

ALBANY TOWNSHIP
PLANNING COMMISSION
Public Hearing and Monthly Meeting
February 22, 2017

The February 22, 2017 meeting of the Albany Planning Commission was called to order at 7:30 P.M. by Chair Ryan Pratt at Albany City Hall Council Chambers. Members present Ryan Pratt, Gary Bloch, and Mike Noll. Also present, Supervisors Mary Rosen; Clerk Diane Noll; Zoning Administrator Jerry Forster.

The Pledge was recited.

APPROVAL OF AGENDA

The Public Hearing has been moved to first on the agenda. A motion to approve the agenda as changed was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried.

PUBLIC HEARING

The purpose of this hearing is to discuss the request for a Proposed Subdivision submitted by Sharon Seiler. According to Township Ordinance Number 6, Section 9, G. 3. (c) a public hearing is needed prior to approval of a Proposed Subdivision. Ms Seiler has presented her request to the Planning Commission and is requesting a 2 plot subdivision, north east of Sand Lake in section 31 of Albany Township.

Discussion will be limited to the requested Proposed Subdivision.

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 two (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

Request: Ms Seiler is requesting a two lot plat which, according to the county, is a cluster development.

Block 1 will be split into two separate lots:

Lot 1: 2.28 Acres (+/-) 1.88 are tillable acreage; LE Score 43 average

Lot 2: 3.66 Acres (+/-) 1.83 are tillable acreage; LE Score 43 average

An additional 74 acres are building restricted.

An easement has been recorded allowing access to the two lots.

The property under consideration is north east of Sand Lake in section 31 of Albany Township. Parcel numbers are 25.15172.0000, 01.00293.0010 and 01.00294.020

OPEN FORUM ON PUBLIC HEARING

Lee Michels 33316 Sand Hill Circle : Thanks for the opportunity for letting us speak. We purchased the home 4 months ago. Landowners should be able to do what they want with their land, but not at the cost of the neighbors. When purchasing the property we were unaware of the easement that runs on the north and east sides of the property. We respect farmers needing access to their fields, but not this is not access to a field. We are concerned about the loss of privacy and loss of value in our property because of the loss of trees and having a road on three sides.

Commissioner Bloch-When was the easement for this road recorded?

This was recorded July 14, 2015

Nancy Holste, 33322 Sand Hill Circle: Why weren't the residents advised of this easement? Even the real estate agents were unaware of the easement.

Steve Holste, 33322 Sand Hill Circle: We have been aware of the situation for the past few years. The Bertram's told them

they were going to purchase the property and keep it for wild life and not be developed. Then Ms Seiler came in cut down trees. What is really happening?

Sharon Seiler-Yes, Bertram wants the property

Dennis Christen, 33231 249 Avenue,-Bertram has stated that the purchase has fallen through and he may not be purchasing.

Nancy Holste, 33322 Sand Hill Circle, We are opposed to this cluster.

Luke Wildering, 33277 253 Avenue: We are not for this at all. We moved to the country to keep it country, now it will have additional houses. We prefer to look at fields and like to see country. We are very opposed to this.

Chair Pratt- About a year ago, the Township Board requested the Planning Commission review the Planning and Zoning Ordinance to include Cluster Development. After much research it was decided to allow them in our Township.

Jason Majchrzak, 3330 Sand Hill Circle-About four years ago this was brought up, this reduces property value because of more traffic coming through. We are concerned about the increase in traffic.

Zoning Administrator Jerry Forster-The two building credits are placed next to existing residential property. By transferring the credits to these parcels, the remainder of the land is restricted from building. Which is a better way of using our building credits, and keeping more farm land.

Carmen Kruezer 33316 Sand Hill Circle-if this is approved, will the new owners have to abide by the Holiday Heights current covenant?

Commissioner Bloch- this is not part of Holiday Heights and the covenant will not be part of this.

Commissioner Bloch, Seiler has two building credits, the county thinks this is the best place to put them. Who buys them is immaterial. Who every buys them will need the easement. Will there be more traffic on the easement when the lots are sold?

Zoning Administrator Jerry Forster- We have heard several comments on concerns about property value-have real-estate agents been contacted on this?

No one has contacted any agents.

Ray Forster, 35065 325 Street- When Shannon Bertram built his house, sheds and road, no one was notified. I don't believe any of this, because we never found out anything in the past. UPS/FEDX trucks/semis/ business was put in there with out anyone knowing about it. No one knows what Bertram is doing, He should be here to defend himself.

Commissioner Bloch- it took us 18 months to approve our ordinance. We allow the building credits to be moved from prime farm land to areas that are not as prime or in already developed areas. There is no plan that will make everybody happy. We felt we did the best we could. We understand that you do not want anyone else out there.

What are the steps moving forward with this proposal?

Finding of fact will be completed and a recommendation will be sent to the Township Board. They will discuss this at their meeting on February 27.

A motion to close the public hearing was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried, unanimously.

ALBANY TOWNSHIP
FINDINGS OF FACT-PLAT REVIEW

NAME OF APPLICANT: Sharon Seiler DATE: February 22, 2017

REQUEST: **SEILER ESTATES SECOND ADDITION**

1. Is the proposed plat consistent with the Comprehensive Plan and related ordinances? Why or why not?

Yes. Chapter Four of the Comprehensive Plan is being followed with the minimum loss of agricultural land while still providing for rural housing. The requested lots are adjacent to an existing residential area.

