

Doc No. A- 1455488  
 OFFICE OF COUNTY RECORDER  
 OLMSTED COUNTY, MINNESOTA

PT NE-SE  
 PT SE-SE  
 74.11.43.082389  
 74.11.44.082389

PT NW-SE  
 PT SW-SE  
 74.11.43.082389

PT SW-NE  
 74.11.13.075989

PT SE-NE  
 74.11.14.036899

11-107-14

I hereby certify that this document was filed in this office  
 for record on --August 13, 2018 10:36 AM  
 W. MARK KRUPSKI - Co. Recorder by deputy: ms  
 Well Certificate: \_\_\_\_\_ Abstract: \_\_\_\_\_ Fee: \$46.00

TCPA  
 4111 - 11TH AVENUE SW, RM 10  
 ROCHESTER, MN 55902

**Cascade Township  
 Zoning Resolution Number R-18-01**

Amendment to Section 1.16 of the Cascade Township Zoning Ordinance and Zoning Map

**WHEREAS**, an application to rezone approximately 140 acres from A-3 Agricultural District and R-1 Low Density Residential District to Agricultural Resource Commercial District – Aggregate Extraction and Reuse by Milestone Materials has been submitted to Cascade Township.

**WHEREAS**, Milestone Materials is acting as an agent for Wilmar Investments LLC. The proposed use is located within the Suburban Subdivision Area of the Olmsted County Land Use Plan. The application indicates a desire to expand their present quarry operation from its location directly to the south.

SECT-11 TWP-107 RANGE-014

E37A SE1/4 SE1/4 AND S2A W36A E37A N 1/2 SE 1/4 LESS  
 TH PT S1/2 SE1/4 SEC 11 SHOWN AS PARCEL 2 ON OLMSTED COUNTY ROW PLAT NO  
 198 APPROVED  
 IN RESOLUTION 15-21 SEC 11-107-14

And

SECT-11 TWP-107 RANGE-014

E23A W43A S1/2 SE1/4 & N1/2 SE1/4 LESS S2A W36A E37A N1/2 SE1/4 LESS TH PT NE1/4  
 SE1/4  
 LYING N OF CEN LINE OF RIVER LESS COM AT SECOR SE1/4 TH N1853.27FT FOR PT OF  
 BEG TH  
 NW100FT TH N300FT TH SE100FT TH S AL E LINE SE1/4 300FT TO BEG LESS ROAD  
 ALSO LESS TH PT  
 NW1/4 SE1/4 LYING NWLY OF THE OF THE CENTERLINE OF THE SOUTH FORK OF THE  
 ZUMBRO RIVER

8-13-18  
 TCPA  
 MS

LESS TH PT S1/2 SE1/4 SEC 11 SHOWN AS PARCEL 2 ON OLMSTED COUNTY ROW PLAT  
NO 198 APPROVED IN  
RESOLUTION 15-21 SEC 11-107-14

And

SECT-11 TWP-107 RANGE-014

TH PT SW1/4 NE1/4 SEC 11 DES AS FOL BEG SECOR SW1/4 NE1/4 TH N AL W LN SD  
SW1/4 312.21FT  
TH S 84 DEG 09'41"W 202.08FT TH S 33 DEG 28'46"W 256.28FT TH S 52 DEG 12'04"W  
129.85FT  
TO S LN NE1/4 TH E AL SD S LN 451.21FT TO POB SEC 11-107-14

And

SECT-11 TWP-107 RANGE-014

COM AT SWCOR SE1/4 NE1/4 TH N595.3FT TH SE185.33FT TH SE322.81FT TH  
SE217.83FT TH  
SE145.62FT TH SE216.61FT TO S LINE SD 1/4 TH W745.14FT TO PL OF BEG SEC 11-107-  
14

**WHEREAS**, the Cascade Township Zoning Ordinance requires that a public hearing be held before the Planning Commission and that the Commission make a recommendation to the board per Article IV.

