



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

2025 75<sup>TH</sup> ST. NE  
Rochester, MN 55906  
www.cascadetownship.us

CASCADE TOWNSHIP, OLMSTED COUNTY  
PLANNING COMMISSION MEETING MINUTES  
OCTOBER 18, 2016

**Call to Order:** 7:00 pm by Chairperson Dean Hegrenes

**Roll Call:** Commission Members Present: Dean Hegrenes, John Friederichs, Cheryl Adolphson, David Derby, interim member Lenny Laures

**Pledge of Allegiance**

**Attendees:** Cascade Town Board: Arlen Heathman, Jimmy Hoss, Lenny Laures; Township Cooperative Planning Association (TCPA): Roger Ihrke; Cascade Town Clerk/Treasurer: Steve Wilson; Cascade Town Assistant Clerk: Sara Rudquist; Friederichs Forest Development LLC: David Derby; Salley Hill Development, LLC: Brenda DeCook; City of Rochester, Park & Forestry Division Head: Mike Nigbur; Public: (23 registered residents)

**Agenda Announcement and Review**

**Approval of Minutes:** The minutes from the October 3, 2016 meeting were briefly discussed. A motion to approve the minutes was made by Commissioner Friederichs and seconded by Commissioner Hegrenes. All voted in favor, and the motion passed.

**Call to Audience** (NOT on subject of Public Hearing): no response

Commissioners Derby and Friederichs recused themselves to the audience for the first public hearing.

**Public Hearings Opening Statement by Planning Commission Chair:** The following public hearings are digitally recorded as part of the public record.

**First Public Hearing 1. Continuation of Public Hearing on Friederichs Forest Subdivision**

Roger Ihrke summarized TCPA findings first. (List of documents presented for review listed at end of minutes.) This is a difficult site for development. Consistent wording and spelling are still needed on many documents before the next Cascade Town Board meeting (November 1). Access from West River Road is not permanent, will eventually be rerouted to Oak Meadow Lane. The proposed storm water retention system is a structure new for use in Cascade Township, with no previous history or experience. Erosion, drainage, and sedimentation mitigation with this structure and the future maintenance costs that are to be assessed to the Homeowners Association (HOA) may be substantial. Who will monitor the system for the likely

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maintenance? What if the HOA does not pay for the maintenance? The Cascade Township engineering consultant (Mark Welch, G-Cubed) is skeptical about the steep road cut through the limestone and sandstone; retaining walls or other soil retaining structures may be required; other street and drainage concerns were also described. In addition, four variance issues remain: outlot open space size, less than 120 feet at the building line for Block 1 lots 3 and 4, 10 foot utility easements on both sides of roadway reduced to just one side of the roadway. The proposed septic systems were appropriate, no contingencies. There is a need to identify the relationship of 2 lots (Block 1 Lot 1 and Block 2 Lot 2) regarding their inclusion or exclusion from Covenants and Homeowners Agreement, and what financial responsibilities those lots will subsequently have in maintenance agreements.

Applicant Presentation: Mr. Derby agreed with the engineering concerns that water and sand will flow down to the storm retention system. He agreed that a retaining wall about 300 feet long and 4 feet tall or a boulder wall are possible ways to address the erosion issues. There is a need for good soil borings to clarify the exact soil and rock at the site. There was considerable discussion about the “hammerhead” design at the intersection of Royal Oaks Drive NW and Woodland Way NW.

Public Input in favor: three calls no reply

Public Input neutral: Pat Underwood

Public Input not in favor: Arlen Heathman stated concerns regarding the proposed easement.

**Commissioners’ Work Session and Decision Regarding Friederichs Forest Subdivision:**

Commissioner Hegrenes verified with Mr. Ihrke that the proposed street names have been approved. He also expressed concerns about the drainage easements, as described by the Cascade engineer, and how the developer’s engineering company would address them. Assuming the engineering issues can be resolved, an agreement could be reached with the Cascade Town Board.

