

CHAPTER 3.
LAND USE PLAN

Introduction

The Land Use Plan is a critical element of the 2030 Comprehensive Plan. The Land Use Plan represents the desired future condition of the Township in the year 2030 and is the basis for the Township's zoning ordinance. The Land Use Plan allows for incremental growth consistent with the Township's 2030 Vision in Chapter 1, local trends, and Metropolitan Council growth forecasts.

This chapter:

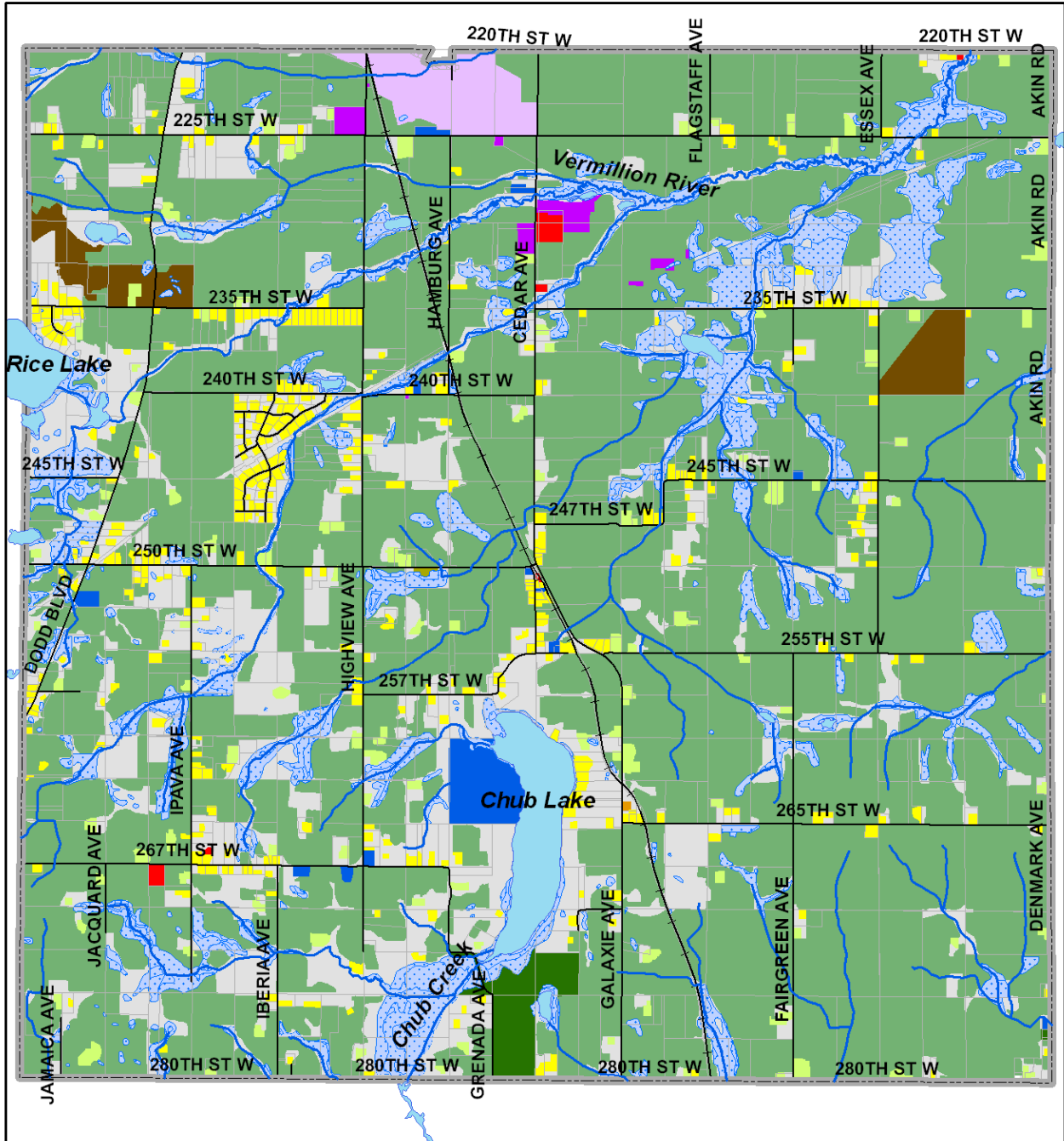
- Summarizes the existing land uses in the Township;
- Examines land use issues important to the Township's future;
- Sets out goals and policies to guide land use decisions; and
- Presents the 2030 Planned Land Use map.

