

**BECKER TOWNSHIP
JOINT PLANNING BOARD**

**SPECIAL MEETING MINUTES
NOVEMBER 12, 2020
7:00 P.M. BECKER TOWNSHIP HALL
12165 HANCOCK STREET, BECKER**

Board Members Present-Representing

Brad Wilkening, Chair, Becker Township
Brian Kolbinger, Vice-Chair/Chair Becker Township
Tracy Bertram, City of Becker Mayor (Remote)
Mark Rask, Becker Township

Rick Hendrickson, City of Becker - by phone

Absent: none

Staff Members Present

Kelli Bourgeois – Township Attorney (remote)
Ben Wikstrom – Township Planning Consultant
Jacob Sanders – Planner,
City of Becker (Remote)
Lucinda Messman – Township Clerk

Also Present: Frank Kasowski, Jr., Luke Babler, Cole Petroske (remote), Zac Johnson, Mike Johnson, Craig Wensmann

On March 13, 2020, Minnesota Governor Tim Walz issued Executive Order 20-01, “Declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19,” declaring a peacetime emergency under Minn. Stat. § 12.31, subd. 2. Also, the Center for Disease Control has labeled COVID-19 as a pandemic illness since COVID-19 poses a risk to the health, welfare. Anyone wishing to attend was asked to notify the clerk so space accommodations could be verified/determined. Remote attendance has been and will continue to be made available during this time via Zoom platform.

Joint Planning Board special meeting called to order by Chair Wilkening at 7:00 p.m. Quorum Verified.

No changes to the agenda allowed as it is a special meeting. **Motion to approve agenda as distributed by Kolbinger. Second by Hendrickson. Motion carried, all voting in favor.**

New Business

Mike Johnson Boundary Adjustment

- Planning Commission held a public hearing on November 9th for this Boundary adjustment and recommended approval. At that point, they were planning a land purchase of 66’ wide, however, it was determined this would not fit with the ordinance.
- Concerns from City Planner regarding compliance with zoning ordinance was received this morning. The bank created this unique situation quite a few years back.
- Historical of this parcel discussed. Easement access and reasons behind the definition of a driveway in ordinance discussed. Emergency Access and maintenance play a big part. A key portion of conditions for approval is that any subdivision of this parcel will require a township standard road for access. This is a good solution for this particular situation.
- This property is not unique within the township, as it pertains to access only via easement.
 - The Township ordinances require direct access to a road by a driveway which is wholly located on a property applying for a building permit, in order for such permit to be approved.
 - The Johnsons intend to build a single-family residence (along with an accessory structure) on the 150-acre parcel (no subdivision of a smaller lot is proposed, as it was previously).
 - A 66-foot wide strip gains them enough land that a future, dedicated right-of-way could be developed with a township road to access the property in the event of a subdivision.

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- This will be a condition of approval of the boundary adjustment; any subdivision of the property (that would allow even one more house to be built) will require a road built to township standards.
 - This has merit not only to avoid too many residences being served by a single driveway (or easement) and the messiness that sometimes arise out of those situations, but because of considerations for maintenance, emergency vehicle access, etc.
 - Access easements serve not only the subject parcel, but two others as well. Condition recommendation is to be sure the easement area remains intact for the Axelson property.
 - Since Planning Commission, this has changed from a land purchase to a land swap between Andersons' and Johnsons so that the Anderson property remains at 20 acres.
 - This is a good solution for this parcel. Currently zoning ordinance does not allow building on a parcel without road frontage. By Mr. Johnson doing a land swap with Mr. Anderson, two things occur
 - Mr. Anderson's property stays at the 20 acre minimum for non-platted parcels
 - Mr. Johnson obtains a 66' wide parcel giving him 66' of road frontage. This is enough for a future road if this 150+ acre parcel is ever to subdivide. While not in the plans at this point, it is a concern when looking toward the future.
 - Attorney Bourgeois: At some point, the Planning Commission will want to revisit this for parcels of record that are 40+ acres in size in order to allow building homes/accessory structures.
 - Questions from those present:
 - Is a variance to the driveway definition in ordinance a better solution/possible here?
 - No, concern is that many of these situations exist in the township. If we grant a variance here, others are not the same as this it can cause issue. It is much cleaner to do a boundary adjustment in this instance and address the larger issue of definition of driveway at a later date with an ordinance adjustment.
 - The Joint Planning Board grants very few variances for this exact reason. Problem with granting a variance here is the precedent it sets. A land swap meets our current ordinance and keeps the 20 acre parcel at 20 acres.
 - Isn't the Boundary Adjustment that doesn't meet ordinance a setting a precedent?
 - A Boundary Adjustment does follow ordinance. Neither lot becomes less conforming with this land swap. It enables complete buildability of Mr. Johnson's lot. The land swap is required so Mr. Anderson's land doesn't go below 20 acres.
 - Is the needed 200 foot of road frontage – will they have it?
 - Attorney Bourgeois: See the definition of a boundary adjustment in ordinance – they are getting some road frontage – so becoming more compliant and neither parcel is becoming less compliant.

