

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
January 31, 2022-7:00pm

(This was a rescheduled meeting due to a caucus being held at the Town Hall on February 1st)

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)
 Julie Larson (Commissioner)
 Chad Berg (Commissioner)

Others Present: Nancy Sauber, Ralph Fredlund, Ken Malecha
Zoom Participants: Debbie Burkhardt (Commissioner) Amy Liberty (Deputy Clerk),
Lu Barfknecht, Jeff Otto, Nathan & Stacy Shaw, Carol Cooper

Approval of the Agenda

Motion: Commissioner Larson moved to approve the agenda as presented. Commissioner Berg seconded. Roll Call Vote: Randy Wood- Aye; Bill Clancy- Aye; Debbie Burkhardt- Aye; Julie Larson- Aye; Chad Berg- Aye. *Motion carried 5-0.*

Citizen Inquiry

Ken Malecha asked to speak at this time and presented the Commissioners with a six-page packet regarding PIN 13-02700-75-010.

- Pg. 1-Parcel of land purchased 18 months ago by 9-M Corp Inc.
- Pg. 2-Dakota County Property Card
- Pg. 3-Tax Valuation Notice
- Pg. 4-Survey of the quarter-quarter at time of purchase
- Pg. 5-Sketch of proposed lot splits with 33 road frontages
- Pg.6-Sketch of proposed lot splits without 33 road frontages

The idea is to split the parcel into four lots and transfer owned housing rights. The first sketch includes a road to service the four lots. This is to avoid having four driveways off 265th St. Due to the current ordinance, included in the first drawing is road frontage for the two back lots. The second drawing does not reflect these right and left frontages. The Commissioners reviewed the packet.

This presentation proved to be timely as discussion of the 33-foot frontage requirement is currently being debated. Vice Chair Clancy did point out that the road/driveway specifications currently do not have proposed changes and wanted Mr. Malecha to be aware of such requirements.

Ordinance 4, Chapter 2, section 3A

In any division of land in the Township of Eureka in which it is necessary to construct a road to provide access to an existing public road, such road shall meet the following specifications:

1. There shall be provided a road right-of-way at least sixty-six (66) feet in width.
2. The driving surface of the road as constructed shall be at least twenty-four (24) feet in width.

On the subject of ordinances changes, Mr. Malecha shared that the limit of four houses to a quarter-quarter should possibly be looked at in the future. He went on to say that it is understandable for the Township to preserve good farmland and not increase density, however this particular quarter-quarter has no productive agriculture land and would be an example of an area to allow more houses.

Before moving on to the next item on the agenda, Chair Wood raised another citizen inquiry he received through a phone call from an interested party who would like to purchase property in Eureka Township. Commissioner Larson recommended that any inquiries should only be discussed if the citizen is present at the Planning Commission meeting, whether it is in person or via Zoom.

Permit Requests

NONE

Land Use

NONE

Town Board Liaison Report

Supervisor Fredlund presented a summary of the January 2022 Town Board meetings.

January 10, 2022:

- Scheduled the Board of Audit meeting for 6:30pm, February 14, 2022.
- Scheduled the Board of Canvas meeting for 7:00pm, March 9, 2022.
- Motion was passed to have the January meetings be held virtually, with permission to attend in person if one chooses.

January 24, 2022:

- Disappearing road signs on 235th St.
- Trimming and removal of trees along Highview Ave. and Hamburg
- Public comment from Mike Callahan on the questions of mine review requirements
- Motion passed (3-2) to disregard the overage of 5000 sq. feet allowed for accessory buildings on the Shaw's property, however a permit is required for the lean-to with double permit payment.
- Scheduled the joint Planning Commission and Town Board Meeting for February 17, 2022.

Old Business

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

1. **Eureka Township 33ft road frontage ordinance review.** Opinions continue to be divided if this requirement should be maintained. Chad Lemmons provided a letter regarding this topic and stated “it would be more efficient to require dedication of the road at the time the parcel is created”

Jeff Otto expressed his concern with the letter stating that it muddles and complicates the situation. While discussing the paragraphs, different interpretations came to light. Mr. Otto was given the authority by the Town Board to reach out to Chad Lemmons for clarification. Land-locked property not being able to receive a housing right is of concern. The language composed by Mr. Lemmon is confusing regarding this matter.

The language that was structured in 2010 recognizing grandfathered rights, was to separate the concept of a buildable lot into three pieces:

1. Physical land itself (which may be land-locked)
2. Safety access to the property (own dedicated driveway or legal shared driveway)
3. Housing right exists, or can it host a housing right. (which can't be used until the access issued is satisfied)

The separation allows a housing right to be accepted on a property without the requirement of the 33ft frontage upfront. For the housing right to be exercised, proper access is required at that time.

Planning Commissioners shared opinions and a poll resulted in favor of retaining the 33ft road frontage requirement when creating new lots.

2. **Draft Amendment-January 2022**

*Changes discussed at the December meeting were implemented, with one slight modification-

Pg. 34 -wordsmith change for clarity. Under the section **Grandfathered Right**, replace the word *instantiated* with *created*. *Recognized* will be the replacement.

*Retained the option for a shared driveway

New Business

A. Review Planning Commission's presentation slides for Annual Meeting

The Commissioners reviewed the slide presented in the packet and added the following:

- Processing Applications-New Home Construction, Additions, Accessory Buildings, AG Buildings, Lot Splits, Housing Right Transfers, **Site visits (as needed)**
- Mining **Annual** Review letter (**uniform/more comprehensive**)
- Extended Home Business-**ordinance discussion ongoing**
- Housing Rights and Transfers-**public hearing to be held**

Minutes Approval

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

Motion: Commissioner Berg moved to recommend approval of the minutes as they are. 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.*

B. January 4, 2022, Planning Commission meeting

Two corrections on page one to the minutes.

1. Spelling correction of Commissioner Burkhardt’s last name.
2. Deletion of sentence that proves to be unnecessary under Citizen’s Inquiry.

Motion: Vice Chair Clancy moved for the Planning Commission meeting minutes for January 4, 2022, be approved with the spelling error correction and editing change. 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

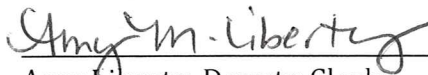
NONE

Adjournment

Motion: Vice Chair Clancy moved to adjourn the meeting; 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.*

Meeting adjourned at 9:12pm.

Respectfully submitted,


 Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 3/1/22
 Planning Commission Chair Date

PLANNING COMM. MEETING
JAN. 31, 2022

("FEB." MEETING)

<u>NAME</u>	<u>ADDRESS</u>
KEN MALECHA	28639 GARRETT AVE NORTHFIELD
Nancy Sauber	9445 225TH ST. W LKO