

EUREKA TOWNSHIP
Dakota County, State of Minnesota

PLANNING COMMISSION MEETING
May 3, 2022-7:00pm

Call to Order

The Planning Commission Meeting was called to order at 7:00pm by Chair Wood.

Commissioners Present: Randy Wood (Chair)
Bill Clancy (Vice Chair)
Debbie Burkhardt (Commissioner)
Chad Berg (Commissioner)
Beth Eilers (Commissioner)

Others Present: Amy Liberty (Deputy Clerk), Nancy Sauber, Ralph Fredlund, Dan Adelman, Bill Roske, Bruce Mohn, Bill Kanfield, Carol Cooper, Warren Peterson
Zoom participants: Char Adelman, Jeff Otto, Julie Larson

Approval of the Agenda

The following amendments were made to the agenda:

- David & Michelle Nicolai *proposed lot splits added to **Citizen Inquiry**
- GTJ Company, LLC removed from **Permit Requests**
- Additional discussion points under **Old Business**
 - B. Text replacement Section 3 of Chapter 2
 - C. 33-ft road frontage text amendment update
 - D. Limit on accessory building clarification
- **New Business**, two additions, E., a. Solar array education and G. Set public hearing date for Fence Ordinance.

Elect Planning Commission Chair and Vice Chair

Randy Wood nominated Bill Clancy for Chair; Deb Burkhardt seconded.

Beth Eilers nominated Randy Wood for Vice Chair, no second

Randy Wood nominated Deb Burkhardt for Vice Chair; Bill Clancy seconded.

Vote results: Bill Clancy- Chair, Deb Burkhardt-Vice Chair

Citizen Inquiry

Bruce Mohn, Christiana Lutheran Church, 8822 267th St. W., PIN 13-02900-77-010

*Proposed Lot Split

Bruce Mohn, member of the church property committee, and Bill Kanfield, council president of Christiana Lutheran Church, presented a map to the Planning Commissioners

and shared that the church is looking at the possibility of selling some assets to help cover renovation costs. The conversation was broken into two phases. First, the lot split proposal. The plan is to split the property into three parcels.

- Approximately 2.6 acres for the existing house
- Approximately 3.55 acres for a house site using the ballfield/partial woods
- Approximately 5.45 acres to 7 acres, depending on taking the land out of the preserve acres program.

The map also includes a 66.4-foot road access to the parcels, which is following the current ordinance. The Planning Commissioners did not see any issues with the lot split and began to discuss the second phase, housing rights. According to the data base created by Jeff Otto, there are two housing rights tied with this land. Tentative plan is to move the one existing housing right, that has yet to be used, from the east 40 to the west 40. A third housing right needs to be obtained. The proposal of selling assets will be voted on by the members of Christiana Church and if approved, a professional land survey will be conducted.

Carol Cooper, on behalf of David & Michelle Nicolai, *Proposed Lot Splits

Carol Cooper presented a packet and was asking the Planning Commission for feedback and instructions. The proposal is as follows:

1. Split a 2.5-acre piece along 255th Street from PID 13-02300-76-020, with the native building right from the NE ¼ SE ¼ Sec. 23, Township 113, Range 20.
2. Split a 2.34-acre parcel in the northwest corner of PID 13- 02400-51-011, along 255th Street, and to it transfer the native building right from the SE ¼ SE ¼ Sec. 23, Township 113, Range 20.
3. Split a 2.5-acre piece from Parcel 3 just east of the Miller property along 255th Street, with the native building right from the NE ¼ SW ¼ Sec. 24 Township 113 Range 20; and 4. Split another 2.5-acre piece in the northeast corner of Parcel 3 along 255th Street, and to it transfer the native building right from the SE ¼ SW ¼ Sec. 24 Township 113 Range 20.

It was understood that surveys need to be conducted, and watershed letters need to be secured, however, the need for obtaining Stub Abstracts was questioned. It is now more common for title insurance companies to conduct a title search directly from the public records and provide a worksheet. Carol asked if this is even necessary since she is inquiring about native rights and not grandfathered rights. The Planning Commission does need a record to determine if it is a grandfathered lot and have accepted worksheets in the past. Commissioner Wood explained that a native right does need to be in a complete quarter-quarter, and we may be talking about a grandfathered lot with this proposal. It was suggested to put the ownership of both parcels in one name to gain full control of the housing rights and be recorded at the county. More time to review is necessary to properly answer any further questions regarding this citizen inquiry.

