

**ALBANY TOWNSHIP
PLANNING COMMISSION
Monthly Meeting
and
Public Hearing
Tuesday, November 9, 2021**

The November 9, 2021 meeting of the Albany Planning Commission was called to order at 7:30 P.M. by Chair Joe Peternell at the Albany City Hall Council Chambers. Members present, Joe Peternell and Gary Bloch: Absent, Mike Noll, Also present, Clerk Diane Noll, Supervisor Mary Rosen, and Zoning Administrator Jerry Forster.

Guests: Mark Rodenwald, Shirley Schmidt, Attorney Kelly Springer, Brian Simon, Cathy Mitchell, John Greer, Cody Marsolek, Ryan Pratt

The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Correction to Agenda strike Variance from 5A. A motion to approve the agenda as updated was made by Commissioner Bloch, seconded by Commissioner Peternell, motion carried.

APPROVAL OF MINUTES

A motion to approve the minutes of monthly meeting of October 12, 2021, as presented was made by Commissioner Bloch, seconded by Commissioner Peternell, motion carried.

OPEN FORUM

PUBLIC HEARING

Rezoning request from A40 to R5

We B Farming, (Tom and Dawn Blattner), 37367 County Road 10, Albany MN, 56307.

Kelly Springer, Attorney and Mark Rodenwald, Realtor, represented WeBFarming

Procedure for Public Hearing

Chair Peternell:

This is a public hearing to consider the proposed request for a Zoning change from A40 to R5 by **We B Farming, (Tom and Dawn Blattner)**

This Public Hearing is part of the legal procedure that the Albany Township Planning Commission is required to follow regarding the Change of zoning, as mandated by MN State Statute 394.26 and 375.51. The Planning Commission is a recommending board, and will advise the Township board of their recommendation. The Township Board recommends to the County, and they will have the final decision on Zoning.

The Township Board of Supervisors will take into account what is said at this hearing and give their recommendation to the County. "The Township Clerk will now read, for the record, the notice of this public hearing.

Reading of Hearing Notice-Clerk Noll

Notice is hereby given, that the Albany Township Planning Commission will meet on NOVEMBER 9,

2021 7:30 P.M. at Albany City Hall, Council Chambers, 400 Railroad Ave, Albany MN for the purpose of giving consideration to the following:

Rezoning request proposed by We B Farming, (Tom and Dawn Blattner); the parcel is legally described as that part of the East ½ of Section 3, Township 125, Range 31, Stearns County Minnesota, PIN 01.00022.000, located at 37367 County Road 10, Albany MN, 56307. Total of 62.9 acres.

The zoning designation of the parcel is proposed to change from Agricultural District A-40 to R5. Notice was sent to neighbors within ½ mile of proposal, it was also Posted and Published in the Albany Star Post, Wednesday, October 27 and November 3, 2021.

PUBLIC HEARING PROCEDURE-Chair Peternell

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.

READING FOR REQUEST FOR CHANGE IN ZONING-Clerk Noll

On October 22, 2021, Albany Township received the completed request from We B Farming, to rezone a 62.9 acre parcel from A40 to R5. At this time there is one building credit on the parcel.

COMMUNICATIONS FROM THE PUBLIC- no communication was received.

PUBLIC HEARING

Kelly Springer-Attorney (Willenbring Law Office) representing WeBFarming

Currently zoned as Agricultural Lesa Score 67.44

Westerly half is wooded and wetland

Only partial can be used for farming

Farming potentially is marginal

A better use would be R5 zoning.

Commissioner Peternell-what type of density -how many potential sights?

Ms Springer-not intended to have the total 12 lots. 20 acres would be as one larger piece, the northern part would be split into smaller sections, not sure at this time what that would be.

Administrator Forster-How many building credits?

Mark Rodenwald-discussion was to have 2 building credits, but township zoning does not allow for

R10 or R20, which caused us to request rezoning to R5.

Commissioner Peternell-R5 is the only option-County and Township do not allow R20 and Township does not allow R10.

Administrator Forster-Can building credits be transferred?

Ms Springer-this has not been researched.

Comissioner Bloch-is there a house on the property?

Ms Springer-not at this time, the house has been removed.

Administrator Forster-Report from site vist:

There is only approximately 10.3 acres of tillable farm land with a wide field road between a 3 acre area and a 7.3 acre area.

There is a sizable area of shore-land on the north end from the creek.

There is ditched wetland that runs from the north end to the south end thru the center of the parcel.

Behind the wetland on the west side is a tree covered hill with an approximate 45 degree upward slope. This tree covered area is shown as being in the counties natural resource overlay area.

There is more wetland (rushes and cat tails) than is shown on the County Map.

John Greer-how did you come up with this conclusion of only 10 acres? Previous owners farmed at least 30 acres.

