

EUREKA PLANNING COMMISSION  
SPECIAL MEETING  
APRIL 20, 2009

Chair Sharon Buckley called the meeting to order at 7:05 p.m. Commissioners present were Sharon Buckley, Vince Mako, Kenny Miller, and Ken Olstad. Audience members present were Supervisor Jeff Otto, Supervisor Nancy Sauber, Gloria Belzer, Carol Cooper, and Cheryl Groves.

The only item on the agenda was to discuss Ordinance updates that the Commission has been working on. Sharon Buckley asked for a volunteer to take minutes. Hearing no volunteers, she turned the meeting over to the direction of Vice Chair Ken Olstad and took minutes herself. Nancy Sauber took active participation in the discussions because of her recent work on the issues as a Planning Commissioner.

Ken Olstad introduced the process of updates so far, and using projector technology, presented updates previously discussed as well as those he had recently incorporated into the ordinance draft that had been agreed upon at previous meetings.

Items that need further work:

1. Definition of Commercial Agriculture needs to be consistent with State Statutes, requiring 10 acres plus one acre for homestead.
2. Home Occupation definition (see later discussion)
3. Ordinance 3, Chapter 3, Section 1 related to buildable lots and clustering (see later discussion)
4. Ordinance 3, Chapter 4, Section A Home Occupations, License required (see later discussion)
5. Ordinance 3, Chapter 7, Domestic and non-domestic animals. Kenny Miller expressed the opinion that this section needs to be consistent with the County to be able to use their enforcement. May need to check this out with the County and/or attorney.
6. Automobile Graveyards. Discussed deletion of the entire section so as to no longer allow them. Nancy Sauber said that the attorney had suggested allowing either a 30- or 60-day window of opportunity for any last applications for this use following its repeal. The Planning Commission at the time had decided upon a 30-day window. Further information is needed regarding the procedure to delete the section, to be referred to by the "Repealer" language.
7. Ordinance 7, Chapter 1, Payment of fees, discussed the plan review fee vs. an inspection fee as stated in the proposed language, and whether the signature on application should cover this or if it also needs to be in Ordinance language. Second question is where the "estimated cost of proposed construction..." Need to ask Mike Greco the origin of this.

Return to discussion of specific items from above:

Home Occupations

Nancy Sauber reported on training she attended on 3/5/09 in Little Falls, sponsored jointly by Government Training Services and the Minnesota Association of Townships (MAT). Eric Hedtke, an attorney from MAT was present, and there was a lot of pertinent discussion by township attendees.

It had been discussed as part of the Comprehensive Plan update that the Commercial/Industrial Task Force would look at the issue of home occupations as part of its study. Jeff Otto reviewed the Request For Qualifications and verified this was included in the expectations. Nancy offered the opinion that, since home occupations is part of the subject of the study and the outcome of the study has not yet been reached, it would be preferable to address this subject and any possible changes after the study's completion. Nancy said that the proposed change of allowing accessory building use for home occupations, albeit on a limited basis, is a major one and she would like to see the greater public awareness and chance for input that she believes the study could provide.

She also offered the opinion, based on the training she attended, that there might be a better way to make any change than had been proposed. It was discussed at the training that a good option would be to allow home occupations, and especially any accessory building use for home occupations if that were to be allowed, through an Interim Use Permit (IUP) with a license. An IUP, as opposed to a Conditional Use Permit (CUP), would provide an end date and thus provide that in the future, when such use of an accessory building in a more densely populated township may no longer be desirable, it could go away. It was also stated at the training that an IUP allows a little more flexibility than a CUP at this time as it is newer and there is not as much case law limiting it. The license process and fees would build in inspection at the time of application and also subsequent yearly inspections in ensure compliance. This would result in enforcement without having to use the complaint process. It was stressed at the training that if an ordinance is not going to be enforced, it would be better not to have that ordinance. Many communities' ordinances do give non-exhaustive lists of allowed and prohibited home occupations. It was stated by the training presenter that there are two schools of thought as to whether it is better to go with the lists or to try to cover everything through performance standards. This was borne out by the research that Nancy had done earlier in talking to several planners. Nancy recommended that the issue wait until the Commercial/Industrial Task Force looks at it in the context of their work. Depending on the outcome of the study, Nancy also suggested that there is still a lot of work to be done on the ordinance language, including some open questions that remain. It was agreed to delete the proposed definition and entire modified section regarding Home Occupations from the current draft revisions, saving the language for future consideration. That work and the information from the training will be presented at an appropriate later time.

### Clustering

Discussed the latest language proposed by attorney Trevor Oliver and questions with it. Only a "native" right can be transferred, and it doesn't clearly say that. There is a maximum of 4 houses per quarter-quarter, including Lots of Record. Subcommittee of Nancy Sauber, Ken Olstad, and Jeff Otto will continue to edit the language, working with attorney as needed, and bring back to the Planning Commission.

The altered definitions of Clustering and Lot of Record need to be added to the Definition section of the Ordinances.

### Buildable Lots

Definitions need to be added into the Definition section of the Ordinances. ????

Discussed that there remains the question with lots that are greater than one quarter-quarter in size. The subcommittee will continue to work on this along with the Clustering.

Rebuild

Discussed that if there is to be a renewal process, need language that allows extension of time. Need to then determine the length of time and the number of extensions to allow.

The subcommittee will work on this language as well.

Road Haulage Ordinance

Vince Mako and Kenny Miller have worked on this. Vince thought he had sent his most recent version to Nanett for distribution. He will check and forward it again. It needs to have all language removed with regard to commercial and industrial uses and all references to Castle Rock Township.

Sharon Buckley moved to adjourn. Kenny Miller seconded. The meeting was adjourned at 9:55 P.M.

Respectfully submitted,  
Sharon Buckley