

**ALBANY TOWNSHIP
PUBLIC HEARING
TOWNSHIP BOARD
October 8, 2019
7:30 P.M.
ALBANY CITY HALL COUNCIL CHAMBERS**

The Public Hearing by the Albany Township Board of Supervisors to approve amendments to ordinances was called to order by Chair Tim Nierenhausen on October 8, 2019, 7:30 P.M. at the Albany City Council Chambers. Supervisors Tim Nierenhausen, Mary Rosen, and John Greer were present, also present, Diane Noll, Clerk. Attached is a list of residents present at the hearing.

Chair Nierenhausen introduced members of the board.

Chair Nierenhausen read the statement of purpose for the meeting:

“This is a public hearing to consider the proposed revision of The Albany Township Planning and Zoning Ordinance Number 6; Town Road Construction Standards, Ordinance Number 2009-01; Albany Township Fee Schedule, Ordinance Number 2013-02.

This Public Hearing is part of the legal procedure that the Albany Township Board of Supervisors is required to follow regarding the revision of any of its ordinances, as mandated by MN State Statute 462.357 subd 2a. A final decision on this proposed ordinance revision has yet to be made. That decision will ultimately be made by the Township Board of Supervisors, and will take into account what is said at this hearing. “The Township Clerk will now read, for the record, the notice of this public hearing.

Clerk Noll Read the Notice:

Notice is hereby given that the Albany Township Board of Supervisors will hold a public hearing at 7:30 P.M on Tuesday, October 8, 2019 at the Albany City Administration Building, 400 Railroad Ave, Albany The purpose of the public hearing is to consider amendments to the following Ordinances:

Township Land use and Zoning Ordinance Number 6, allowing Industrial Zoning, Junk and Salvage Operations and updating county changes; Sections 6:30, 8 and 9.11.

Town Road Standards 2009-01, corrections to sections 6.01, H and I, 6.02 D.

Township Fee Schedule 2013-02, add additional fees for Request for change of text, Special meetings, Overweight permits, and Request for copies.

Copies of the amended ordinance are available at the Albany Public Library, on line at www.albanytownship.com (under Planning/Zoning) or by contacting the Albany Township Clerk.

All interested parties are invited to attend said public hearings or submit written testimony prior to hearing date, either in support of or in opposition to the changes. Items can be sent to: Albany Township, P. O. Box 344, Albany MN 56307

Reading of Procedure and guideline by Chair Nierenhausen:

Discussion will be limited to the requested Proposed amendments.

Anyone wishing to comment or ask questions will be allowed to do so.

No speaker will be permitted to speak more than twice except to answer a question from the board.
 Each speaker will be limited to a total of 2 minutes.
 No applause or interruptions are permitted.
 All comments must be directed to the chair.
 Each person must state his or her name and address before speaking.
 The board may recess the hearing to another date and time in order to properly hear all those concerned, collect further information, or make a final decision
 This public hearing will be taped.

1. Presentation of Amendments to Fee Schedule 2013-02-Clerk
**AN ORDINANCE ESTABLISHING
 A FEE SCHEDULE FOR ITEMS RELATED TO ADMINISTRATION
 OF THE TOWNSHIP ZONING ORDINANCE**

WHEREAS, the Board of Supervisors has reviewed the attached fee schedule related to **services/fees provided by the township;** ~~administration of the Township Zoning Ordinance;~~

Request for change of text	\$400	Subject to additional legal fees
Request for special meeting	\$600	Subject to additional legal fees
Request for overweight road permit	\$300	Subject to additional legal fees
Request for copies	.15 per electronic page / .50 paper per page copy	

2. Open up comments and opinions from public; No written comments were received.

PLEASE HAVE EACH PERSON GIVE NAME, ADDRESS, AND OPINION FOR THE RECORD:

- Favor Ordinance Revisions
- Oppose Ordinance Revisions

A motion to close public hearings was made by Supervisor Greer, seconded by Supervisor Rosen, motion carried.

