

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**Eureka Planning Commission Meeting of November 7, 2016**

**Call to Order**

Chair Sauber called the meeting to order at 7:01PM. Planning Commission members present were Nancy Sauber, Ralph Fredlund, Donovan Palmquist and Randy Wood. Carrie Jennings was the Town Board liaison. Township Attorney Chad Lemmons was also in attendance. See attached sheet for additional persons in attendance. Deputy Clerk Cheryl Murphy recorded the minutes.

**Approval of the Agenda**

Chair Sauber requested to add a question concerning a landowner under Old Business. The Planning Commission will need to ask the Attorney a couple of questions.

Chair Sauber moved to approve the agenda as amended. Commissioner Fredlund seconded. Motion passed unanimously.

**Permit Requests**

**Denise Griffith and Dennis Maher – 27569 Grenada Avenue** – Building Permit Application for an Accessory Building.

Ms. Griffith brought in a new site plan for an accessory building 30 feet x36 feet.

Ms. Sauber stated that Ms. Griffith needs to add to the site plan the footage to the center of the road. She will also need to add the well location. Another change to the application is to change the Total Square Feet of Accessory Structures to 1080 and the Total Square Feet of Primary Structure to 1380. Ms. Griffith will also need to add the distance from the proposed barn to the property line at 600 feet. Those changes will need to be signed and dated.

Commissioner Palmquist moved to approve and send to the Board the Building Permit Application for Denise Griffith and Dennis Maher at 27569 Grenada Avenue. Chair Sauber seconded the motion. Motion carried unanimously.

**Troy and Jennifer Dudgeon – 25300 Highview** – Building Permit Application for a Pole Shed.

Chair Sauber stated that the Planning Commission had a couple of questions. The contractor name and address and phone number need to be provided in in case the Building Inspector has any questions. Ms. Dudgeon also needs to fill in the Total Square Footage of all Accessory Structures at 3500 square feet, which would include the proposed building. Also to note on the site plan that the distance to the centerline is in excess of requirement and draw a line from the proposed building to the property line and say it is greater than 200 feet. In addition, the estimated value needs to be filled in as well. All of that information needs to be signed and dated on the application and site plan.

Commissioner Wood moved to recommend approval to the Board for the Building Permit Application for Troy and Jennifer Dudgeon, 25300 Highview Avenue for a Pole Building. Commissioner Palmquist seconded the motion. Motion carried unanimously.

**Kurt Weber representing Glen and Alisha Perkins – 19775 Jersey Avenue** for the building site located at 24729 Dodd Boulevard – Demolition of existing house and Building Permit Application for a New Single-Family Two-Story Residential Home.

Chair Sauber stated that they have in excess of the requirement to the center of the road.

Commissioner Fredlund moved to recommend approval to the Board for the Building Permit Application for Glen and Alisha Perkins, 19775 Jersey Avenue, for the building site located at 24729 Dodd Boulevard, for a new single-family two-story residential home. Commissioner Wood seconded. Motion carried unanimously.

**Joey Miller – 22260 Dodd Boulevard** – Building Permit Application for Residential Garage.

Chair Sauber recused herself as she is a neighboring landowner. Commissioner Fredlund took over as Acting Chair.

Acting Chair Fredlund requested the total square footage amount of all accessory structures. Mr. Miller stated it was 23,700 square feet. It was also noted that information is missing on the site plan. Mr. Miller will need to get the distance from the new building to the center line of the road. Mr. Miller stated it is a little over 200 feet. The distance from the new building to existing structures is estimated at 160 feet. Commissioner Fredlund requested that Mr. Miller put the well and the sewer location on the site plan and the distances from the new structure to the well and sewer. Commissioner Fredlund also stated that the garage is for the storage of personal vehicles owned by the residents on the property. Commissioner Wood noted that Mr. Miller did not sign the original application. All changes to the application and site plan need to be signed and dated.

Acting Chair Fredlund stated that he believes the residential garage is considered an accessory building. Mr. Miller stated he believes it is not. Attorney Lemmons stated that the definition of an accessory building is a subordinate building that serves an accessory use of the parcel on which it is located and does not change the character of the principal use. If there is an exception to the residential garage in the Ordinance Attorney Lemmons stated he does not know where it is.

Carol Cooper representing Mr. Miller stated it is clearly a permitted use. Attorney Lemmons stated that is not the issue. The issue is that it is an accessory building.

Mr. Miller asked if he connected it to the house, would he be fine? Attorney Lemmons stated it would as it is no longer an accessory building and is part of the house. Mr. Miller stated he would do some research.

Acting Chair Fredlund made a motion to table Mr. Miller's request for future consideration. Commissioner Palmquist seconded. Motion carried unanimously with Chair Sauber abstaining.

Attorney Lemmons recommended since building permits are subject to a 60-day rule, that Mr. Miller request the Planning Commission to extend the clock on his building permit so the Planning Commission will not have to deny it.

