

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
January 4, 2022-7:00pm

Call to Order

The Planning Commission Meeting was called to order at 7:00pm by Chair Wood.

Commissioners Present: Randy Wood (Chair)
Bill Clancy (Vice Chair)
Debbie Burkhardt (Commissioner)
Julie Larson (Commissioner)
Chad Berg (Commissioner)

Others Present: Donovan Palmquist, Ralph Fredlund, Nancy Sauber, Andre Stouvenel
Zoom Participants: Amy Liberty (Deputy Clerk), Lu Barfknecht, Jeff Otto

Approval of the Agenda

Two amendments to the New Business Section:

1. The word *election* should be replaced by *caucus* for clarification as to why the February meeting date needs to be changed.

“February 1, 2022: Government jurisdictions shall make their facilities available for precinct caucuses.”
“No state agency, board or commission shall conduct a public meeting after 6:00 p.m. on the day of precinct caucuses”.

2. Commissioner Burkhardt suggested the following addition:
B. Verifying submitted AG Building measurements/ PC Procedures

Motion: Chair Wood moved to accept the agenda with the above changes, Commissioner Berg seconded the motion. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; Chad Berg- Aye. *Motion carried 5-0.*

Citizen Inquiry

T. Wicker Appraisals, Inc. -subdividing, 26856 Hamburg Ave. *PIN 13-0288-00-75-011

Todd Wicker withdrew his inquiry prior to the meeting. The original inquiry was asking solely about subdividing the property.

Permit Requests

NONE

Land Use

NONE

Town Board Liaison Report

Chair Palmquist presented a summary of the December 2021 Town Board meetings. Most items were communicated in last month's meeting minutes with the following additional items:

- Eureka Estates
 - Drainage project will start in spring
 - Determining hidden costs-utility markings, culverts, right of way permits, etc.
- Shaw Accessory Building Compliance
 - Inspectron, Inc, involved with discussion
 - Pole barns recently have been reclassified to commercial code with different set of rules
- Credit Creek Elementary
 - Conditional Use Permit annual review done online-no issue
- Conduct during meetings
 - Reminder to be cordial; all here to help the township

Old Business

A. Permit Review-Exempt Agriculture Building Permit (revised application)

The revised application includes a Lean To under the Type of Structure section, a check box in the Site Plan area and a more complete Township Only section, requiring both Planning Commission and Town Board approval or denial.

A review of the changes was favorable, although a formatting error was found. The section under # 7, the text layout needs to be changed to have complete sentences.

Motion: Vice Chair Clancy moved to recommend to the Town Board an approval of the January 2022 revised Exempt Agriculture Building Permit application as submitted with the two typo format changes discussed. Commissioner Larson seconded.

Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; Chad Berg- Aye. *Motion carried 5-0.*

B. Proposed text amendment-Ordinance 3/definitions, housing rights, & transfers

A review of the 36 sections of Eureka Township has been completed. During this analysis it was determined there needs to be more clarity in the ordinance language and a more superior way of tracking housing rights.

Jeff Otto began the discussion with a summary as to why there is a need for this proposed text amendment and what significant changes are suggested. With the introduction of the expanded Transfer Program (Clustering), along with the grandfathering building rights that was incorporated, this ordinance became one of the most complex in the township. Definitions directly relevant to the zoning and property housing rights were shifted to the front of the Ordinance 3 section to help refine the ordinance and make it easier to follow.

Expanded discussion took place once the mention of the change of a 12-month rebuild policy. Housing rights, native rights, and grandfathered rights were defined and what is currently allowed as far as transferring in and out was questioned. The proposed language will clarify the regulation that a building right of any kind cannot be transferred to a substandard lot.

Vice Chair Clancy respectfully suggested to move on from the above discussion and work on the remaining changes presented in the document. It was agreed to go page by page, stopping to discuss only if there are questions or concerns.

- Commissioner Berg posed the question of the number of current housing rights in Eureka Township and if is it the assumption that we wouldn't allow that to ever grow. -the Met Council dictates the total density requirements and wants the township to stay at the current level. Eureka has approximately 900 total housing rights at this time.
- Pg. 34 -wordsmith change for clarity. Under the section **Grandfathered Right**, replace the word *instantiated* with *created*.
- Pp. 35, 41, 49 -all the pages incorporate a significant change of eliminating the 33-foot road frontage requirement.