Commissioner Adolphson asked Mr. Ihrke whether there is local experience with similar storm retention systems. There are few systems in townships, but they are somewhat common in cities and city employees provide maintenance. Since 2001, in his experience no maintenance issues have been noted. In Haverhill Township, an HOA did some maintenance on their system that had existed for many years. The Minnesota Pollution Control Authority dictates Stormwater management. If the Friederichs Forest HOA did not do the maintenance, Cascade Township could do the maintenance and assess all 7 lots the cost. This would be a burden on the township to manage.

(Mr. Derby explained that he hoped to do construction with ditch checks to prevent slouching of sand into the ditches.)

Interim Commissioner Laures expressed his concerns about the difficult nature of the topography and geology of the development site, the financial burden the township could face if the development is not successful, and safety at the “hammerhead” corner at the intersection of Royal Oaks Drive NW and Woodland Way NW.

Mr. Ihrke stated that with the reservations, contingencies and legal issues noted in documents and correspondence the preliminary plat is basically OK.

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Commissioner Adolphson moved and Commissioner Hegrenes seconded a motion to approve the preliminary plat for Friederichs Forest Subdivision with contingencies that need to be addressed and resolved in writing for the TCPA before the November 1 Cascade Townboard meeting. In summary, drainage and grading engineering concerns raised by the Cascade Engineer, a guard rail at the “hammerhead” intersection or a redesign of the intersection with a 100 foot radius, 6 lots in the HOA or Block 2 lot 2 in the Storm water Maintenance Agreement, consistent wording and spelling (Friederichs) in the legal paperwork. After brief discussion, all voted in favor and the motion passed.

Chairperson Hegrenes called a Recess at 8:45 and called the meeting to order at 8:56. Commissioners Derby and Friederichs rejoined the panel for the balance of the meeting.

### **Second Public Hearing 2. Salley Hill Subdivision Re-Plat**

Roger Ihrke summarized the TCPA findings. (List of documents presented for review listed at end of minutes.) The applicant wants to replat part of the original Salley Hill Subdivision. At present the Cascade Township attorney is drafting a document regarding transfer of the environmental corridor/trail agreement, well agreement, covenants and the proposed re-plat. Legal advice will also be needed for the Outlot D on the original Salley Hill Subdivision plat.

Applicant Presentation: Mrs. DeCook represented the developer and discussed previous attempts to negotiate with Mr. Loken regarding the original plat Outlot D and access onto Salley Ridge Lane NE. Regarding the access to the environmental corridor along the Zumbro River, the developer is trying to please people who want larger lots next to the river and access for the subdivision owners to the corridor.

Public Input in favor: no replies

Public Input not in favor: no replies

### **Commissioners' Work Session and Decision Regarding replat of Salley Ridge Subdivision:**

Commissioner Derby stated that more details are needed to satisfy the legal requirements.

Commissioner Friederichs agreed with the findings of the TCPA, namely the need to review legal documents that are not yet available.

Interim Commissioner Laures agreed that paperwork is needed before the Planning Commission can make a decision.

Commissioner Adolphson asked what the timeline is for a decision on the replat. Mr. Ihrke stated that it is 120 days, starting on August 29.

Interim Commissioner Laures made a motion to continue the consideration of the replat of Salley Ridge until the next Planning Commission meeting on November 15. Motion seconded by Commissioner Friederichs, all voted in favor and the motion passed.

**Third Public Hearing 3. Conditional Use Permit Application (CTCUP-16-03) by City of Rochester Park and Recreation for Dog Park and Community Gardens**

Roger Ihrke summarized the TCPA findings. (List of documents presented for review listed at end of minutes.) A park in the middle of existing and future residential areas is sensible. Hours of operation will need to be a condition. Provisions for water and septic need to be considered.

Animal control and liability concerns (dog bites) need to be considered. Because the City of Rochester owns the land, TCPA recommends that they should provide the animal control and not Cascade Township or the Olmsted County Sheriff department. Several permits are needed, for example, roads and driveway access. In addition, clearly stated hours of operation, maintenance of fences and gates at the dog park, future periodic reviews for compliance will be necessary.