Mr. Miller agreed and requested to extend his building permit an extra 30 days.

Acting Chair Fredlund moved that the Planning Commission allow Mr. Miller an extra 30 days on his building permit. Commissioner Palmquist seconded. Motion carried unanimously with Chair Sauber abstaining.

Chair Sauber resumed her position as Chair.

### **Resident Inquiry**

David Hvistendahl, Attorney, representing Wayne Hallcock –to discuss Transfer of Development Rights.

Mr. Hvistendahl stated that he is basically at the meeting to discuss Transfer of Development Rights. He stated that he has thoroughly read through the Ordinance and had some questions for the Planning Commission when clustering is involved.

*Mr. Hvistendahl: For example with clustering, does the Township prefer a joint well and septic system?*

*Chair Sauber: We don't have a preference for that.*

*Mr. Hvistendahl: On driveways, do you require that all the landowners own the driveway in common or can they have an easement?*

*Chair Sauber: They can have an easement that gets them road access and will have to have a maintenance agreement for the driveway.*

*Mr. Hvistendahl: What consists of a quarter-quarter section?*

*Chair Sauber: If you do own the whole quarter-quarter, then you control the housing right. If there were a quarter-quarter owned by one or more people, then whoever would come first to ask for a building right would be granted the building right.*

*Mr. Hvistendahl: What is the definition of an Ag building? Is there one in the Ordinance?*

*Chair Sauber: It could be under farm buildings. Attorney Lemmons stated that the Township actually follows the building code adopted by the State of Minnesota.*

*Mr. Hvistendahl: With regard to the proposed lot split, generally side yard setbacks are 30 feet, but if it is classified as an Agricultural building is it still 30 feet?*

*Chair Sauber: Yes, it is still 30 feet. Ag Buildings also have to be at least 250 from any neighboring residence not owned by the applicant.*

Mr. Hvistendahl thanked the Planning Commission for their responses.

### **Town Board Liaison Report for October 2016- Supervisor Carrie Jennings**

- Board approved all permits with the exception of Dawn Lanning and Joey Miller.
- Jill Trescott, Groundwater Protection Supervisor for Dakota County Environmental Resources, discussed the results of a recent nitrate-testing program for private drinking water wells conducted by Dakota County and the Minnesota Department of Agriculture.
- Investigating a new procedure for noxious weeds.

### **Old Business**

#### **Recodification**

Chair Sauber stated she met with the Attorney and the Planning Commission will put it off until December with the intention to give to the Town Board at their December meeting.

#### **Comp Plan**

Planning Commission will meet on Wednesday, November 9, 2016. Sherri Buss has sent a summary from the last meeting.

#### **Road Review**

Chair Sauber prepared a summary and it was sent to the Planning Commission members.

Chair Sauber stated that if the summary meets with the Planning Commission approval, we will send on to the Town Board.

Chair Sauber moved to send the Road Review Minutes with Road Contractor Jason Otte on to the Board. Commissioner Fredlund seconded. Motion carried unanimously.

### **Fence Ordinance**

Chair Sauber stated she met and discussed with Attorney Lemmons regarding the Fence Ordinance. There were a number of changes made. When the Township adopts this new one, the one that the Township already adopted would be repealed. There was discussion among the Commission regarding the Fence Ordinance changes.

Chair Sauber moved that we send the corrected version of the Fence Ordinance on to the Board for consideration. Attorney Lemmons will make the changes and send to the Clerk. Commissioner Fredlund seconded. Motion carried unanimously.

Commissioner Wood to design an application form for fence permits.

### **Application Forms and Corrections**

Chair Sauber suggested the Commission table looking at the forms until the December 2016, meeting.

### **Question Regarding a Landowner**

Chair Sauber wanted to make a comment regarding Dawn Lanning. Ms. Lanning has too many animal units for the 15 acres she is considering and has never filled out complete applications or had Mr. Simon sign the applications. Chair Sauber asked Attorney Lemmons what should the Township do if she comes back in? Attorney Lemmons stated that if she has the completed applications, we need to let her go through the process.

### **30 Cubic Yard Ordinance**

Commissioner Fredlund acquired a copy of the Scott County Ordinance 3. Chair Sauber said it is fairly extensive and should we bounce this back to the Board to look at and decide where it wants to go with it..

Supervisor Jennings stated that this Ordinance is something she would like to discuss with Brian Watson, and she will bring it back to the Board for discussion.

Chair Sauber moved to adjourn the meeting. Commissioner Fredlund seconded.

Meeting adjourned at 8:31 PM.

Respectfully submitted,

Cheryl Murphy

*Planning Commission Draft Meeting Minutes*

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*November 7, 2016*

Deputy Clerk

Minutes for the November 7, 2016, meeting approved on December 5, 2016.