. Although



this is consistent with the areas on the east side of the river, it leaves ownership of the parcel in question. Provisions should be provided in some type of form during the final platting process in case this does not happen. In addition, a statement of dedication should be shown on the plat for the road right-of-way.

- Location of well site and distribution system to point of service connection, if a community water supply is being proposed.

Yes. Four wells are proposed; one serving Lots 1 & 2, Block 2 and Lots 1, 2, 3 & 4, Block 1; one serving Lots 5 & 6, Block 1 and Lots 2, 3 & 4, Block 3; one serving Lots 7, 8, 9, 10, 11 & 12, Block 1, one serving Lots 13 & 14, Block 1 and Lots 1, 5 & 6, Block 3. Four wells, two serving six dwellings and two serving five dwellings.

- Location of proposed septic support or field areas including the location of percolation test sites and boring holes per current Cascade Township Septic Rules and the Cascade Township Zoning Ordinance.

This documentation has been provided in a separate report and submitted to the Township Septic Inspector. If the Commission recommends approval of the Plat, it should be contingent upon approval by the Township Septic Inspector. The Septic Inspector will evaluate the soils and determine if the support areas listed will be adequate for a primary and secondary site on each lot. Those sites are indicated on the plat by the diagonally lined boxes. The numbered circles are the percolation test holes sites provided in the report to the septic inspector.

- Drainage design, storm-water management including storm-water ponds both temporary and permanent, and erosion control including, ditch checks, silt fencing and seeding types.

The applicant has provided this data to the township in the form of a grading plan. The Township Engineer will be reviewing the grading plan and preliminary plat and provide comments to the Board. Staff will be requesting that the engineer consider the ability to access each of the stormwater retention sites from the roadway for maintenance. The Commission and Board may want to consider having the developer make improvements to these access areas for said maintenance. The Town Board has not yet determined who the township engineer will be for this job.

This plat has storm-water retention sites included as a portion of individual lots and in one case straddling two lots. Storm-water ponds allow a developer to meet the Minnesota Pollution Control Agency's standards for post development storm-water runoff. Many times these ponds are located on outlots and owned by the entire development through a homeowners association. This type of ownership can become an issue if the homeowners association no longer makes payments on the property taxes for the outlots; these outlots can eventually be turned back over to the township for nonpayment of taxes.

When ponds are on individual lots, many times homeowners decide to make improvements to them which may affect their function. Additionally, lots with ponds can become hard to market.

Both types of ownership have their issues, since the town does not have a specific regulation within their ordinances, developers may propose either type of ownership. The Commission and Board, during the platting process should discuss the pros and cons of each and approve the plat with the necessary regulations in place no matter who ends up owning them.

- Roadway designs including cross-sections and finished grade and ditch slopes. Reports shall include present grades and contours and finished grades and contours.

The applicant has provided this data to the township in the form of a grading plan. The Township Engineer will be reviewing the grading plan and preliminary plat and provide comments. The town board has not yet determined who the township engineer will be for this job.

- A soil analysis delineating types per the Soils Survey of Olmsted County, Minnesota and obtainable from the United States Department of Agriculture, Soil Conservation Service.

Soil types are shown. According to the information provided on the plat the following soil types are present:

251F – Marlean silty clay loam, 25 to 40 percent slopes. This soil is poorly suited to building site development because the very steep slope is a severe limitation. Local roads should be constructed on the contour as much as possible to help divert runoff. The soil is poorly suited to sanitary facilities because it is very steep.

285A – Port Byron silt loam, 0 to 1 percent slopes. This soil is well suited to building site development and most sanitary facilities. It has severe limitations, however, as a site for local roads and streets.

285B – Port Byron silt loam, 1 to 5 percent slopes. This soil is well suited to building site development and sanitary facilities. Hard surfaced local roads or streets, parking lots, and driveways however are likely to be damaged as a result of low strength and frost action, especially in periods following a rainfall. Providing better suited subbase material helps to prevent the damage.

301B – Lindstrom silt loam, 2 to 6 percent slopes. This soil is well suited for building site development and sanitary facilities. Frost action is likely to damage hard surface local roads or streets, parking lots and driveways, especially in periods following a rainfall. Providing better suited subbase material reduces the extent of the damage.

