

**July 10<sup>th</sup>, 2007**

**Citizens Advisory Committee meeting**

In attendance: Jeff Otto, Jim Sauber, Ray Swedeen, Jody Arman-Jones, Sharon Buckley, Atina Diffley, Glen Shirley

Absent: Pete Storlie, John Storlie, Ray Kaufenberg, Carrie Jennings

Audience members who signed in: Nancy Sauber, Barbara Bachman, Lee West, Carol Cooper, Dave Tonsager, Linda Daverin

I. Organizational Items:

Sharon reported back from the Planning Commission that they see no need for added members at this time.

II. Guest Speaker: Randall Doneen, planner, Rice County Department of Planning and Zoning, regarding transfer of development rights in Rice County

A. View Randall's presentation: [http://eurekatownship-mn.us/taskforce/cac-minutes/documents/Doneen-Rice\\_TDR.pdf](http://eurekatownship-mn.us/taskforce/cac-minutes/documents/Doneen-Rice_TDR.pdf)

B. Recorder's comments

1. All transfers are done within each township, not across township borders, unless it is property along a township boundary and both townships agree.
2. The arrangements primarily go through realtors, and sometimes through developers. The county tracks the transfers. They keep an informal list of parties interested in selling building rights.
3. A public hearing is required, held by the Planning Commission.
4. Density is a maximum of 10 houses per quarter/quarter.
5. Randall does not know the going price of building rights, and the county does not track this. Audience members reported one instance of \$45,000, and one of 4 building rights at \$25,000 each.
6. In a "minor cluster" the lots can be no larger than 2.5 acres.
7. In the Agricultural District, the minimum lot size is 35 acres.
8. There is a "bonus density" where if you buy 4 housing rights, you are granted the fifth by the County. Buy 8, get 2 free.
9. Community well and wastewater systems are required, and an internal driveway is required if 4 or more houses are clustered.
10. If the community septic has pretreatment, there is potential for improved groundwater as compared to private septic, but so far they aren't seeing any improvement in community versus individual septic systems.  
Addendum from Jeff: [There are measurable specifications to any septic design. Whether it is stand-alone or community isn't the driving criterion, it is the economics of meeting the desired discharge specification. The reason to look at a community system is to make higher specifications more economical, but if the community system isn't designed for higher quality, the results naturally won't be any better.](#)
11. When a building right is transferred from one property to another, a Conservation Easement is placed on the "sending" property.

12. There are 3 ways to remove a Conservation Easement from a property: by city annexation, purchase of a building right back on to that property, or the County Commissioners can remove it.
13. There are 3 shoreland zones, and these are governed/defined by the county.
14. Only Bridgewater Township does their own zoning; all other townships in Rice County have their zoning administered by the county.
15. The volume of TDRs ranges from 1-3 per month, or about 24 in a year. In 2006 there were a total of about 70 housing permits granted, this year will be less.
16. Question for Randall: If you could design the ideal system for TDRs, what would it look like? Answer: There would be a minimum size for sending parcels. He would get rid of the shoreland and urban reserve development rights. There would be better planning for emergency services.
17. Pre-calculation of rights was not done. This would make it simpler to administer, because the current system requires constant tracking. As it is, they have to do the tracking for each request, which means they might calculate the same property 3-4 times.

III. Atina Diffley, presentation on power lines and other utilities crossing Eureka Township (copied from Atina's prepared notes)

## **UTILITY ROUTES AND EUREKA TOWNSHIP**

### **NOT IN MY BACK YARD STATEMENTS: HAVE NO POWER**

The big project coming is a 345 kilovolt transmission line.

Transmission lines are a different situation than pipelines.

- We have a voice as a ratepayer. We are going to pay for it with rates set by the PUC.
- Transmission lines do not produce the same limitations on future land uses as pipelines.

**Two decisions to influence:**

**What is Built and**

**Where it is built.**

Planned: Mega super highway grid the country 345 Kilovolt; able to send electricity long distance

designed for coal; bypass, renewable energy C-BED

coal + gas + 10% wind farm (Que system)

Alternative: a transition system that is friendly to **Community based renewable energy (C-Bed)**

How does it look different: more small lines looks like a network not highway.  
Being represented by Windustry and North America Water Office.  
Coal + gas + wind farm + C-Bed

Besides developing alternatives to coal; benefits include  
Small lines are more flexible / can make corners vs. large lines running through center of properties.  
National Energy security and stability.  
Decentralized vs. centralized.  
C-beds Create local income – economic development.  
Vs. send the energy in send the money out.

We have a voice as a ratepayer. We are going to pay for it with rates set by the PUC.  
We can say, “we understand we need transmission lines and are not opposing them. We want to have a influence on what is built.”  
The early in the process the better.  
The public hearings are too late.  
May want to have a township meeting and invite ALL sides of the story to present.  
There is involvement from NGO’s; windustry, wind on the wire, north America water office, carol overland.

