

Eureka Township Strategic Vision Summary

Summary Intent

Eureka Township intends to maintain for at least the foreseeable future a rural and agricultural environment characterized by farms, private and public open space, very low density non-farm housing with private utilities, and a small number of businesses including home occupations and agriculture-related enterprises.

Opportunities for well-planned urban development will be considered by a subsequent plan and implemented if or when regional sanitary sewer service is made available (probably after the year 2030) and Eureka potentially incorporates as a municipality. Until that time, the present nature of the township will be generally maintained and future options protected.

Objectives of the Plan

1. Protect agriculture and farm operators from development that may contribute to the loss of farmland, land use conflicts and/or nuisance complaints.
2. Limit the subdivision of the township's best farmland for housing and other non-farm land uses.
3. Allow limited non-farm development provided that the impact on farming is minimized.
4. Allow owners of large agricultural tracts to gain revenue by selling housing rights.
5. Protect high quality natural resources.
6. Avoid excessive, costly local service demands resulting from land development.
7. Protect opportunities for efficient and cost-effective land development for the time when public sewer and water services may become available.
8. Create a plan that is understandable by citizens.
9. Respect landowners' rights to use their land in a way that does not significantly harm others' property nor contradict the community interests stated above.
10. Be fair and base the plan on objective criteria.
11. Protect Eureka Township's independence as a governing body in determining its own future.

1. Land Use

Background

- There are 576 Quarter-Quarter Sections in Eureka Township.
- Currently (2007), there are approximately 525 houses in place and approximately 380 undeveloped parcels including both full quarter-quarters that are in agricultural use and lot-sized parcels of 2-11 acres each.
- There has been a concept of house clustering in place for over 17 years that was designed to allow up to 4 houses to be built in a single quarter-quarter section by transferring the housing right from an adjacent quarter-quarter under the same ownership to the receiving quarter-quarter.

1.1 Housing Rights

- Possession of an unused Housing Right to be applied to a property is a pre-requisite to applying for a single family dwelling building permit for that property.
- Utilities, railroads, and tax exempt public entities are not eligible for Housing Rights.
- A property whose Housing Right was transferred away may have a Housing Right transferred back in for use as long as the property meets any density and sensitivity restrictions that may apply.

1.1.1 Native Housing Rights

- Identify and recognize Native Housing Rights from lots of record and what was reasonably buildable at the time such lots were created, as well as on non-accessible quarter quarter sections.

This does not guarantee that the lot itself is buildable by today's sensitivity restrictions, but that the value and existence of a Housing Right that can be transferred and sold is recognized.

- Unused Native Housing Rights may be used on the property in the Quarter-Quarter where they originate, clustered within the ownership tract or transferred or sold on the open market and used to apply for a building permit elsewhere in Eureka Township (subject to density and sensitivity restrictions at the receiving location).

1.1.2 Split Ownership of a Quarter-Quarter Section

- An unused Native Housing Right existing in a Quarter-Quarter Section in which there is more than one eligible private land owner will be restricted and not be allowed to be sold or used elsewhere in the township. It may be used in place or clustered to another parcel under contiguous ownership by the first owner claiming the Housing Right as provided in the current Ordinance.
- The first landowner with holdings in the Quarter-Quarter Section who applies for the Housing Right and proceeds to apply for a building permit within 90 days has claim, but if the permit expires or the house is not completed, the Housing Right becomes available again and the original claimant could not claim it again for a period of one year. (This prevents one owner from deliberately claiming and tying up a Housing Right he has no plans to use within a reasonable time.)
- When a landowner owns 30 or more acres (75% majority) of the land in a Quarter-Quarter Section, and an angled major road or railroad has separated the remaining portion of the Quarter-Quarter Section, then the 75% majority landowner shall be entitled to the same Native Housing Right as if he owned the entire Quarter-Quarter Section, provided the majority landowner has never owned the smaller portion of the Quarter-Quarter Section for any period prior to April 12, 1982.