322C – Timula silt loam, 8 to 12 percent slopes. Although the slope is a moderate limitation, this soil is well suited to building site development and sanitary facilities. Measures that control erosion are needed during construction because the soil is highly susceptible to erosion if the plat cover is removed. Building local roads and streets on better suited base material helps to prevent damage cause by frost action. Lateral seepage from septic tank absorption fields is a hazard unless the design of these fields overcomes the slope.

322D – Timula silt loam, 12 to 18 percent slopes. Because the slope is a severe limitation, this soil is poorly suited to building site development. Measures that control erosion are needed during construction because the soil is highly susceptible to erosion if the plant cover is removed. Constructing local roads and streets on better suited base material helps to prevent the damage caused by frost action. The soil is poorly suited to sanitary facilities. Lateral seepage from septic tank absorption fields is a hazard unless the design of these fields overcomes the slopes.

340B – Whalan loam, 1 to 6 percent slopes. Suitability for building site development is fair. Measures that control erosion are needed on building sites. This soil can support foundations and buildings, but heavy machinery is needed for excavations in the bedrock. The soil is poorly suited to sanitary facilities. Installing

septic tank absorption fields is difficult because the soil is moderately deep over bedrock. Also, the effluent from sanitary facilities can seep through the cracks in the bedrock and pollute ground water.

472C – Channahon loam, 6 to 12 percent slopes. Suitability for building site development is fair. This soil can support foundations and buildings, but heavy machinery is needed for excavations in the bedrock. This soil is poorly suited to sanitary facilities. Installing septic tank absorption fields is difficult because the soil is shallow to bedrock. Also, effluent from sanitary facilities can seep through the cracks in the bedrock and pollute groundwater.

(The above soils information is copied directly from the Soils Survey of Olmsted County, Minnesota)

- An engineering feasibility report for the installation and operation of community type sewage disposal system and water distribution system where such facilities are to be incorporated in the final plat.

No community septic system is being proposed but 4 separate community water systems are being proposed. The township septic inspector will review the septic information and determine if the proposed areas have met the state and township requirements for individual septic system treatment areas. The County will review the well information and provide a report to the Olmsted County Environmental Commission. The applicant should provide the township through TCPA proof of Environmental Commission action prior to approval of the final plat by the Town Board or approval should be contingent upon said action.

Conclusion

The preliminary plat reflects the approved General Development Plan with only minor changes.

The applicant has not provided the township with the Environmental Commission report or a date as to when the preliminary plat was or will be addressed by the Commission.

As discussed during the General Development Plan and Rezoning process, a variance to the open space will be required before final approval of the preliminary plat by the Board. If the Commission approves the plat a recommendation to the Board of Adjustment by the Commission should be a part of said approval. The plat indicates that 10.47 acres is being devoted to public right of way. This area may not be considered a portion of the open space requirement. The plat shows 1.6 acres being pledged as open space although access from this plat would be difficult since it lies on the opposite side of the river.

Additionally the applicant has applied for a variance to allow an accessory building which exceeds the size of an accessory structure within an R-1 Low Density Residential District. The commission may or may not want to make a recommendation on this issue.

The Commission indicated a desire to see some type of easement to allow access to the west side of the river. Nothing on the plat nor any of the supporting documents accomplishes this request.

During the General Development Plan and Zoning approval process, access to West River Road was discussed and it was indicated that access approval was required from Olmsted County Public Works. The applicant has provided a copy of the access request dated June 18, 2014. The applicant indicated to staff that approval has yet to be forthcoming.

The Minnesota Department of Transportation requested a review of the drainage reports and roadway construction plans for this development. We do not have comments back from them at this time.

Soils data has been submitted to the Township Septic Inspector for review. We do not have comments from the septic inspector at this time.

Roadway designs and drainage reports need to be reviewed by the Town's Engineer. On Monday, July 7, 2014 staff will ask the Board which engineering firm it will be using for review. All review costs are bore by the applicant.

The applicant has indicated in previous meetings that the dwelling on Lot 2, Block 1, was to remain. The applicant should provide a site plan showing the distances to property lines for the home, septic tank and drainfield. This will allow staff to make sure the setbacks are being met with the new lot lines. This site plan should also include the proposed driveway location which will allow for a new address to be issued for this dwelling once the plat has been recorded.

