



**TOWN OF BROCKWAY  
COUNTY OF STEARNS  
STATE OF MINNESOTA**  
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**PLANNING COMMISSION  
MEETING AGENDA**

**June 21, 2021**

**6:30pm**

**Brockway Town Hall**

**Proposed**

1. Call to Order
2. Roll Call
3. Additions or Deletions to the Agenda
4. Approve Planning Commission minutes
  - a. February 16, 2021
5. New Business
  - a. Review request for proposed administrative subdivision involving the detachment of land from PID 04.02055.0000 and attachment to PID 04.02058.0020. Applicant: Lawrence F. Omann. Address: 39947 95<sup>th</sup> Ave, St. Joseph. PIDs: 04.02055.0000 and 04.02058.0020.
6. Old Business
  - a. 385<sup>th</sup> Street – realignment of established right-of-way.
7. Adjournment

This agenda is not exclusive. Other business may be discussed as deemed necessary.

**MISSION STATEMENT**

**The Mission of the Town of Brockway is to:**

Preserve our Natural Resources  
Keep Governmental Service Simple and Cost Effective  
Protect the Right to Continue Agricultural Uses  
Preserve the Character of the Community; and  
Safeguard Property Rights

**Brockway Township is an Equal Opportunity Provider and Employer**

*\*Meeting to be recorded for transcription purposes only.*



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

Margaret Stang, Town Clerk  
Susie Goodew, Appointed Treasurer  
Ben Oleson, Zoning Administrator

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**REPORT AND FINDINGS – POSCH ADMINISTRATIVE SUBDIVISION**

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**Subject:** Review request for proposed administrative subdivision involving the detachment of land from PID 04.02055.0000 and attachment to PID 04.02058.0020.

**Applicant/Owner:** Lawrence F. Omann  
39947 95<sup>th</sup> Ave, St. Joseph

**Applicants Request:**

Applicant Lawrence Omann is applying for an administrative subdivision for land that that would split an approximate 437' x 1320' (approx. 13.24 acre) portion of land from PID 04.02055.0000 and merge it with existing PID 04.02058.0020. PID 04.02055.0000 would decrease in size from 120 acres to about 106.76 acres while PID 04.02058.0020 would increase in size from about 120 acres to about 133.24 acres.

PID 04.02055.0000 contains an existing farm/dwelling site and abuts County Road 5 on the north end.

PID 04.02058.0020 is vacant hunting land which is currently landlocked except for its connection to PID 04.02055.0000. The proposed adjustment of lot lines would not change this situation.

A Certificate of Survey is provided (attached) to show the proposed split to be considered with this administrative subdivision request. Legal descriptions for the lot to be split are included with the survey.

A Certificate of Conformity is being requested by Stearns County for an Administrative Subdivision that includes the split indicated by the Certificate of Survey.

**Background Information:**

- **Location and Parcel ID Information:** PID # 04.02055.0000 and 04.02058.0020, Section 27, Twp 126, Range 29 – currently consisting of a 40 acre parcel and an 80 acre parcel.
- **Zoning land use district:** Agricultural District A-40
- **Topography:** Topography maps indicate that the drainage from both PIDs is generally toward County Ditch 27 on the west edge of PID 04.02055.0000 and the east edge of PID 04.02058.0020.
- **Watershed District:** The property is not located in any Watershed District.
- **Wetlands:** The area surrounding County Ditch 27 is identified as wetlands. The great majority of the portion of land to be transferred between parcels is identified as wetlands.
- **Restrictions:** Staff is not aware of any particular restrictions regarding these properties except those relating to wetland alteration and the County Ditch running through the properties.
- **DWSMA:** There are no Drinking Water Source Management Areas (DWSMA) areas identified on the subject property.

- Soils: Per Soil Survey, most of the property is identified as some form of prime farmland, with the exception of the wetland areas. The area to be transferred between parcels is mostly wetland.

## **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 Oleson 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):