A motion to approve the updates to ordinance 2013-02 as presented was made by Supervisor Greer, seconded by Supervisor Rosen, motion carried, unanimously.

3. Presentation of Amendments to Town Road Standards 2009-01-Clerk

B. Changes to the 2009-01 Town Road Construction Standards are the following:

Section 6.00 Road Access Standards

Subpart 6.01. General Access Standards

H. Only one access per residential (R1/2 zoned areas) will be allowed.

I. Plans for new street access(es) will need to be submitted to the Albany Township Ordinance Administrator for review and approval by the Township Board of Supervisors prior to issuance of the permit.

Subpart 6.02. New Access Spacing Guidelines

1. Separation distances may be modified by recommendation of the Planning Commission, to the Township Board, due to parcel size, roadway/street access geometrics and/or proposed use of street.

2. Subpart 7.04. Engineering and Maintenance Standards

5. The Township will not agree to accept any maintenance of a new road until it has been paved for two (2) years and borings completed. Paving and results of borings must meet Township specifications

4. Open up comments and opinions from public; No written comments were received.

PLEASE HAVE EACH PERSON GIVE NAME, ADDRESS, AND OPINION FOR THE RECORD:

- Favor Ordinance Revisions • Oppose Ordinance Revisions

A motion to close public hearings was made by Supervisor Greer, seconded by Supervisor Rosen, motion carried.

A motion to approve the updates to ordinance 2009-01 as presented was made by Supervisor Greer, seconded by Supervisor Rosen, motion carried, unanimously.

5. Presentation of Amendments to Land use and Zoning Ordinance #6-Clerk

SECTION 6 PERFORMANCE STANDARDS -

Adopt County Ordinance except for the following:

6.30 Junk and Salvage Operations-Accepted with Modifications November 2019

SECTION 7 GENERAL DEVELOPMENT STANDARDS

7.223 Residential Dwelling Unit-Accepted with Modifications, November, 2019

7.245 Sign Regulations-Adopted County 2019

7.278 Telecommunications Equipment, Towers, and Support Structures

7.323.2 Standards for Natural Resource Conservation Design Overlay

SECTION 9 PRIMARY DISTRICT PROVISIONS

9.10 Commercial District Amended 2019

9.11 Industrial District- Repealed Amended 2019

6.30 Junk and Salvage Operations

6.30.2 Performance Standards

New junk and salvage operations shall be subject to the administrative provisions of Section 4.18 Interim Use Permits of this Ordinance. Both new and existing junk and salvage operations shall be subject to the following performance standards:

- A. The facility shall be served by a minor collector or higher functional

classification of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.

- B. The use shall comply with all applicable Federal, State, ~~and County,~~ and ~~Township~~ rules and regulations.
- C. Buildings, parking areas, loading areas and any exterior storage, including but not limited to, vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal, shall meet the setback requirements of the applicable zoning district.
- D. Parking shall meet the requirements of *Section 7.19 of this Ordinance*.
- E. A transportation management plan shall be submitted (to County and Township) to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- F. No vehicles or vehicle parts may be placed within the public right-of-way or on public property.
- G. The facility shall be fenced and fully screened from adjacent land uses and public roadways in accordance with *Section 7.234 of this Ordinance*.
- H. Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of twelve (12) feet above grade provided that screening in accordance with *Section 7. 7.234 of this Ordinance* to a height of twelve (12) feet is also provided. Exterior storage area shall be fenced with a 12 foot high solid fence, set back 20 feet from side and back property lines.
- I. The County shall be notified of any hazardous materials stored on site. Storage of hazardous materials shall comply with all local, state and federal requirements.
- J. An environmental management plan, including a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- K. Any outdoor lighting system shall comply with the requirements of *Section 7.15 of this Ordinance*.
- L. The grounds and all structures shall be maintained in a clean and safe manner.
- ~~M. Repealed. One caretaker residence may be allowed. The residence is to be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the junk and salvage operation~~
- N. The salvage facility operator shall keep a written record of all vehicles received, date when received, date when fluids were removed and date when vehicles were removed from the facility. The record shall also include the Vehicle Identification Number (VIN) and manufacturer's name. Each record shall be initiated the day that the vehicle is received at the site.
- O. All fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants and window washing fluids shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- P. All lead acid batteries, mercury containing devices and other hazardous materials shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- Q. Vehicles that are not to be used for salvage and are kept intact for resale, and