Applicant Presentation: Mr. Nigbur described the loss of the community gardens at Essex Park and the loss of the Members Parkway dog park motivated the City of Rochester to seek new sites as replacements. The City of Rochester did a survey of residents and found sentiment for both community gardens and dog park facilities. The 25-acre site was purchased earlier in 2016. There will be 3 fenced areas for the dog park with 40 parking places. There will be 200 community garden plots with off street parking provided. The nearest residence is 225 feet from the perimeter of the dog park to minimize noise affecting neighborhood sound levels. Instead of obtaining a Conditional Use Permit, Rochester could annex the land or have it rezoned to A4 zone. If either happened, Cascade Township neighbors would have no input on park conditions or amenities. He stated that the Rochester City Attorney placed the responsibility for policing the park onto Cascade Township and not the City of Rochester police department. This would mean extra responsibilities for the Olmsted County sheriff and deputies. There may be some negotiation possible with a management plan for the Rochester police. Liability concerning people using the park will be with the City of Rochester.

Questions from citizens for Mr. Nigbur:

Matt Wanek: Security concerns, will there be gates to close the park after hours?

Answer: No.

What about esthetics? Gardens at Essex had ugly bright orange plastic fences.

Commissioner Derby: What benefit is there to Cascade Township? There will be loss of tax roll revenue.

Answer: Yes, land will be off tax roll. However, by keeping the land in Cascade and not annexing it, Cascade residents will be able to control Park design by what is stipulated in the CUP.

At this time Mr. Ihrke read aloud the 14 conditions that the TCPA had recommended for the CUP.

Another citizen: How many garden plots used to be located at Essex Park?

Answer: Similar Number.

Diane Johnson: Is the NW dog park closing (still see dogs and cars there)? What about water for the dogs?

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Answers: Yes, people are jumping the fence and should not be using the old NW Park. Dog water will be provided from a storage tank or a non-potable well.

Tom Ryan: This proposal for a community garden facility on the same area as a dog park, has this been done before? Animal control and liability are concerns. Could there be motion-activated lights so the lights are not on all night long to preserve country darkness?

Answers: Yes. No.

Bob Lee: Stated that cooperation is needed between Rochester and Cascade Township to maintain property values and quality of life for everyone.

Public input in favor: no replies

Public input neutral: no replies

Public input not in favor:

Mrs. MacKenzie expressed concerns about their property values being decreased by the ugly orange fencing and poor maintenance at the garden plots. The neighbors are concerned about barking dog noises, about trash, and about the ugly portable toilets proposed for the park.

Numerous citizens expressed concerns about illicit drug sales and usage in city parks that are not well monitored and policed. Examples were given regarding these types of problems encountered in the Essex Park area.

Dave Johnson: Concerns about people accessing the park who are not there for dogs or gardening. Could there be entrance gates, especially in winter for the garden area? Motion activated lighting?

Matt Wanek: Concerns about increased traffic on County Road (CR) 133 and 62<sup>nd</sup> Street NW, safety a concern for the 55 mph on the CR 133. Screen the ugly portable toilets.

Gerald Evans: This proposal will need conditions to improve the esthetics with better vegetation, type and color of fencing restrictions, and screen the portable toilets.

### **Commissioners' Work Session and Decision Regarding Conditional Use Permit Application (CTCUP-16-03) by City of Rochester:**

The discussion covered the following topics, and Mr. Ihrke will do revisions (A and B) and add 4 more conditions to the 14 that the TCPA had recommended. (A) The security lighting should be diffuse and directed downward. (B) Hours of operation will be stipulated as sunrise to sunset. (1) The portable toilets need to be screened on 3 sides to be inconspicuous to traffic and the neighbors. (2) There will be no roadway or driveway connection between the community gardens and the dog park; access to the dog park will be from CR133 only and access to the gardens from 62<sup>nd</sup> Street NW only (the dog park lot will be snow plowed in the winter, but not the community garden area). (3) When people reserve their community garden plot, they will be informed to use neutral colored fencing (not orange plastic). (4) There will be a public hearing after two years of use to add, revise or to remove conditions for this CUP.