2. Does the proposed plat preserve larger, contiguous tracts of highly valued farmland?

Yes. This will add 74 acres to the existing 20.25 acres of restricted land, giving a total of 94.25 acres that are building restricted.

3. Do any of the lots contain tillable farmland? **XX** Y / N _____

A. If yes, show how many acres and what is the Land Evaluation Score.

Lot 1 +/- 1.88 Acres, LE score 43 Average; Lot 2 +/- 1.83 Acres, LE score 43 average

B. Are there alternative locations that would use less tillable farmland and still allow equivalent access to public roads?

No. Lots are closest to existing public road and in a corner next to a lake. This preserves larger contiguous tracts of tillable farm land.

4. Is there an easement? If yes, how many tillable acres and what is the LE Value. Is the easement shared by other lots? How many? 4 lots have access.

Yes, there needs to be an Easement to have access to the two lots. There is +/- .75 tillable acres in the easement; LE values average 42 to 46. The easement is shared by 4 lots; the existing farm land (01.00293.0000), existing lot (01.00368.0271), and the two new created lots.

5. Does the proposed plat negatively affect the rural character in a specific, definable manner (ie. Impact on expansion of existing feedlots), describe the impact on rural character.

No, little if any effect on the rural character. The closest feed lot is 1027 feet from the proposed building lots. There may be a loss of some trees to allow the easement for the road.

6. What is the LESA score? 78.25

That is based on a 72 acre parcel, score would be lower if based only on the two build-able lots.

APPENDIX A - PAGE 2

7. Are there any specific points of interest from the county LESA evaluation or from the township site assessment?

The LESA score is based on the entire 72 acre parcel. If it would be based on only the 2 lot plat it would be lower. There are no specific points of interest.

8. What, if any, potential safety or traffic generation impacts will the proposed plat have in relation to the area and the capability of the roads serving the area?

With the existing 40 lot residential area contiguous to the new plats the increase in traffic from two lots will be minimal.

9. Other issues pertinent to this matter, incl. input from neighbors.

Residents living immediately west of the road easement are concerned for their privacy. Also the owner of lot 01.00368.0006/25.15305.0032 feels his property value may be negatively affected because he will have a road/driveway on three sides of his property.

A motion to recommend approval of the two lot cluster was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried unanimously.

Chair Pratt – We appreciate all of the residents attending the meeting.

Request for Administrative split:

PIN: 01.00294.0020 Section 31, Township 125, Range 031

Owned by Sharon Seiler,
The total parcel is 11.05 acres.

PIN: 01.00293.0010 Section 30, Township 125, Range 031

Owned by Sharon Seiler
The total parcel is 60.99 acres.

Tract A: +/-18.73 acres

Sharon Seiler is proposing to take +/- 7.73 acres from 01.00293.0010 and combine it with 01.294.0020 to make Tract A a parcel of +/- 18.73 acres. The road easement that gives parcel 01.00368.0271 a second approach to the residence runs across the north east boundary of the property. The southern boundary is Sand Lake. Tract A is non-buildable; building credits were transferred to the lots West of Tract A.

A motion to recommend to the Township Board, approval of the Administrative Split was made by Commissioner Noll, seconded by Commissioner Bloch, motion carried.

OPEN FORUM

Brennan Shay, representative of Pioneer Club

Mr. Shay is requesting assistance with the State allowing more property for non-profit organizations to be allowed to have more non taxable acreage. At this time the state allows only 20 acres to be non-taxed, the remainder of the property owned by the Pioneer Club is taxed as commercial.

A motion to recommend to the Township Board to request the property around the Pioneer Club be taxed as agricultural, not commercial was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried, unanimously.

Discussion was also held on if the Township would lobby the state to increase the amount of acreage allowed by non profit organizations.

APPROVAL OF MINUTES

A motion to approve the minutes from the January 26 Planning Commission meeting was made by Commissioner Bloch, seconded by Commissioner Noll, motion carried.

NEW BUSINESS

OLD BUSINESS

- Stronger Language in County MOU
- Slopes specs for driveways
- Shouse
- Accessory building closer to the road than the house
- 7.22 Size of manufactured mobile homes
- 7.24 minimum size of house
- Overweight permits for requests for heavy loads on roads.

Review of the following:

Stronger Language in County MOU;

NOW THEREFORE IT IS AGREED, by the County of Stearns and the Town of Albany that those sections of Stearns County Land Use and Zoning Ordinance Number 439 or successor ordinance are subject to review by the Township prior to being enacted by reference as a part of Albany Township Land and Use Zoning Ordinance Number 6 . ~~shall apply within the Town of Albany.~~

A motion to approve the above language in the County MOU was made by Commissioner Noll, Seconded by Commissioner Bloch, motion carried, unanimously.

All remaining items were reviewed and will remain as suggested at the January meeting. A public hearing will be scheduled for the June meeting.

REPORTS

Jerry Forster-Building permits

Kevin and Linda Hall 21602 322 St County permit for house.

Commissioner Reports

COMMUNICATIONS

March 14-Annual Meeting, No Planning Commission

April 11-Monthly meeting if needed

ADJOURNMENT

There being no further business to come before this meeting a motion to adjourn was made by Commissioner Pratt, second by Commissioner Bloch, motion carried.

Meeting adjourned at 10:00 P.M.

Respectfully Submitted,

Diane E Noll

Diane E Noll

Clerk/Treasurer Albany Township

Approved Minutes:

Ryan Pratt

Date: 05/09/2017

Planning Commission Chair