1.1.3 Additional "Reserve" Housing Rights

- The basis for calculating additional "reserve" Housing Rights in this section is still under review.
- Contiguous land in common ownership as of March 1, 2007 totaling 70 acres or more will be granted one Reserve Housing Right assigned to the owner.
- What is still under consideration is whether to create a second additional Reserve Housing Right for those owners whose properties total more than 105 acres and whether to create a third additional Reserve Housing Right for owners whose properties total more than 140 acres.
- A Reserve Housing Right may be used with similar flexibility and restrictions as a Native Housing Right except that it is not associated with a single parcel or quarter-quarter section, but belongs to the owner.
- Contiguous land parcels under common ownership may have their acreage combined into one total in order to reach the thresholds of 70, 105, or 140 acres (depending on which formula is used).
- Reserve Housing Rights, as with Native Housing Rights, create the ability to apply for a Township permit to build single-family houses.
- The number of and ownership of Reserve Housing Rights will be calculated one time based on ownership status as of March 1, 2007. Reserve Housing Rights created in this manner will also be maintained in the Township's Master Registry referenced above.

1.1.4 Single Use of Housing Rights

- Housing Rights are unique and may not be in use for more than one single family dwelling at a time except to bridge from one dwelling to a replacement dwelling.

1.1.5 Selling Housing Rights

- Both Native and Reserve Housing Rights may be sold, except in split ownership quarter-quarter sections (see 1.1.2), at rates determined by the market and used in any normally-developable location in Eureka Township within the density and sensitivity limits of the receiving location, subject to possible phase-in limitations.

1.1.6 Record-Keeping

- Eureka Township will maintain a permanent record of all Housing Rights.

1.1.7 Notice of Housing Rights Available

- The Township may establish and publish on its Website a listing of salable housing rights whose owners wish to publicize the availability of rights for sale. Alternatively, such a list may be maintained and published by a private entity, such as the Multiple Listing Service.

1.2 Maximum Density

1.2.1 Maximum Density of Houses per Quarter-Quarter Section

- The current maximum density allowed through clustering is 4 Houses per quarter-quarter section. It is proposed that this be raised only to 5 across the Township in support of objectives 1, 2, 3, 4, 6, 7, 8, 9, and 10.
- Lots of record already in place at a higher density in a given quarter-quarter section as of March 1, 2007, will have their resulting total density allowed. Any such parcels subsequently deemed unbuildable will reduce the maximum density by one each but not less than the general maximum density of 5.
- New lots created for housing purposes after March 1, 2007, such as by splitting parcels, do not have a Housing Right and do not expand the maximum density allowed in the quarter-quarter section.

1.2.2 Land Enrolled in the Metropolitan Agricultural Preserves Program

- All land parcels enrolled in the Metropolitan Agricultural Preserves Program (Ag Preserves) must maintain an average housing density of no greater than one actual house per 40 acres as described by State of Minnesota Statute 473H.
- The Township must also preserve the underlying zoning of one house per quarter-quarter section for Ag Preserve land to remain eligible, but clustering may still be done outside the acreage specifically enrolled in the Ag Preserve Program.
- Possession of additional Housing Rights does not nullify eligibility. Eligibility is based on the criteria above, not whether the owner happens to have additional unused Housing Rights or not.

1.2.3 House Clustering

- A parcel will be buildable only if it also satisfies maximum density and sensitivity restrictions.

1.2.4 Minimum Parcel Size

- Land parcels for housing need only be large enough to accommodate at least two on-site wastewater systems, a well, a house, a garage and a storage structure while observing all normally required setbacks. Thus, the minimum parcel size will vary depending on soil conditions. The Township encourages small parcels but low density in order to keep land in cultivation, minimize interference with farming and reduce complaints about farm operations such as odors or machinery noise, support individual septic systems and wells, and not overload unpaved Township roads with traffic.

1.3 Density Limited by Environmental Sensitivity

- In reference to objectives 5 and 6, the CAC agrees that density and/or construction standards in areas that are environmentally sensitive should be modified.

1.3.1 Preferred Locations for New Houses

- New houses should be located where they will cause the least interference with farming and minimize environmental impact.