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Overall, the jurisdiction for this park that involves both dogs and people is burdensome for law enforcement for Cascade Township. Cascade Township already pays extra for sheriff deputy patrols. A separate agreement with the City of Rochester for the park may need to be developed with Cascade Township.

Interim Commissioner Laures made a motion to approve the CTCUP-16-03 with 4 additional Conditions described above, motion seconded by Commissioner Derby. All voted in favor and the motion passed. The paperwork will be signed and filed. Mr. Ihrke and Mr. Nigbur took the action to calendar the next public hearing in 2 years.

**Adjournment** Motion made by Commissioner Adolphson to adjourn, seconded by Commissioner Hegrenes. All voted in favor, the motion passed, and the meeting adjourned at 11:24 pm. The Public Hearing for Salley Hill Subdivision Preliminary Re-plat was continued to the November 15, 2016 Planning Commission Meeting at 7:00 PM in Cascade Town Hall.

Submitted: Cheryl Adolphson, Scribe

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Cheryl Adolphson, Scribe

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Dean Hegrenes, Planning Commission  
Chairperson

**Documents Presented for Review:**

- Friederichs Forest Subdivision Documents for October 3 Meeting: (reference Oct 3 minutes)
  - o TCPA Staff Preliminary Plat Review (updated just prior to meeting)
  - o Quit Claim Deed
  - o Declaration of Covenants, Conditions, and Restrictions For Friederichs Forest
  - o Certificate of Organization for Friederichs Forest LLC
  - o Operating Agreement for Friederichs Forest LLC
  - o Supporting Data for Variance Request From the Provisions of Article IX.
  - o Development Agreement
  - o Zoning Map
  - o WHKS Response to Township Engineer's 9/26/16 Grading Plan Review
  - o Maintenance Declaration Agreement
  - o Updated Preliminary Plat
  - o Email from Township Engineer on 4 items needing review
  - o Olmsted County Public Works Review Letter
  - o Other Reference Documents:
    - WHKS Package: Specifications and Contract Documents for Friederichs Forest Estates
    - WHKS Package: Drainage Report and Hydraulic Computations
- Friederichs Forest Subdivision Documents Updated and/or provided for October 18 Meeting:
  - o MnPAVE Design Summary, updated 10/12/2016.
  - o Engineer's Opinion of Probable Construction Cost, updated 10/12/2016.
  - o Preliminary Construction and Grading Plans, updated 10/12/2016 by WHKS.
  - o Specifications and Contract Documents, updated 10/12/2016 by WHKS.
  - o G-Cubed Report from Mark Welch, dated 10/18/2016, Regarding Results of Review of October 12 Revision Level of Construction and Grading Plans.
  - o Email Dated October 18 from WHKS Engineering to Mr. Derby regarding Construction and Grading Plans items from G-Cubed Review Report.
  - o Preliminary Plat Drawing dated 9/30/16 from Massey Land Surveying and Engineering.
- Salley Hill Subdivision Preliminary Re-plat Review Documents:
  - o TCPA Staff Analysis for Preliminary re-plat Review, Salley Hill Subdivision, Dated 10/11/2016
  - o Olmsted County Public Works Director letter dated 10/13/2016 (No Comment)
  - o Access and Utility Easement Agreement Salley Hill and Loken (draft level and unsigned copy provided at meeting)
  - o Agreement Regarding Public Access, Environmental Corridor and Wildlife Conservation and Trail Easements, dated 31 May 2011.
  - o Agreement Regarding Environmental Corridor and Wildlife Conservation Easements, by River Highlands (2012 Document unsigned by River Highland or Cascade Township).
  - o Developers Agreement for River Highlands, dated 7 May 2012.
- CTCUP-16-03 (Rochester Park and Rec. Dog Park and Garden Plots Application) Documents:
  - o TCPA Staff Analysis, Findings of Facts & Conclusions, Additional Conditions for CTCUP-16-03, Dated 08/10/2016.
  - o Olmsted County Public Works Director Letter, dated October 17, 2016.

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**Addendum**

-- Friederichs Forest Subdivision Public Hearing and Planning Commission Summary, Dated  
10/19/2016