



**TOWN OF BROCKWAY
COUNTY OF STEARNS
STATE OF MINNESOTA**

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George Fiedler, Chairman
Duane Douvier, Vice Chair, Supervisor
Terry Pogatchnik, Supervisor

Margaret Stang, Town Clerk
Susie Goodew, Appointed Treasurer
Fred Sandal, Zoning Administrator

REPORT AND FINDINGS – JOHANNES PRELIMINARY PLAT

Subject: Review request for proposed preliminary plat involving a 3-acre split from PID 04.02058.0022 to create a new home site.

Applicant/Owner: Brandon & Traci Johannes, 12813 County Road 3, Avon

Property Address: 39741 – 95th Ave, St Joseph

Applicants Request:

Applicants Brandon and Traci Johannes are applying for a preliminary plat that would split approx. 3 acres from their current parcel of 133.63 deeded acres to provide a home site using an available building credit. The resulting parcel on the far east piece of the existing property, currently vacant Ag land, would be about 300 feet wide, containing a 10,000 sq ft envelop for the new dwelling. The siting for septic design and a well to serve the home is yet to be determined.

This new lot created with the plat will meet the Township's minimum lot size requirement of 2.5 acres.

Surveys prepared by O'Malley & Kron have been provided (attached) which show the proposed new parcel to be considered with this preliminary plat request and the location of easements indicating the location of an established driveway. The legal descriptions for the proposed parcel and the easements are included with the surveys.

Review and approval of the preliminary plat from Brockway Township is being requested by Stearns County with a signature needed on the plat from the Town Board chair.

Background Information:

- **Location and Parcel ID Information:** Three acres from PID # 04.02058.0022, Section 33, Twp 126, Range 29 – currently consisting of approx. 133.63 acres.
- **Zoning land use district:** Agricultural District A-40
- **Topography:** Topography maps indicate that the new parcel will be relatively flat.
- **Watershed District:** The property is not located in any Watershed District.
- **Wetlands:** There are a few wetlands to west of the split property that will have no impact on the build area.
- **Restrictions:** Staff is not aware of any unusual restrictions regarding these properties outside of normal Township and County zoning regulations.
- **DWSMA:** There are no Drinking Water Source Management Areas (DWSMA) areas identified on the subject property.
- **Soils:** Per Soil Survey, this property is identified as prime farmland, if drained.

Applicable Statutes

Brockway Township Land Use and Zoning Ordinance

SECTION 9 PRIMARY DISTRICT PROVISIONS

That Section 9 of Stearns County Ordinance Number 439; or successor ordinance, is hereby adopted by reference except for the following.

9.9 Residential District R-1 (R-1 District)

That Section 9.9.8 B(1) is hereby added to read as follows:

The minimum lot size requirement shall be one acre.

All Other Land Use Districts. In all other land use districts, the minimum lot size requirements will be 2.5 acres.

Stearns County Land Use and Zoning Ordinance

9.3 Agricultural District A-40 (A-40 District)

9.3.1 Purpose

The purpose of this District is to preserve the agricultural and rural character of land within the A-40 District. This district is applicable in areas where agriculture is the predominant and preferred land use, as described in the Comprehensive Plan, and agricultural protection, including crops and animal agriculture, is the foremost goal. However, the A-40 district has a secondary goal of providing flexibility not allowed in the A-80 and A-160 districts by allowing for development where agriculture has limited viability. The A-40 district is used in proximity to growing cities and areas away from cities where agricultural resources and practices are intermixed with other uses. Residential land uses are limited to a density of one residential dwelling per forty (40) acres. This district is intended to meet the following goals of the Stearns County Comprehensive Plan:

- A. Preserve highly valued farmland for agricultural pursuits (Land Use Plan Goal 1, Objective 2).
- B. Protect agricultural soils and other agricultural resources by regulating non-agricultural land uses in areas with agricultural soils (Natural Resources Plan, Goal 3, Objective 1).
- C. Maintain suitable boundaries for urban, rural residential and agricultural areas (Land Use Plan Goal 2, Objective 1).

Updated 2020 Stearns County Comprehensive Plan:

The "Future Land Use Map" in the updated Comprehensive Plan adopted by Stearns County in 2020 identifies this area as within the "Agricultural/Rural" category, which is described as:

"This designation identifies agricultural uses and farmsteads related to the operations of the agricultural use at a maximum residential density of 1 unit per 40 acres or greater."

