

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**PLANNING COMMISSION SPECIAL MEETING OF OCTOBER 30, 2018**

**I. Call to Order**

The Eureka Township Planning Commission special meeting was called to order at 7:00 p.m. by Chair Ralph Fredlund.

Members Present: Ralph Fredlund (Chair)  
Bill Funk (Vice Chair)  
Randy Wood (Commissioner)  
Allen Novacek (Commissioner)  
Julie Larson (Commissioner)

Members Absent: None

Others Present: Butch Hansen (Supervisor)  
Mark Ceminsky (Supervisor)  
Bob Finke (Town Clerk)  
Ranee Solis (Deputy Clerk)

See attached list for all others in attendance.

**II. Approval of the Agenda**

**Motion:** Commissioner Larson moved to approve the Agenda, seconded by Vice Chair Funk.

**Motion carried 5-0**

**III. Review of language of proposed storage of materials in mining and extraction operations**

**Motion:** Commissioner Novacek moved to refer to the attorney the issue of a need to address the language in this proposal to accommodate the old Conditional Use Permits for mining, seconded by Chair Fredlund.

**Motion carried 5-0**

**Motion:** Vice Chair Funk moved to recommend to the Town Board to improve the language in Chapter 10 (B) (1) to protect the roads using escrow, or other means, to make

sure to return the roads back to their original condition prior to any damage, seconded by Chair Fredlund.

**Motion carried 4-1**, with Commissioner Novacek opposed

**Motion:** Commissioner Larson moved that all property owners within 1,000 ft. of the requesting mining facility, including neighboring municipalities, be notified of the Public Hearings, seconded by Commissioner Wood.

**Motion carried 4-0**, with Commissioner Novacek abstaining

#### **IV. Set Public Hearing date**

**Motion:** Commissioner Novacek moved to set a Public Hearing date for November 19, 2018 at 7:00 p.m., seconded by Chair Fredlund.

**Motion carried 5-0**


Chair Fredlund called for a tentative Special Meeting on November 26, 2018 at 7:00 p.m.

#### **V. Adjournment**

**Motion:** Commissioner Novacek moved to adjourn the meeting, seconded by Commissioner Larson.

**Meeting adjourned at 8:20 p.m.**

Respectfully submitted,

  
Ranee Solis, Deputy Clerk

*Approved 12/4/18 M. Fredlund, PC Chair*

TOWN OF EUREKA  
DAKOTA COUNTY, MINNESOTA  
ORDINANCE NO.: 2018-\_\_\_\_\_  
ORDINANCE AMENDING ORDINANCE 3, CHAPTER 2, SECTION 1(D) AND  
ORDINANCE 3

THE TOWN BOARD OF EUREKA TOWNSHIP HEREBY ORDAINS:

Section 1(D), Chapter 2, Ordinance 3 allows for interim uses. The Town Board recognizes that only those uses identified as interim uses and structures are allowed under existing Ordinance 3.

SECTION 2. AMENDMENT.

Town Ordinance 3, Chapter 2, Section 1(D) is hereby amended to add the following language.

No.: 3. Storage of material or equipment on any property to which interim use permit has been issued pursuant to Ordinance 3, Chapter 2, Section 1(D1) provided that the proposed use satisfies the requirements of Ordinance 3, Chapter 10.

CHAPTER 10. STORAGE POLICY.

- A. No Storage facilities shall be operated or maintained within the Township of Eureka upon property for which an interim use permit has been issued pursuant to Ordinance 3, Chapter 2, Section 1(D1), unless the operator thereof shall first have applied for and obtained an interim use permit and paid said permit fee as set forth in Ordinance 7.
- B. Criteria for granting interim use permits. In granting a permit the Eureka Town Board shall consider the advice and recommendation of the Planning Commission and the effect of the proposed use on the health, safety and general welfare of occupants and owners of surrounding lands. The Planning Commission and Town Board shall make those findings set forth in Ordinance 3, Chapter 4, Section 15A. In addition to those findings set forth in Section 15A the Planning Commission and Town Board shall also consider the following standards in making their findings:
  1. The use must not create an excessive burden on existing streets and other public facilities and utilities that serve or are proposed to serve the area.
  2. The use must be in conformance with the Eureka Township Comprehensive Plan.
  3. The use must not cause traffic hazard or congestion.
  4. Existing land uses nearby must not be adversely affected and reasonably by intrusion of noise, glare or general unsightliness.
  5. The use must not cause significant adverse impact to surface or ground water resources.