recorded in the facility records for such purposes, are exempt from the requirements of *Sections 6.30.2 O and P of this Ordinance*, for one hundred eighty (180) days of receipt of said vehicle.

- R. On-site disposal or burning of trash, refuse, garbage or other waste materials is prohibited. Salvage of materials by, fire, burning, explosives or chemical decomposition is prohibited.
- S. Owners of a vehicle salvage facility shall submit a written report to the County and Township by March 1 of each year. The report shall include the number of vehicles stored on-site for salvage, vehicles stored on-site for resale, an inventory of fluids, lead acid batteries, refrigerants, mercury containing devices and other hazardous materials collected and how the materials collected were disposed of. A copy of the facility's written record for vehicles as required in *Section 6.30.2 N of this Ordinance* shall be attached to the report.
- T. Junk yards and salvage operations shall be subject, as a minimum, to an annual inspection by the County and Township, unless there are violations then more frequent inspection shall be performed.
- U. Signs shall meet the requirements of *Section 7.245 of this Ordinance*.
- V. Holding or Staging Areas. Vehicles stored in holding or staging areas shall be exempt from *Sections 6.30.2 O. and P. of this Ordinance* for a period of ~~one hundred twenty (120) days~~ up to seven (7) days. The holding or staging area designated to temporarily store vehicles before processing shall not exceed storage for maximum of ~~eighty-five (85)~~ 6 (six) vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight (8) inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six (6) inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight (8) inches lower in elevation than the lowest edge of the holding or staging area.
- W. Metal Shredders are prohibited.
- X. The total number of salvaged vehicles allowed on sight will be 250.

That Section 7.23.4 is hereby added to read as follows:

A single family residential dwelling unit shall have a minimum of 840 square feet of livable space except as otherwise provided. Carports, garages, overhangs, and other similar structures shall not be considered as livable space. ~~All single family residential dwelling units shall have a minimum width of 20 feet and a minimum length of 20 feet.~~

7.245 Sign Regulations

That Section 7.245.2.A is hereby amended to read as follows:

That Section 7.245.3.E is hereby amended to read as follows:

That Section 7.245.4.A is hereby amended to read as follows:

That Section 7.245.4.D is hereby amended to read as follows:

7.278 Telecommunications Equipment, Towers, and Support Structures

That Section 7.278.2.J is hereby added to read as follows:

That Section 7.278.4.B(2) is hereby amended to read as follows:

7.278.4 Personal Wireless Service and Microwave Antennas

That section 7.278.4.C(3) is hereby added to read as follows:

7.323.2 Standards for Natural Resource Conservation Design Overlay-herby repealed

8.1 Establishment of Zoning Districts

PRIMARY DISTRICTS

I Industrial District - ~~Shall be prohibited~~ Adopted _November __, 2019

9.11 Industrial District (I District)

~~That Section 9.11 Industrial District as presently enacted is hereby repealed.~~

9.11.1 Purpose

The intent of the Industrial District is to allow small scale industrial uses that require limited services that can be suitably located next to existing urban areas in the Township and at standards that will not impair the traffic carrying capabilities of abutting roads and highways.

