

**ALBANY TOWNSHIP**  
**PLANNING COMMISSION**  
**INFORMATIONAL MEETING**  
**MARCH 29, 2013**

The March 29, 2016 Informational meeting of the Albany Planning Commission was called to order at 7:30 P.M. by Chair Michael Noll at Albany City Hall Council Chambers.

Members present, Mike Noll, Gary Bloch, and Ryan Pratt; Supervisors Mary Rosen, Loren Pelzer and Tim Nierenhausen; Clerk Diane Noll; Zoning Administrator Jerry Forster; Environmental Services representative Heidi Winskowski

The Pledge of allegiance was recited.

Chair Noll thanked all the residents for attending and did introductions of members present.

Chair Noll gave a history of transfer of building credits, clusters and TDR's in Albany Township.

Heidi Winskowski gave explanation of what TDR's are in the county. A Transfer of Developmental rights is when a building credit is transferred from one parcel to another.

Currently Albany Township does not allow transfer of building credit from one parcel to another.

The County Ordinance does allow townships to identify where areas are to be built on and where credits are transferred to. At this time no Township in Stearns County allows inter-township transfers.

This evening the discussion is whether to allow transfers of a building credits to a continuous parcel, owned by the same person.

Supervisor Nierenhausen - Does the County allow transfer from one township to another if same owner.  
Ms Winskowski-Yes, but both townships need to approve.

Chris Kotzer-what is the board's feeling on the transfer of developmental rights?

Commissioner Noll-The board's interest is in what the residents want. This meeting is to help decide in which direction the Township should go with transferring building credits.

Chris Kotzer- aren't cluster developments a tool to preserve farm land?

Commissioner Noll-there are pro's and cons for it, we need to make a decision as to what the majority wants.

Commissioner Pratt requested the drafts we have been working on to be read.

Chair Noll read the drafts.

Chris Kotzer-Each situation is different, Trestle ridge was a very good use of this land. The property used in this was not used as prime farm land, it was a pasture, and now will be used as residential. In Farming Township, there are areas that was good farm land and now there are houses in the center of 40 acres. This is not a good use of prime farm land.

Shannon Bertram-Heidi why was this ordinance adopted? What are the goals?

Ms Winskowski- number one goal is preserving ag land. The Cluster ordinance was adopted in 2008, for about 5 years we did not allow TDR's. In 2010 a compromise was presented and we allowed TDR's with clustering. Cluster development was the best way to preserve farm land

Harvey Beutz-the township is only allowing one transfer per farm?

Commissioner Noll-it is still a work in progress, at this time we do not allow any transfers. The first proposal had one transfer per year, the second proposal only allowed one transfer per owner.

Chris Kotzer-If a land owner is entitled to 10 building credits-wouldn't it make more sense to have the plan done before the first transfer is done? Have the road built prior any transfers being done.

Commissioner Noll-read the section from ordinance

*The sending and receiving lots must have been in the same ownership at all times for a minimum of ten (10) years. Residential development rights cannot be sold. Transfer of residential development rights off of non-buildable land is not allowed.*

*The property owner shall submit an application with a preliminary plat showing all proposed residential lots (even though only one per year is allowed), the location of the offsetting land area to be restricted and the LESA score to the township Zoning/Ordinance Administrator.*

Shannon Bertram- people are not going to wait 10 years. They will then have the large farm split up into 40 acre lots.

John Christen-would the county allow this?

Ms Winskowski- the county would allow 40 acre lots, but would try to place the homes in the two acre spots in the least tillable acres.

Gary Bloch-it is possible that the entire farm is prime ag; no matter what the lesa score is, what do we do then? Better to transfer the credits to one location. Then we would have a "Cluster" or a P.A.T.C.-Prime Agricultural Transfer Credit.

John Christen-so ten houses go into one corner for least productive property. But then the neighbor has a dairy with a 700 foot set back. His option for expansion is zero. That is an issue with a cluster development.

Loren Pelzer-we are not saving farm land if we are not putting the houses together.

Jerry Forster-every situation is different, they will need to come before the board.