Certificate of need application will happen soon. Different than MinnCan. Not simultaneously.  
They are working out right now what needs to be included, exceptions.

If you can’t stop it WHAT would you rather having running through the township?  
What would you rather purchase with your electric rates?  
Think of yourself as being a part owner of this line and transmission.

**ROUTING: NOT IN MY BACK YARD STATEMENTS: HAVE NO POWER THE EARLY IN THE PROCESS THE BETTER.**

THINGS THAT HAVE INFLUENCE ON ROUTING DECISIONS:

- Influencing routing with zoning and identification of areas and lands where protection is desired.
- Unique Land use, which has benefits for the greater public good. (ex. Food belt for local consumption)
- Zoning supported by criteria for route selection.
- Protection of natural resources.
- Lands in conservation easements

These may not alter the route but may produce mitigation efforts that reduce the impact of the utility construction of provide greater compensation for landowners who are affected.

A unified group has more power than an individual.

What is interesting is that a township on it's own isn't terrible powerful. Combine all the affected townships in Dakota county and that would be something. They aren't going to necessary pay attention to one little township statement. But township statements support the landowners in their fights. It's a valuable tool a landowner can use to make his or her own case.

I am providing you copies of pipeline and transmission line criteria for route selection. Perhaps you can think of a unique greater public good that Eureka Township supplies that I have missed.

As we learn more there will likely be additional language we want to add. A resolution with whereas statements to support our requests would be a good next step.

### **Suggested Language for Utility Routes and Transmission Lines**

#### ROUTING OF FUTURE PUBLIC UTILITIES

1. In support of The Objectives of the Plan and The Environmental Protection Objectives as written in this document, Eureka Township requests the follow criteria for route selection of public utilities:
  - a. That any transmission line that crosses the township must be designed to:
    - i. not be excessively costly; and
    - ii. use the lowest possible voltage; and
    - iii. stay on roads and existing corridors; and
    - iv. move us toward renewable and community based energy; and
  - b. That any utility route crossing the Township of Eureka be designed to:
    - i. follow current and proposed street, railroad, and utility right-of-way, and established property lines, to avoid adversely affecting prime agricultural lands; and
    - ii. avoid crossing and irreparably damaging organic agricultural lands; and

- iii. avoid crossing properties that will suffer significant limitations on potential future uses as a result of the construction process or the permanent easement associated with the pipeline; and
  - iv. avoid crossing and irreparably damaging lands which are producing fresh market produce for local consumption; and
  - v. avoid crossing lands within shore land zoning district; and
  - vi. avoid crossing biologically significant land; and
  - vii. avoid crossing lands in conservation easements; and
- c. That if any route crosses the Township of Eureka, land appraisals to compensate landowners should take into consideration both existing uses and future development potential of the land, and reflect current market prices for land where such development potential is imminent.

b, i, ii, iii, and c with adjustments are Language copied verbatim from Eureka Township Resolution No. 45, passed 5/15/2006

#### DISCUSSION:

Take the following language from the MinnCan Resolution and change to address all utilities and add as #1:

The Township of Eureka opposes the current crude oil pipeline route proposed by MPL and requests:

#### IV. Jeff Otto, presentation on proposed zoning changes

- A. Jeff presented a proposal for changes to the zoning ordinance #3, Chapter 2, section 1, D – Housing Rights, and Chapter 3: Buildable Lots. While the ordinance language in this form is beyond the scope of the CAC, it was useful for Jeff to be able to organize his ideas and generate discussion. The document needs to be translated into concept language for the Draft Vision document.
- B. Other group discussion
  - 1. Does the township have the right to do transfer of building rights? Yes, and Empire Township is doing this.
  - 2. Dakota County is one of the few in Minnesota that grants zoning authority to the townships.
  - 3. Al Singer suggested TDRs between two or more townships. We feel it's appropriate to start small, only within Eureka Township. Rice County only transfers within each township.

4. Housing rights and buildable lots are currently connected. This plan separates them.
5. Suggest inventory of all current parcels and assign them a number. Concern of the administration cost of this, or it becomes costly to deal with each as requests come up.
6. Density language in current ordinance actually prevents clustering.
7. There were 51 exceptions out of 173 houses built since 1982.
8. If using the “low crop equivalency” as they do in Rice County, we would need to first survey the township to know what the mix is.

Next meeting: Wednesday, July 25

Topics: Land uses requiring a rural location, conditional use permits (Jody Arman-Jones); annexation issues (Ray Kaufenberg and Jeff Otto).

Respectfully submitted,  
Sharon Buckley