**WHEREAS**, the matter has been reviewed by the Zoning Administrator and he has submitted his report to the Cascade Township Planning Commission concerning said zone change request, and . . .

**WHEREAS**, a public hearing on the proposed zone change was duly noticed for Tuesday, April 17, 2018, but, cancelled because of a request for a traffic impact report by the Olmsted County Engineer as allowed by Section 10.48 of the Cascade Township Zoning Ordinance.

**WHEREAS**, a public hearing on the proposed zone change was duly noticed for after 7:00 pm on Tuesday, June 19, 2018 at the Cascade Town Hall, 2025 75<sup>th</sup> Street NE, Rochester, Minnesota at which time all interested parties were given the opportunity to be heard.

**WHEREAS**, upon recommendation of the Cascade Township Planning Commission, said zone change was put on the agenda of the next regularly scheduled town board meeting on July 9, 2018.

**NOW, THEREFORE,** be it resolved by the Cascade Township Board as follows:

The Cascade Township Zoning Ordinance lists the following criteria which need to be met in order to grant a zone change:

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

Findings:

The Olmsted County Land Use Plan provides policies to provide direction when considering land use issues. We find in "Chapter 7; Major Policy Issues; General Resource Management Policies; 3. Resource Conservation: Land development ordinances should promote conserving resources, including soil and water, energy, and geologic resources.

- Geologic Resources:

Geologic resources, including sand, gravel, and rock, dictate the location of extraction facilities. Where feasible, sites with excellent geologic resources should be preserved for such uses. Where such sites are in the path of development, development phasing should provide for resource extraction prior to development. The operations and site plans of such facilities should address the control of water pollution sources, noise and dust, storage and disposal of waste, impact on surrounding lands, and impact on surface and groundwater. Ordinances regulating sand and gravel pits and rock quarries should require reclamation plans that address restoration and future use of the site."

This would seem to indicate that development in this area should not happen until the materials have been removed. In 2009 the Minnesota Department of Natural Resources did an analysis of aggregate resources in Olmsted County. This area is mapped as having both a high and moderate potential for crushed stone resources.

Staff requested a determination by the Rochester/Olmsted County Planning as to the consistency of this request to the Olmsted County Land Use Plan. The following comments were provided: "The site of the current Milestone Materials sand and gravel operation, as well as the proposed expansion area to the south, is designated as Suburban Development Area on the Olmsted County Future Land Use Map. Section 5 of the Olmsted County General Land Use Plan states that temporary short-term uses, such as sand and gravel mining, are permitted in the Suburban Development Area.

Section 8.09 of the Olmsted County Zoning Ordinance states that the requested zoning district, Agricultural /Resource Commercial District – Aggregate Extraction and Reuse, may be considered in undeveloped suburban subdivision areas with significant geologic resources.

Looking back through previous versions of the land use map, this area has been designated for suburban development uses beginning with the County's first land use plan adopted in 1978. Since this operation has been consistently in production since the 1940's, staff would conclude that this operation was deemed an appropriate suburban use in 1978, otherwise it

would have been designated differently. This may be due to the typical practice of reclaiming these sites as lakes or other recreational features that fit with residential developments.”

Despite concerns articulated by the County, the zoning change is not inconsistent with any specific requirement of the county plan. Issues raised by the County can be dealt with by road restrictions or enforcement of existing legal requirements related to road weight limits.

Based upon review and analysis as listed above, we find that this criterion has been met.

2. The amendment is in the public interest;

Findings:

The mining area is close to an existing asphalt plant operation on a contiguously owned parcel directly to the south in Section 14 (see map). Asphalt is used on many of our roadways which are owned and maintained by the public. Having the plant near a mine should be more economical, reduce wear on infrastructure, and lessen traffic congestion.

In addition to blacktop, crushed rock is used for both a roadway base and in the creation of cement for roadways and other public projects such as curb, gutter and sidewalks. Mining this area prior to development would be in the public's interest.