- C. Material to be stored. The operator shall be allowed to store agricultural products, construction material and construction equipment as fully described in the interim use permit granted. In no event shall any permit allow for the storage of any material defined as hazardous under the provisions of federal or state statutes, rules or regulations. This shall include but not limited to the Comprehensive Environmental Response, Compensation of Liability Act (CERCLA) forward to U.S.C. Section 9601 et seq and Minnesota Statute Chapter 115B.02 Subd. 8 and 9. The Town Board further reserves the right and authority to deny permission to store any material or equipment described on the application.
- D. Application. Applications for interim use permits will not be accepted from anyone who is not the owner of the land to which the application is made, or the operator who holds the interim use permit for the property issued pursuant to Ordinance 3, Chapter 2, Section 1(D1). The person applying for the interim use permit shall fill out and submit to the Zoning Administrator an interim use application form adopted by the Town and pay the filing fee. The applicant shall also attach a list of the type of material and/or equipment the applicant intends to store. Every application for a storage permit shall include submission of supporting documentation described as follows:
1. A description of existing land uses on the subject property.
  2. A description of the land use designations and the copy of said plan and zoning classification of the subject property.
  3. A site plan showing the proposed location of any structures proposed to be constructed if the permit is granted. If storage is to be outdoors a site plan for the storage location.
  4. If the land owner or operator proposes to construct a structure, said structure shall conform with all standards for accessory uses or structures as set forth in Ordinance 3. If outside storage is proposed said storage area shall not exceed 25% of the area of the property net of existing structures and storage areas.
- E. Permitting Procedure. The permitting procedure shall be that set forth in Ordinance 3, Chapter 4, Section 15C. In addition to the procedures set forth in Section 15C the Town Board shall also retain the following rights and powers:
1. If the Town Board or Planning Commission cannot act upon the permit application within the permitting time frame specified herein and by State law, the Town Board shall notify the applicant in writing to request an extension of time and stating the reasons for the extension.
  2. Any application that is inconsistent with the Comprehensive Plan will be denied. The applicant has the right to submit an application to the Town Board to amend the

Comprehensive Plan, according to procedures established in Eureka Township Code Ordinance.

- F. Conditions of Approval. In permitting interim use, the Planning Commission and Town Board may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission and Town Board consider necessary to protect the best interest of the surrounding area of the community as a whole. These conditions may include, but not limited to the following:
1. Modifying the list of material and/or equipment which the applicant intends to store pursuant to the permit.
  2. Limiting the height, size and location of a structure.
  3. Modifying the size or location of the proposed outdoor storage area.
  4. Controlling the location number and vehicle access points.
  5. Increasing the number of required off street parking spaces.
  6. Limiting the number, size, location and/or lighting of signs.
  7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  8. Conducting regular and periodic inspections of the structure or outdoor storage area to confirm all conditions of the permit are being observed.
- G. Hours of operation. A storage facility shall only be operated between the hours of seven (7) a.m. and five-thirty (5:30) p.m. Monday through Friday. No Saturday, Sunday or holiday operations will be allowed. The holidays are New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving and Christmas. The Town Board reserves the right and authority to grant acceptations to the hours of application allowing for Saturday operation, operation of government agencies and other evening work.
- H. Termination. An interim use permit granted pursuant to this Chapter 10 shall terminate within nine (9) months of the date of the resolution of the Town Board authorizing said interim use permit; or upon violation of any conditions under which the permit was issued, whichever occurs first.

### SECTION 3. ADOPTION AND ENACTMENT

This Ordinance shall be effective upon passage and publication.

### SECTION 4. EFFECTIVE DATE.

This Ordinance shall be effective upon its passage and first date of publication.



## Planning Commission Special Meeting

Attendance

Tuesday, October 30, 2018

7:00 PM

Printed Name

Brian Ahern  
Marey Lauber

Address

6015 235th St W  
9445 225th St. W. Lakeridge