A well is located on Lot 3, Block 1. If the applicant is proposing to continue to use the well for any of the lots, easements should be shown to allow for such use. If the applicant is proposing to seal the well the applicant should be required to provide copies of the sealing report to TCPA.

County Road 14 (75th Street NW) should be changed to US Highway 63. From the way the plat is drawn, it seems as if this roadway was never dedicated to the public, but a roadway by prescription. As stated earlier, we are still awaiting comments from the Minnesota Department of Transportation. We would assume that the plat should dedicate the sixty foot road right of way to the State of Minnesota, but would recommend whatever MnDot requests as far as title goes.

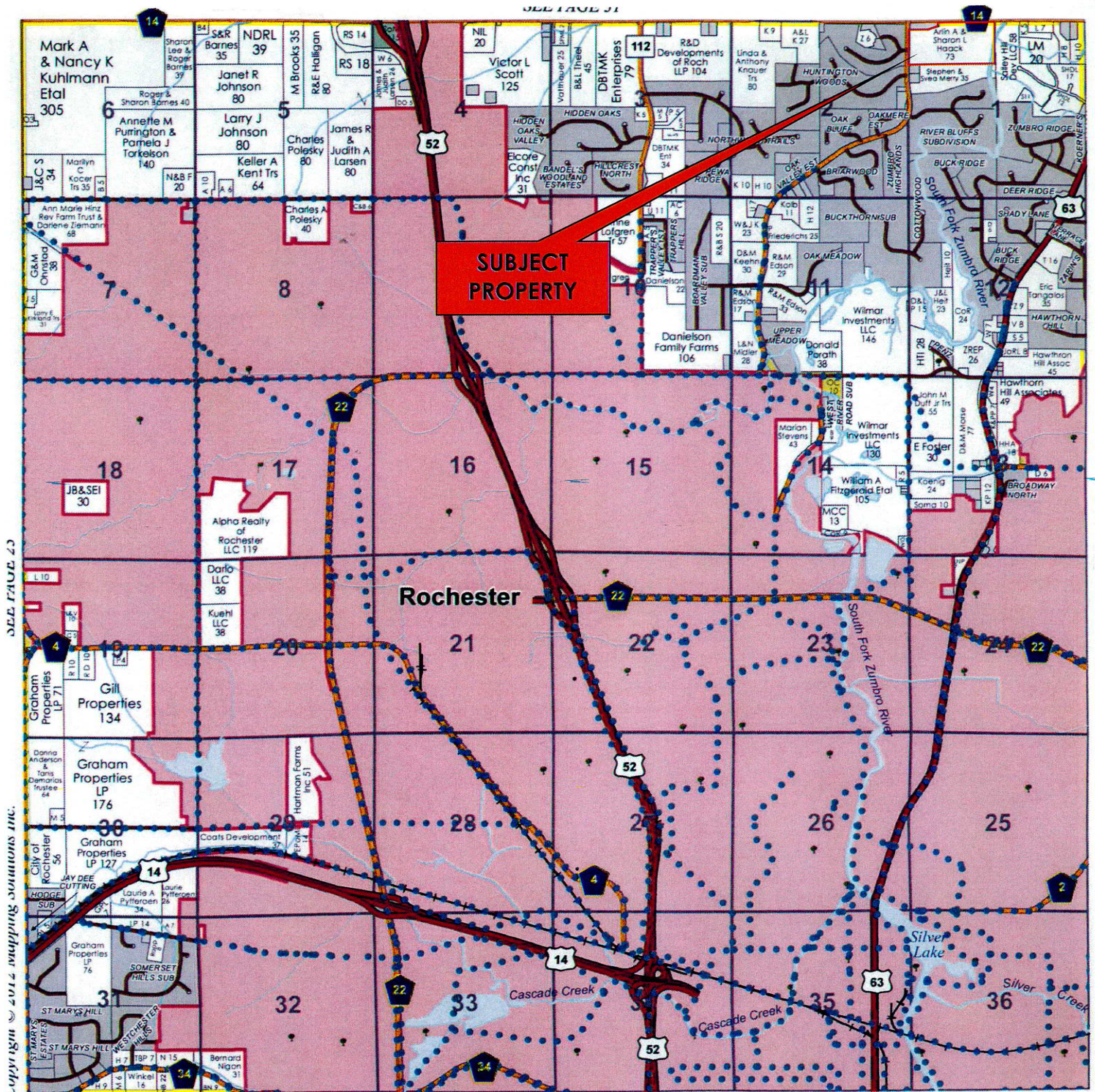
The roadway design plans and the general development plan have the roadway name from the intersection of River Highlands Drive west listed as Majestic Drive NW. The Preliminary Plat lists the roadway name as Majestic Circle NW. One of the two documents will need to be corrected depending upon which names are approved by the Rochester-Olmsted County GIS Division.