The Plan goes on to specify:

Rural Residential: The Comprehensive Plan recognizes not all of these areas are well suited for agricultural activities given their soil types or natural features. Therefore, the property owner should also be given the flexibility to develop their land as long as it meets certain criteria that balances residential uses with adjacent land uses. Clustering development is encouraged to preserve existing natural resources (e.g., wetlands, prairie, woodlands, habitat corridors, and viewsheds) or large areas for agricultural uses. Lot sizes may vary; however, properties are required to maintain enough buildable land to accommodate the construction of permitted structures, including primary and secondary septic systems or community systems.

Site Visit:

Zoning Administrator Sandal drove past the site and viewed the property from the roadways.

Relationship to Brockway Comprehensive Plan:

Relevant Land Use Recommendations/Action Plans (see pg. 13):

- Township continues to protect agricultural zones within the Township to preserve the farming economies in the area.

Relevant Demographic and Employment Recommendations/Action Plans (see pg. 8):

- Proper land use planning and with the use of good management tools will help to protect the environment and groundwater sensitivity of the Township.

Staff Comments:

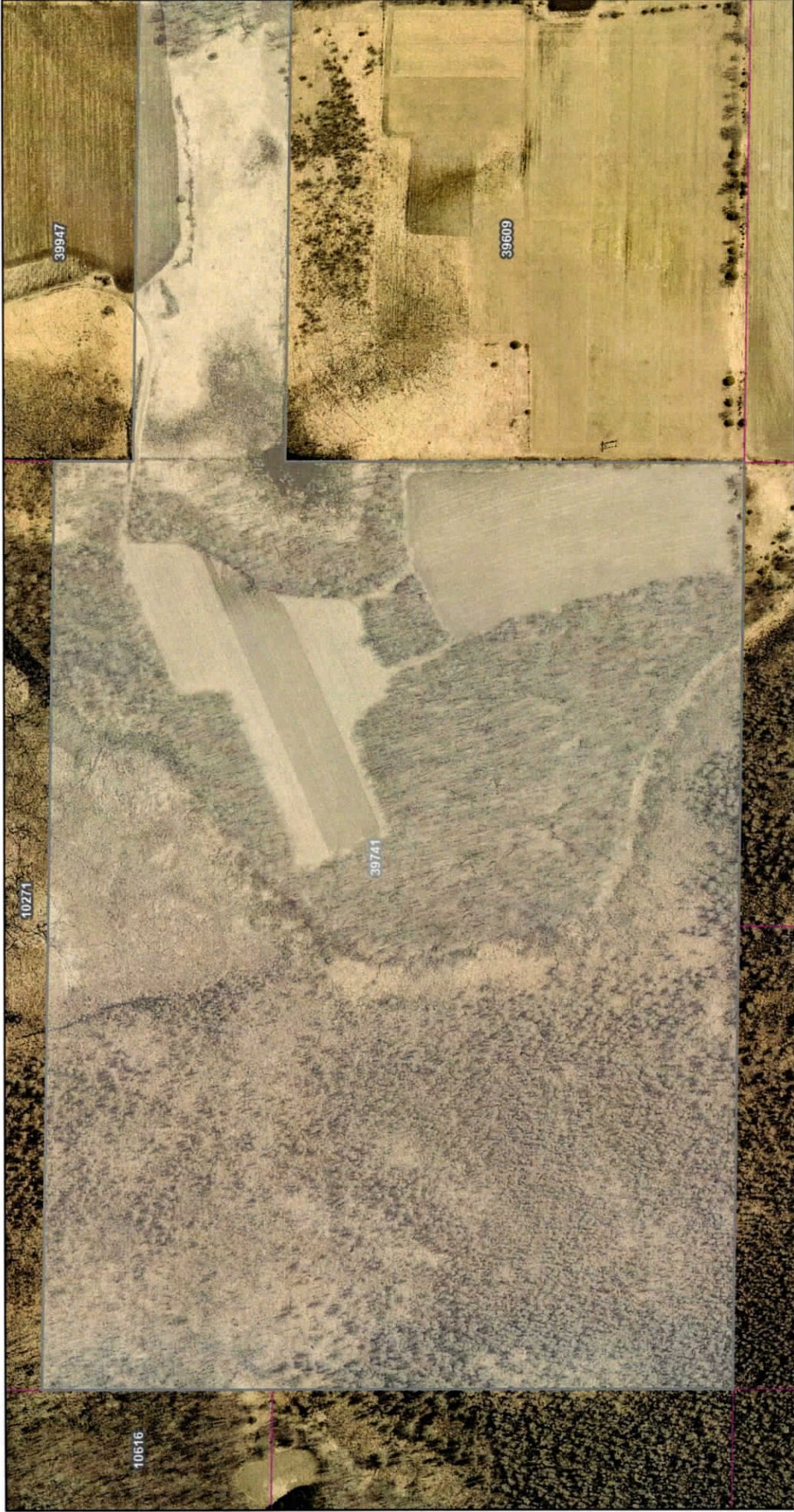
- This particular lot split does not raise many direct issues with the Township's Ordinances or Comprehensive Plan. The new parcel will meet the required lot size and width and the proposed split will not impact the ability of the remainder acres to be farmed and used agriculturally.