Staff Recommendation

- Recommend approval of the Certificate of Survey Draft Resolution 2020-20.
- Recommendation for approval of Draft Resolution 2020-21 with the following conditions
 1. Following this Boundary Line Adjustment Subdivision, any subdivision of land of parcel 05-126-1100 resulting in a new Parcel Identification Number shall require a construction of a road built to Township standards in place at the time of subdivision, at no cost to the Township and serving parcel 05-126-1100 and any new parcels, along with dedication of the necessary right(s)-of-way to the Township.
 2. Easement documents in place affecting parcel 05-123-4300 and 05-126-1100 (Sherburne County Document Numbers 731100 and 815798), relating to access and maintenance, shall remain in place.

All beneficiaries of access and/or maintenance easements shall retain the full benefit of the easements as they existed before the boundary adjustment subdivision.

3. The Certificate of Survey shall be updated to depict the property to the North (Anderson property, Parcel ID 05-123-4400) receiving an additional 63.5 feet x 660 feet along the west property line (from parcel 05-123-4300) ensuring it has a lot size of 20 acres and parcel 05-126-1100 receiving .92 acres from the south east corner or 05-123-4400 as needed for road access.
4. The Certificate of Survey as approved by the Township, showing the Boundary Line Adjustment Subdivision, must be provided to the Town Clerk for recording at Sherburne County. No building permit will be issued for the South property until the Certificate of Survey is accepted for recording by Sherburne County.
5. All applicable Township, Joint Planning Board, County, State, and Federal rules and regulations must be complied with at all times.

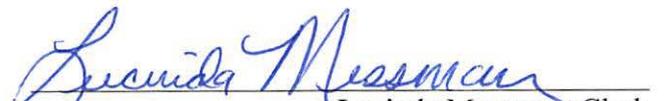
Motion to approve Resolution 2020-20: A Resolution Accepting A Certificate Of Survey Of The Properties At 10706 185th Avenue Southeast And 10704 185th Avenue Southeast by Hendrickson. Second by Kolbinger. Motion carried. Wilkening Aye, Bertram – Aye, Kolbinger – Aye, Hendrickson – Aye, Rask - Aye.

Motion to approve Resolution 2020-21: A RESOLUTION APPROVING A BOUNDARY ADJUSTMENT SUBDIVISION OF THE BOUNDARY BETWEEN THE PROPERTIES LOCATED AT 10706 185TH AVENUE SOUTHEAST, 10704 185TH AVENUE SOUTHEAST, AND PARCEL 05-123-4300 BY KOLBINGER. SECOND BY RASK. MOTION CARRIED. Wilkening Aye, Bertram – Aye, Kolbinger – Aye, Hendrickson – Aye, Rask - Aye

Meeting adjourned at 7:16 p.m.



Brad Wilkening, Chair



Lucinda Messman, Clerk