Permit Requests

William Roske, 6335 265th St. W., PIN 13-02600-26-016 *Garage

The total existing accessory building square footage listed on the site map was incorrectly listed as 496. The actual square footage is 296, therefore a change to the total area of all accessory buildings, including the proposed garage, is 1,796. All setbacks are met, and the square footage is under the allowed amount.

Motion: Chair Wood recommends approval to the Town Board of William Roske's garage at 6335 265th St. W., PIN 13-02600-26-016. Commissioner Eilers seconded the motion.

Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye; *Motion carried 5-0.*

GTJ Company-withdrew the application

Land Use

Dan Adelman, 23733 Hamburg Ave., PID Numbers: 13-00900-50-013, and 13-00900-25-013 *Lot Splits

Dan was present at the Town Hall and Char was on Zoom to answer any questions the Commissioners may have. Chair Clancy pointed out that proposed lot splits shown on the map is creating one land-locked lot. Under the current ordinance, this would not be buildable. The Adelman's stated they are currently requesting the lot splits and would pursue building at a later time. The Commissioners wanted to make it crystal clear that a 33-foot driveway would be required in order to have a house built on the upper lot. It was repeated that there will be a problem if the ordinance does not change. Three separate driveways will be required. Dan Adelman understood and stated that the third lot is a just a surveyed-off parcel right now. Char Adelman added that all driveway issues, including the shared driveway up to Hamburg, will be addressed when they apply for building permits.

Motion: Commissioner Wood recommended approval to the Town Board of Adelman Lot Split 1, submitted by Dan Adelman at 23733 Hamburg Ave, PIN 13-00900-50-013. Commissioner Eilers seconded the motion.

Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye. *Motion carried 5-0.*

Motion: Vice Chair Burkhardt recommended approval to the Town Board of Adelman Lot Split 2, submitted by Dan Adelman at 23733 Hamburg Ave, PIN 13-00900-25-013. Commissioner Wood seconded the motion.

Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye. *Motion carried 5-0.*

Town Board Liaison Report

Supervisor Fredlund shared items that were discussed at the April Town Board meetings.

A few highlights:

- Determined that a permit submitted by Dan and Julie Larson for a grain dryer was not needed.
- Zoom connection was lost during the April 12th meeting due to the storm. Vice Chair Palmquist could no longer be part of the meeting.
- Decision was made not to rent out the Town Hall for private events.
- Placed a moratorium on mining.
- A special Town Board meeting was held on April 19th regarding the changes to the housing right transfer process.
- Culverts will no longer be provided by the township.
- Approved a change order on the recodification project.
- Passed a resolution for the closure of 245th street at the Scott County border, effective when there is proper signage.

Old Business

Township Zoning Issue-Measurements

Vice Chair Burkhardt was asked at the April 5 Planning Commission meeting to conduct an informal investigation on how other nearby area townships measure accessory buildings as it relates to overhangs or lean-tos and whether they use inside or outside measurements.

Ravenna, Sciota, and Randolph were the townships used in this review.

In summary, every case where overhangs or lean-tos were referenced, they were included in the total square footage of the accessory structure. No evidence was found of square foot measurements being conducted from inside these structures. The Planning Commissioners appreciated this research and found other items to be interesting, in particular the height limitation on structures that many townships have. It was suggested to reference this review in the future to help with other topics of discussion.

Replacing text of Section 3 of Chapter 2

Questions were raised about replacing the text in Ordinance 4. It was suggested to leave Ordinance 4 alone and merge the text amendment in Ordinance 3, Chapter 3, Section 5 instead. Commissioner Eilers and Vice Chair Burkhardt offered explanation as to the concern and confusion caused by placing driveway specifications under an ordinance that is titled **Roads**. It was suggested to clean up the ordinance language and change the title to **Township Roads** and specifications, regarding township roads, should still be in place for public safety.

