

**Eureka Township Planning Commission
Meeting Summary—Boundary Protection Study and Draft 2040 Comprehensive
Plan
November 9, 2016**

Attendees: Nancy Sauber, Chair, Randy Wood, Ralph Fredlund, Planning Commission members; Sherri Buss, TKDA, Planner

1. Meeting Summary for November 9, 2016

The Commission members reviewed the meeting summary from their meeting on November 9. They made two edits to the summary. The Commission approved the revised minutes and requested that the Planner send the final version to the Township Clerk for posting.

2. Boundary Protection Study

Sherri presented information that staff have gathered about two options—Joint Powers Agreements and Incorporation. Chad provided additional comments and discussed examples from his experience. A summary of the discussions includes:

- Joint Powers Agreements
 - The Commission asked about a potential JPA between the City of Lakeville and the Township for sewer services to the Airlake Airport. Staff responded that the process would include Town Board members negotiating the terms of the agreement with the City of Lakeville. The Town and City attorneys would work on the agreement based on those discussions. After the Town and City reach agreement on the terms of the JPA, it is a short process to draft the agreement. The final step would be approval by the Township and City.
 - If there are mutual benefits, it is typically a short and relatively inexpensive process to complete a JPA.
 - The Commission noted that in this case, as in some of the examples, the Township would benefit by keeping the airport within the Township's boundaries, and the City would benefit by receiving the fees for the sewer and water infrastructure. Chad noted that it is a real benefit to the City to help them to off-set the cost of their investments in sewer and water infrastructure.
 - Sherri noted that the Baytown Township attorney suggested that Townships can ask to include a clause in the agreement that provides for no annexation for a number of years. If the City has no plans to annex, this may help to calm the concerns of residents who fear annexation near the area where infrastructure services may be provided to a use within the Township.

- The Commission asked for information about the length of terms of the agreements. Chad noted that they typically have no end date, but a specific time period could be included. Most JPA's include options for additional addendums for service extensions to an adjacent area.
 - The Commission asked how agreements can be ended. Chad noted that they typically include a clause that they can be terminated by mutual agreement, but may also specify that each party can terminate with notice to the other party.
 - The Commission asked if private lands or development can be included in the agreement. Staff noted that they can be included, but the private developers or owners are not parties to the agreements—JPAs must be between governmental units.
 - The Commission asked about timing of the agreements for a proposed development. Chad stated that the JPA would be developed if a development is proposed to the Township.
 - Sherri added one additional example for Stillwater Township that involves City of Stillwater sewer extension into the middle of the Township to serve a Washington County Public Works facility. In that case, the extension included an agreement with the City and County that the sewer line must be sized only to serve the Public Works Facility, and could not be used to serve residential or other uses along the line, because the Township does not want to provide sewer or permit homes to be connected to city services, which would lead to annexation.
 - The Commission asked about the Metro Council's role in JPA's, and if they could veto a proposed JPA for a housing development or other use. Sherri stated that the Township and City need to file the JPA for infrastructure services with the Metro Council, and the City would need to account for the sewer and water capacity used for the JPA in their Comp Plan. The Metro Council cannot veto a JPA. A Township would not be able to participate in a JPA that provided infrastructure for a housing development that was denser than permitted in their Comp Plan and zoning ordinance.
 - The Commission generally agreed that a JPA could be a very useful tool to address issues for extension of sewer and water services from Lakeville to Airlake Airport because there are benefits to the Township and the City.
- Incorporation
 - The Commission noted that relatively few incorporations have occurred since 1990. They asked if there are examples of incorporation petitions that have been denied by an Administrative Law Judge. Chad said that he can search the records and provide examples if there are any.
 - Chad and Sherri discussed examples of recent incorporations, including those discussed in the memo and the City of Grant. They discussed the unique character and values that each of the communities had, and how this led to the "case" they made for incorporation.

- Chad noted that many of the cities in Dakota County and other parts of the Metro Area are former townships, and still have the same boundaries they had as a township (such as Eagan, Apple Valley, etc.). He suggested that the Township can make a case that this is the normal and historical process for communities, and for determining municipal boundaries, rather than adding whole townships to adjacent cities.
- It is critical for the Township to prove to the Administrative Law Judge that residents of the Township would be better served if the Township incorporated as a City, than if they became city residents.
- Chad noted that it is typical for townships to start considering incorporation as they approach a population of 5,000 because there are some financial advantages at that point. The costs associated with becoming a city may outweigh the benefits at much lower population levels.
- One of the planners interviewed suggested that if the Township wants to consider creating a commercial/industrial zoning district, that it consider doing so in the middle or southern portion of the Township rather than on the northern boundary where it may attract more interest from adjacent cities in annexation of that area.
- The Township would need to complete a fiscal study of potential impacts of incorporation as it considers the pros and cons, and provide this as a part of the “case” it would make if it decides to pursue incorporation.
- The Commission discussed the costs associated with incorporation, and noted that they can be significant, especially if adjacent cities oppose incorporation.
- Sherri suggested that the Township review the 2040 Comp Plans for Lakeville and Farmington closely, to determine if their growth through 2040 will come close to the Township, and suggest that the cities might be thinking about annexation in the future, or if it looks like they would continue to have little interest in annexation because they still have plenty of areas available for expansion.
- The Commission suggested that based on review of the City comp plans, a first step might be some frank discussions with those cities about mutual goals, before the Township considers the challenging process of incorporation.

3. Draft 2040 Comprehensive Plan and Next Steps

The Commission reviewed Metro Council staff comments in response to the concerns that Jeff Otto expressed at the public meeting on October 17, about whether the existing “grandfathered” lots have been considered by the Council in their growth forecasts, and if the Council would “cap” growth in the Township at the forecast levels. Patrick Boylan of the Metro Council responded that the household estimates are not “caps”—they are just estimates. The Council is aware that existing housing rights and nonconforming parcels existing in many communities that could put the communities over the “estimates” if all existing and potential parcels were considered. The Metro Council will not cap the

number of parcels that can be created in the Township. Their only requirement is that the Township commit to the one unit per quarter-quarter section density maximum in its Comp Plan and Zoning Ordinance. Based on this information, the Commission recommended no changes to the Draft 2040 Comprehensive Plan.

The Commission determined that the Draft 2040 Comprehensive Plan is ready to be provided to the list of “affected jurisdictions.” The Commission asked Sherri to send an email to the clerk requesting that this item be on the Board agenda for November 14, and to provide a cover memo and the list of jurisdictions. When the Board approves the notice to affected jurisdictions, Sherri will send a notice to them stating that the Township’s 2040 Comprehensive Plan is available for review, and requesting comments or a response that the jurisdictions have no comment.

The Planning Commission will review all comments and provide comments or make updates to the Draft Plan if needed. A copy of the comments and responses will be included in the Appendices to the Plan. The Commission will resume meeting on the Comp Plan when all of the jurisdictions have responded.

The next meeting of the Planning Commission will focus on the Boundary Protection study. It is scheduled for December 13. The Commission will review information on Orderly Annexation agreements, any info that Chad can provide on denials of Incorporation Petitions, and other planning options for protecting boundaries. The Commission will also discuss the report that it will provide to the Board on the study.