

EUREKA TOWNSHIP
Dakota County, State of Minnesota

SPECIAL TOWN BOARD/PLANNING COMMISSION MEETING
February 17, 2022 – 6:30 P.M.

Call to Order

The Eureka Township Special Town Board/Planning Commission meeting was called to order at 6:35 p.m. by Chair Donovan Palmquist and the Pledge of Allegiance was given.

Supervisors Present: Donovan Palmquist, Ralph Fredlund, Lu Barfknecht, Nancy Sauber and Kathleen Kauffman.

Commissioners Present: Randy Wood, Bill Clancy, Deb Burkhardt, Chad Berg, Julie Larson (via Zoom).

Others Present: Rane Solis.

Zoom Attendance: Brian Ahern.

Home extended business discussion

Chair Palmquist proposed, for discussion, an agreed-upon impact-based approach to allow home extended businesses. The Town Board and Planning Commission reviewed the regulations for Greenvale Township, Marshan Township and Scott County as a starting point for discussion. It was agreed that the Hampton document is not applicable and will not be considered.

Greenvale Township

Interim Use regulations:

1. The size of the accessory structure in which the home occupation is conducted shall not exceed the size of the dwelling or 900 square feet, whichever is less. *(Agree a size limit should be placed)*
2. One non-resident employee is allowed. *(Agree to determine a number)*
3. No outside storage or open display of merchandise is permitted.
4. All business activities and storage shall take place within the accessory structure.
5. There shall be no alteration to the exterior of the residential dwelling, accessory building or yard that in any way alters the residential character of the property.
6. No sign, display or device identifying the occupation shall be used without prior approval by the Township. *(Determine non-illuminated sign size)*

7. The occupation shall not be visible or audible beyond the subject property line. *(Agree all business must be contained inside. Must define how we determine nuisance)*
8. ~~The occupation may involve limited retail sale or rental of products on the premises, provided all stock in trade is completely enclosed in an approved structure.~~
9. Unless completely enclosed within an approved structure, no vehicle used in the conduct of the occupation shall be parked, stored or otherwise present at the premises other than such as is customarily used for domestic or household purposes.
10. Only on-site street parking facilities typically associated with the residence shall be permitted. *(Driveway parking only)*
11. The conduct of an occupation or the use of substances which may be hazardous to or in any way jeopardize the health, safety or welfare of neighbors and neighboring property shall not be permitted. *(Determine how we will regulate this)*

Marshan Township

Home-based non-farm businesses - IUP

1. The owner/operator of the home-based non-farm business must reside in the residential dwelling on the premises.
2. A maximum of one employee not residing in the residential dwelling on the premises is allowed on the premises full time for business operations. ~~Other employees may occasionally appear on the premises, but shall not exceed one visit per week.~~
3. The home-based non-farm business use of the property is intended to be incidental to the residential use of the property and must be compatible with the rural character of the community and adjacent property uses. *(And compatible with the Comprehensive Plan)*
4. No home-based non-farm business shall require substantial interior or exterior alterations of the dwelling that in any way alters the residential character of the premises.
5. ~~No home-based non-farm business shall create odor, dust, noise, electrical glare or vibrations noticeable beyond property boundaries.~~
6. The conduct of all home-based non-farm businesses shall be consistent with all local, state and federal ordinances, rules and laws. *(Ask attorney to expand on this)*

7. No sign shall be allowed for a home-based non-farm business without approval of the Township. One non-illuminated identification sign shall be permitted per home-based non-farm business, not exceeding one foot by one and one-half feet in area, and attached to the principal structure or accessory structure near the building entrance.
8. No home-based non-farm business shall involve the retail sale or rental of products on the premises.
9. All vehicles, equipment, trailers, or any other materials used in the home-based non-farm business shall be kept in an approved structure. Accessory structures are limited to the size requirement contained in Section ___ of this Ordinance and dimensional standards contained in __ of this Ordinance. *(Determine whether to add new language to limit size regardless of acreage)*
10. No home-based non-farm business shall involve the use or storage of hazardous materials unless specifically approved in the IUP, nor shall in any way jeopardize the public health, safety or welfare or create a nuisance to neighboring properties. *(Draft a list of hazardous materials, update annually)*
- ~~11. All nonconforming home based non farm businesses shall obtain an Interim Use Permit within 12 months of the date of this Ordinance.~~
12. Home-based non-farm businesses in existence on the effective date of this Ordinance shall apply for an IUP within 12 months of the effective date of this Ordinance or shall be considered noncompliant with the Marshan Township Zoning Ordinance and shall be subject to the enforcement and penalty provisions of said Ordinance.
- ~~13. In considering applications for home based non farm businesses in existence on the effective date of this Ordinance, the Town Board may waive or modify some of the permit provisions in this Section.~~
14. Home-based non-farm businesses created after the date of this Ordinance shall obtain an Interim Use Permit before operating a home-based non-farm business.
15. The maximum term of an Interim Use Permit for a home-based non-farm business shall be five years. Upon the expiration of the five-year term, an applicant may reapply for renewal of an Interim Use Permit for home-based non-farm business in the same manner as an initial application. Prior granting of an Interim Use Permit does not give an applicant any vested right to renewal. *(Check with the attorney. Determine whether*

