S. 19. T-107 R-14
Pt. NW-SE - 74.19.42 073609
74.19.42. 073610
74.19.42. 073507
Pt. SW-SE 74.19.43 073508
Pt NE-SW 74.19.31 073606
Pt. SE-SW 74.19.31 073607

Doc No. A- 1517046
OFFICE OF COUNTY RECORDER
OLMSTED COUNTY, MINNESOTA

I hereby certify that this document was filed in this office for record on --November 10, 2020 11:02 AM
W. MARK KRUPSKI - Co. Recorder by deputy: lw
Well Certificate: _____ Abstract: _____
Fee: $46.00

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

**CASCADE TOWNSHIP**

**CONDITIONAL USE RESOLUTION**

**NUMBER CUP-20-03**

**WHEREAS,** an application for a Conditional Use Permit to allow for the installation of a 134 acre solar garden has been applied for by, WestSide Solar Partners LLC, represented by Gordon Simanton, 2325 Girard Ave. South, Minneapolis, MN on a parcel of property owned by Gill Properties and legally described in attached "Exhibit A".

**WHEREAS,** the matter has been reviewed by the Zoning Administrator and a report submitted to the Planning Commission concerning the Conditional 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 September 15, 2020

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

Motion and second to approve with the following Conditions

**Conditions:**

1. The use shall not create odor, dust, noise, electrical disturbances, glare, or vibrations.

2. The applicant must obtain and maintain all applicable permits and licenses that are required by federal, state, and local agencies.

TCPA ✓ LW
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3. The site may be inspected at any reasonable time by township officials to ensure compliance with this Conditional Use Permit.

4. Ordinance setbacks must be met unless stricter setbacks are indicated within this permit, then those would apply.

5. There should be no advertising except for a non-illuminated name plate measuring not more than one (1) by one and a half (1-1/2) feet.

6. Fencing will be required around the entire site. The type and height of fencing shall be shown on construction documents and approved by the zoning administrator.

7. Construction should include "Best Management Practices" to prevent soil movement.

8. A change in use access permit, along with any road upgrades required by said permit, must be sought, received and any required work completed, before the proposed use can begin.

9. The narrative and plan submitted with the packet must be adhered to unless it Conflicts with the other conditions within this permit.

10. Ordinance setbacks to both fences and structures will be enforced. No fence is allowed within 45 feet of property line abutting a roadway and no structure will be allowed within 50 feet of the property line on the abutting roadway. No fence will be. allowed within 45 feet of a property line and no structure will be allowed within 50 feet of a property line. Bufferyards will be allowed within the setback area but not within the road right-of-way.

11. The entire site shall be kept in a reasonably neat and clean appearance, including weed control.

12. Review of Conditional Use Permit. This Conditional Use includes, at the discretion of the Town Board, a periodic review to determine compliance with the conditions of the permit (as stated in condition #3), and whether changed circumstances or conditions require changes to the permit. The Town Board 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 hearing, the permit may be amended based on changed conditions and experiences with the site.

13. Violation of the terms of the conditional use permit are subject to the provisions of the CUP and the Township CUP ordinances. Applicant shall have the rights and remedies provided in the CUP. Violations of the CUP may result in revocation of the

conditional use permit. The Township shall have all remedies available to it, pursuant to its ordinance, or otherwise available to it in law or equity. Notwithstanding the foregoing, in the event that Applicant fails to perform any of the terms and conditions of the CUP, the Township shall provide 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 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.

14. 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 the costs of collection and reasonable attorney's fees incurred in connection with such revocation.

15. Dust control must be provided on driveway during construction.

16. No staging of equipment on road right-of-way. All offloading of equipment shall be done on the property

17. The applicant must remove any noxious weeds prior to their bloom. The property owner or operator shall provide the township clerk with the name, phone number and address of the maintenance company in-charge of taking care of the grounds. If the township receives complaints on noxious weeds, the grounds keeping company shall be contacted and have ten days to address the issue.

18. Applicant shall present and obtain approval of a landscaping plan from the Township Planning Commission prior to beginning construction.

19. A pedestrian facilities agreement shall be entered into with Olmsted County Public Works for a future multi-use trail in the County State Aid Highway 4 Right of Way.