Administrator Forster- measured on the County map site areas that look to be tillable

Commissioner Bloch-can hay be cut in the wet land, it has been done in the past?

Administrator Forster-unkown.

John Greer-this parcel was pasture and grass land for many years

Commissioner Peternell-looks like this could be 3 or 4 building sites, not much more because of streams and land configuration.

Cathy Mitchell- is there a need to stay off the Wobegan trail?

Administrator Forster-10 feet off property line, specific of the parcel.

Also, there are 23 residential lots within a mile of the property.

Commissioner Peternell-they are asking for what is allowable which is the 5 acre split. This is a very unique parcel with a trail behind you. No big farming operations would be able to farm this, there would be no affect on local residents.

Cathy Mitchell-they may propose only 2 or 3 sights, but, they would have the right to build 10-12 lots.

Commissioner Peternell-they can only ask for the R5, because they are not legally allowed to ask for R10 or R20. Cannot see much impact from this occurring.

Administrator Forster-all the wet land has a setback, and the county states there would be a wetland delineation.

Comissioner Bloch-how much is tilled?

Administrator Forster-approximately 10.5 acres

Comissioner Bloch-about 30 acres could have houses on it, with the wet land delineation. Could have a total of 12, but could have at least 5 residents.

John Greer- wooded area on the Wobegon Trail-prime location for a housing.

Commissioner Bloch-one road could go in, more potentially for development than what is being said. Yes there would be a set back from shore land, but with a road, it is a prime area. Lower land can be split up provided there is area for 2 septic and a well.

Wooded area is still considered agricultural. It sill houses wild animals.

Commissioner Peternell- This is not impeding on farm land. 80 acre lots are not being farmed 5 acre hobby farms are perfect for small hobby farms. This would benefit the township. This would add to tax base. This parcel has had not Ag use in many years.

John Greer- the many lots in the area include houses across the road which were built in the 1970's prior to the zoning changes.

Commissioner Bloch- city will never annex this in-will never have pubic sewer or water. If it is annexed, it could be split again

Commissioner Peternell-this does not impede allowing anyone to farm. There is a buffer between the city and this project. Being adjacent to the city would be more of a draw back. This will not be annexed into the city.

Brian Simon-are they allowed to fill in wet lands?

Administrator Forster-The County would not allow.

Commissioner Bloch-could they make more wet land across the road?

Commissioner Peternell- Would be very costly.

John Greer-Money is no object on this parcel.

Commissioner Peternell- It would surprise me if it was split into that many parcels. Would have been perfect for R10 or R20.

Comissioner Bloch-If we rezone this, we will also give all the residents around here the ability to rezone, It will give them more leverage to further expand the property into more houses. Putting septic and wells in the area. There are concerns here.

Administrator Forster-to get a building envelope parcels approved they would all need to be tested for the septic sites.

Commissioner Bloch-I think we are opening up something we many not want. Even if it hasn't been tilled or used, it can be a meadow or woods.

Cathy Mitchell-they would all need a well, how will this affect the water level?

Commissioner Peternell-don't know how the aquifer is running in that area.

Cathy Mitchell-how many current lots in township? Is there a shortage of lots in this area? Is this needed? How any open lots are on the Trestle Ridge. There is not a huge demand -what is the projected growth of Albany Township?

Ms Springer- Stearns County Comprehensive Plan has the transition area going north of Albany. This area is going to grow.

John Greer-only if the Township approves it.

Comissioner Peternell- this is a good place to have small hobby farm. This will not affect the farming part of the township.

Cathy Mitchell-but covering ground with house/buildings/driveways is not a rural atmosphere.

Commissioner Peternell-farms today with the large equipment till off every tree in the area. This is not the same farming area. This would be difficult to rent out because the fields are too small to turn the equipment.

John Greer-for years the previous owner had crops on this property.

Commissioner Peternell—Today it is hard to farm small parcels. This is a good place to put the small farmers. Not any Ag going on at this site at this time.

Commissioner Bloch-Could pasture animals in this area—it does have an Ag purpose as it exists.

Commissioner Peternell-not as prime Ag.

Cathy Mitchell-what do you consider prime Ag? If pasture, this has water/flat land. It would be very

good pasture land.

Commissioner Bloch-this is still an agricultural parcel-it is not just about tilling and planting. Pasture is also important.

Commissioner Peternell- It is unfortunate that we have only this for them to do, they have no other options.

Cathy Mitchell-it meets what they are asking for just doesn't fit in the area.

Commissioner Peternell--I do not have a problem with 10 acre hobby farms that are on unproductive property

Commissioner Bloch-This could have potential for 12 houses, but at least 8 to 10; are they going to plat this, if it is ok, will they expect the township to take over the road?

Administrator Forster-2 building envelopes if it is a plat, more than that a major plat. Road would have to meet the township specifications.