1.3.2 Land within a Shoreland Zoning District

- Where a property straddles a shoreland zone, the portion of the property outside the zone is not restricted by Shoreland Zone requirements and may be built upon subject to any other buildability, density and sensitivity restrictions that may apply.

1.3.3 Area of High Groundwater Sensitivity

- Where a property straddles a high water sensitivity zone as defined by the Dakota County Soil and Water Conservation District, the portion of the property outside the zone is not restricted by

zone requirements and may be built upon subject to any other buildability, density and sensitivity restrictions that may apply.

1.3.4 Wooded Land

- Within two years of the time this plan is adopted, the Township will use a professional forest scientist to determine which woods are of highest quality and deserving of protection.

1.3.5 Biologically Significant Land

- Biologically significant land maps will be used as an overlay so that further disruption to the remaining natural plant and animal communities is minimized.

1.4 Possible Phase-in of Reserve Housing Right Usage

- It may be advisable for the Township Board to temporarily restrict or phase in the salability or usability of some of the Housing Rights.

1.5 Independence and Future Urbanization

- The Township should be willing to discuss developer proposals and if deemed beneficial to the township as also determined in public hearings, then consider appropriate rezoning to accommodate such development.
- It is likely that higher-density planned communities will develop in subdivisions large enough to cover their own costs of road paving (including access out to paved county roads).
- Commercial and industrial development of the kind to generate significant tax revenue growth typically needs public sewer, water, and often road upgrades to be viable.

2. Livability

2.1 Home Occupations

- Provide for those small-scale activities that are conducted in conjunction with a residential or residence-farmstead use. It is not the intent of this provision to provide for a stand-alone site for business or industry scattered about the township. This includes home-based business or occupation, businesses that provide a service off the site with the primary use of the land being for storage and maintenance of equipment used off the site, and farm-related in that it is directly supportive of commercial agriculture. Updated criteria should be used to evaluate uses proposed under farm-related activities.

2.2 Commercial and Industrial Areas

- No additional properties should be zoned for commercial or industrial purposes in the foreseeable future, nor should the range of business types eligible for conditional use permits be expanded. Consistent with the Eureka Township Commercial Task Force Report, 2003.

2.2.1 Aviation

- The Township should continue to keep the Airlake Airport within the boundaries of Eureka Township.
- Private aviation facilities are under the direct authority of the Township, therefore Eureka should continue to manage these to ensure the safety and well being of the citizens.

2.2.2 Utilities, i.e. Pipelines, Power Lines, Cables, Telephone, Electric etc.

- Eureka should make every effort to ensure that it does not contain an over abundance of the burden of public utilities to service the Twin City area.

2.2.3 Gravel Mining

- Eureka Township will continue to enforce the provisions of its current ordinance regulating gravel mining. New houses should be set a minimum distance from any existing mining operation.

2.2.4 Land Uses in an Agricultural Location

- Conditional use permits (CUPs) are used to allow a property use that may need to have conditions placed on the use to help assure minimal impact to neighboring properties and roads. CUPs are attached to the land and not to the owner.

- Interim use permits (IUPs) are similar to CUPs in that they allow certain property uses but contain a sunset or end date provision (eg., gravel mining).
- Uses by right are those activities defined by the ordinances or other laws to be allowed based upon the zoning of the land. For example, farming is a permitted use in an agricultural zone.
- Additional study of uses and the appropriate mechanism for permitting or not permitting is recommended prior to finalization of the comp plan and ordinance changes.

2.2.5 Dakota County Park Search Area

- It is acknowledged that Dakota County may study the vicinity of Chub Lake for possible acquisition as a county park.

2.2.5 Regional Trail Search Area

- Eureka Township will cooperate with Dakota County in studying the feasibility of a multi-use bicycling and walking path.

2.2.6 Dakota County Farmland and Natural Areas Protection Program

- Preservation of relatively small but high-quality natural areas and farmland is an appropriate use of the Dakota County Farmland and Natural Areas Protection Program in this township.

2.2.7 Chub Lake Wildlife Management Area

- It is recognized that the Chub Lake Wildlife Management Area, located south of Chub Lake, is owned and managed by the Minnesota Department of Natural Resources.

