

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
March 1, 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: Amy Liberty (Deputy Clerk), Nancy Sauber, Ralph Fredlund, Char and Dan Adelmann, Nathan Shaw, Andre Stouvenel, Carol Adelmann, Monica Tucker
Zoom participants: Chad Harmer, Jeff Otto, Stacy Shaw, Amy Jo Oksnevad, Christy Stouvenel, Carrie Jennings, Brian Ahern

Approval of the Agenda

Dan and Char Adelmann to be added to the Citizen Inquiry section.

Citizen Inquiry

1. Laura Adelmann withdrew her request.
2. Dan and Char Adelmann are looking to build a house for their daughter on the north quarter-quarter of their property. PIN 13-00900-25-013.

The following questions were addressed:

- a) **Shared driveway**-discussion is continuing on the requirements of a shared driveway, which may result in some changes. A suggestion was made to position the shared driveway down the side of the property versus the middle.
- b) **Proposed house location is overlapping the ¼ ¼ line**-this is not allowed. The location is straddling two different PIN's.
- c) **Exercising a shared right**-trying to determine to what building right to use. The Adelmann's would like to use a shared right, however they do claim to have a transferred building right available as well.
- d) **Mining own gravel for the driveway**-this is allowed (no more than 400 cubic yards) Contact Soil and Water Conservation directly if putting gravel in the wetlands.

The thought of driveways having to be 100 feet apart was corrected by Nancy Sauber. This is no longer a requirement. New ideas on having own driveways were then considered.

The Adlemann's were guided to Ordinance 3, Chapter 3, Section 4, for setback and lot dimensions. Further conversation with Nancy Sauber, Jeff Otto and the Planning Commission resulted in the suggestion to continue the questioning at the next Town Board meeting.

Permit Requests

A. Carol Adelmann and Monica Tucker, 6631 225th St. W., PIN 13-00300-01-011

*New Garage. *Demolition

Property is part of a farm that was annexed by the City of Lakeville. Now own a 5-acre parcel and is no longer agriculture exempt and is zoned as residential. The garage rebuild on the 5 acres would put the square footage over the allowed 5,000 allotment, however due to the following State Statue, it was determined it can be done.

State Statue 462.357 Official Controls: Zoning Ordinance Subd. 1e. Nonconformities.

(a) Any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion...

The demolition permit does not have to be discussed with the Planning Commission; this application will go directly to the inspector.

Motion: Vice Chair Clancy moved to recommend approval to the Town Board of the building permit application for Carol Adelmann and Monica Tucker at 6631 225th St. W., PIN 13-00300-01-011, Commissioner Larson seconded.

Roll call vote: Julie Larson-Aye; Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye. *Motion carried 5-0.*

B. Chad Harmer, 23450 Hamburg Ave., PIN 13-00900-06-015 *Exempt AG Building

Distance from the septic and the well were not listed on the site plan. Mr. Harmer was able to verbally give these measurements, 240ft to the well and 280ft to the septic. A question was raised if it is necessary that a Planning Commissioner go out and measure since the building is on the backside of an existing building that had already been approved. It seemed reasonable to forgo the onsite measuring.

Motion: Vice Chair Clancy moved that the Planning Commission recommend approval to the Town Board the Exempt Ag Building application for Mr. Chad Harmer, 23450 Hamburg Ave., PIN 13-00900-06-015, utilizing detailed site plan measurements as submitted. Chair Wood seconded.

An updated Exempt Agriculture Building permit application that was recently approved by the Town Board does have a section where setbacks need to be confirmed and signed by a Planning Commissioner. Chad Harmer completed the application correctly and paid the full

fee of \$50.00, which includes the cost of inspection. It was determined that it be best to follow protocol. Commissioner Larson and Commissioner Burkhardt will do the onsite measurements.

Commissioner Larson made a friendly amendment to the original motion that the normal agricultural building setback measurements be completed.

Roll call vote: Julie Larson-Aye; Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye. *Motion carried 5-0.*

C. Nathan and Stacy Shaw, 8802 250th St. W., PIN 13-02000-02-020 *Lean-To

The Town Board requested for Nathan and Stacy Shaw to come back to the Planning Commission to present a revised building application that includes a lean-to that was added without approval. Debate took place on the measurements that were written on the site map. These calculations were based on the building inspector's numbers and approved at the Town Board level. Chair Wood voiced that measuring setbacks for zoning and measuring for valuation are two different things. The Planning Commission has always used outside measurements. There is a strong feeling that if these inside measurements were accepted, it would set a precedent for others to do the same. After further review and discussion of the compromise the Town Board made with the Shaw's, Commissioner Burkhardt questioned why this application came back to the Planning Commission in the first place. It was told this was based on a recommendation by Chad Lemmons, the Township lawyer.

Vice Chair Clancy explained his position on forwarding this revised application to the Town Board with neither a recommendation to approve nor deny. This is a law, and if it isn't right, change it. Drive text amendments when it is not right. It was mentioned that the Pole Shed is a beautiful, however the accessory building needs to follow the ordinances. The Planning Commissioners cannot deviate from that.

Section 3 - COMPLIANCE WITH ORDINANCE

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

Motion: Vice Chair Clancy moved for the Shaw application, 8802 250th St. W., PIN 13-02000-02-020, be forwarded to the Town Board without prejudice, without recommendation for or against, based on the fact that we do not have the authority based on the ordinances that exist to approve something over 5,000 square feet. Chair Wood seconded.