Existing Land Use

The Existing Land Use Map depicts the current land use pattern in Eureka Township. The land use data originated from the Metropolitan Council, current to 2005. The Eureka Township Comprehensive Plan planning committee reviewed and updated the map so that it is current, to the best of that group's knowledge, through the first quarter of 2008.

The land use categories shown on the map are:

- **Agricultural:** land used for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and accessory uses.
- **Farmstead:** land containing the dwelling and associated buildings of a farm.
- **Single Family:** land containing a single dwelling unit.
- **Multifamily:** land containing a multiple-family dwelling, such as a duplex, triplex, townhome, or apartment building.
- **Mixed Use Residential:** land containing a building with multiple uses in combination with at least one residential unit.
- **Extractive:** land used for quarrying sand and gravel.
- **Airport:** in Eureka Township, land used for the Airlake Airport.
- **Park, Recreational, or Preserve:** land used for park and recreational activity or passive open space. In Eureka Township, this classification is used for the Wildlife Management Area.
- **Industry and Utility:** land containing manufacturing, transportation, construction companies, communications, utilities or wholesale trade. In Eureka Township, this classification describes portions of local nurseries.
- **Institutional:** land used primarily for religious, governmental, educational, social, cultural or major health care facilities. Local examples include various places of worship, the Town Hall, and cemeteries.
- **Retail and Other Commercial:** land used for the provision of goods or services. In Eureka Township, commercial uses such as nurseries and stables are allowed through conditional use permits.
- **Water and wetlands:** open water, rivers and streams, and wetlands included in the National Wetland Inventory.
- **Undeveloped:** land not currently used for any defined purpose that may or may not contain buildings or other structures or has no discernable use based on the aerial photos or available data. Includes woods, natural areas, and maintained areas such as lawns and yards.



Existing Land Use

- | | | |
|-----------------------|---------------------------------|-----------------------------|
| Agricultural | Extractive | Retail and Other Commercial |
| Farmstead | Airport | Undeveloped* |
| Single Family | Park, Recreational, or Preserve | Water |
| Multifamily | Industrial and Utility | Wetlands |
| Mixed Use Residential | Institutional | |
- *Undeveloped includes woods, natural areas, and maintained areas such as lawns and yards.



Source: Metropolitan Council, 2005 data, updated to 2008 uses by TKDA

**Table 3-1
Existing Land Use**

Land Use	Acres	Percent
Agricultural	<u>15,070</u>	65.7
Farmstead	<u>369</u>	1.6
Single Family	<u>707</u>	3.1
Multifamily	2	0.0
Mixed Use Residential	3	0.0
Extractive	<u>256</u>	1.2
Airport	250	1.1
Park, Recreational, or Preserve	154	0.7
Industry and Utility	69	0.3
Institutional	156	0.7
Retail and Other Commercial	30	0.1
Open Water	363	1.6
Wetlands	2,268	9.9
Undeveloped	3,216	14.0

Land Use Issues

The predominant existing land use in the Township is agriculture. Yet, future land use issues in Eureka Township are diverse, and include issues related to residential, commercial-industrial, and extractive land uses in addition to agricultural uses. Growth in neighboring communities and potential annexation pressures from adjacent municipalities must also be considered in creating Eureka Township's land use policies. This section reviews the primary land use issues facing the Township and describes the conditions that generated the Land Use Plan goals and policies.

Agriculture Land Use

As described in the Natural, Agricultural and Cultural Resources chapter, Township goals include protecting its rural and agricultural character, and promoting the economic viability of farming operations in the Township. The Land Use Plan guides that the long-term land use in Eureka continues as agricultural. The Goals and Policies from the Natural, Agricultural and Cultural Resources chapter are the basis for the Land Use Plan.

Residential Land Use

Density

Eureka Township is designated as an Agricultural Area for regional planning purposes by the Metropolitan Council. Regional policy includes guidance that the agricultural area should develop at a density of no greater than one dwelling unit per 40 acres. Eureka Township's Land Use Plan and agricultural zoning of one unit per quarter-quarter section are consistent with this policy.

It is important to note that there are residential lots in Eureka Township that were created before the 1 unit per quarter-quarter zoning came into effect. Some of these lots have existing housing units while others do not. The Township recognizes that there are buildable lots in Eureka Township that do not meet the density standard of today's zoning ordinance, but that such a lot still has a "housing right."

Regional Growth Forecasts

Through its Strategic Vision process completed in 2007, the Township made considerable efforts to identify the number of unused housing rights in order to understand the Township's growth potential. The Strategic Vision reports that there are approximately 280 unused housing rights available in the Township.