The location of sand and gravel resources has been predetermined. We can only recognize where they are located and plan accordingly. We need these resources, and since the public uses such resources, we need to assure the resources remain available by keeping development away from the resource until depleted from the area.

Based on the review and analysis listed above this criterion has been met.

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

Findings:

Olmsted County has upgraded and extended the roadway system in this area, providing for access to the east via 48<sup>th</sup> Street. The County Roadway System provides a higher weight limits and improved safety standards for traffic. The project, known as the 55<sup>th</sup> Street Extension Construction Project included roadway design features that ensure the site's aggregate quarrying operations, and resulting hauling traffic to and from the site could be accommodated.

Materials are relatively close to the present asphalt plant which should provide for less congestion on public roadways. Access to the present plant has been well established to

the south and has provided materials for most of the roads in Olmsted County in recent years.

Development has occurred on many of the parcels on all sides of this area, but to the north and west they are separated by the Zumbro River. To the east is a mobile home park. Mitigation measures will be required during the conditional use process.

Recent improvements in infrastructure, including the substantial improvement of 55th/48th Street further support the zoning change. A traffic impact report was provided by the applicant and reviewed by Olmsted County Public Works. The Township, Applicant and County Public Works Department continue to work through the roadway issues and will address the concerns in the Conditional Use process.

Based on review and analysis listed above this criterion has been met.

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

Findings:

Other residential parcel owners in the area should be considered with respect to how they may be affected by this zone and proposed use change. Industrial uses can create high volumes of noise, dust and smell. If the zone change is approved these issues should be addressed in the conditions of the conditional or interim use permit to mitigate them. A conditional or interim use permit is required before the use would be allowed.

In April of 2014 the Department of Natural Resources acting as the responsible governmental unit made a negative declaration after reviewing an Environmental Assessment Worksheet (EAW) provided by the applicant. Since 2014, the scope of the project has changed. The Department of Natural Resources has provided the Township with determined that the scope of the project has been reduced and that changes in the project do not warrant additional environmental review.

Many of the homes on the parcels to the north and west of this property are higher in elevation than this property. Site mitigation – including dust and noise - may be hard to mitigate.

Numerous limitations on dust and noise could be put in place that would significantly reduce the impacts on surrounding properties, including the properties at higher elevation. These include: limitations on hours of operation; limitations on days of operation; reductions in noise from equipment; use of alternative back up alarms; berming (with respect to the property to the east in particular); and strategic placement of noise-emitting equipment on the property during operations.

Chapter 5 of the County Land Use Plan states that areas designated as “Suburban Subdivision” can allow mining operations as a suitable temporary use.

Based upon the review and analysis listed above this criterion has been met.

5. The proposal does not result in spot zoning;

Findings:

The same developer owns and existing mine to the south. The parcel being requested for rezoning was purchased by the same developer because of the mineral resource it contains, expanding the operation was stated by the developer as their intent. A hot asphalt plant is already located in the area and one of today's criteria for locating a hot asphalt plant is that it be located near the materials it uses. It makes sense and is consistent with the land use plan to mine the area prior to allowing for further development.

Based upon the review and analysis listed above this criterion has been met.

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

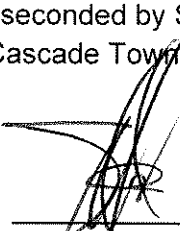
Finding:

No GDP has been approved by Cascade Township for the area at this time and the Township has adopted findings that no General Development Plan is required.


Based upon review and analysis as listed above this criterion has been met.

Motion by Supervisor Mike Black, seconded by Supervisor Gary Steck to approve said resolution and forward it onto the Cascade Town Board. Motion carried with 5 yes votes 0 no votes and 0 abstentions.

Adopted this 9<sup>th</sup> day of July, 2018

  
\_\_\_\_\_  
Mike Black, Chair

Attested:

  
\_\_\_\_\_  
Sara Rudquist, Clerk.



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