Chair Wood noted that the overage of square footage is not a minimal amount. Commissioner Larson stated that the only thing she could recommend is if Nathan and

Stacy Shaw want to see the amount of square footage allowed changed, offer a text amendment and suggest a public hearing.

Roll call vote: Julie Larson-Nay; Deb Burkhardt-Nay; Randy Wood-Nay; Chad Berg-Nay; Bill Clancy-Aye. *Motion failed 4-1.*

Motion: Commissioner Larson recommended denial of the revised permit for Nathan and Stacy Shaw, 8802 250th St. W., PIN 13-02000-02-020, to the board based on the fact they exceeded the allowable square footage for an accessory building for their property. Commissioner Burkhardt-seconded.

Commissioner Berg noted the lean-to square footage measurement is not clear under the current ordinance and it would be wrong to deny the application. The wording in this ordinance needs to be looked at in the future to be able to follow it more consistently.

Roll call vote: Chad Berg-Nay; Bill Clancy-Nay; Deb Burkhardt-Aye; Julie Larson-Aye; Randy-Aye. *Motion passed 3-2.*

Land Use-NONE

Town Board Liaison Report-Supervisor Barfknecht shared items from the February Town Board meetings. A few highlights:

- On February 14th, 2022, the Board of Audit meeting was held, with Supervisor Fredlund conducting the audit and submitting his findings. The Town Board approved the audit.
- All Pit reviews were approved with the exception of one, MPM. This has been tabled until March when the reclamation plan is submitted.
- Spring Newsletter was approved and posted.
- Updated AG Exempt Building permit application was approved.
- Discussion on text amendment excluding play structures from the total square footage.
- Approved the financial report for the State Auditor

Old Business

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

Past discussion points between the Planning Commissioners and Mr. Otto were reviewed with a focus at this meeting on two items, shared driveway requirements and landlocked parcels.

Regarding shared driveways, there was a concern that a minimum travel surface was not specified under the revised Ordinance 4 driveway sharing portion. A solution was to have a limit of 2 houses without specification written and the higher standard of 24-foot travel surface be mandatory for 3 or more houses.

Debate took place on lane width and what is appropriate. The goal is to enable access by emergency vehicles and a 10ft width may be too narrow. It was suggested to change it to a

minimum of 12ft. Further research on what the minimum lane width that is required on a county road should help with the decision. MNDOT highway standards will be checked.

Current landlocked parcel and housing rights continue to be an issue, with some concerns over allowing to “park” housing rights on a parcel without requiring the construction of a physical driveway.

Motion: Vice Chair Clancy recommended that the Eureka Township, Code of Ordinances, Draft Amendment, dated March 1, 2022, authored by Mr. Jeff Otto be forwarded to the Town Board with a recommendation for review and consideration for implementation. Chair Wood seconded for discussion.

For clarification, it was asked if the Planning Commission agrees that all new lot splits will require 33 ft frontage and landlocked parcels do not need this frontage. Although Chad Lemmons first recommended the following language: No transfer of building right shall be approved unless the receiving parcel either abuts a public road 33 feet in width or can demonstrate that the means of access to the receiving parcel meets the conditions set forth in Section 5, Chapter 3, Of Ordinance 3; he softened his position on this, therefore this is not implemented in the text amendment proposal. The safety net is that provision for access to that public road, either through a private driveway or a shared driveway, must exist before acquiring a building permit.

Commissioner Burkhardt pointed out that if we do not allow any more current new transfers of housing rights to a landlocked property the cartway issue could be avoided on these parcels in the future. There is an understanding that housing rights are already parked on some landlocked parcels.

Due to the debate on the landlocked parcels and driveway width requirements, Commissioner Larson suggested to revisit the text amendment proposal again next month. Vice Chair Clancy withdrew his motion. Withdrawal of the second by Chair Wood.

Vice Chair Clancy moved to forward the Eureka Township, Code of Ordinances, Draft Amendment, dated March 1, 2022, authored by Mr. Jeff Otto, with discussed changes, to the Town Board for review. Chair Wood seconded.

Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Deb Burkhardt-Nay; Vice Chair Clancy-Aye; Chair Wood-Aye; *Motion passed 4-1.*

New Business-NONE

Minutes Approval

Add due to a caucus being held at the Town Hall to the explanation on why the meeting was held January 31, 2022, instead of February 1, 2022.

Motion: Vice Chair Clancy moved to approve the January 31, 2022, Planning Commission meeting minutes as amended. Commissioner Burkhardt seconded.

Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Deb Burkhardt-Aye; Bill Clancy-Aye; Julie Larson-Aye; *Motion passed 5-0.*

Deputy Clerk Matters-NONE

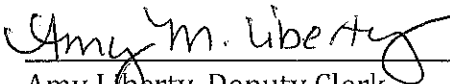
Adjournment

Motion: Vice Chair Clancy moved to adjourn; Commissioner Berg seconded.

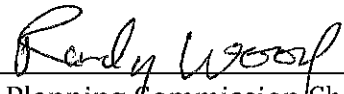
Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Deb Burkhardt-Aye; Bill Clancy-Aye; Julie Larson-Aye; *Motion passed 5-0.*

Meeting adjourned at 10:04pm.

Respectfully submitted,



Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 4/5/22
Planning Commission Chair Date