No buffer plan to buffer the lots from the mining activity north of US Highway 63 or the highway traffic on US Highway 63 has been provided. This was discussed during the general development plan and rezoning process but not addressed in the materials submitted with the preliminary plat. Deed restrictions, well agreements, and development agreements are some of the items which will need to be reviewed prior to approval of the final plat.

A review of the proposed application according to the Standards listed has been completed by Staff. Staff withholds its recommendation until the additional items, as stated within this report have been submitted. If the Commission does not feel that it has enough information or that the information is incomplete Staff recommends that the public hearing should be continued until their next meeting allowing for additional information to be submitted.

If approved, approval should be contingent upon approval of the Township Septic Inspector, Olmsted County Public Works for the access and the Olmsted County Environmental Commission.

PLAT MAP



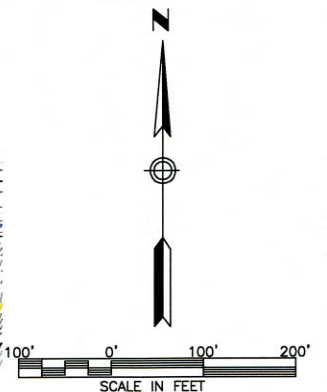
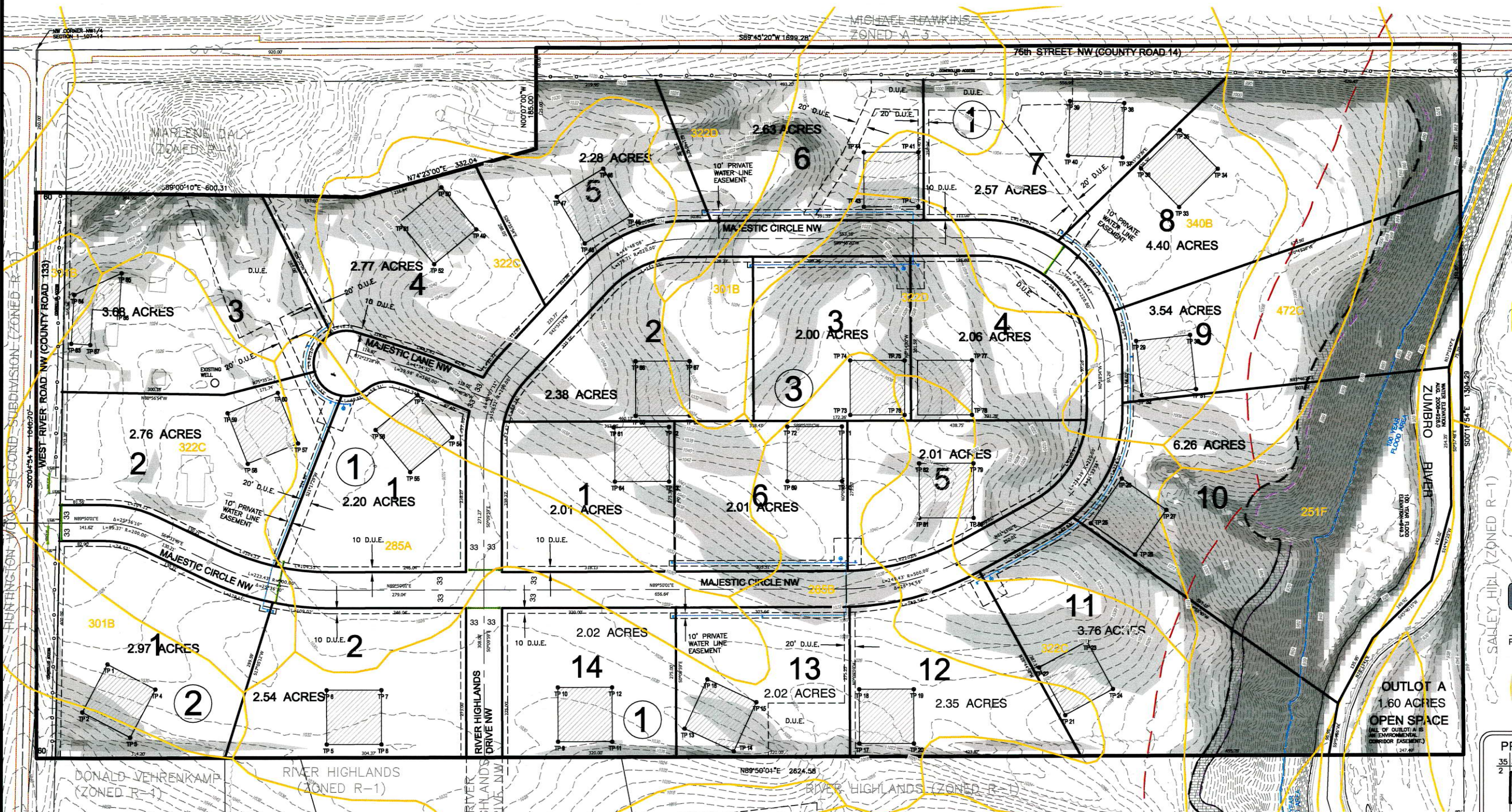
LEGAL DESCRIPTION:

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

9

MAJESTIC MEADOWS



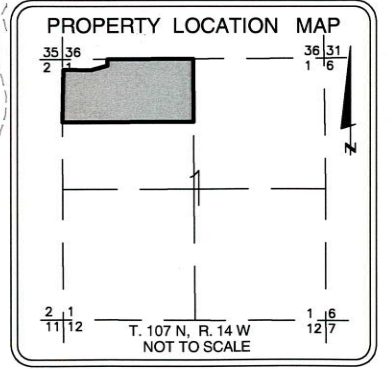
LEGEND

- SOIL TYPES 285A
- SHORELAND BUFFER
- BLUFF IMPACT ZONE (SETBACK)
- TOP OF BLUFF
- SEPTIC FIELD AREA
- 100 YEAR FLOOD LINE (949.3)

EXISTING GROUND SLOPE AREAS	
0-7% SLOPE (NO SHADING)	
8-15% SLOPE	
16-25% SLOPE	
>25% SLOPE	

PRELIMINARY PLAT

Prepared: 06/26/14



PROPERTY 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 250.00 feet to the point of beginning.

Containing 73.05 acres, more or less.

OWNER AND DEVELOPER

FARMLAND, LLC

RIVER HIGHLANDS SITE DATA SUMMARY

EXISTING ZONING = R1
TOTAL ACREAGE = 73.05
ACREAGE DEVOTED TO PUBLIC USE = 10.47 (PROPOSED RIGHT OF WAY)
NUMBER OF LOTS = 22
NUMBER OF OUTLOTS = 1

GENERAL NOTES

(GN1) Contours shown are from 2008 Aerial LIDAR Mapping data supplied by the Minnesota Department of Natural Resources.

BENCHMARK

ELEVATION = 1024.40 (NAVD88)
MnDOT GEODETIC MONUMENT 5510 P

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this ____ day of ____, 2014.

Mark E. Severtson, PS, Minnesota License No. 18887

Client:	FARMLAND, LLC
Job No. 02421-010	
Surveyed By: MGS, ST	
Drawn By: TAC	
Checked By: MES	
Scale: 1" = 100'	CAD No. 02421-010P
Date: 06/26/14	File No.

McGhie & Betts, Inc.
1648 Third Avenue S.E.
Rochester, MN 55904
Telephone: 507-289-3919
Fax: 507-289-7333
Email: mbi@mcghiebetts.com



PRELIMINARY PLAT
PART OF THE N $\frac{1}{2}$, NW $\frac{1}{4}$, SECTION 1,
TOWNSHIP 107 N, RANGE 14 W
OLMSTED COUNTY, MINNESOTA
MAJESTIC MEADOWS



Michael Brown <townclerk.cascadetownship@gmail.com>

Fwd: Preliminary Plat review

2 messages

Roger Ihrke <roger@tcpamn.org>

Wed, Jul 9, 2014 at 3:09 PM

To: Michael Brown <townclerk.cascadetownship@gmail.com>, Jeffrey S Broberg <jsbroberg@mcghiebetts.com>, Bill Tointon <BTointon@mcghiebetts.com>

Michael:

Would you please forward this onto the planning commission member and the board.