The Industrial District implements the following Albany Township Comprehensive Plan goals:

- A. Future Land Use Map, Industrial Area. Medium intensity employment that does not demand a high level of wastewater treatment or water supply, in locations with adequate transportation capacity. Generally applies to existing developed areas.
- B. Manage the impacts of growth and development on the Township's rural character (Comprehensive Plan; Chapter 4).
 - (1) Discourage incompatible land uses through effective land use controls
 - (2) Identify appropriate areas for commercial, industrial, and non-farm rural residential developments.
- C through E-Repealed

9.11.2 Permitted Uses-Repealed

9.11.3 Provisional Uses-Repealed

9.11.4 Permitted Accessory Uses and Structures-Repealed

9.11.5 Conditional Uses-

The following uses may be allowed as a conditional use to be handled by the county:

N. Recycling Center

9.11.6 Interim Uses

The following interim uses may be allowed in the Industrial District:

- A. Junk and Salvage Operations
- B. Light Manufacturing
- C. Solid Waste Transfer Facilities

E. All other uses permitted in Section 9.10 Commercial District of this ordinance.

9.11.7 Lot Requirements

For all uses within the Industrial District, the minimum lot size shall be sufficient to meet the applicable performance and general development standards of this Ordinance for the proposed use. Setback requirements of *Section 9.11.8 of this Ordinance, and the subsurface sewage treatment system standards of County Ordinance Number 422, or successor ordinances.* Maximum lot size shall be 10 acres

9.11.8 Setback Requirements-Adopt Counties

9.11.9 Height Requirements-Adopt Counties

9.11.10 Lot Coverage-Adopt Counties

9.11.11 Relationship to Orderly Annexation Agreement-Adopt Counties

6. Open up comments and opinions from public; No written comments were received.

PLEASE HAVE EACH PERSON GIVE NAME, ADDRESS, AND OPINION FOR THE RECORD:

- Favor Ordinance Revisions
- Oppose Ordinance Revisions

Mike Noll-Lot requirements, we unanimously decided 5 acres , why did the town board decide to have it at 10 acres.

Chair Nierenhausen-if they are expanding for good reason, we just did not want to redo the ordinance to 10 acres at a later date.

Mike Noll- do not want this to become a big operation at the edge of town.

Chair Nierenhausen-in case of expansion, do not think 10 is out of the question. It is still not very large

Gary Bloch, PC- If they would add 2 or 3 acres would they have to change the fence?

Chair Nierenhausen, yes, they would need to meet all set backs and fences.

Justin Overman – Clarification, storage area does not change, do we need to move the fence.

Chair Nierenhausen, storage area does not need to be redone unless used

Mike Noll-fence surrounding we had requested a fence be put up or at least trees. Can a fence be put up around the entire facility.

Tim Nierenhausen-could be an option, can put something in that additional fencing/trees will need to be added.

A motion to close public hearings was made by Supervisor Rosen, seconded by Supervisor Greer, motion carried.

A motion to approve the updates to ordinance #6 with the addition of non storage areas may be required to be fenced /treed was made by Supervisor Rosen, seconded by Supervisor Greer motion carried, unanimously.

ADJOURNMENT

There being no further business to come before this meeting, a motion to adjourn was made by Supervisor Rosen, seconded by Supervisor Greer, motion carried.

Meeting Adjourned at 7:55P.M.

Respectfully Submitted,

Diane E Noll

Diane E Noll

Clerk/Treasurer

Approved Minutes: Tim Nierenhausen Date: October 28, 2019
Township Board Chair

ALBANY TOWNSHIP PUBLIC HEARING

October 8, 2019

SIGN IN ROSTER

NAME	ADDRESS
Michael Roll	20929 330TH ST, ALBANY
Josh Theisen	20644 380TH ST ALBANY,
Jerry Foster	32598 Fifth Lake Rd. Avon
Dale Overman	26438 Co Rd 30 Albany
Justin Overman	26438 Co Rd 30 Albany
Cory Wolf	21837 Trestle Ridge Road Albany, MN
GARY BLOCH	32773 CO. RD. 41 ALBANY MN 56307