Attached Documents:

- Aerial Photos of Subject properties
- Preliminary Plat Surveys indicating the proposed lot lines for the split property, road easements and the legal descriptions.
- Farmland Classification Map from the Stearns County Soil Survey.



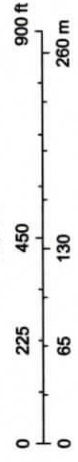
Johannes Property



February 8, 2024

Parcels

1:3,273



Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

The information in the map is not suitable for legal, engineering, or surveying purposes.

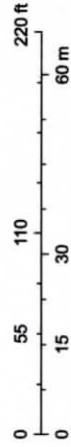
3 Acre Split



February 8, 2024

- Parcels
- Quarters

1:818



Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

PRELIMINARY PLAT OF: JOHANNES ADDITION

UNIVERSITY OWNED
12.5% FUTURE INTEREST

INCREASED AS FORTY EIGHT

INCREASED AS FORTY EIGHT

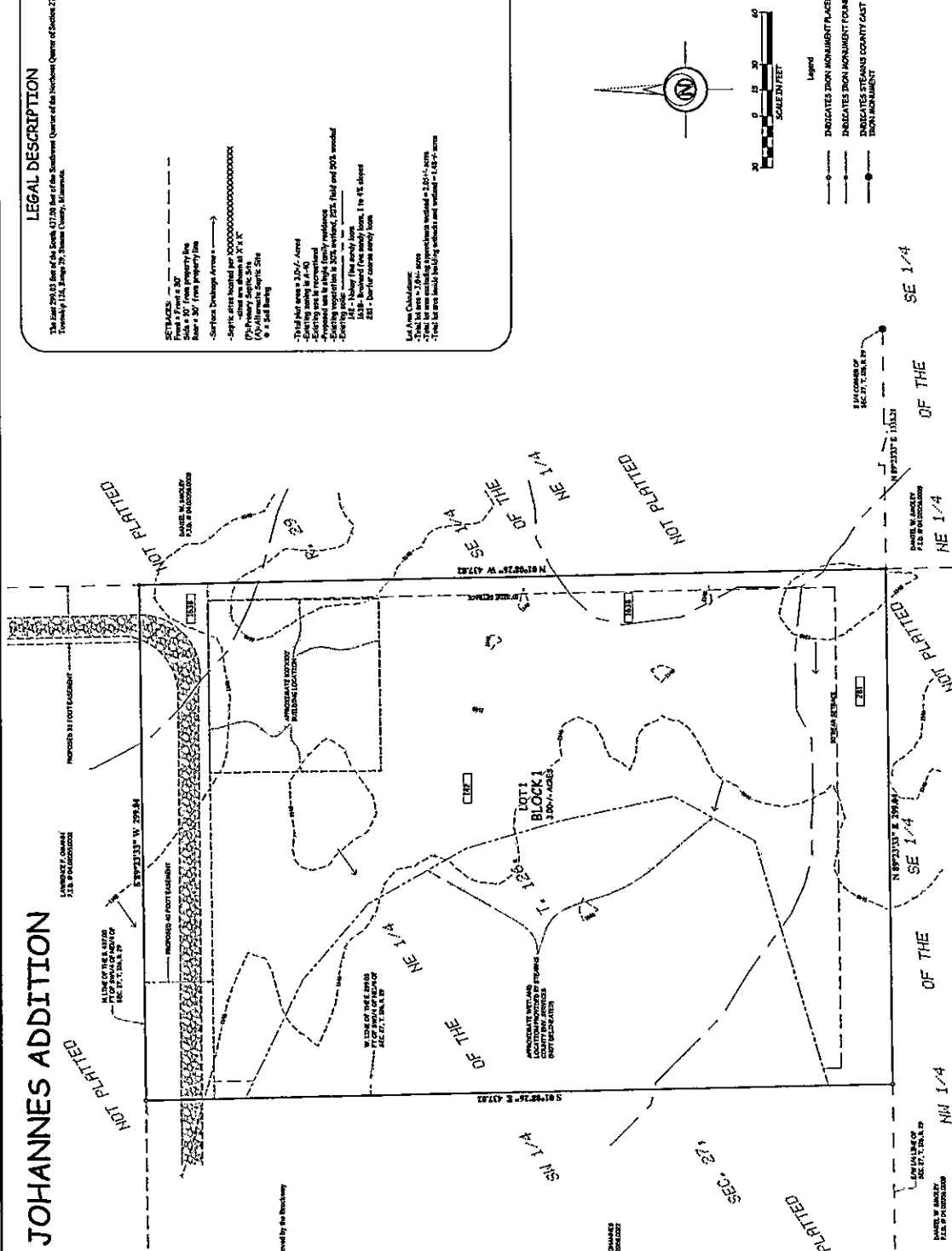
ALONG THE AREA ADJACENT TO THE EAST SIDE OF THE PLAT OF THE SOUTH 1/4 OF SECTION 27, TOWNSHIP 136, RANGE 29, STEVEN COUNTY, MINNESOTA.

