

EUREKA PLANNING COMMISSION
SPECIAL MEETING
JANUARY 29, 2009

Chair Sharon Buckley called the meeting to order at 7:04 p.m. Commissioners present were Sharon Buckley, Vince Mako, Kenny Miller, Ken Olstad, and Nancy Sauber. Audience member was Supervisor Jeff Otto.

The only item on the agenda was to discuss some of the Ordinance updates that the Commission has been working on. The particular items to be discussed were the proposed changes to the berming portion of the Mining Ordinance, the Road Haulage Ordinance, the Buildable Lots and Clustering language, and any other Ordinance proposals if time allowed.

Ken Olstad moved to approve the agenda; Nancy Sauber seconded the motion, which passed unanimously.

Berming: The Board had proposed the Ordinance revision. Jeff Otto explained the language. There are two aspects to the proposal: one is the change to the language to allow an alternative design for a berm, and the other addresses the administrative part of the process. The former is important to allow flexibility in the Kelly Aggregate application currently before the Commission. The second could be addressed later, Jeff commented. The minimum eight-foot berm is the baseline that another design would be an alternative to.

The Commission discussed different types of berms, their effects, their location, and unanimous agreement vs. majority rule. It ultimately agreed with Vince Mako's suggestion of "a combination of berms and other screening which has no written objection from any owner of real property..." It was also agreed that the applicant also has to agree to the alternative design. Each affected party should have the protection of the minimum eight-foot berm as currently in the Ordinances, if so desired. That should not be relaxed unless agreed to by all, or at least with no written objection. The words "minimum slope of 3:1" were proposed to be changed to "no steeper than 3:1." It was agreed to remove the word "visual" modifying "screening." Regarding the timing of the alternative design proposal, there was a question if a change to the berm *after* the Environmental Assessment Worksheet (EAW) would necessitate going back to the agencies that evaluate the EAW. Sharon Buckley said that she would check on this with Ron Quanbeck, the Township Engineer. Any "will" was changed to "shall" and "residents" was changed to "property owners." Jeff Otto was charged with making the language changes agreed to and with sending it to the Commission again through Nanett Sandstrom, Town Clerk. Kenny Miller suggested that, in the future, there should be some language proposed to accommodate changes made after the fact.

The Commission next considered the Road Haulage Ordinance that has been proposed. Eureka has been working with Castle Rock Township on this so as to share the cost of the planner's review. Changes will need to be made so that the ordinance is specific to

Eureka. The ordinance is intended to address major projects that put a lot of wear and tear on the roads. In the case of Eureka, it refers to public and private utility projects using the roads. It was agreed that any references to commercial and industrial uses should be deleted as Eureka does not currently allow commercial and industrial uses, outside of commercial agriculture and commercial horticulture. It was agreed that at the time, should it come to pass, that Eureka allows such use, *then* that language would be needed, but not before. The Ordinances must be consistent with the Comprehensive Plan. Gravel mining is already covered under the Mining Ordinance. All the exceptions should be listed under a separate, larger (“D”) heading. Jeff Otto raised the issue of trucks in transit through the Township. Large pipes, for example, may be stockpiled in the Township, but are being transported for use outside the Township. There is also the matter of such transport through the Township from some point outside of it to another point also outside of it. It was agreed that Jeff could ask the legal question concerning this latter instance. The Commissioners to attend the meeting at Castle Rock on February 5, 2009, are Vince Mako and Kenny Miller. Jeff Otto said that he would probably attend as well. Chair Buckley directed all Commissioners to read through the proposed language to see if there are any other items to be changed. The ordinance would be discussed further at the regular meeting on the following Monday.

Nancy Sauber, Ken Olstad, and Jeff Otto were the work group for buildable lots and clustering. The language proposed by the work group and sent to the attorneys, the attorney’s response of suggested language variations and a cover letter from the attorney were given to all Commissioners. The work group explained the background of their discussions, what they understood of the current language proposals, and what questions might remain. This was discussed for some time. Since this was the first time that the whole Commission had seen any of the language, indeed, that even the work group had seen the attorney’s variations, all were asked to read through the materials thoroughly and to be prepared to ask any questions they might have the next time the ordinance revisions are discussed.

The Commission then discussed where things are at in the updating process. All were advised to go back and read through proposed language to date and to come back with any concerns or questions and to be ready to move ahead. There will need to be a number of special meetings to finish this work. It is desired to hold the public hearing sometime before the end of April at the latest if possible.

Nancy Sauber moved to adjourn; Kenny Miller seconded the motion. The meeting was adjourned.

Submitted by,
Nancy Sauber, Recorder