to issue an IUP or a special permit. There is no provision here for conditions. Possibly add a performance section identifying what happens if we receive complaints. Determine if redivision of the property changes the permit. Determine setbacks)

16. Any Interim Use Permit issued for a home-based non-farm business which is not implemented within 12 months of approval shall expire.
17. Any Interim Use Permit issued for a home-based non-farm business which had become unused or vacant for a period of 12 months shall expire.
18. Interim Use Permits are not transferrable.

Commissioner Burkhardt offered to provide a copy of the Ravenna Township home occupation registration form for review.

Scott County

Exceptions: *(Incorporate a version of exceptions exempt from a permit)*

Home Extended Business – General Performance Standards

1. The business shall be located on the homestead property of the owner.
2. There shall be no more than one non-resident employee working on-site. *(Agree with one, maybe two employees)*
3. The property on which the home extended business is located shall be at least five acres in size, unless the specific zoning district requires a larger minimum lot size. *(Unsure about minimum acreage)*
4. All buildings used in conjunction with the home extended business shall meet the requirements of the State Building Code.
5. All on-site production, assembly, sales, and service shall be conducted within a building approved for the extended home business. *(All activity shall take place inside)*
- ~~6. All equipment and vehicles shall be stored within an enclosed structure, except in agricultural districts where outdoor storage may be allowed under Section 8-2-5 of this Ordinance.~~
7. A landscape plan may be required that illustrates screening from adjacent public right-of-way and adjacent residential uses. *(Board discretion)*
8. On-site parking shall be provided. *(Limit to driveway)*
- ~~9. Noise levels which constitute a nuisance shall be prohibited as regulated in the Minnesota Pollution Control Agency's Noise Pollution Control Rules (NPCR).~~

10. No liquid, gaseous and solid wastes resulting from the use shall be discharged into the soil, water or air until the specific methods and means of discharge have been reviewed and approved by the appropriate county, state or federal agency. *(TBD)*
11. The operator shall provide evidence of a contract for the removal of all solid wastes by a licensed hauler to an approved site. *(TBD)*
12. The use shall comply with the ~~Scott~~ *Dakota* County Hazardous Waste Management Ordinance.
13. The use shall comply with Minnesota Statutes if the property is enrolled in the Agricultural Preserve Program.
- ~~14. The site access shall be from a hard surface road unless access via a gravel road is approved by the road authority.~~
- ~~15. One business sign shall be permitted, no larger than twelve square feet in area per surface. Signs shall not be constructed to have more than two surfaces and shall not be illuminated.~~
16. An Individual Sewage Treatment System shall be provided for the home extended business in accordance with the ~~Scott~~ *Dakota* County Individual Sewage Treatment System Ordinance ~~No. 4~~.
17. The use shall comply with all applicable county, state and federal regulations.
18. If the site conditions or nature of the activity generates excessive dust, appropriate control measures may be required.
- ~~19. The home extended business shall be limited to three business associated vehicles.~~
20. On-site working hours may be set by the ~~County~~ *Township*. *(Determine working hours for inbound/outbound traffic)*

Discussion:

- Relaxing the Ordinances will drive more businesses into the Township.
- We have an enforcement issue now but having an administrative hearing system in place will make it much more manageable.
- Allowing home occupations to extend into an accessory building and limiting the impact should help define what is and is not allowed.
- The assumption is that we are going to remedy the enforcement issue before moving forward with this.

The remainder of the Scott County document was not discussed.

Adjournment

Motion: Chair Palmquist moved to adjourn the meeting. Vice Chair Fredlund seconded.
Motion carried 10-0.

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Ranee Solis, Town Clerk

Minutes Officially Approved By: _____ on: _____
Planning Commission Chair Date

Minutes Officially Approved By: _____ on: _____
Town Chair Date