



REDWOOD COUNTY ENVIRONMENTAL OFFICE

*Planning & Zoning • Parks & Trails • GIS
Aquatic Invasive Species • Septic Inspector
Drainage Inspector • Agricultural Inspector*

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MINNESOTA 56283
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TO: Redwood County Planning Commission

FROM: Nick Brozek *NB*
Land Use and Zoning Supervisor
Redwood County Environmental Office

DATE: October 17th, 2016

RE: Planning Commission Hearing on October 31st, 2016

A meeting of the Redwood County Planning Commission has been scheduled for Monday, the 31st day of October, 2016, beginning at 1:00 o'clock p.m. at the Board Room of the Redwood County Government Center located at 403 South Mill Street, Redwood Falls, MN 56283.

The meeting will include two (2) public hearings. A brief summary of the subject matter of the agenda items are set forth below.

1. Public hearing on an *Application for Conditional Use Permit* submitted by Jess Stolp.

An *Application for Conditional Use Permit* has been filed by Jess Stolp for the operation of a business engaged in small engine service and repair on the following described property, situated in Westline Township, the County of Redwood, State of Minnesota, to wit:

All that part of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section Nine (9), Township One Hundred Eleven (111) North, Range Thirty-nine (39) West, described as follows: Beginning on the west line of said Section 9 at a distance of 1,680.00 feet on an assumed bearing at South 0°00' East from the Northwest corner of said Section 9; thence South 0°00' East along the west line of said Section 9 for 582.00 feet; thence North 90°00' East for 500.00 feet; thence North 2°45'16" East for 582.67 feet; thence South 90°00' West or 528.00 feet to the point of beginning, containing 6.87 acres, more or less. The West 100 feet of said tract is subject to state highway right-of-way.

The proposed use is located in the "A" Agricultural District and is an existing farm building site and residence owned and occupied by Jess and Rachel Stolp. The primary work of the business includes small engine repair for boats, ATVs, seed tenders, spray equipment, fire department equipment, elevator equipment, construction equipment, lawnmowers, chain saws, etc.

Mr. Stolp has operated the business on this property for approximately 8 or 9 years. Small engine repair is not listed as a permitted use in the Agricultural District (Redwood County Ordinance Section 7, the current version of which has been in effect since January 15, 2006), and the use is not considered to be a Level I Home Occupation because it is housed in an outbuilding, instead of in the home. Small engine repair also is not listed on the conditional uses allowed in the Agriculture District. It does not qualify as a Level II Home Occupation because the business building is greater than 1000 square feet in area, though it may fit into the category of "agricultural related business related to farm tractor... repair." The catch all provision in Subd. 3 of the Agricultural District Ordinance states that a party seeking to undertake a land use not listed in the Ordinance

“shall file a request for a conditional use permit with the Redwood County Zoning Administrator.” Consequently, whether it falls under farm tractor repair or the catch-all, it is a conditional use in the Agricultural District.

Aside from Mr. Stolp, one part-time helper is employed by the business.

The farm site buildings, including the building used for the business, are arranged around a graveled yard/parking area about 9000 square feet in size. This graveled area is available for customer and business parking and storage of equipment to be repaired, or repaired equipment to be picked up by customers. Specifically, the two areas indicated on the site plan attached to the permit application are designated for customer parking. Outdoor storage of equipment can be seen on the site plan as well. It is screened from the public road by the existing grove and the surrounding buildings.

The business will be housed in an existing 60' by 50' steel shop structure. The building includes a 20' x 40' area which is open to the public. This area is all on ground level with no steps, inclines or ramps and is accessed via a 36" wide outer door. There is a narrow concrete apron in front of the building and a roughly 30' by 20' concrete pad between the building and an old barn to the east. In addition to the shop building and outdoor storage, part of the shed on the west side of the yard is used for storage of customer equipment to keep it out of the weather. This shed is also used by Mr. Stolp for personal storage. The old barn on the east side of the yard is used for parts storage.