LEGAL DESCRIPTION

The Lot 290.03 East of the South 1/4 of the Southeast Quarter of the Northeast Quarter of Section 27, Township 136, Range 29, Steven County, Minnesota.

- NOTES:**
- Lot 1 area = 2.07 Acres
 - Lot 2 area = 2.07 Acres
 - Lot 3 area = 2.07 Acres
 - Lot 4 area = 2.07 Acres
 - Lot 5 area = 2.07 Acres
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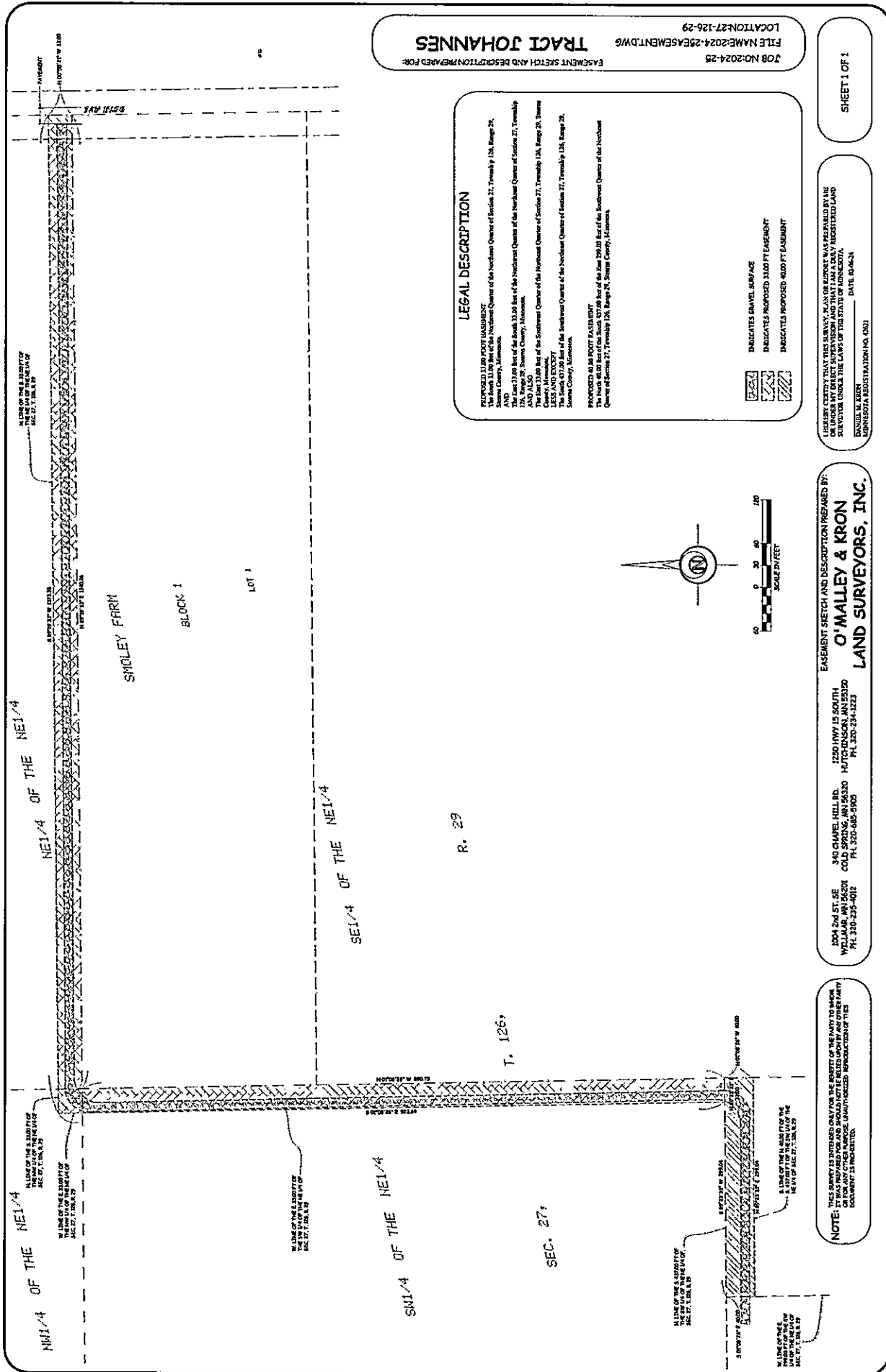
PRELIMINARY PLAT PREPARED FOR:
TRACI JOHANNES
 FILE NAME: 2024-25P-DWS
 LOCATION: 27-126-29