The following is the proposed text amendment:

Owners of two up to four lots may make a private agreement approved by the Eureka Township Board to share a driveway or any portion thereof to access an existing public road. Legal evidence of such a private agreement shall be recorded with Dakota County referencing the affected lots. The shared portion of the driveway shall meet or exceed the following specification:

- A. The driveway shall be designed to at minimum support access by emergency vehicles providing medical, fire, or police services.
- B. There shall exist or be provided either by land ownership or by permanent easement a road right-of-way at least thirty-three (33) feet in width.
- C. The driveway shall include a passing apron at the intersection with the public road at least 18 feet in width and no less than 24 feet long.
- D. The driving surface of the shared portion of the road shall be at least twelve (12) feet in width.

Motion: Chair Clancy moves to recommend that the Town Board approve a text amendment for Ordinance 3, Chapter 3, Section 5, Section A, item 3 that the language therein be merged with the new proposed text amendment 5-3 defining driveway sharing. Vice Chair Burkhardt seconded the motion.

Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye. *Motion carried 5-0.*

Upon approval of the Town Board, a public hearing was suggested to be scheduled for June 7th at 6:30 pm.

New Business

Chair Clancy moved to set regular Planning Commission meetings to the first Tuesday of each month at 7:00pm. Commissioner Wood seconded the motion.

Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye. *Motion carried 5-0.*

Town Board Meeting Liaisons

May 10, 2022	Bill Clancy
June 14, 2022	Deb Burkhardt
July 12, 2022	Chad Berg
August 9, 2022	Randy Wood
September 13, 2022	Beth Eilers
October 11, 2022	Bill Clancy
November 22, 2022	Deb Burkhardt
December 13, 2022	Chad Berg
January 10, 2023	Randy Wood
February 14, 2023	Beth Eilers
March 14, 2023	Randy Wood
April 11, 2023	Deb Burkhardt

Solar Array Measurements

Under the current ordinance, solar arrays are counted toward the total allowed square footage of accessory buildings on a property. The ordinance does not specify, however, on how to properly measure the square footage. Discussion took place on the possible ways to measure. The actual size of the panel is one way or measuring the drip line is another alternative. It was decided that further information needs to be obtained before crafting language to the Town Board. Vice Chair Burkhardt offered to conduct some research on the subject and will present the findings at the next meeting. Chair Clancy asked if there would be an interest in listening to a presentation from a knowledgeable speaker regarding solar energy and the use of solar arrays. All were receptive.

The Round Table Meeting was set to be held on May 26, 2022, at 7:00pm. The Planning Commissioners added Residential Accessory Buildings as a topic to be discussed.

(Ordinance 3, Chapter 9 text amendment)

Approved language change in the Fence Ordinance was forwarded by the Town Board to the Planning Commission. The Commissioners set a date for a public hearing to be held on June 7, 2022, right before the regular scheduled Planning Commission meeting.

Minutes Approval

A grammatical error was found on page 5. The word *of* should be removed. Chair Clancy moved to approve the meeting minutes as amended. Vice Chair Burkhardt seconded the motion.

Roll call vote: Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye. *Motion carried 5-0.*

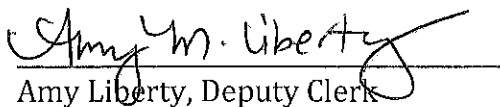
Deputy Clerk Matters-NONE

Adjournment

Chair Clancy moved to adjourn the meeting. Commissioner Wood seconded. *Roll call vote:* Chad Berg-Aye; Randy Wood-Aye; Bill Clancy-Aye; Deb Burkhardt-Aye; Beth Eilers-Aye. *Motion carried 5-0.*

Meeting adjourned at 10:18pm.

Respectfully submitted,


Amy Liberty, Deputy Clerk

Minutes Officially Approved by:  on: 6/7/22
Planning Commission Chair Date

EUREKA TOWNSHIP

Dakota County, Minnesota



Planning Commission Meeting

Attendance

Tuesday, May 3, 2022

7:00 PM

Printed Name:

Bill Roske

Bruce Mohn

Bill Kantfield

Nancy Sauber

Don Adelman

Carol Cooper

Warren Peterson (Christiansen)

Address:

6335 265th St. W.

27605 Pillsbury Ave Lakeville

17743 Layton Beth Lakeville

9445 225th St. W. LKV.

23733 Hamburg Ave LKV.

26437 Golanda Ave Farm F