

**EUREKA TOWNSHIP**

**DAKOTA COUNTY**

**STATE OF MINNESOTA**

**Eureka Special Planning Commission Meeting of April 3, 2017**

**Call to Order**

Chair Sauber called the meeting to order at 7:00PM. Planning Commission members present were Nancy Sauber, Ralph Fredlund, Julie Larson, and Randy Wood. Supervisor Lu Barfknecht 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 suggested adding under New Business the following:

- Recodification
- Accessory Building Limit
- 30 Yard

Chair Sauber moved to approved the Agenda as amended. Vice Chair Fredlund seconded. Motion carried 4-0.

**Permit Requests**

**Jerod Oleson – 24648 Iberia Avenue** - Building Permit Application for Lean-To.

Chair Sauber stated this is an application for a Lean-To on an existing pole barn.

Chair Sauber stated that Mr. Oleson is missing the distance from the new structure to the front property line. Another issue is that at the last Board meeting, the Board elected to return the permitting authority for the Vermillion River Watershed to the Joint Powers Organization. What that means is that Mr. Oleson will first need to go to the Vermillion River Watershed and submit this information to them. They will then let the Township know what you might need for a permit. The Planning Commission is not able to process anything until we hear from them first. We cannot move this ahead to the Board at this point. This would need to get to Travis Thiele before the fourth Thursday of the month. The Commission will look at Mr. Oleson's application at the March, 2017, meeting.

**Other Land Use and Zoning**

**Don Oreskovich – 25500 Highview Avenue – Land Use and Zoning Request Application**

Chair Sauber asked why Mr. Oreskovich filled out a Land Use application instead of a building permit as Mr. Oreskovich wanted to put a porch on the front of his house.

Mr. Oreskovich stated that his house is only 99 feet from the house to the middle of the road. Chair Sauber stated that if Mr. Oreskovich's house isn't sufficiently far enough from the center line of the road and he wants to add a porch, that would be increasing the non-conformity and the Commission would not be able to approve that.

Mr. Oreskovich asked if he could get a variance. Chair Sauber stated that the problem cannot be created by Mr. Oreskovich or the previous landowner. Mr. Oreskovich wants to put the porch on the front of the house and that would be creating the problem that he is trying to get the variance for. The Planning Commission cannot grant a variance understate statute.

Supervisor Jennings stated she looked up Mr. Oreskovich's property on the computer and it states it is a little more than 100 feet. Chair Sauber stated that Mr. Oreskovich would need a building application permit, a completed site plan and contact Travis Thiele at the Vermillion watershed first.

Jerome Phillipe – 27798 Jamaica Avenue – Residential Building Right Transfer Application.

**Greg and Laura Adelmann – 8925 280<sup>th</sup> Street West – Building Permit application for a Lean-to.**

Chair Sauber asked if the Adelmans brought in the additional information that was requested. Chair Sauber asked Mr. Adelmann what would be the use of the building. Mr. Adelmann stated that it would be used as a loafing shed to keep firewood dry. Chair Sauber requested that Mr. Adelmann initial and date the application with the updated information.

Chair Sauber wanted to know if it was Mr. Adelmann's intention to apply for an Ag Building. Mr. Adelmann's property records state that his primary use is Ag Green Acres, and he may want to fill out an Ag-Exempt Building Permit Application. Alternatively Mr. Adelmann could have this building as such, it does not have to be an Ag building.

Attorney Lemmons stated Mr. Adelmann can harvest trees from his own site and sell for profit, but he cannot bring trees from outside his property in as that would be a business as defined by the Ordinance and the only way you can use this is to harvest the trees on your

own property. The only way you could bring trees in to your property is if you are using it for your own personal use, such as heating your home.

Chair Sauber stated that she wanted Mr. Adelman to be clear about this. That Mr. Adelman would either cut wood on his own property to sell, or any wood he brings from another property to his property would be used only for personal use, such as heating his home.

Mr. Adelman agreed with Chair Sauber about the use.

Vice Chair Fredlund moved to forward the application of Greg Adelman, 8925 280<sup>th</sup> Street for a lean-to that will be used for personal storage of wood that is brought in and for some equipment to the Board for approval. Commissioner Palmquist seconded the motion. Motion carried unanimously.

#### **Town Board Liaison Report – Carrie Jennings**

- Granted an Ag Exempt building permit for David Cook
- Granted a building permit for Joey Miller for a residential garage
- Appointed a new Planning Commission member – Julie Larson
- Fence complaint was resolved
- Dakota County Sheriff stated there have been a lot of break-ins.
- Billboard advertising Castle Rock Liquors has been removed
- Follow-up on complaint re Scotts Miracle Gro

#### **New Business**

##### **Newsletter-Jody Arman Jones**

Jody stated that the newsletter would be going out the last week in January.

#### **Old Business**

##### **Recodification**

Chair Sauber stated that she thought we would have a clean copy for the Planning Commission meeting.

Attorney Lemmons stated he instructed Tina to send the redline copy and a clean copy. He stated there must have been a miscommunication. Attorney Lemmons office to send over tomorrow.

Chair Sauber stated she did not see the Fence Ordinance. Attorney Lemmons office to send tomorrow.

Chair Sauber stated she did not see the Solar Ordinance. Attorney Lemmons office to send tomorrow.

Other changes were discussed between the Planning Commission members and Attorney Lemmons.

Chair Sauber stated she was uncomfortable moving this forward until the Commission receives a clean copy.

### **Impervious Surface**

Chair Sauber stated when the Accessory Building Ordinance was changed from 200 percent of the primary structure and it was based on the owner's acreage and was intended to address non-Ag parcels. Chair Sauber stated she pointed out at the time, but it did not get changed that a person can have a non-ag parcel greater than ten. Does that mean you can have unlimited? Chair Sauber stated she does not think it was the intent of the Board members at that time so she would suggest the Planning Commission propose to the Board that the Ordinance language should be amended so that 6 to whatever size and above of non-ag property have a limit of 10,000. The Planning Commission could also ask the Board for some direction on impervious surface. A percentage is probably what we are looking for.

Chair Sauber moved that the Planning Commission suggest to the Board to look at three things:

- A limit on any non-ag parcels that are greater than 6 to be 10,000 square feet, unless the Board wants to change that amount.
- To look at a limit of square footage of impervious surface
- Look at language and changing or adding language.

Vice Chair Fredlund seconded. Motion carried unanimously.

Chair Sauber moved to adjourn the meeting. Vice Chair Fredlund seconded. Meeting adjourned at 9:35 PM.

Respectfully submitted,

Cheryl Murphy  
Deputy Clerk

Minutes for the January 3, 2017 Special Meeting approved on \_\_\_\_\_

DRAFT