

ATHENS TOWNSHIP PLANNING COMMISSION

Minutes of June 24, 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, Cindy Anderson, Craig Bjorklund and Dave Henderson. Also present were Jim & Carolyn Braun, Staff Members. Guests included (see attached Public Hearing Attendance Sheets).
3. Approve Agenda: Chairman Reynolds gave the Commission an explanation that John Krall has changed his mind about applying for a "Use Permit" and is now requesting a site plan review, thus no need for a public hearing. No other items were added. A motion was made by Marlys Balfany to approve the agenda as presented, seconded by Dave Henderson. Motion carried unanimously.
4. Minutes of April 16, 2015: Jim Braun told the Commission that he had a correction of the March 19, 2015 minutes. Because the tape did not identify the person that seconded a vote it was left blank. That person was Marlys Balfany and a notation by the Chairman that the vote carried was on the tape. Dave Henderson asked that the Commission vote on the approval of the March 19, 2015 minutes. Jim Braun said that the minutes were approved at the meeting with changes and corrections made. No further action taken.

Dave Henderson made a motion to approve the April 16, 2015 with some corrections. Marlys Balfany took exception that the minutes noted that Barb Kilpatrick should have given a handout to the Zoning Administrator to hand out to the Commission and took offense to Craig Bjorklund stating that it was under handed. She feels it is no different that Craig Bjorklund pushing his agenda on the Commission. Carolyn Braun said that it is appropriate for Craig Bjorklund to speak at the meetings as he is a member of the Commission.

Marlys Balfany wanted to make a clarification on a question that was asked at the meeting. Jim Braun asked each Commissioner if what he said at a prior meeting on knowing what the position of the Board of Supervisors was on the question of land division had affected their vote on the density question. All the Commissioners responded no. Dan Woodfill said he felt no pressure from Jim

Braun but from Craig Bjorklund. Because Jake Carpenter was absent at the meeting, Chairman Reynolds had a discussion with him and asked the question and he also said no.

Carolyn Braun suggested that maybe the Commission should hire an independent person to take minutes. There was some discussion on what needs to be in the minutes as the Planning Commission minutes are usually what are used as evidence in court actions. No further action taken.

Dave Henderson questioned the part of the minutes that said the minutes did not reflect the charge that he made about polling the Town Board. Dave Henderson said that Jim Braun said he polled the board. Jim Braun said he did not 'poll' the board in the sense of asking each one individually. Dave Henderson said it was inappropriate for Jim Braun to pass on information to the Commission in an attempt to persuade the commissioners on how to vote. Chairman Reynolds responded to Dave Henderson that this item was discussed on April 16th. Dave Henderson asked Chairman Reynolds if he was good with the outcome of that discussion from an ethical standard. Carolyn Braun said that there was nothing done that was illegal. Dave Henderson said that he had the floor and felt that the information Jim Braun gave the commission about the town board made the members vote differently than they would have voted without the information. Chairman Reynolds responded that this has been discussed at a previous meeting. Dave Henderson complained it is not in the minutes. Dave Henderson feels there was dishonesty and inappropriate behavior. Dave Henderson made a motion that Jim Braun be censored for polling the board. Jim Braun replied that what is in the minutes from March 19th covered what actually happened and that the wording was checked by the Township Attorney Peter Tiede. Lyle Reynolds apologized because there was no tape of the March 19th meeting. After continued conversation by Dave Henderson, Chairman Reynolds asked for a second to the motion. Motion seconded by Jake Carpenter. Chairman Reynolds stated that the Zoning Administrator needs to know where the board stands on certain items in order to provide board assistance as part of his job. Motion carried – Ayes, Dan, Jake, Marlys, Cindy and Dave; nays – Lyle and Craig. Jim Braun asked what the censorship meant. Carolyn Braun stated that Jim Braun's actions were no different that what they had both been directed to do by Dave Henderson when he was the Board Chairman. Dave Henderson stated that he wanted Jim Braun to leave. At that point, Jim and Carolyn Braun left.

Chairman Reynolds asked Town Board Chairman Jan Palmer how they should proceed with the meeting. Chairman Palmer responded that they should proceed using the draft prepared by Carolyn Braun.

Motion made by Marlys Balfany, seconded by Dan Woodfill, to approve the minutes as amended. Motion carried.

5. Open Forum: A question was asked by an un-named person about who is on the Commission and where do they live. Each Commissioner introduced themselves and all are residents of Athens Township. (Note: Jan Palmer introduced herself as the Chairman of the Board of Supervisors and stated that she has asked that the Brauns come back in and finish the meeting) The same person asked Carolyn to identify herself at which time she did. The question was asked where we live and Carolyn responded that we live in Princeton. Chairman Reynolds stated that the Braun's are contract employees hired by the Board of Supervisors for their expertise in planning and zoning. Carolyn also told the crowd that we have been on contract since 1996.
6. Public Hearing: (a.) Zoning Ordinance Amendment – Density Standards: Carolyn Braun clarified that this action was being brought forward because Staff was requested to do so. In order to finish the Comprehensive Plan in the time frame given of thirty hours it had to be known if the Township was to stay at a two per forty density or change to a four per forty density.