Disagreement on this revision resulted in the suggestion to reach out to the township lawyer for a written recommendation on the matter. The Planning Commission, under the direction of the Town Board, did research the 33-foot requirement in October 2021 and concluded that no changes should be made.

Town Board Chair Palmquist, authorized Planning Commission Vice Chair Clancy to contact the attorney.

- Pg. 38 -eliminate the sentence *but met the setback and lot dimension standards in effect at the time of lot creation.* **Section 4, A.**
- Pg. 39 -**Housing Right Transfers, 2.** -question as to why we are adding the statement *A Silver Lot portion does not count toward the Cap of Four (4) density restriction.* Chair Wood asked if this could be looked at again, stating the current language in the ordinance is adequate.
- Pp. 41, 45 - inconsistent timelines for recording Housing Right Transfer agreements at Dakota County and with the Town Clerk. The correct model is on page 45 under **Section 9, A .** *...forty days (40) of its approval by the Town board with the Dakota County recorder. Applicant may request a thirty (30) day extension if circumstances warrant ...Written proof of such recording shall be presented by the Applicant to the Town Clerk within seventy (70) days after the approval of the transfer agreement by the Township.* Commissioner Larson suggested on page 40 to simply reference the timeline on page 45.
- Pg. 43 -highlighted that this section was purposely built in the ordinance rather than having a separate document. A decision tree or flow chart could also be added possibly to an appendix at the end of the chapter.
- Pg. 46 -important statement that should perhaps appear on all forms that are related. *VIOLATION. Failure to complete any transactions and recordings required after Town Board approval of a Housing Right Transfer Agreement and associated Town Board Consent of the Transfer Agreement shall nullify the approval and the housing right shall revert to the original sending parcel.*

New Business

- A. The next Planning Commission meeting will be rescheduled to Monday, January 31st, 2022, at 7:00pm.
- B. Verifying submitted AG Building measurements/ PC Procedures

Discussion took place on verifying setbacks and onsite measurements performed by Planning Commission members and if there should be some type of rotation schedule. Commissioner Larson is often the one to measure due to her role on the FSA committee. It was also mentioned as to why it is only for the Exempt Agriculture building permits. There is a possibility for Inspectron, Inc. to do the zoning measurements for non-exempt buildings if their service contract is amended. It was also pointed out that the property owner does sign a contractual agreement and all rules should be followed.

Minutes Approval

A. November 15, 2021, Special Town Board/Planning Commission meeting

Motion: Commissioner Berg moved to table any recommendation of approval or denial of the November 15, 2021, Special Town Board/ Planning Commission meeting minutes. Vice Chair Clancy seconded the motion. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; Chad Berg- Aye. *Motion carried 5-0.*

The format of the written minutes raised a concern whether the roundtable discussion was fairly represented. Commissioner Berg will review the content and will reach out to the Town Clerk, if need be.

B. December 7, 2021, Planning Commission meeting

Motion: Vice Chair Clancy moved for the Planning Commission meeting minutes for December 7, 2021, be approved as submitted. Chair Larson seconded. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; Chad Berg- Aye. *Motion carried 5-0.*

Deputy Clerk Matters

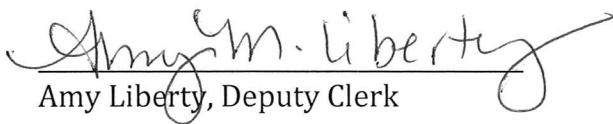
NONE

Adjournment

Motion: Chair Wood moved to adjourn the meeting; Vice Chair Clancy seconded. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; Chad Berg- Aye. *Motion carried 5-0.*

Meeting adjourned at 9:15pm.

Respectfully submitted,


Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 1/31/22
Planning Commission Chair Date



Planning Commission Meeting

Attendance

Tuesday, January 4, 2022

7:00 PM

Printed Name:

Robert Treburn

Marilyn Sauer

Andre Stouvenel

Address:

23680 Jersey G

9445 225th St. W. LKVJ.

6565 255th St. W.