

EUREKA TOWNSHIP
Dakota County, State of Minnesota

SPECIAL PLANNING COMMISSION MEETING MINUTES
February 20, 2024-7:00pm

Call to Order

The Special Planning Commission meeting was called to order at 7:02pm by Chair Clancy

Commissioners Present: Bill Clancy (Chair), Debbie Burkhardt (Vice Chair),
Melanie Storlie (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), LaVon & Ron Teel, Randy & Sue Kasprzyk, Richard Brumm, Chris Wenzel, Jessie Davis, Kali Kasprzyk, Nancy Sauber, Tom Prose, Dave & Brenda Larson, Randy Wood, Josh Kasprzyk, Matt Klotz, Dave Tonsager, Steve Johnston, Martin Diffley

Zoom participants: Jeff Dunn (Vermillion Watershed), Travis Theil (Vermillion Watershed), Robert Ruppe (Township Lawyer), Ralph Fredlund, Julie Larson, Donovan Palmquist, Atina Diffley, 1-651...188 (Guest), 1-651...749 (Guest), JMosley, Dan Enser

Purpose of the special meeting:

To discuss the permit request: Exempt Agriculture Zoning Approval application for Kasprzyk Enterprises LLC, located at 7987 257th St. W., Farmington, MN 55024

Chair Clancy started the discussion with the following:

RE: Overview of Eureka Township Citizen Concerns regarding three new agricultural buildings totaling 84K sq ft at 7987 257th ST. West by landowner J Kasprzyk.

Extensive input from citizens has been received to date, via the Planning Commission meeting of Feb 6th as well as extensive contact direct to PC. Suffice to say I judge the level of concern to be very high; with three families known to me considering selling their homes and the amount of citizen input the highest I have experienced. Much of it is tied to future possible issues with the commercial agricultural business to be operated by BKR Brands, a Hemp cultivator and distributor of an array of products, beyond this landowner's building permit application. Probability of issues arising is unknown at this time.

An overview of citizen concerns includes but is not limited to:

Water Utilization as the crops are water intensive and a third well will be drilled in addition to two existing wells. Water level use is the purview of the DNR not local Township government. I believe trigger points are 10K gallons per day or 1 million gallons annually.

Water runoff, water diversion, soil erosion and water pollution; as the existing area at existing level of use has seen flooding historically, and the new buildings will increase in impervious area. The Vermillion River Watershed Joint Powers Organization (VRWJPO) has the responsibility and authority for Water Resource Management for Eureka Township, and, they have reviewed this Agricultural building permit extensively and have re-confirmed their approval.

Other Environmental concerns such as high levels of energy use due to heating, ventilation, air conditioning and lighting; energy use leading to increased greenhouse gas emissions; Cannabis plant's ability to absorb and store heavy metals, and possible runoff of seeds in water.

Disposal of plants; depending on if they will be composted or burned or shipped elsewhere for proper disposal.

Most of the environmental concerns are the purview of state level agencies such as Minnesota Pollution Control. Local Ordinances regarding Fires Chapter 136 and Nuisances Chapter 177 may be applicable at the time of the occurrence, not at the time of erecting a building.

Impact of increased traffic, such as vehicle congestion entering or exiting and on adjoining route roads, traffic hazards, safety, and impact on quiet enjoyment of local roads by pedestrians including children, bikers, runners, etc. Local Ordinance 198-3 Item C Traffic Control may be applicable at the time of occurrence, not at time of erecting a building. *Note: BKR Brands update on traffic estimates- "... to be very similar in 2024 from employee perspective as past 3 years. Estimate for year 2025, 2026, 2027 if cannabis licensing achieved will be about 15 trips per day on average. That is five employees per building. Total Sprinter van traffic for product movement will be 2-3 per month."*

Impact on road maintenance; is to be determined. BKR Brands has expressed willingness to share costs up to \$5k if cannabis licensing is achieved.

Possible security issues that might arise due to the nature of crops and their value, unknown at time of building permit.

Chair Clancy also wanted to make clear to the citizens of the Township the following:

RE: Overview Key Related Concepts, Ordinances and Process for Citizens

1- Zoning 101-

- a- Ordinance must be in effect at time of application.
- b- 240-34 Right to Farm is short and simple.
- c- 240-19 Performance Standards for Commercial Agriculture is only 15 lines. Too short and too broad in my opinion and in need of expansion / limits. (Example Size limit)
However, many Township citizens have been historically very vocal about individual property rights (It's my property.....that's why we moved here.") and a preference of "less government".
- d- This simple two-page application form is for a Commercial Agricultural Building, same as used for a simple pole barn for Famer John to put his tractor in, despite the huge difference in SCALE of size or potential impact. Nor can CONDITIONS be imposed.
- e- We do not have a requirement in place for an Interim Use Permit (IUP) for a fixed period, requiring notice to all nearby landowners within 1,000 feet and a public hearing, before issuing a permit with CONDITIONS spelled out and an annual review of performance against all agreed standards.
- f- We do not have a requirement in place for a Conditional Use Permit (CUP) which runs forever with the land, requiring notice to all nearby landowners within 1,000 feet and a public hearing, before issuing a permit with CONDITIONS spelled out, and an annual review of performance against all agreed standards.