Carolyn Braun stated that usually the Comprehensive Plan is finished before any amendments are made. In this case time was of the essence and the result of the amendment be known in order to finish the Comprehensive Plan on budget.

Carolyn brought forward the following changes to the Commission for their consideration:

1. Density in the A/R district can either be 2 dwelling units per 40 (quarter of a quarter section) – as currently allowed by the Town Zoning Ordinance or the density can be 4 dwelling units per 40.
2. Development rights can be transferred to contiguous or non-contiguous properties in the township under common ownership.
3. A maximum of eight buildable parcels may be created within a 40 acre parcel (quarter – quarter section)
4. When using a transfer of development rights, the following apply in addition to existing standards:
 - a. One density right must remain on the quarter section from which transfers are made if development is under the 4 per 40 standards.
 - b. New lots shall be two to three acres except that the remaining development right in the quarter section may exceed the three acre maximum lot size if necessary.
 - c. Any transfer of development rights requires platting.

Chairman Reynolds asked for a motion to open the public hearing to comment from the public. Motion made by Dave Henderson, seconded by Cindy Anderson. Motion carried unanimously at 7:43 p.m.

An unknown person asked about the results of the survey that was sent out. Lyle Reynolds tried to remember without taking time to go through his briefcase for the information. A straw poll was taken at the first informational meeting and the results were, to the best of Lyle's memory, as follows:

- 6 or 7 persons were against any changes at all
- 17 persons were in favor of some kind of a compromise
- 6 or 7 wanted to adopt the County's Ordinance as it exists.

Kevin Domagalla, a resident of the Township for 27 years, feels that with the taxes going up almost yearly the Township should look at some more development to help with the cost of doing business. He feels that Isanti County has developed a plan that seems to work and can see no reason for the Township not to adopt the same. He has twelve acres and is happy with what he has and feels the need for more development.

Dean Thompson questioned if this amendment was a compromise to what Isanti County has in their ordinance. Lyle explained some of the differences with the County Ordinance but the biggest compromise is the proposed number that can be transferred is six in the Township and up to seventeen in the County Ordinance. Dean questioned what could be done with the parcel when the development right had been transferred. Could the Township come back at a later date and raise that number making more parcels available off that parcel. Lyle responded in the County Ordinance they can, as for the Township it still is a matter for discussion. Dean would like to see some restriction that would not let anymore development rights off a parcel that has had prior rights taken off for twenty years.

Alexandra Haine stated that she was concerned about more traffic on her road if more development was allowed. She has a stand of trees across from her house that she would hate to lose and would rather see a couple of nice houses built in the treed area. The parcel that Alexandra is worried about belongs to Craig Bjorklund. Craig stated that he wants to farm that field and would move the development rights to another wooded area. At this time he is paying one hundred dollars an acre in taxes and if it was farmland he would be paying about forty dollars an acre.

Ron Schlieff asked what makes our land in Athens Township so special any more than the other Township's in Isanti County. Ron noted we are on the southern tier of the County and fronting East Bethel and St. Francis. Ron went on to say that the surrounding Township's to Athens have adopted the four per forty standards and he can't see why Athens has not followed suit. Ron says we can't spite the large landowner because the smaller parcel owners want to see the large owners

land stay open space. Ron also feels if the small parcel owners want to restrict development on the large parcels, they should help the large parcel owners with their taxes.

An un-named women said that she is a widow and owns seventy-three acres of land in the Township. She said she is in favor of being allowed to sell her acreage in order to survive.

Scott LaRowe said he has lived in the Township his whole life and he is a farmer. He says over the years as a farmer his back has been up against a wall with taxes. He owns some land that borders a wetland that he probably could give to the State of Minnesota or he could maybe develop it to make some tax dollars to help out the Township and County. He hopes that the Town Board will make a rational decision on this and help the farmers.

Jack Dahlstrom? asked where the Town Board members are on this issue. Lyle Reynolds told him that is not a question that we can answer. Jack then asked about the surveys that were sent out if it was unanimous to stay the same at two per forty. He said if that is the case that is the course the Township should take.

An un-named person said he owns two acres near Highway 65. He wants people on small parcels to remember that a large parcel owner sold them that small parcel and now they feel they want to restrict development so they can have open spaces.

Rick Engstrom says that he has a commercial business in the Agricultural Zone and is bordered by Commercial/Industrial to the north. Lyle Reynolds told him that he should approach the Township about a re-zoning. Rick supports the four per forty concept.

An un-named person asked if the Planning commission and the Town board have look into the impact of four-per-forty will have in the future as far as services and etc. He also asked how many parcels could be developed. Carolyn Braun responded that there is a sheet telling how many forty acre parcels there are left in the Township but that maybe deceiving as many of the forty acre parcels are un-buildable because of poor soil conditions. Carolyn said in order to come up with a number a study would have to be done on all potential parcels to see if they are suitable for development.

Chairman Reynolds brought the discussion back to the Commission but left the public comment period open.

After discussion about density, the question was raised whether the Planning Commission supported the four per forty standard. On a voice vote, Woodfill, Carpenter, Balfany, Reynolds, Anderson and Bjorklund voted yes. Henderson voted no.

