

ATHENS TOWNSHIP PLANNING COMMISSION

Minutes of November 19, 2015

Athens Township Government Center

1. *Pledge of Allegiance:* The Pledge of Allegiance was recited.
2. *Roll Call:* The meeting was called to order at 7:00 p.m. by Chairman Lyle Reynolds. Members present were Dan Woodfill, Jake Carpenter, Marlys Balfany, Lyle Reynolds, Craig Bjorklund, Cindy Anderson and Dave Henderson. Also present was Jim Braun, Staff Member. Guest included Cindy Reynolds, Russell and Barbara Peterson and Dave and Kathy Beckstrom.
3. *Approve Agenda:* Marlys Balfany made a motion to approve the agenda a presented, seconded by Cindy Anderson. Motion carried unanimously.
4. *Minutes of July 16, 2015:* It was noted that on the first page the second to the last paragraph should read: After further discussion, a motion was made by Craig Bjorklund and seconded by Dan Woodfill.

Also on the first page, last paragraph the second to the motion to adjourn was made by Marlys Balfany and the Motion carried at _____p.m. remains blank because the tape ran out.

Also approval of the minutes was missed and they are as follows: A motion to approve the minutes as amended was made by Dan Woodfill, seconded by Marlys Balfany. Voting to approve: Woodfill, Balfany, Carpenter, Reynolds. Voting nay: Bjorklund. Motion passes.

On page three the date of the letter to Barthold's should read 2012.

After some clarification, Dan Woodfill made a motion to approve the minutes as amended, seconded by Jake Carpenter. Motion carried unanimously.

5. *Open Forum:* No one was on hand for the open forum portion of the meeting.
6. *Public Hearings:* None
7. *Old Business:* None

8. *New Business:*

- a. Discussion on giving parcels a building right that do not currently have one: Jim Braun told the Commission the reason that this item was placed on the agenda was at the request of the Board of Supervisors. One of the Supervisors questioned past practices that left some areas of a parcel without a building right after a lot split. Jim explained that this was a common practice in the past as the area left fallow of rights were either designated as “outlots” or were dedicated to the DNR or the Sierra Club or some other organizations to remain fallow for wildlife habitat.

In the case of “outlots” that area of the parcel remains unbuildable until such time that the ordinances change to allow more rights per quarter-quarter section.

Lyle Reynolds noted that Isanti County no longer allows “outlots” in their platting procedure. The outlot problem was taken care of when Isanti county adopted the “four-per-forty” rule as one building right has to remain with the quarter-quarter section on the remaining lot.

The question by the Board of Supervisors is can the Township give one building right to all fallow parcels that do not have a building right on them at this time? This right would not be transferable and would have to stay with that parcel.

Staff started to investigate the question by checking with the Isanti County Zoning Department. The reply that staff received from them is that giving each parcel that is fallow is less restrictive that the County Ordinance, thus is not allowed. Also, even if possible any quarter-quarter section granted an “extra” building right would have to be platted as it would be considered the third split.

Jim Braun went on to say that it would be possible if the Township adopted “three-per-forty” which would be more restrictive than Isanti County. The problem with doing that is there are 438 quarter-quarter sections in the Township, excluding Cedar Creek, that would have to be studied individually to see if and why the quarter-quarter had a fallow parcel. Then if it’s determined that the parcel deserves a building right who will pay to have it platted? Also who will pay for all the research on the quarter-quarter sections, which will take a great deal of time for each section.

At the past Board of Supervisors Meeting, a statement was made that they did not think it was fair that the people that sold there rights off would receive another and would benefit from it, while others that saved their rights would get no benefit.

Jim Braun questioned how the Township would go about buying back the rights granted as “conservation easements” in order to place a building right on them?

A question was raised by Dave Henderson if Staff checks to see if a building right remains on a parcel before a building permit is issued. Jim replied that he can usually tell by how many parcels are already developed on a quarter-quarter section. If there are more than two sites developed Jim checks to see if they were transferred from another quarter-quarter.

In the case of a quarter-quarter that has not been developed or maybe has on developed site, Jim asks for some type of deed or ownership record so that he can check with the Records Office to see if there is a “deed restriction” or a “conservation easement” on the parcel.

After some discussion Chairman Reynolds asked each Commission Member what their feeling was about restoring a building right to all parcels that do not currently have one. Each member gave a quick answer to the question and the Commission as a whole was unanimous that it was not a good idea at this point. (Question denied by mutual consent)

Jake Carpenter asked if the Township would be able to continue the two-per-forty division as in the past. Jim Braun replied that there was a comment from the Isanti County Zoning Office that we were less restrictive than their Ordinance. To be as restrictive on building right would have to be left on the quarter-quarter section to be split and one could be transferred. This is not what was told to the Town Board by one of the County Commissioners. Staff will talk to that Commissioner to see if there had been a change. Lyle Reynolds noted if the Township has to be as restrictive, two-per-forty no longer works.

Marlys Balfany had an individual ask if it may be possible if the Township would adopt three-per-forty could the lot sizes be bumped from a maximum of three acres to five acres. (*Good question Marlys*) After some discussion about what other Commission Members thought may or should happen, Jim said that he would look into it and get a firm answer.

- b. *Discussion on land division:* Chairman Reynolds declared that most of that discussion had already been discussed in segment (a.). No further discussion is necessary.

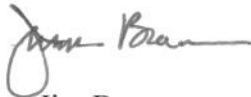
Russell and Barbara Peterson were on hand to ask about a parcel that adjoins their land that has been put up for sale. The parcel is a 12+ acre site on the Rum River that has 16 ½ feet of frontage on a public road. Eventhough the parcel is a lot of record it does not have the required frontage of 200’ on a public road in order to get a building permit.

Jim Braun explained to the Peterson's that particular parcel is the hottest parcel on the market in the Township at this time. Jim has received at least 35 to 40 telephone calls on the property only to have him tell them they can't get a building permit until they have the frontage needed.

Many said that they wanted a variance from 200' to 16 ½' and were told that he would not support the request as within ½ mile from this parcel we made a landowner to own forty acres purchase 200' of frontage from a neighboring parcel to make his parcel buildable. Everyone one was told to try to purchase land from a party that owns land that surrounds the parcel that is for sale. Until that happens nothing will be done and the current owner has reasonable use of his land.

9. *Miscellaneous:* None
10. *Adjournment:* Being that there was no further business a motion was made by Marlys Balfany to adjourn the meeting seconded by Cindy Anderson. Motion carried unanimously at 8:01 p.m.

Respectfully Submitted,



Jim Braun
Recorder Pro-Tem