Developing proper proactive zoning regulations is a bit like the Wayne Gretzky Rule of hockey --- "Don't skate to where the puck is, skate to where the puck WILL BE" ...be prepared for what if. Unanticipated events often reveal gaps in zoning. Our commercial agriculture rules *in my opinion* are too broad and fail to address projects of this scale for any crop or product. Additionally, unfortunately, no one imagined the Minnesota Legislature would legalize Marijuana Jan 1, 2024, then establish an Office of Cannabis Management of about 100 people with only 10 hired to date, to eventually write all the rules, hopefully by year end 2024, including what local governments can and cannot control. Ready, Fire, Aim.

2- Process:

- A- Ag Exempt- Farmer can put up as many buildings as he wants. Simple building permit reviewed by PC, normally in terms of setbacks from property line.
- B- All actions by PC for all permits and all activities are RECOMMENDATIONS only with final approval by elected officials on Town Board.
- C- PC can make a recommendation to approve assuming in compliance with all local ordinances or deny assuming not in compliance with all local ordinances, or forward with no recommendation.
- D- State Law requires a decision within 60 days of application or automatically approved.
- E- PC and TB are supposed to follow the law / all ordinances when voting. Town Attorney present tonight.

Permit Request

Kasprzyk Enterprises LLC, 7987 257th St. W., PIN 13-02100-79-011 *AG Exempt

Additional items requested for review were given to the Planning Commissioners shortly after the February 6, 2024, Planning Commission meeting. Consultation with the Township Lawyer, Robert Ruppe, took place, along with a further understanding of the role the Vermillion Watershed Joint Powers Organization (VRWJPO) has with the Township.

Resolution No. 2017-01, adopted 1-9-2017, provided for the Town Board of the Town of Eureka to transfer to the Vermillion River Watershed Joint Powers Organization (VRWJPO) all powers and authority to issue permits, review and approve plans, and inspect properties for compliance as set forth in §§ 235-3B, 235-5B, 235-5H(1), (21) and (22), 235-5J(6) and (10), 235-7F(3) and 235-9E, effective upon a resolution of the VRWJPO agreeing to accept said transfer. (VRWJPO accepted 1/26/2017)

Motion: Chair Clancy moved to forward to the Town Board the agricultural building permit for Josh Kasprzyk at 7978 257th St. W., PID number 13-02100-79-011, for three agricultural buildings of 80 feet by 350 feet each with recommendation to approve, given attorney direction we are unable to deny, despite the many citizen concerns outlined in the attached document. Furthermore, as Planning Commission members, we wish to express our disappointment that our existing ordinances and related application forms fail to properly address a commercial agricultural building of this size and scale for any and all products. Furthermore, as citizens of Eureka Township, we wish to express that we share many of the concerns expressed by citizens to date. Vice Chair Burkhardt seconded the motion.

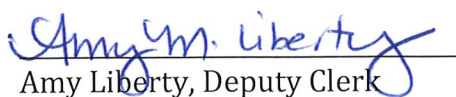
Roll call vote: Deb Burkhardt-Aye; Melanie Storlie-Aye; Bill Clancy-Aye; *Motion carried 3-0.*

Adjournment

Chair Clancy moved to adjourn the meeting at 7:29pm. Vice Chair Burkhardt seconded the motion. *Roll call vote:* Deb Burkhardt-Aye; Melanie Storlie-Aye; Bill Clancy-Aye.

Motion carried 3-0.

Respectfully submitted,


Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 3/8/24
Planning Commission Chair Date

EUREKA TOWNSHIP

Dakota County, Minnesota



Planning Commission Special Meeting

Attendance

February 20, 2024

7:00 PM

Printed Name

Address

LaVon Teel

13125 Highpoint Curve Burnsville MN

~~Ra Teel~~

" "

Randy - Sue Kasprzyk

3114 Frontier Dr. Woodbury, MN 55729

Richard Brunn

7987 257th St. W. Farmington, MN 55027

Chris Wentzel

16024 Berger Drive Eden Prairie, MN, 55347

Jesse Davis

7187 W 257th St

Kali Kasprzyk

Printed Name

Nancy Sauber

Tom Prose

DAVE + BRENDA LARSON

Sandy Woody

Josh Kasparyk

Matt Klotz

DAVE Tomagen

STEVE JOHANSON

MARTIN NEFFLEY

Address

9445 225th St. W. Lk. Vh.

8094 257th St W Farmington

7919 257th St. W Farmington

2375 2nd St Farmington

7987 257th St. West Farmington, MN 55024

7985 257th St. W. Farmington

25700 Granite Path Farmington 55024

310 4th Ave S M. ANNEBORO 55415

25998 Highway 14 N 55024