Jake Carpenter asked about the definitions and Carolyn responded that the definitions would change to reflect what Isanti County has in their ordinance. Carolyn went on to say that in Section 20 of the code the two-per-forty would stay as it is written. There was discussion on two-per-forty if one site was already developed could another be developed on that forty? This is an item to be discussed at a later time. Jim Braun added that in the past under the two per-forty that the Township has allowed ten acre splits and deed restricted the remainder of the parcel.

Dave Henderson asked how many dwelling could be put on a forty acre parcel. Carolyn responded that under the two-per-forty you could have a maximum of eight. If the four-per-forty is put in place you could have six or whatever the Commission decides this evening. Craig Bjorklund noted that if the number of units is set at six, the cost of the road improvements would make the lots so expensive that no one would build there. Craig feels if you can't develop to its maximum potential and are held to six lots per forty with the improvements, the lots would have to sell for \$ 100,000.00 dollars. He asked how can you compete when lots are going for \$ 10,000.00 in the City of Isanti. Carolyn mentioned that the idea is to try to develop wooded lots in order to save agricultural lands and open spaces.

Marlys Balfany asked what the frontage requirements were for a lot in Isanti County's Ordinance. Lyle Reynolds explained that it differs from the Township as the County only requires 150 feet of frontage and the Township requires 200 feet.

A question was brought up that if you transferred under the two-per-forty would one site have to be left on each forty you have transferred from or could both? Lyle went on to say that Isanti County told the Township that they could continue with the two-per-forty program that the Township already has. Lyle made a motion that the Township stay with the two-per-forty as it is currently in the Township Code which would allow you to transfer the two development rights off and deed restrict the remaining parcel as an outlot. Because of a lack of a second to motion Lyle recalled the motion. Carolyn had already written it into the proposed ordinance.

Carolyn Braun noted that under the four-per-forty standard the maximum lot size would be set at three acres and the minimum size would remain the same as in the current ordinance at two acres. Under the two-per-forty the lots can be larger.

Carolyn and Marlys questioned the use of an easements to a lot that has been used as a buildable site and transferred from. Granting of the easement as frontage is not allowed in the current township ordinance unless it is 200 feet in width. Isanti County still allows access by easement which the Township does not allow. More discussion is needed on this point.

The question of how many rights should be transferred in the four-per-forty plan. In previous discussions there was a tie between 6 and 8 dwellings on a forty so Carolyn is asking which one the Commission prefers. Lyle Reynolds said he said six units on a forty only as a compromise. Carolyn pointed out that the six number would than be less than what is already allowed by the two-per-forty plan. A roll call vote was taken to see how the maximum number of units on a forty acre tract. The vote was as follows:

Six: Henderson, Reynolds

Eight: Woodfill, Carpenter, Balfany, Anderson, Bjorklund

Chairman Reynolds recessed the meeting for five minutes for a break. 9:24 p.m.

Chairman Reynolds reconvened the meeting at 9:30 p.m.

Craig Bjorklund commented that there had only been one new single family home built in the past three years. He feels that is a very slow increase in development. Craig went on to say that if the Township stays at two-per-forty there will be a number of forty's broken up into two parcels and will thus almost make it impossible to farm and the homeowner can not get "green acre taxes" so his taxes would be very high. Dan Woodfill commented that as a landowner he could sell less than 20 acre parcels off under the two-per-forty plan and save the rest for agriculture.

An unknown person in the audience commented again that he did not care if the maximum number of houses on a forty was twenty as long as roads are put in the development and restrictions are put on the sending unit for future transfers. Craig Bjorklund stated he hates to see all the forty's broken up by the two-per-forty formula. This person supports non-contiguous transfers.

Chairman Reynolds brought the discussion back to the Commission. Carolyn Braun said that there is still a question on non-contiguous and contiguous transfers of rights. Dan Woodfill asked if the sending parcel and receiving parcel had to be owned by the same person and the answer is "yes" Carolyn asked for a roll call vote on contiguous vs. non-contiguous. The vote is as follows:

Non-contiguous for two and four per forty: Woodfill, Carpenter, Reynolds, Anderson and Bjorklund.

Contiguous on two and four per forty: Balfany and Henderson

A person from the audience commented that he was in favor of non-contiguous transfers of building rights as it gives the landowner more options and would save more agricultural land.

After further discussion, a motion was made by _____, seconded by _____, to recommend approval of the ordinance as amended through the

discussion. Those in favor: Woodfill, Carpenter, Balfany, Reynolds, Anderson and Bjorklund. Those opposed: Henderson. Motion carried. Carolyn Braun said she would make the changes for the board meeting on July 13th.

7. Old Business: None
8. New Business: John Krall is asking for a site plan approval for his business at 24501 Ulysses Court Northeast. John asked that this item be tabled to a future date because of the length of the meeting.
9. Miscellaneous: None
10. Adjournment: Being that there was no further business a motion was made by _____ to adjourn the meeting seconded by _____. Motion carried unanimously at _____ p.m.

Respectfully Submitted,



Jim Braun
Recorder Pro-Tem