

Document No. **A1610183**

OFFICE OF THE COUNTY RECORDER
OLMSTED COUNTY, MN

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CASCADE TOWNSHIP INTERIM USE RESOLUTION NUMBER IUP-24-01

**"COVER SHEET ADDED BY OLMSTED COUNTY PROPERTY RECORDS OFFICE FOR RECORDING PURPOSES.
THIS PAGE IS NOW THE NEW FIRST PAGE OF YOUR DOCUMENT."**

CASCADE TOWNSHIP
INTERIM USE RESOLUTION
NUMBER IUP-24-01

WHEREAS, an application for an Interim Use Permit has been submitted by Carl Bolander and Sons, LLC to allow for the operation of a construction material recycling facility on a parcel of property legally described as:

The NW ¼ SW ¼ Section 13, Town 107, Range 14, less the South 10.5 acres and also less the North 5 acres thereof, Olmsted County, Minnesota.

WHEREAS, the matter has been reviewed by the Zoning Administrator and a report submitted to the Planning Commission concerning the Interim Use Permit request.

WHEREAS, a public hearing on the proposed conditional use was duly noticed and held by the Cascade Planning Commission at the Cascade Township Hall, 2025 75th Street NE, Rochester, MN on April 16, 2024.

NOW, THEREFORE, be it resolved by the Cascade Township Planning Commission as follows:

Conditions:

1. This permit shall expire when the following events occur:
 - a. Recycling of construction materials has not occurred for a period of one year.
 - b. The surrounding area has developed into predominately residential and industrial uses are no longer desirable at this location.
2. Before construction begins the following plans shall be submitted and permits issued by the appropriate authority:
 - a. Grading Plan, Stormwater Pollution Prevention Plan, Stormwater Management Plan (Reviewed by Township Engineer)
 - b. Driveway permit (Township Road Official)
 - c. Shoreland Development Permit (Olmsted County Planning Department)
3. The applicant must obtain and maintain all applicable permits, insurance and licenses that are required by federal, state, and local agencies.
4. Interim Use Permit will be issued for the recycling of pavement materials, crushing of offsite rock, stockpiling of soil and aggregate, production of aggregates and topsoil and associated infrastructure only. If additional structures or expansion of uses occur, the applicant must receive an amendment to this permit.
5. Industrial District Regulations apply to this property.
6. Appropriate dust control measures shall be employed at all times.
7. If outdoor lighting is needed for essential business, it shall be directed down and away from the public road and neighboring property owners.


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8. Vegetative Buffer: The construction plans shall have provisions for preserving the existing vegetation and mature trees adjacent to East River Rd NE. The undisturbed area shall extend approximately 200' from the West property line. Only the necessary amount of clearing to construct a driveway is permitted in this area.
9. Hours of operation are limited to the following:
 - a. Weekdays: 7am – 7pm
 - b. Saturday: 7am – 5:30pm
 - c. Sunday: 9am – 4pm
10. Review of Interim Use Permit: This Interim Use includes, at the discretion of the Township, a periodic review to determine compliance with the conditions of the permit and whether changed circumstances or conditions require changes to the permit. The Township may also elect, upon adoption of an appropriate resolution following verification of a complaint that a condition has been violated, to conduct a review of the permit. Said review shall only take place following written notice to the owner of the subject property and a duly noticed public hearing. Following such a hearing, the permit may be amended based on changed conditions and experiences with the site.
11. Violation of the terms of the interim use permit is subject to the provisions of the IUP and the Township IUP ordinances. Applicants shall have the rights and remedies provided in the IUP. Violations of the IUP may result in revocation of the IUP and the Township shall have all remedies available to it pursuant to its ordinances or otherwise available to it in law or equity. Notwithstanding the foregoing, in the event that the applicant fails to perform any terms and conditions of the IUP, the Township shall provide the applicant, in writing, a notice of default and the parties shall hold an initial meeting within ten (10) days following notice of such default for purposes of attempting to resolve the default on an amicable basis unless the Township determines that threat to health, safety or property require a shorter notice period. If the parties cannot resolve the matter, the Township may issue a notice of violation to the applicant setting forth, in detail, the action(s) that must be taken to remedy the alleged default and a reasonable time period for curing the default.
12. Reimbursement of township costs: If a permit is revoked, the permittee shall also reimburse the township for the township's reasonable costs, including restoration costs and costs of collection and reasonable attorney's fees incurred in connection with such revocation.

Conclusion:

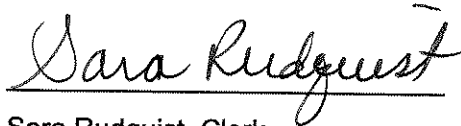
A motion was made by BRIAN WALK and seconded by CHER APPELGAH to adopt. The motion carried with 5 yes votes, 0 no votes and 0 abstentions. The Cascade Township Planning Commission hereby grants an Interim Use Permit per Section 4.03 of the Cascade Township Zoning Ordinance to allow for Carl Bolander and Sons, LLC to operate a construction material recycling facility, as presented.

Passed and adopted by the Cascade Township Planning Commission this 16th day of April 2024.



Gary Moore, Commission Chair

Attest:



Sara Rudquist, Clerk



DISTRIBUTION:

County Recorder
Township Clerk
County Planning
Zoning Administrator
Applicant

Drafted and Return to:

✓ TCPA
4111 11th Ave SW, Room 10
Rochester, MN 55902