SHEET 1 OF 1

THIS SURVEY WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DANIEL J. KRON
 MINNESOTA REGISTRATION NO. 0261 DATE: 02-06-2024

PRELIMINARY PLAT PREPARED BY:
O'MALLEY & KRON
 LAND SURVEYORS, INC.
 340 CHAPEL HILL RD. 1250 HWY 13 SOUTH
 WILLMAR, MN 56201 COLD SPRING, MN 56330
 PH: 320-860-5900 PH: 320-860-5900

NOTE: THIS SURVEY IS INTENDED ONLY FOR THE PRESENT USE AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. UNAUTHORIZED REPRODUCTION OF THIS DOCUMENT IS PROHIBITED.



JOB NO: 2024-25
 FILE NAME: 2024-25 EASEMENT.DWG
 TRACI JOHANNES
 EASEMENT SKETCH AND DESCRIPTION PREPARED FOR:
 LOCATION: 27-126-29

SHEET 1 OF 1

LEGAL DESCRIPTION

PROPOSED 33.00 FOOT EASEMENT
 The South 33.00 Feet of the Northwest Quarter of Section 27, Township 126, Range 29, Stearns County, Minnesota.

PROPOSED 33.00 FOOT EASEMENT
 The East 33.00 Feet of the South 33.00 Feet of the Northwest Quarter of Section 27, Township 126, Range 29, Stearns County, Minnesota.

PROPOSED 400 FT EASEMENT
 The East 400 Feet of the Northwest Quarter of Section 27, Township 126, Range 29, Stearns County, Minnesota.

PROPOSED 400 FT EASEMENT
 The East 400 Feet of the Southwest Quarter of Section 27, Township 126, Range 29, Stearns County, Minnesota.

PROPOSED 400 FT EASEMENT
 The East 400 Feet of the Northeast Quarter of Section 27, Township 126, Range 29, Stearns County, Minnesota.

PROPOSED 400 FT EASEMENT
 The East 400 Feet of the Southeast Quarter of Section 27, Township 126, Range 29, Stearns County, Minnesota.

