



Doc No. A- 1571865

OFFICE OF COUNTY RECORDER

OLMSTED COUNTY, MINNESOTA

I hereby certify that this document was filed in this office for record on --August 16, 2022 1:07 PM

MARY BLAIR-HOEFT - Co. Recorder

by designee: ms

Well Certificate: _____ Abstract: _____

Fee: \$46.00

TCPA

4111 - 11TH AVENUE SW, RM 10
ROCHESTER, MN 55902

NE-NE }
NW-NE } 16-107-13
PT SW-NE }
SE-NE }
73.16.14.077190

**HAVERHILL TOWNSHIP
ZONE CHANGE RESOLUTION NUMBER R-22-01**

Amendment to Section 1.16 of the Haverhill Township Zoning Ordinance
Haverhill Township Zoning Map

WHEREAS, an application for a zone change from A-1 Agricultural Protection District to A-2 Agricultural Protection District by Cory Penz owner of the following legally described property:

The Northeast Quarter of Section 16, Township 107 North, Range 13 West, Olmsted County, Minnesota, EXCEPT the following described property:
Beginning at the southwest corner of the Northeast Quarter of said Section 16; thence North 00 degrees 14 minutes 26 seconds West, assumed bearing, along the west line thereof, 1050.00 feet; thence South 75 degrees 47 minutes 51 seconds East, 1046.06 feet; thence South 00 degrees 14 minutes 26 seconds East, 789.66 feet to the south line of said Northeast Quarter; thence South 89 degrees 47 minutes 29 seconds West, along said south line, 1013.00 feet.

Parcel # 73.16.14.077190

WHEREAS, the applicants are asking the Haverhill Town Board of the County of Olmsted, State of Minnesota, for a zone change per Article IV of the Haverhill Township Zoning Ordinance, and;

WHEREAS, the Zoning Administrator reviewed said request and submitted a report to the Haverhill Township Planning Commission concerning the zone change, and;

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WHEREAS, a public hearing on the proposed zone change was duly noticed and held by the Haverhill Township Planning Commission at the Haverhill Town Hall, 4000 55th Avenue NE, Rochester, MN on Tuesday May 3, 2022 after 7:00 PM at which time(s) all interested persons were again given the opportunity to be heard, and;

WHEREAS, the Haverhill Planning Commission held a discussion and allowed public input on said matter, reviewed staff findings and recommended denial to the Town Board, and;

WHEREAS, on May 18, 2022 the Haverhill Town Board reviewed the Planning Commission's decision and took additional information on said request.

NOW, THEREFORE, BE IT SAID AND HEREBY ORDAINED by the Haverhill Town Board as follows:

Section 4.00 H Amendment Findings outlines standards which all zone changes must meet in order be approved. Ordinance standards in regular type, findings in *italic*.

1. The proposal is consistent with the policies of the General Land Use Plan;

On August 27, 2018 TCPA received the following written comments from Olmsted County Planning Staff: "The Olmsted County Land Use Plan does not differentiate between agricultural zoning districts. The property contains floodplain soils and land area identified as non-prime farmland. There is A-2 zoning district in the vicinity. Any future land splits of the property would have to conform to the county zoning ordinance as minimum standards."

Haverhill Township Land Use Plan Goal 4. Identify the prime agricultural land within the Township and discourage further urban or suburban development of present agricultural and undeveloped land within the Township; Policies: e. Discourage or prevent the splitting of agricultural land into small parcels with accompanying home sites, which hinder many agricultural uses. In particular, the present Olmsted County A-2 Zoning allows and often results in very large lot suburban housing and hobby farms, which is not the type of agricultural preserve desired by most township residents.

When considering Goal 4; we must first define prime agricultural land.

The Plan provides no definition of prime agricultural land but the Haverhill Township Zoning Ordinance defines prime crop land as "Land which has been determined by the Farm Service Agency to be cropland, having a crop equivalency rating of sixty (60) or greater. If we apply this definition to this property, we find that about 87.61 acres or 64 percent of this property consists of non-prime cropland.

The change is from one agricultural district to another in which the only substantial difference between the two districts is the density of housing units. By approving a conditional use permit within a Medical Institutional District, which houses up to seventy-five residents and is located directly across the road, it seems the density ship has already sailed.