Table 3-2 summarizes Eureka Township's residential development potential under its Land Use Plan and agricultural zoning. The Metropolitan Council estimated 509 households in Eureka Township in 2006, while the Township estimated 525 existing housing units in 2007. Using these estimates, Eureka Township's build-out would be in the range of 789 to 805 households. The 2030 growth forecasts provided by the Metropolitan Council, found in Chapter 1, Table 1-2, report a forecast of 700 households by 2030. To attain the additional 175 to 191 households by 2030, an average of 7 to 8 housing units would need to be added annually. Assuming the forecast is accurate, Eureka Township will not have reached its full build-out potential by 2030.

**Table 3-2
Existing and Future Housing Units**

Existing Housing Units	Unused Housing Rights	Build-out Potential	2030 Households Forecast
509* to 525** units	280** units	789 to 805 units	700* units

Source: *Metropolitan Council, **Eureka Township

Transfer Program to Capture Residential Development Potential

[Update this section to discuss protection of natural resources where higher density could result from Transfer of Housing Rights program. To include a

primary conservation area - the Native Plant Communities identified by the County Biological Survey - where housing rights could not be transferred into, and a secondary conservation area - the Natural Resource Corridors - where density through transfer of housing rights could occur with incentives/regulations to encourage or require conservation.]

The Township can accommodate the household growth forecast through the approximately 280 existing, unused housing rights. However, the majority of these housing rights are tied to land now used exclusively for agriculture, and the Township seeks to encourage the continuation of farming into the future. The demand for housing rights puts pressure on property owners to convert land from agricultural to residential use. To address this issue, the Township has considered methods to unbundle property rights, separating the residential development potential from the land. This would allow a property owner to capitalize on the existing, unused housing right associated with the property without taking land out of agricultural production.

The Township has explored a number of options for capturing residential development potential through transfer. These efforts include the 2007 Strategic Vision, the existing Zoning Ordinance and its provision for clustering, and local and County considerations of Transfer of Development Rights.

- A central focus of the Strategic Vision was exploring a transfer of housing rights program. It proposes that housing rights could be sold from one property and transferred to another property within the Township. The Strategic Vision’s objective for such a program is, “to provide financial opportunities to large land owners while providing an incentive to limit the sale of large blocks of agricultural land.” The Vision outlines options for a program allowing transfer of existing housing rights, or for creating additional housing rights within the Township. Specific details outlining options for the program are found within the Strategic Vision document’s Land Use chapter.
- Eureka Township’s current zoning ordinance allows for “clustering” of housing rights on adjoining quarter-quarter sections. Under this provision, up to four houses may be built on one quarter-quarter section. The Strategic Vision transfer of housing rights proposal is similar to clustering, but does not require that properties be adjoining.
- Transfer of Development Rights (TDR) was generally considered in a study prepared in 2003 by a task force of Eureka residents and the organization 1,000 Friends of Minnesota. TDR involves moving development rights from one property to another. TDR programs identify the locations of “sending” and “receiving” areas: sending areas are where development rights are sold from, and receiving areas are where the development will occur. A County-wide TDR program is generally

endorsed by Dakota County in its Comprehensive Plan, though program design and administration complexities have been barriers to creation of such a program.

Goals for a Eureka Township Transfer Program

The Township has made substantial efforts to understand the local potential for a residential development rights transfer program. The Comprehensive Plan recommends that the Township continue taking steps to implement a residential transfer program, so long as it meets the following goals.

The goals for a Eureka Township transfer program:

1. The program will be useful in achieving the goals of the Comprehensive Plan.
2. The program will help relieve development pressure on large blocks of agricultural property.
3. The program will allow property owners to gain revenue by selling housing rights.
4. The program will be compatible with the Metropolitan Ag Preserves Program. Property owners will continue to have choices to use their land in ways that maintain eligibility in Ag Preserves.
5. The program will encourage protection of priority natural areas and natural resource corridors.
6. The program will protect opportunities for efficient and cost-effective land development for a time when public sewer and water services may become available. Such opportunities include the creation of a suitable commercial/industrial area in the Township.
7. The program will be understandable by citizens.
8. The program will respect landowners' rights to use their land in a way that does not significantly harm others' property nor the community's health, safety, welfare and morals.
9. Administration of the program will not create an undue burden on Township government.

The Comprehensive Plan recommends that the Township continue to make progress in creating a transfer of housing rights program, so long as it achieves the specific goals stated above.

Commercial-Industrial Land Use

Existing Provisions and Studies

Some Agricultural/Horticultural and home occupation commercial land uses are now allowed in Eureka Township with a Conditional Use Permit. Eureka Township does not have a Commercial-Industrial zoning district.

