

Mower County Planning Commission

Minutes of the Mower County Planning Commission – March 14, 2005

Members Present: Dave Hillier, Myles Bendtsen, Barb Hovde, Jim Risius, Margaret Kirchner, Sheldon Lukes

Members Absent: None

Others Present: Daryl W. Franklin, Citizens

Dave Hillier reconvened the special meeting to order at 7:00 p.m. on Tuesday, March 14, 2005, in the Board of Commissioners Room at the Mower County Courthouse, 201 1st Street NE, Austin, Minnesota. It was explained that only new testimony will be heard at the hearing.

Rezoning of Propety – Matthias & Viola Klassen: Rezoning of Property to Planned Unit Development (PUD) to allow platting of property into a residential subdivision on property pursuant to Division 11 of the Mower County Zoning Ordinance on property located at: E ½ NW ¼ Exc. E 332 ft. N 374 ft. S 592 ft. SE NW, Section 12, Frankford Township, Mower County, Minnesota (Parcel #06-006-0060).

Staff Presentation: This item was tabled at the regular February 22, 2005, Mower County Planning Commission meeting. All members of the Mower County Planning Commission conducted a site visit of the property on March 7, 2005. Chair Hillier stated the Planning Commission wanted only new information to be presented and not simply a repeat of last time. He requested that a spokesperson be added for the project.

Daryl Franklin presented a “draft” handout modeled after Fillmore County entitled, “Rural and Agricultural Home Owners Assumption of Risk Assessment”. Individuals who want to build a new home in a rural area are notified and understand they will be exposed to many conditions typically experienced in an agricultural area. The new home owner must sign the form and have it notarized. The form is then kept with the Zoning Permit.

Applicant’s Presentation and Statements from the Public:

Vincent Mangan spoke and was concerned about #63 and County State Aid #2 and stated by putting more traffic on #2 there will be more accidents. He felt the subdivider should install right-hand turning lanes into and out of the subdivision. A question was raised on the road profile coming into and out of the subdivision. John Schulte stated they had analyzed it and it was in accordance with MN DOT specifications. The Planning Commission requested that Mike Hanson, Mower County Engineer, review the information and provide a statement.

Brian Wolfgram spoke and was concerned about tiling on the property and how it would impact on future subdivisions.

Diane Benson, representing Frankford Township, stated that the township did not want any maintenance of the road and the township also requested a vegetative barrier around the site. It was explained that there was a vegetative barrier on the south side for dumping snow on the road. In response to the question of the road, John Schulte stated the road could be platted as an outlot and the individuals would have one-twelfth responsibility for the road for each lot. In regard to the vegetative barrier, Mr. Schulte stated that the plat or subdivision regulations could be amended to require that each individual property owner would do a vegetative barrier on their property in the respective areas. The plans would need to be approved by the County.

Conclude the Public Hearing: Dave Hillier closed the public hearing. After some discussion, a motion was made by Margaret Kirchner and seconded by Barb Hovde to recommend approval of the rezoning request with the following conditions because it is in accordance with the Comprehensive Plan and Division 11 of the Mower County Zoning Regulations.

The following are conditions of the Rezoning request:

1. Comply with Mower County Subdivision Ordinance.
2. Site evaluations will be conducted on the "primary" sewage treatment site for each lot. The site evaluations shall be submitted to the Mower County Environmental Services Department prior to selling any lots.
3. Easements as requested by local Utilities & others will be shown on plat.
4. All pipeline easements shall be delineated on plat.
5. No access for lots directly on 795th Avenue.
6. Developer will pay all cost associated with roads and driveway installations including culverts and fill.
7. Developer will install road according to Township and County specifications.
8. Complete wetland inventory and evaluation, according to the 1987 Army Corps of Engineers Wetland Delineation Manual of area and submit with preliminary plat to the Mower County Environmental Services Department.
9. The platting must be completed by March 31, 2007, if not the CUP is void.
10. Petitioner must complete and submit an EAW on the subdivision to Mower County for review. If the EAW determines that an EIS is necessary, Petitioner must complete and submit to the County.
11. Comply with Minnesota Pollution Control Agency requirements for project development, including but not limited to general storm water permit for construction activity. Developer will be responsible for all costs.

12. Comply with State requirements in regard to wells.
13. Complete and submit NPDES Permit for subdivision.
14. Any cost for residential 911 signing for rural addressing of streets and homes shall be born by the developer.
15. A vegetative barrier must be installed on the east, west and north side of the subdivision.
16. All individuals purchasing a lot in the subdivision must sign a form entitled, "Rural and Agricultural Home Owners Assumption of Risk Assessment" and this must be on file with the Mower County Environmental Services Office.

The motion passed unanimously. Chair Hillier does not vote.

It was stated that the County Board would be acting on this petition at their Tuesday, March 22, 2005 meeting at 11:00 a.m. at the Mower County Courthouse.

There being no further business, the meeting adjourned at 7:35 p.m. on a motion by Sheldon Lukes, seconded by Myles Bendtsen. The motion passed unanimously.

Respectfully submitted,

Daryl W. Franklin
Mower County Planning Director