Commissioner Bloch-this could mean another road for township and school bus traffic.

Administrator Forster-unsure what the tax base would be for the township or how the new road would be handled.

Cathy Mitchell-what other services would be needed-fire/ems?

Commissioner Peternell-building sights are only on County Road 10; would not add to the infrastructure of the township. Wish our zoning would be different to allow for these small hobby farms. This is a problem created by our ordinance.

Ms Springer-in the past few years the township approved an R5 closer to the city; this is similar ground, has access to the Wobegon Trail and is on County Road 10. Blattners do not have cattle, and will not use for pasture.

Commissioner Bloch-there is a difference in location. The prior R5 was closer to the city and was contiguous with other 5 acre parcels.

ACTION: A motion to close the Public hearing was made by Commissioner Bloch, seconded by Commissioner Peternell, motion carried.

ALBANY TOWNSHIP FINDINGS OF FACT RE-ZONING REQUEST

NAME OF APPLICANT: We B Farming (Tom & Dawn Blattner) DATE: November 9, 2021

ADDRESS: 37367 County Road 10 , Albany MN ACRES: 62.9 ACRES

Findings shall be made in either recommending approval or denial of a rezoning application, and should reference specific sections of ordinances that apply to the project. Questions which you could be asking include, but are not limited to:

1. Does the proposal conform to the Townships Comprehensive Plan? Why or why not?

Chapter 4-Land Use, *Residential Goal-page 3*

To provide rural housing opportunities that minimize the demand for public services, minimize the loss of agricultural land, and minimize impacts on natural features.

Comissioner Peternell-This proposal would align with the Comp Plan.

Commissioner Bloch-This would have an impact on natural features in the area, and would not necessarily be in agreement with the Comprehensive Plan.

ACTION: Peternell-yes; Bloch-No

2. Is the proposed rezoning compatible with the present and future land uses in the area of the proposal? Present Zoning A40 Proposed Zoning R5

Comissioner Bloch-if we want to keep agricultural we do not want to rezone this to R5.

Will make it harder for the farmers to farm and increase the residential numbers in the area.

Comissioner Peternell-future land use is already residential, just directly west are 5 acre lots-the future will be less and less large farming and more small farmers. There are no large acres in the area. By not passing this we will just slow down what will eventually happen.

ACTION: Peternell-yes; Bloch-No

3. If the property is rezoned, how will the environmental impacts be addressed?

There will be wetland that will be impacted, the County will handle the wetlands.

4. What are the potential impacts of the rezoning on the property values of the area in which it is proposed?

There are 23 existing residential lots in the area. The impact will be minimal.

5. Is there a potential for public health safety or traffic generation impacts based on the proposed rezoning and how will they be addressed?

No major impacts in the area.

There will be more traffic, but is not a township road and will not impact the township.

6. How are the potential impacts of the proposal on existing public services and facilities including schools, parks, streets and utilities being addressed and will this rezoning potentially overburden the service capacity?

Will not overburden.

7. Other issues pertinent to this matter:

Commissioner Bloch-if we want to keep Ag we need to keep parcels that are not prime Ag, but fulfull a purpose for pasture and wild animals. Potentially more houses in an already concentrated area, could cause potential issues.

Commissioner Peternell-we do not have all the right tools for what they are asking for. A healthy township would have areas for big ag, wildlife, hobby farms and residential.

ACTION: A motion to recommend to the board denial of the request for a zoning change from A40 to R5 was made by Commissioner Bloch, seconded by Commissioner Peternell

Vote: **Bloch-Yes; Peternell-No; Noll- Absent** Tie vote.

Information will be forwarded to the board and will make the final decision. November 22, 2021

NEW BUSINESS

For December meeting a request for an administrative split from John and Harvey Beutz

OLD BUSINESS

Review in County Ordinance changes

Chair Peternell suggested to have both Township Board and PC have a combined special meeting to review county ordinance.

REPORTS

Building permits-Administrator Forster

Dale Austin, 36058 State Hwy 238, Albany MN Replace existing building

Tim and Mary Sauerer, 34835 County Road 10-Accessory Building

Christina Traeger, 20134 St Anna Dr-move in storage shed

Kurt & Kristine Krebs, 34390 CR 10, 911 Sign

Albany Recycling Center-Correspondence was sent by Administrator Forster, Chair Nierenhausen received a call from Justin Overman, he stated their goal is to have the work completed by December 3. If not a public hearing will be held on December 27, 2021.

ADJOURNMENT

A motion to adjourn was made by Commissioner Bloch, seconded by Commissioner Peternell, motion carried.

Meeting adjourned at 9:27 P.M.

Respectfully submitted,

Diane E Noll

Diane E Noll

Clerk/Treasurer

Approved Minutes: *Joe Peternell* Date: December 14 , 2021