In 2003, Eureka Township convened a task force to consider the potential for local commercial-industrial activities. The task force concluded that no commercial-industrial zoning district should be created in the near-term, nor should the type of business activities allowed by Conditional Use Permit be expanded. The Task Force's guidance for growing local businesses was focused on the Township's rural character:

If new commercial opportunities are desired, we recommend the township attract and support diversified commercial-agricultural and commercial-horticultural businesses that are consistent with our current zoning ordinance. There are many types of agricultural and horticultural development that can allow commercial opportunities for farmers or other entrepreneurs and still preserve the rural-agricultural character of Eureka.

The 2007 Strategic Vision supported the recommendations of the task force. For the longer term, the Vision suggests consideration of commercial-industrial areas when sewer is available. The Strategic Vision also provides a list of potential commercial-industrial uses with preliminary recommendations as to if they should be allowed by Conditional or Interim Use Permits.

Guidance for Future Commercial-Industrial Land Uses

[Update this section to carry forward recommendations from 2003 Task Force. Further discuss the need for study before change in land use guidance. Include language about potential for package wastewater treatment systems as new technology is developed.]

The Land Use Plan and 2030 Planned Land Use Map do not identify a geographic area planned for future commercial-industrial use. This decision is based on the following factors.

- Recent planning work, described above, indicates that the community is amenable to an *incremental* approach to clarifying and expanding the types of commercial-industrial opportunities, so long as uses are consistent with Eureka's rural character.
- Eureka is not slated for urban services - sewer and water utilities - during the planning horizon of 2030. It is possible that the urban services will be available to the Township at some point after the year 2030. Many commercial-industrial uses require urban services, such as retail stores or businesses with a sizable number of employees.

- Eureka Township seeks to keep its municipal boundary intact, and the potential to lose land to adjoining communities is a concern for the Township. If the Township seeks to identify a commercial-industrial area for the future, it should take into account relationships to commercial-industrial development in neighboring communities as well as Eureka Township landholder interests.
- The Dakota County Community Development Agency is currently studying the market demand for commercial property in Dakota County. The study will examine market demand at the local as well as county level. Once complete, the study may offer insights of the market potential, and therefore location and quantity of land, that the Township may guide in the future for commercial-industrial land uses.

The Comprehensive Plan recommends methods other than the Future Land Use Map to address near-term and long-term potential for commercial-industrial land uses.

- The Township should follow the recommendations from previous planning studies to clarify the Zoning Ordinance in terms of the types of agricultural/horticultural businesses and home occupations allowed by Conditional Use Permit. This may include amending the ordinance to further define conditions for granting the CUP/IUP.
- In the event that local interest grows in allowing for more intensive commercial-industrial land uses not allowed by CUP, the Township should identify a land use Study Area to focus on proper land use staging. Factors the Study could consider include: aggregate resource availability and mining feasibility; the potential for concentrated residential development through the transfer of housing rights program; landowner interest; timing of urban services; and land use relationships in adjoining municipalities. The Strategic Vision identified potential locations for future study and can serve as a starting point if the Township undertakes a Study Area process.

Aggregate Extraction

Aggregate resources are part of Eureka Township’s natural resource base, and are discussed in the Natural Resources section of the Comprehensive Plan. Mining of aggregate is allowed in the Township with an Interim Use Permit. The Eureka Township mining ordinance provides the standards for mining operations.

Land use staging - to first consider the potential of an area for aggregate mining before urban development occurs - will become of greater importance as the Township moves forward in planning a transfer of housing rights program or if planning for a future commercial-industrial area. Under the Land Use Plan and existing agricultural zoning, aggregate resources are adequately protected by the fact that only agricultural and very low density development may occur.

The Natural Resource Goals and Policies found in Chapter 2, as well as the Land Use Goals and Policies of this chapter, provide guidance to the Township in its decision-making related to aggregate resources.

2030 Planned Land Use Map

The 2030 Planned Land Use Map identifies the land use in the Township as Agricultural, to be consistent with the Township's agricultural zoning. It is important to note that the Planned Land Use Map is not the same as a zoning map. It does not include the Dakota County Shoreland District or Airlake Airport height/safety restrictions.