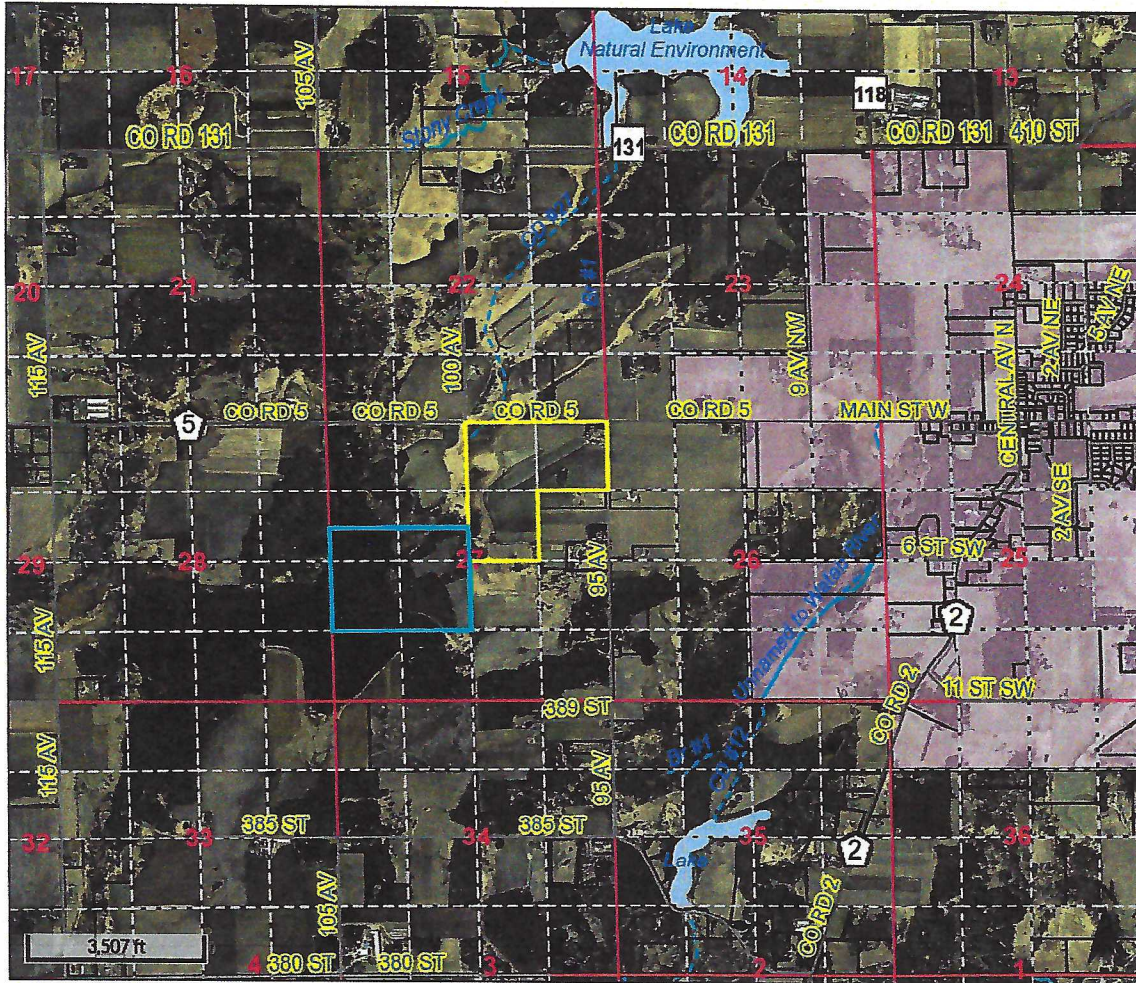
- Proper land use planning and with the use of good management tools will help to protect the environment and groundwater sensitivity of the Township.

Staff Comments:

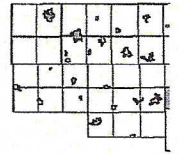
- This particular lot split does not raise many direct issues with the Township's Ordinances or Comprehensive Plan. All parcels will continue to meet the required lot size and width and while the one Parcel will continue to be landlocked, the proposed lot adjustment does not worsen that situation in any way.

**Attached Documents:**

- Aerial Photo of Subject properties
- Certificate of Survey indicating the proposed adjustment of lot lines and legal descriptions.



Overview



Parcel ID	04.02058.0020	Alternate ID	n/a	Owner Address	LAWRENCE F OMANN
Sec/Twp/Rng	27/126/029	Class	2AREM-Agricultural Homestead - Remainder		39947 95TH AVE
Property Address		Acreage	120		ST JOSEPH MN 56374-9727
District	0405 BROCKWAY 748				
Brief Tax Description	120.00 A. S4NW4 & N2SW4				
	(Note: Not to be used on legal documents)				

This map is made available on an "as is" basis, without express or implied warranty of any sort including, specifically, any implied warranties of fitness for a particular purpose, warranties of merchantability or warranties relating to the accuracy or completeness of the database(s).

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385<sup>th</sup>  
REPORT AND FINDINGS - 38<sup>TH</sup> STREET REALIGNMENT OF RIGHT-OF-WAY

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**Subject:** Realignment of 385<sup>th</sup> Street right-of-way west of 105<sup>th</sup> Avenue

**Background:** At the May 2021 Town Board meeting, Staff was directed to work with the Township Attorney to develop the information related to officially realigning the right-of-way for 385<sup>th</sup> Street west of 105<sup>th</sup> Avenue. That would involve both vacating some portions of the existing recorded right-of-way and having new areas identified as right-of-way so as to be consistent with a right of way 66 feet wide centered on the centerline of the existing road surface.

Staff has been provided with the attached information from the Township Attorney regarding the steps necessary to have that realignment completed, which includes the need for a petition to be submitted to the Town Board signed by at least 8 residents/landowners of the Township that live within 3 miles of the portion of 385<sup>th</sup> to be realigned. That petition has not yet been submitted; the attached is just the format of such a petition. Other legal documents that would be needed to complete the process are also enclosed.

Finally, a draft letter is attached which could be sent out to all landowners within 3 miles of the relevant portion of 385<sup>th</sup> (or a lesser area, should the Township wish) to describe what would be done and that if they wish to add their name to a petition to do so, they can do so and return it to the Township Clerk.

**Planning Commission Action:** Staff is looking for input from the Planning Commission/Town Board as to whether to

- 1) Whether to send out the attached letter (or a revised form of the letter) seeking to identify petitioners;
- 2) How many residents to send the letter out to (i.e. what distance from the road segment)