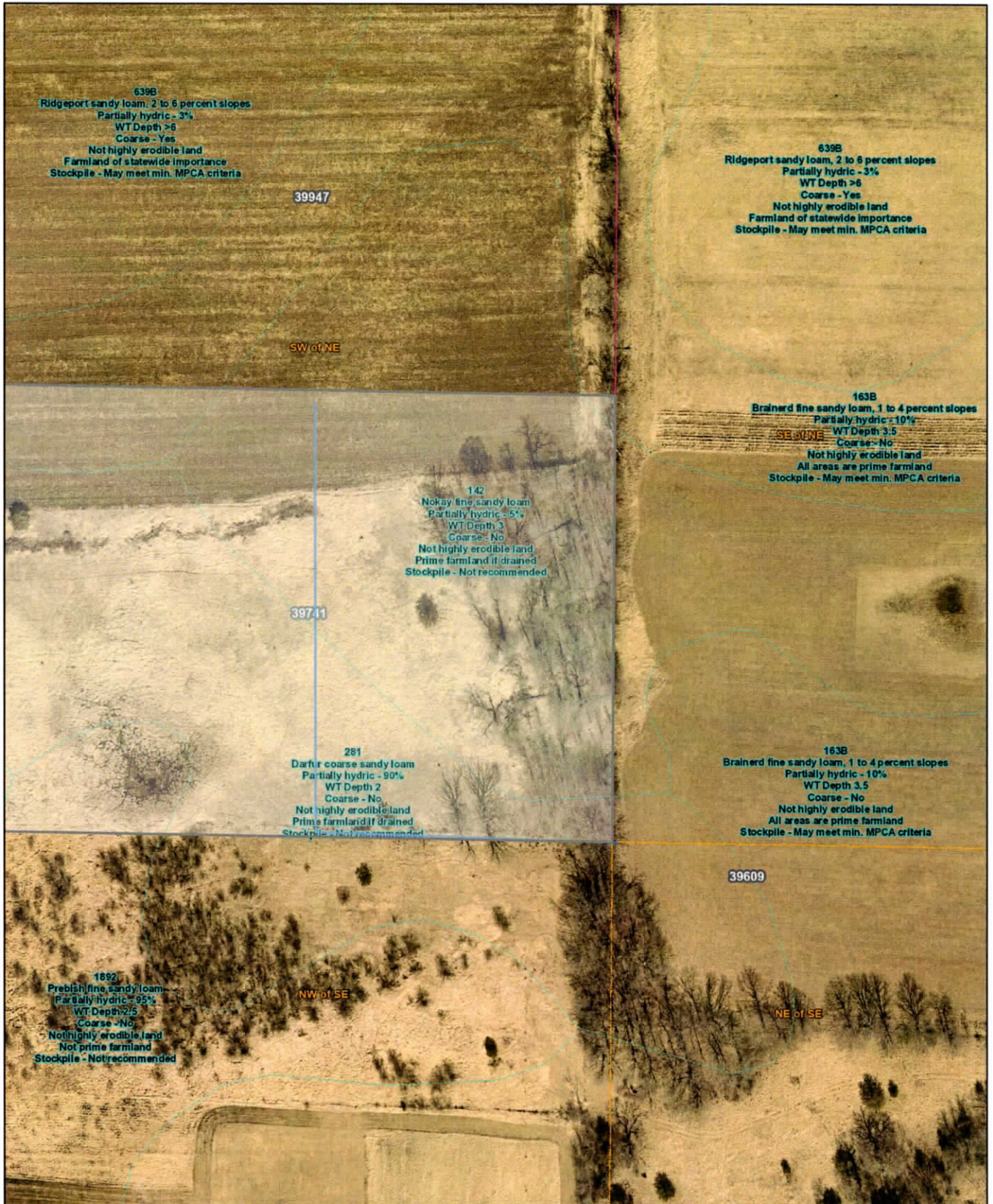
INDICATES GRAVEL SURFACE
 INDICATES PROPOSED 33.00 FT EASEMENT
 INDICATES PROPOSED 400 FT EASEMENT

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DANIEL M. KRON
 MINNESOTA REGISTRATION NO. 8321
 DATE: 04-04-24

EASEMENT SKETCH AND DESCRIPTION PREPARED BY:
O'MALLEY & KRON
LAND SURVEYORS, INC.
 1004 2nd ST. SE
 WELLS, MN 56201
 PH. 320-235-4012
 340 CHAPEL HILL RD.
 COLD SPRING, MN 56330
 PH. 320-685-5905
 1220 HWY 15 SOUTH
 HUTCHINSON, MN 55350
 PH. 320-234-1223

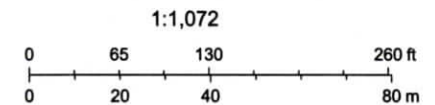
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Soils



February 8, 2024

- Parcels
- Quarters
- All Soils



Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA



TOWN OF BROCKWAY
COUNTY OF STEARNS
STATE OF MINNESOTA
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RIGHT TO ENTER

I / We Brandon & Traci Johannes hereby swear that all of the information included in this application with attached materials is true and correct.

We further give the Township and its designated representatives the right to enter said property at reasonable times during the application process and thereafter to make any necessary inspections or to subsequently check for compliance with permit conditions or other applicable Township Ordinances.


Applicant Signature

2-7-24
Date


Applicant Signature

2/7/24
Date