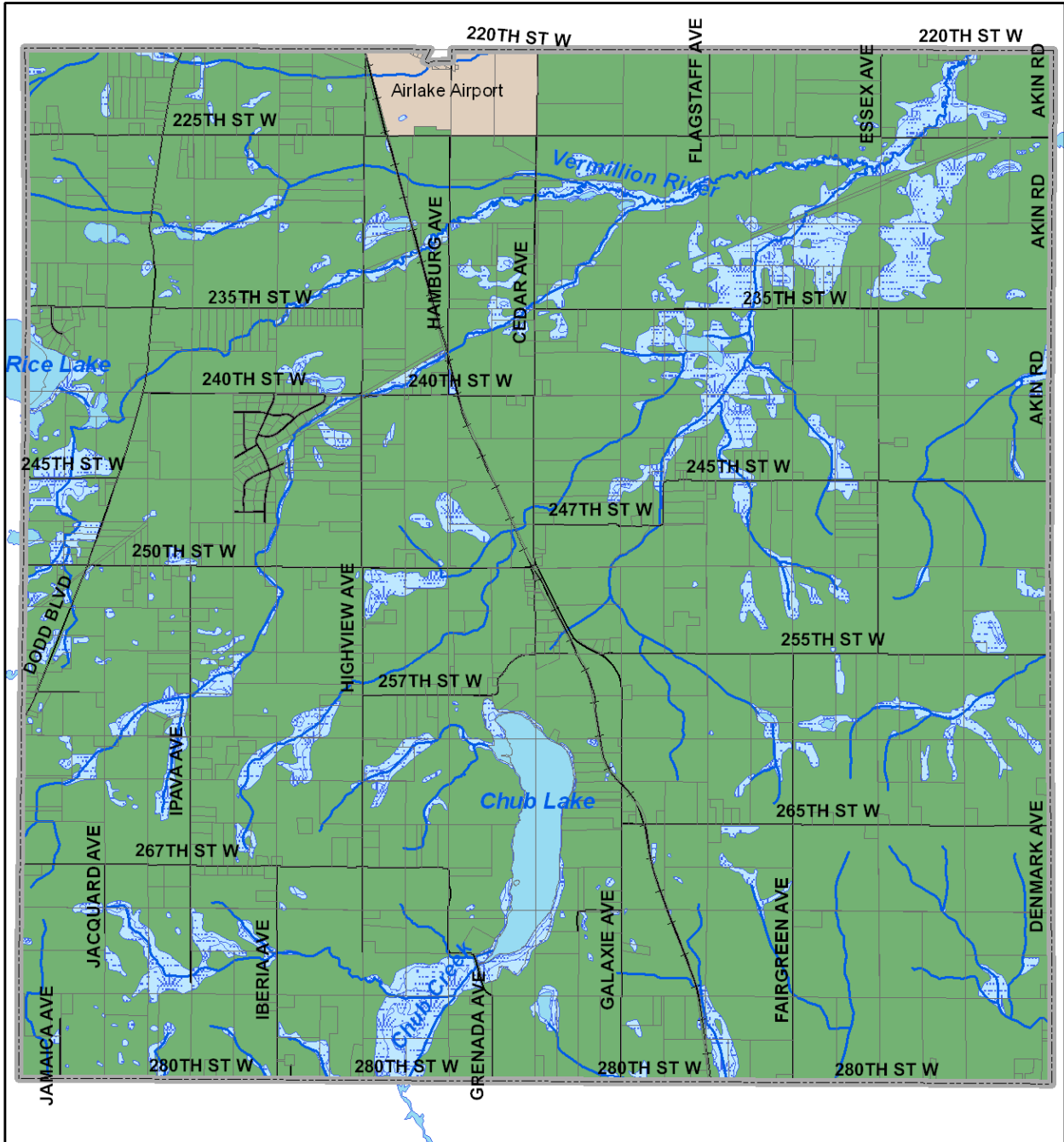
Land Use Goals

1. Allow land uses that will maintain Eureka Township's rural character.
2. Encourage protection of priority natural areas and natural resource corridors through local land use decisions.
3. Promote the continuation of agriculture as the primary land use.
4. Allow limited non-farm development provided that the negative impact on farming is minimized.

Policies

To achieve these goals, the Township shall:

1. Maintain Eureka Township's agricultural zoning of one unit per quarter-quarter section.
2. Create a transfer of housing rights program that achieves the specific goals of such a program, stated in the Land Use Plan.
3. Use Township Ordinances to minimize the visual and environmental impacts of development.
4. Continue to allow agricultural/horticultural businesses and home occupations in a manner consistent with the Comprehensive Plan.
5. Conduct thorough study before guiding land for commercial-industrial use.
6. Consider opportunities for aggregate extraction as part of orderly and staged land use planning when considering land use changes that would preclude future access to those resources.



2030 Planned Land Use

- Agricultural
- 2005 MUSA (Metropolitan Urban Service Area)
- Water
- Wetlands

5,000 2,500 0 5,000 Feet

