

Eureka Township

Dakota County, Minnesota

FINDINGS OF FACT AND DECISION

IN RE: Planning Commission Public Hearing to consider amendments to the Township Code Chapter 240 Zoning pertaining to Agricultural District: Conditional Use Structures, and Definitions of Agritourism. Held June 18, 2024.

Findings of Fact

- 2 citizens submitted written comments to be read out loud and 10 citizens spoke during public comment
- Concerns
 - the statement “including, and not limited to”
 - definition is too broad
 - liability concerns since the proposed language is deviating from the MN state Statute.
 - Applewood Orchard would expand to amusement park activities
 - Possibility of a music venue
 - Large crowds and road maintenance and usage
 - FAA and lighting
 - This would lead into a commercial business district
 - Feeling the process was rushed
- Public Suggestions
 - IUP instead of CUP
 - Look at MN State Statute for Agritourism
 - What is the zoning definition of Agritourism?
 - Will it affect the current building rights if the building has the following: kitchen, bathroom, sleeping area. Is it now considered a residence?
 - Revisit the draft Agritourism Ordinance from 2014.
- PC Questions
 - The PC would like the Attorney to look at the MN state statute §640A.40 especially at the wording “including, but not limited to”. If

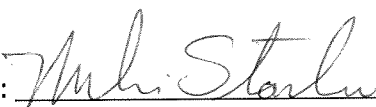
alterations are made, will the MN law still shield agritourism business from liability? Can it be removed?

- Under the IUP what liability coverage does the Township have?
- Does the IUP supersede the State Statute?
- What liability coverage would the Township have in extending uses not defined in MN definition of agritourism?

Recommendation

The consensus is that citizens are in favor of the Apple Orchard as is but concern this text amendment would open to other possibilities that may not benefit the Township. Therefore, the PC recommends a modified approval which includes the Town Board consulting with the Attorney regarding the PC questions previously listed and revisiting the draft Agritourism ordinance from 2014.

MOTION: Planning Commissioner Palmquist moved to recommend to the Board that they issue an IUP to Applewood Orchard to continue to do everything that they have been doing there. To table, work on the text amendment until it can be vetted and presented to the community in a more clear and tangible way. Vice Chair Eilers seconded the motion.
Motion carried 5-0

Signed: 
Planning Commission Chair *on behalf of the Planning Commission*

on: 6/17/24
Date