This criterion would seem to be met.

2. The amendment is in the public interest;

Since many of the parcels zoned A-2 within Haverhill Township have been removed and annexed to the City of Rochester, it seems natural that those parcel be replaced. A vibrant community offers several different types of lifestyles and allowing additional non-farm and small farm development for hobby farms and suburban living seems natural.

Approximately 1,440 acres have been annexed from Haverhill Township since the Towns Land Use Plan was created. Approximately 640 acres of that was zoned A-4 with the rest – 800 acres - being A-2 and A-3.

There have been no large agricultural investment made within this area and it is highly unlikely that there will be in the future. The property is directly across from a Medical Institutional District which currently houses a dependence rehabilitation facility. Additional housing in this area may provide the people who work at the facility a place to live.

This criterion seems to be met.

3. The proposed development is timely based on surrounding land uses, proximity to development and the availability and adequacy of infrastructure;

The A-2 Agricultural Protection District allows for continued farming and some non-farm development. Similar zoning is directly south of the property along with a more intense use within the Medical Institutional District. Similar uses have already been established within the area and no additional infrastructure is being requested. Olmsted County Public Works has been asked to comment on the proposal, but since it is currently a township road, the town board is the road authority. Similar non-farms and farms already access this roadway system.

A traffic count has been provided by the county and Section 10.48 Traffic Impact Reports has criteria for average trips per day (ADT) for a rural roadway that is rolling or level with limited or no shoulders as having a capacity of 2900 ADT. The traffic reports indicate there are 749 ADT near the intersection of 48th Street and Hadley Valley Road and 415 ADT near the intersection of 48th Street and County Road 11. Adding up to six additional dwellings, which could be allowed by this zone change, at an average of ten trips per day, would keep the roadway under the ordinance standard.

There is discussion between the Township and Olmsted County as to having the County assume this roadway and becoming the road authority. Additionally, the City of Rochester has approved a new land use plan which if adopted by Olmsted County would change this parcel from its current status as Resource Protection to Urban Service thus a rezoning to A-4 would seem more appropriate. The change in road authority would have no effect on the rezoning, but the change in land use designation could allow for interim suburban/urban development creating many more lots.

Goal 5. Identify undeveloped parcels in close proximity to the City of Rochester which are likely to be subject to development pressures, and designate them transition zones. To the extent development is permitted, concentrate such development in those transition zones.

This criterion seems to be met.

4. The proposal permits land uses within the proposed district that are appropriate on the property and compatible with adjacent uses and the neighborhood.

Land uses should remain the same with both farming, hobby farms and non-farm dwellings only at a greater density.

This criterion seems to be met.

5. The proposal does not result in spot zoning;

Rezoning the property to A-2 Agricultural Protection District with similar zoning on an adjacent parcel would not be considered spot zoning.

This criterion seems to be met.

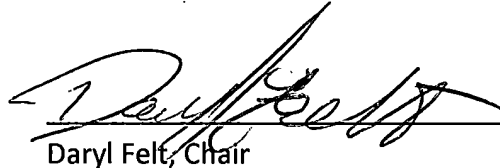
6. The proposal is consistent with a GDP for the area, if one exists.

No GDP has been approved by the township for this area.

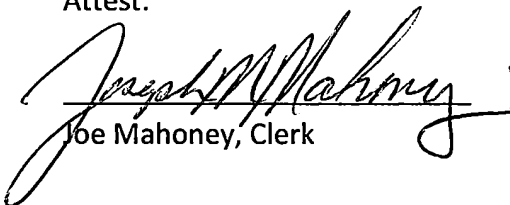
Conclusion

A motion was made and seconded to adopt said findings and too amended Section 1.16 of the Haverhill Township Zoning Ordinance and the Haverhill Township Zoning Maps, designating the above described parcel (approximately 136.11 acres) from the A-1 Agricultural Protection District to A-2 Agricultural Protection District.

Passed and adopted by the Haverhill Town Board on the 15th day of June 2022.


Daryl Felt, Chair

Attest:


Joe Mahoney, Clerk



JOSEPH MICHAEL MAHONEY
NOTARY PUBLIC-MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2026

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