2.2.8 Right-to-Farm

- The Township will continue to support the right to farm when using generally accepted agricultural practices, as mandated by the State of Minnesota.

3. Environmental Protection

3.1 Woodlands

- Eureka Township will allow housing development in woodlands but strive through zoning regulations and subdivision reviews to minimize the tree loss during construction of homes and roads. Offsetting replantings may be required.

3.2 Biologically Significant Lands

- Biologically significant lands were mapped by the Department of Natural Resources, Non-Game Wildlife, Biological Heritage Division will be used so that further disruption to these remaining natural communities is minimized.

3.3 Water

3.3.1-3 Water Management

- Eureka Township will continue to administer (through the Dakota County Soil and Water Conservation District) Ordinance 9 regulating surface water runoff, wetland protection (including state and federal wetland regulations), flood plain protection and erosion control.
- Eureka Township will cooperate with the two watershed management organizations that overlap the township: the Vermillion River WMO and the North Cannon River WMO.
- A portion of Eureka Township is sensitive to groundwater contamination. Maps of these areas should be used to shift land uses that could have adverse impacts on groundwater quality away from the sensitive areas and encourage them in other, better protected parts of the township.

3.4 Shorelands

- We recognize that Dakota County and other authorized agencies will continue to administer supplementary land use regulations within 1,000 feet of designated lakes and within 300 feet of designated streams, consistent with the model ordinance developed by the Minnesota Department of Natural Resources.

3.4.1-4 Lakes and Rivers

- Eureka Township recognizes and will cooperate with initiatives by authorized agencies to preserve and protect the Vermillion River Corridor, North Cannon River Corridor, Chub Lake, and Rice Lake areas for the purpose of environmental protection.

3.5 Private Wastewater Systems

- Eureka Township will work with Dakota County to investigate the advisability of requiring a higher level of on-site wastewater treatment for houses and businesses located in the area of High Groundwater Sensitivity as defined by Dakota County.

3.6 Feedlot Setbacks

- Consider requiring that new non-farm houses to be separated from existing confined animal feedlots or manure storage facilities by the same distances that those new facilities must be separated from existing houses to minimize potential objections to odors and safeguard the right to operate feedlots in Eureka Township.

4. Roads and Public Services

4.1 Road Access for New Housing

- Encourage access by a township road rather than County road, allow and encourage shared driveways to reduce access intersections with higher speed roads.

4.2 Service and Development Standards

To ensure that land uses in Eureka Township are compatible with a rural, agricultural area and the level of services available:

- Alternatives must be investigated in cases where the approval of a change in land use would raise traffic on a gravel road substantially above 200 average trips per day.
- Individual land uses that will generate high levels of traffic and/or heavy vehicle traffic may be required to participate in the upgrading of facilities
- Shared access to and from an existing road from clustered housing should be used when feasible. Particular emphasis on this strategy should be made for safety when County roads and high traffic Township roads are involved.
- House access may be via easement across another land owner's parcel. The driving surface must be suitable for emergency vehicle access. (The current Township requirement that the parcel for each house must abut the public road right-of-way should be eliminated.)
- Typically, individual lots should have no more than one access to a public road.
- When a single land use will be generating substantial amounts of sewage, the most effective treatment system should be installed, and monitoring of the treatment facility will be considered.
- At least one, and potentially two, alternative treatment sites shall be required for any land use requiring an ISTS Permit for treatment of sewage.
- In areas where development will result in a number of wastewater systems in close proximity, land may be required to be set aside for a community treatment system, or the installation of such a system may be required.
- Measures shall be taken to prevent erosion and sediment during and after construction including meeting all standards of the Eureka Township.
- Lakes, wetlands, streams, bluffs and other sensitive natural features shall be protected from the adverse impacts of construction and development. All measures and standards contained in the County Water Plan shall be met.
- Land use changes and development should be designed so as to minimize disturbance of natural systems. Building sites should remain in their natural state to the greatest extent possible.
- Natural drainage should be used to the greatest extent possible.