20. Construction work is limited to the hours of 7 a.m. to 5 p.m. Monday through Friday, Saturday 7 a.m. to 3 p.m. with no construction allowed on Sundays.

21. Wiring that enters and leaves the fenced facility must be underground, wiring within the fenced area can be above ground on frames of panels.

**Conclusion:**

Motion carried with all in favor. The Cascade Township Planning Commission hereby

grants a Conditional Use Permit per Section 4.02 of the Cascade Township Zoning Ordinance to allow for the construction and operation of a solar garden.

Passed and adopted by the Cascade Township Planning Commission this 15th day of September 2020.

Brad Brech, Commission Chair

Attest:

Sara Rudquist, Clerk

SARA RUDQUIST
Clerk, Cascade Twnshp., Olmsted Co., MN
Notarial Officer (ex-officio notary public)
My term is indeterminate

DISTRIBUTION:

County Recorder
Township Clerk
County Planning
Zoning Administrator
Applicant

Drafted and Return to:

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

# "Exhibit A"

071507, 071568

That part of the West One-Half of the Southeast Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota described as follows:

Commencing at the northwest corner of the Southeast Quarter of said Section 19; thence S89°37'25"E, assumed bearing, along the north line of said Southeast Quarter, 568.68 feet for a point of beginning; thence S00°02'18"E, 500.00 feet; thence N89°37'25"W, parallel with the north line of said Southeast Quarter, 390.65 feet; thence S00°02'18"E, 2139.32 feet to the south line of said Southeast Quarter; thence S89°45'36"E, along said south line, 1150.92 feet to the southeast corner of the West One-Half of said Southeast Quarter; thence N00°11'30"W, along the east line of said West 0ne-Half, 2636.64 feet to the northeast corner of said West One-Half; thence N89°37'25"W, along the north line of said Southeast Quarter, 753.22 feet to the point of beginning.

TOGETHER WITH

That part of the East One-Half of the Southwest Quarter and of the West One-Half of the Southeast Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota described as follows:

073610

073606

Commencing at the northwest corner of the Southeast Quarter of said Section 19; thence S89°37'25"E, assumed bearing, along the north line of said Southeast Quarter, 568.68 feet; thence S00°02'18"E, 500.00 feet; thence N89°37'25"W, parallel with the north line of said Southeast Quarter, 390.65 feet for a point of beginning; thence S00°02'18"E, 2139.32 feet to the south line of said Southeast Quarter; thence N89°45'36"W, along said south line, 174.86 feet to the southeast corner of said Southeast Quarter; thence N89°29'49"W, along the south line of the Southwest Quarter of said Section 19, a distance of 1327.76 feet to the southwest corner of the East One-Half of said Southwest Quarter; thence N00°02'18"W, along the west line of the East One-Half of said Southwest Quarter, 1703.56 feet to a point being 933.25 feet south of the northwest corner of said East One-Half; thence S89°37'25"E, parallel with the north line of said Southwest Quarter, 933.25 feet; thence N00°02'18"W, parallel with the west line of said East One-Half, 433.25 feet; thence S89°37'25"E, parallel with the north line of said Southwest Quarter, 391.92 feet to the east line of said Southwest Quarter; thence continue S89°37'25"E, parallel with the north line of said Southeast Quarter, 177.43 feet to the point of beginning.

TOGETHER WITH

That part of the Northeast Quarter of the Southwest Quarter and of the Northwest Quarter of the Southeast Quarter of Section 19, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

073607
073607

Beginning at the northeast corner of the Southwest Quarter of said Section 19; thence N89°37'25"W, assumed bearing, along the north line of said Southwest Quarter, 391.32 feet to a point being 933.25 feet east of the northwest corner of the East One-Half of said Southwest Quarter; thence S00°02'18"E, parallel with the west line of said East One Half, 500.00 feet; thence S89°37'25"E, parallel with the north line of said Southwest Quarter, 391.92 feet to the east line of said Southwest Quarter; thence continue S89°37'25"E, parallel with the north line of the Southeast Quarter of said Section 19, a distance of 177.43 feet; thence N00°02'18"W, 500.00 feet to the north line of said Southeast Quarter; thence N89°37'25"w, along said north line, 178.03 feet to the point of beginning.