Thanks

Roger Ihrke

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

From: **Roger Ihrke** <roger@tcpamn.org>

Date: Wed, Jul 9, 2014 at 3:06 PM

Subject: Re: Preliminary Plat review

To: David Meir <david@tcpamn.org>, Harford John <harford.john@co.olmsted.mn.us>

John:

Thanks for returning your comments. Just to let you know that after granting variances to those two regulations for years, in 2003 they removed the 500 foot regulation and the width to depth ratio items from their subdivision ordinance.

We have been requiring field delineation of the septic sites and we will recommend we do the same with the well sites. The cul-de-sac lots may not have shown on you copy, but are (Lot 2, 70.52 feet) and (Lot 3 81.2 feet) both having the required 120 feet in width at the building line.

Again, thanks for the review.

Roger Ihrke

On Wed, Jul 9, 2014 at 7:55 AM, David Meir <david@tcpamn.org> wrote:

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](#)

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

From: **Harford John** <harford.john@co.olmsted.mn.us>

Date: Thu, Jul 3, 2014 at 3:00 PM

Subject: RE: Preliminary Plat review

To: David Meir <david@tcpamn.org>

Cc: Vankeulen Don <vankeulen.don1@co.olmsted.mn.us>, Alwes Richard <alwes.richard@co.olmsted.mn.us>

David,

The Planning staff have reviewed the proposed plat and find that it generally conforms to the county land use plan and overall density policies. The township will need to act on a variance to street length of 500 feet when one end is permanently closed. A variance to lot width and lot width to depth ratios appears also to be needed. Several lots on the road curves do not appear to have complete lot widths labeled or in some cases on the cul-de-sac any lot widths on the plat, thus it is difficult to determine if variances are needed or not.

Our inspectors may make separate comments on well and septic. Two observation about well and septic are that the state rules require staking of SSTs dispersal areas so you may want to consider that as a condition of approval. We have run into problems with wells in the past so you may want to recommend staking locations for the wells also.

John Harford

Rochester-Olmsted Planning Department

From: Davis Beth

Sent: Monday, June 30, 2014 11:52 AM

To: Harford John; Tjossem Logan; Alwes Richard

Subject: FW: Preliminary Plat review

For your information.

Beth

Beth A. Davis, Clerk Specialist II

Rochester-Olmsted Planning Department / 2122 Campus Drive SE, Ste. 100

Rochester MN 55904

Phone: 507-328-7103 ~*~ Fax: 507-328-7958

From: David Meir [mailto:david@tcpamn.org]

Sent: Monday, June 30, 2014 11:44 AM

To: Corey Hanson DNR; Davis Beth; Whitaker Floyd; Gary Fitterer Peoples; Geoff Griffin GGG; Jake Brady; Mark Schoenfelder MNDOT; PW Service; Steven Oscarson (MPCA)

Subject: Preliminary Plat review

To Whom it May Concern,

Please review the attached documents and return any comments or concerns to our office.

Respectfully,

David H. Meir

TCPA Zoning Administrator

4111 11th Avenue SW

Room 10

Rochester, MN 55902

ph: [507-529-0774](tel:507-529-0774)

fax: [507-281-6821](tel:507-281-6821)

[TCPA Website](#)

Michael Brown <townclerk.cascadetownship@gmail.com>

Wed, Jul 9, 2014 at 9:21 PM

To: Arlen Heathman <raheathman@gmail.com>, Corky <corkyatk@q.com>, Lenny <lenny@rochester-township.com>, brown.char@mayo.edu, Char Brown <brownmk@charter.net>, Ron Schaap <rondschaap@msn.com>, Chuck Masog <cmasog@msn.com>, Dan Frissora <danfriz@gmail.com>

Forwarded to you at the request of TCPA

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

From: **Roger Ihrke** <roger@tcpamn.org>

[Quoted text hidden]

--
Michael Brown
Clerk/Treasurer
Cascade Township, Olmsted County, MN
www.cascadetownship.us