John Christen-some land is not owned by farmers, it is purchased just for development. This causes a problem in farm land

John Kotzer Jr.-if you are 700 feet from a dairy operation, will people want to purchase these lots? Or would the township say no to the request?

Ryan Pratt-What is the set back for industrial zoning?

Ms Winskowski-there is no specific set back between residential and industrial. There is the property line set back of 20 feet.

Supervisor Pelzer-how can we make everybody happy?

Commissioner Noll-it is not an easy answer, a lot of different situations, retirees, farmers, developers. That is why we need the input.

Commissioner Bloch-we will never make everyone happy. The feed lot is a viable thing. Site assessment will need to be done not only for the requesting property, but the surrounding farm land. All items will need to be factored in. We can only do the best we can to preserve the most farm land and to allow farmers to farm. We will need to put the building credits on the poorer farm land and keep the good farm land for farming. We are not trying to harm or not allow you to use what you have. We are just trying to do the best we can to

preserve farm land and keep the majority happy.

Ms. Winskowski-When a property owner does a plot and transfers developmental rights, the deed states this acreage is restricted for residential purposes and stays in place unless the property is rezoned. There is no expiration date on the restriction; even if sold, it is still restricted.

Shannon Bertram- A land developer and farmer probably would agree on the placement of houses. The buyers usually want to be near a lake or trees, not in the middle of a field.

Chris Kotzer-Land can be put in a trust. Or if it is used for a retirement, that land is all they have. If you sell the smaller lots, there is more money.

John Christian-if building restricted property is purchased, could building credits be transferred to it?

Ms Winskowski-Yes according to County Ordinance

Jerry Forester-Not allowed in Township at this time.

Commissioner Bloch-it is an option to add to our ordinance allowing the transfer to already restricted property.

Jeff Schwinghammer- The rules only apply when they are in place, the county could change their ordinance at any time. 10 years from now the county/township could take the deed restrictions off.

Ms Winskowski-correct, an ordinance is an every changing document. We can not predict the future.

Commissioner Bloch-The same is for the township ordinance, ordinances have to evolve.

Sharon Seiler- a friend has a piece of property that is building restricted and asked if she could purchase one of my building credits, is this an option?

Ms Winskowski-The county would not allow this, unless it is adjacent properties.

John Christen – Woods is a good place to build a house or near a swamp. But we need to leave room for wild life-where would they go?? Wild life habitat needs to be conserved.

Supervisor Nierenhausen-knowing there is a feed lot within 1000 feet may defer some people from building. Should we extend our feed lot set back?

Commissioner Bloch – How much can a feed lot be expanded and how is it measured?

Commissioner Pratt – it is measured from the corner of the feed lot to the residence

Ms Winskowski-the official feedlot is what is documented at the county.

Commissioner Bloch-we may consider moving the houses to better land, just to stay away from a feed lot. Every situation will be different.

Shannon Bertram – Add to ordinance any new construction will need to be a minimum of 800 feet from the feedlot, giving the farmer and additional 100 foot buffer if he would decide to expand.

Ms Winskowski – the feedlot restriction is reciprocal and needs to be identical for the feed lot and the houses.

Commissioner Bloch-does the township need to follow the same rule?is it a state law?

Ms Winskowski- will check with the department and get back to us with an answer.

Commissioner Noll – at this time all feed lot issues go through the county.

John Christian- If a land owner plots a section of property, do neighbors need to be notified?  
Ms Winkowski-One lot plots do not require a public hearing, usually anything more will have a public hearing.  
For a three lot pot, a public hearing is required.

Chair Noll asked if there were any further questions/comments, being none he requested a motion for adjournment.

A motion to adjourn was made by Commissioner Bloch, seconded by Commissioner Pratt, motion carried.  
Meeting adjourned at 8:54 PM.

Respectfully submitted,

*Diane E Noll*

Diane E Noll

Approved Minutes Signed: \_\_\_\_\_ *Ryan Pratt* \_\_\_\_\_ Date: May 10, 2016  
*Planning Commission Chair*