The business is open from 9 am till 5:30 pm and at other times for emergency repairs.

The business does not have a bathroom.

Glass, plastic, and metal waste produced by the business are recycled, as is waste oil. Paper and other non-hazardous wastes are burned on-site along with Mr. Stolp's household waste. No other types of waste are produced apart from small amounts of waste fuel and other fluids which Mr. Stolp uses in his tractors. A permit condition is proposed to prohibit the burning of any business waste and require a dumpster for disposal of non-recyclable business waste. Staff has informed Mr. Stolp that such conditions are commonly applied to permits for business uses in the Agricultural District.

Mr. Stolp's building site is located over 200 feet from the right-of-way line of MN Hwy 68 and screened therefrom by the existing grove.

Only one dwelling, other than the applicant's, is located within one half of a mile of the conditional use: David & Rhonda Kirsh, 11990 270th Street, about 2100 feet northwest of the conditional use. There is an old building and grove site located about 2000 feet south of the conditional use, but it is not occupied.

No public drainage ditch or tile is located in the vicinity of the conditional use.

When Mr. Stolp purchased the property in 1997, the building site was surveyed and split off from the surrounding field. However, some of the farm buildings (mostly bins) were retained on the seller's property for farm use. Consequently, Mr. Stolp's east property line runs north to south between his barn and the neighbor's bins. Possibly due to the surveyor being unaware of the 10 foot property line setback requirement from any building, the property line runs right along the rear wall of the barn. This was confirmed by staff

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.

2. Public hearing on an *Application for Conditional Use Permit* submitted by Stephen TerSteeg.

Mr. TerSteeg and his family, Mark TerSteeg, Paul TerSteeg, and Mike TerSteeg, own property in Delhi Township Section 32 North, along the Minnesota River. The family purchased the property in the early 1960s. In 1974 a permit was obtained from Redwood County to place a mobile home on the property for use as a recreational residence. The family continues to use the property for recreation.

In early 2015, it came to the attention of the Redwood County Environmental Office that, over the years, additional buildings had been constructed on the property. Staff corresponded with the TerSteegs and visited the site with Stephen and Mike in order to evaluate what actions and permitting were necessary to bring the property into compliance with the Zoning Ordinance, in particular with the Floodplain Ordinance. As part of this process, Mr. TerSteeg applied for a conditional use permit for a sauna building that was constructed on the property a number of years ago.

The sauna structure is located on the edge of a small pond in the floodway of the Minnesota River Floodplain District. Subdivision 4.3.A. of the Floodplain Ordinance states that accessory structures are a Conditional Use in the Floodplain District. The Ordinance allows accessory buildings under 500 square feet in area to be anchored to prevent flotation. Larger buildings are required to be elevated on fill.

The structure measures 10'6" wide by 9'6" long and is constructed of logs, with a wooden floor. It includes a small deck/dock on the pond side. The structure has no foundation, but is constructed on a steel skid frame and anchored to the ground via a buried steel beam and chain. The structure is used as a sauna and contains a wood-burning stove for heat. It has two small rooms: an outer entrance room and an inner room containing benches and the stove. The portion of the dividing wall behind the stove is constructed of brick for fire safety. The sauna is wired for electricity and has an electrical box.

The area around the TerSteeg property is used primarily for recreation and farming. There are no residential dwellings within a half-mile of the site.

A copy of the Conditional Use Permit application, maps, plans, and proposed permit conditions are enclosed.



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AGENDA

REDWOOD COUNTY PLANNING COMMISSION

Monday, October 31st, 2016 – 1:00 p.m.

1. Call to Order
2. Public Hearing on the *Application for Conditional Use Permit* #15-16 filed by Jess Stolp
3. Public Hearing on the *Application for Conditional Use Permit* #16-16 filed by Stephen TerSteege
4. Other Business:
 - a. Review and approve the minutes from the September 26th Planning Commission meeting
 - b. Any other business