PUBLIC WORKS DEPARTMENT
2122 CAMPUS DR SE - SUITE 200
ROCHESTER MN 55904-4744
www.olmstedpublicworks.com
507.328.7070

July 8, 2014

Township Cooperative Planning Association
4111 - 11th Ave. SW, Rm 10
Rochester, MN 55902

Dear Township Cooperative Planning Association:

The Public Works Department has reviewed the Preliminary Plat Review, Section 1, Cascade Township by Farmland LLC/Terry Johnson to allow the applicant to subdivide 73.05 acres into 22 single family residential lots and 1 out-lot. The property is in the process of being rezoned to R-1, Low Density Residential District. The development is known as Majestic Meadows. Each residential lot as proposed is to be served by an individual septic system and one of four shared wells.

75th Street NW is TH 63.

Letter of credit or performance bond will be required for grading, agg base, bituminous surfacing and erosion control.

Right turn lane will be required on County Road 133.

Sincerely,

Michael T. Sheehan
Director of Public Works

MTS/lc

cc: Beth Davis
Kaye Bieniek
Chad Schuman



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Summary of Changes to the County Planning and Zoning Ordinance:

1. New definitions:
 - a. Heavy Vehicle
 - b. Marina
 - c. Practical Difficulties
 - d. Road Use Agreement
2. Sec 4.02.A.5, criteria for granting CUP modified with respect to transportation impact analysis requirements
3. Sec 4.08, major revision of Variance section
4. Sec 6.00, deleted conditional/interim use for supervised living facilities
5. Sec 6.02, deleted conditional/interim use for supervised living facilities
6. Sec 6.04, deleted conditional/interim use for State licensed day care 13-16 persons
7. Sec 8.00, added marina to conditional/interim use table
8. Sec 10.04 E, added marina to Table 1- Required Parking Spaces
9. Sec 10.48, major revision of Transportation Impact Reports section

Additional desired changes to the Cascade Township Planning and Zoning Ordinance:

1. New definitions:
 - a. Community Building
 - b. Park
2. Incorporation of construction storm water management requirements
3. Incorporation of vacation rental regulations (Per the direction of the Town Board, in advance of anticipated County ordinance changes)



City of Duluth
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

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Vacation Rentals Regulations

Vacation rental units are defined in the City of Duluth Legislative Code Chapter 50 (Unified Development Chapter) as Vacation Dwelling Units and Accessory Vacation Dwelling Units and are subject to the regulations described here. Please contact the City Planning Division at 218-730-5580 to learn about the process for obtaining a permit to operate a vacation rental and to schedule a pre-application meeting.

Vacation Dwelling Unit – a habitable unit in a dwelling providing sleeping, cooking, eating, living and sanitation facilities that are physically separated from other habitable units that may or may not be located in the same building for periods of occupancy from 3 to 21 days. This use does not include hotels, motels, or bed and breakfasts.

Accessory Vacation Dwelling Unit – an accessory dwelling unit as defined by this chapter that is used for periods of occupancy from 3 to 21 days.

Vacation Dwelling Units and Accessory Vacation Dwelling Units are allowed as an Interim Use in RR-1, RR-2, R-1, R-2, R-P, MU-N, and F-5 districts. All vacation rentals must obtain an Interim Use Permit.

Vacation Dwelling Unit Interim Use Permit Standards:

1. The minimum rental period shall not be less than 5 nights during the period from June 15 to September 15. The minimum rental period shall not be less than 2 nights during the rest of the year.
2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.
3. Off-street parking shall be provided at the following rate:
 - a. 1-2 bedroom unit, 1 space
 - b. 3-4 bedroom unit, 2 spaces
 - c. 5+ bedroom unit, 3 spaces
4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street.
5. The property owner must obtain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 3 to 21 days.
6. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.
7. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

Accessory Vacation Dwelling Unit Interim Use Permit Standards:

An accessory vacation dwelling unit may be created within, or detached from, any one-family dwelling or vacation dwelling unit in those districts shown where allowed by Table 50-19.8, provided these

standards are met:

1. Only one accessory vacation dwelling unit may be created per lot.
2. No variances shall be granted for an accessory vacation dwelling unit.
3. An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling.
4. If a separate outside entrance is necessary for an accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building.
5. The minimum rental period shall not be less than 5 nights during the period from June 15 to September 15. The minimum rental period shall not be less than 2 nights during the rest of the year.
6. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.
7. Off-street parking shall be provided at the following rate:
 - a. 1-2 bedroom unit, 1 space
 - b. 3-4 bedroom unit, 2 spaces
 - c. 5+ bedroom unit, 3 spaces
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10. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.
11. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

In addition to the UDC Interim Use Permit requirements listed above, Vacation Dwelling Units and Accessory Vacation Dwelling Units must adhere to the following regulations:

1. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice.
2. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.
3. Permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.
4. Permit holder must disclose in writing to their guests the following rules and regulations:
 - a. The managing agent or local contact's name, address, and phone number;
 - b. The maximum number of guests allowed at the property;
 - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
 - d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
 - e. Applicable sections of City ordinances governing noise, parks, parking and pets;
5. If a permit holder is cited for any nuisance event as described in Chapter 40, Article III of the

Duluth Legislative Code, the Land Use Supervisor may suspend the Interim Use Permit for 90 days. If the permit holder is cited for any nuisance event a second time, the Interim Use Permit shall be revoked.

6. Permit holder must post their permit number on all print, poster or web advertisements;
7. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Contact the Fire Prevention office at 218-730-4397 or 218-730-4399 for information.
8. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax.

Minnesota State Building Code Requirements

The following summarizes applicable Minnesota State Building Code regulations for vacation rental units as defined in the Duluth Unified Development Chapter. Contact a Plans Examiner in the Construction Services Division at 218/730-5300 with questions about building code requirements.

One and Two Family Dwellings

Use of existing one and two family dwellings not more than three stories above grade plane in height with separate means of egress as vacation rentals is not a change of use for purposes of building code applicability.

Additions, alterations and repairs to one and two family dwellings not more than three stories above grade plane in height with separate means of egress must comply with the Minnesota State Residential Code.

The Minnesota Accessibility Code does not apply to one or two family dwellings. Owners of vacation rental properties should research federal regulations related to accessibility.

Three and More Dwelling Units

Conversion of apartments in buildings with three or more units to rentals of less than 30 days duration is a change of use from an R-2 occupancy (permanent) to an R-1 occupancy (transient.) A permit is required for a change of use and plans and a code summary prepared by a Minnesota licensed architect showing compliance with applicable provisions of the Minnesota State Building Code must be submitted for review with the permit application.

Required alterations will vary with each building. Owners should consult with a licensed architect for an evaluation of changes needed to comply with applicable building code provisions.

<http://www.duluthmn.gov/planning/>

<http://www.duluthgov.info/planning/documents/VacationRentalsInfoforweb.pdf>

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Maps
Links and Resources
Superior Street

PLANNING DIVISION

Last Updated on: 6/25/2014 2:56:56 PM

The Planning Division collaborates with the public to ensure Duluth's future as a thriving, sustainable and walkable community by developing and implementing plans and land use regulations. Click on one of the four buttons below.

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General Information on Zoning and Building Permits

Current Planning
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Long Range Planning
Comprehensive Plan, UDC, Rezoning, & Small Area Plans

Heritage Preservation Commission

Items of Interest

- Regular Planning Commission meeting on Tuesday, July 8, 2014, at 5:00 pm in City Council Chambers.
- Regular Heritage Preservation Commission meeting on Tuesday, July 22, 2014, at 2:00 pm in room 303.
- Click here for a link to our [zoning code](#), the UDC, or [zoning applications](#).
- Click here for information on how to request a [zoning verification letter](#).
- Links to [eTRAKiT](#) and the [St. Louis County Land Explorer](#). With eTRAKiT, you can verify zoning and other property information. With the St. Louis County Land Explorer, you can verify zoning, tax valuation, and other parcel information.
- Information on the process for getting an interim use permit for a Vacation Rental, please [click here](#). Contact 218-730-5580 to request a "pre-application meeting" to discuss the process for an interim use permit.

Planning Division
City Hall, Room 208
411 West First Street
Duluth, MN 55802
(218) 730-5580, Fax: (218) 730-3559

[CONTACT]

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khamre@duluthmn.gov
Phone: (218) 730-5297

Charles Froseth
Land Use Supervisor
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Long-Range Planning

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