



REDWOOD COUNTY ENVIRONMENTAL OFFICE

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

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REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: January 28, 2019

A meeting of the Redwood County Planning Commission convened on Monday, the 17th day of December, 2018, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mike Kaufenberg, Mark Madsen, Mike Scheffler, Jeff Huseby, DaVonna Zeug, and Commissioner Dave Forkrud. Also present were the following individuals: Environmental Director Scott Wold and Land Use & Zoning Supervisor Nick Brozek.

At 1:00 p.m. the regularly scheduled January 28th, 2019 Redwood County Planning Commission meeting was called to order by Chair Kaufenberg.

Chair Kaufenberg read aloud the rules and procedures of the meeting.

Chair Kaufenberg then called for nominations for 2019 Planning Commission Chair and Vice-chair. Scheffler nominated Madsen for Chair. Zeug seconded the nomination. No further nominations were made. Chair Kaufenberg closed the nomination process and called for a vote. Madsen was unanimously elected Chair.

Kaufenberg then opened nominations for Vice-chair. Madsen nominated Scheffler for Vice-chair. Zeug seconded the nomination. No further nominations were made. Kaufenberg closed the nomination process and called for a vote. Scheffler was unanimously elected Vice-chair.

Chair Madsen then took over running the meeting.

At 1:05 p.m. Chair Madsen called to order a public hearing to discuss proposed Ordinance amendments.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the matter:

1. In 2017 and 2018 we had numerous discussions about amending the county zoning ordinance. Proposed changes were drafted and sent to be “codified,” or formatted as a legal code. We have now received and reviewed the code from the codifier. Our plan is to bring the code to the County Board of Commissioners on February 19th for adoption.
2. The process to adopt the new codified ordinances is for the County Board of Commissioners to enact a brief ordinance adopting the Code by reference.
3. All of Redwood County’s ordinances were included in the codification, not the Zoning Ordinance only, so the proposed enactment ordinance addresses them all.

4. Copies of the following documents are enclosed for your review:
 - Original summary of proposed changes to the zoning ordinance
 - Summary of additional changes made after public meeting held in Wabasso
 - Feedlot setback chart
 - Proposed ordinance to adopt new Code
5. The codified ordinance can be viewed in its entirety at the Redwood County Environmental Office, or on the Redwood County webpage: <https://redwoodcounty-mn.us/departments/environmental-office/>.

Brozek made the following introductory statements:

- This meeting begins the formal process of enacting the proposed changes that the Commission has been discussing for over a year – including at previous public meetings.
- All county ordinances are being codified, not only the Zoning Ordinance.
- The summaries sent in the Commissioner's packet are the same as have been sent previously
- A public meeting on this was held previously in Wabasso and was well attended by the public. Notification of the Wabasso meeting was published in the Redwood Gazette, and mailed to all Township Boards and City Councils, all feedlot owners, all licensed septic professionals, because those sections of the ordinance were changing the most. Notification of the present meeting was mailed to all Township Boards and City Councils and published in the Redwood Gazette.

Wold stated that there were no strong objections made at the Wabasso meeting, to the proposed changes. Some questions were asked and clarifications and modifications. Many ideas and modifications were made to the proposed amendments in response to the Wabasso meeting.

- Examples: removed proposed graduated setback between feedlots and wells and ditches; changed Odor-Offset model usage to avoid penalizing open-pen gestation barns (use hog space number instead of barn size).

Brozek stated that the proposed changes to the septic ordinance was sent to the MPCA and approved by that agency, as required by law.

Brozek and Wold then presented the summary of changes to the Planning Commission, starting with the proposed changes to the septic system. Zeug asked how tiny houses and composting toilets would be handled under the septic ordinance. Brozek explained that the septic code allows for composting toilets. Also, the proposed amendments allow houses to be classified according to the state classifications based on floor area and number of water-using appliances, which means that a tiny house would likely be able to install a smaller septic system than under the current ordinance.

Chair Madsen asked if the new ordinance will require septic systems to be inspected at any point, such as point of sale. Brozek said that the proposed ordinance will require county staff to do a cursory investigation into the septic system, to see if there are obvious public health hazards, in order to issue administrative permits, such as zoning permits. However, there will be no formal inspection requirement, except as mandated by the state (in the Shoreland District) and no point-of-sale inspection requirement.

Wold explained that the cursory inspection will not be a formal compliance inspection as defined in state septic code. The intent is to use home owner testimony, existing septic records, and aerial photos, to identify septic systems that are blatantly illegal, and get them replaced.

Scheffler suggested that discussion focus on gravel pits and feedlots, which the Planning Commission spends most of its time on.

Wold and Brozek then presented on the summary of feedlot ordinance changes:

- Conditional Use Permit threshold is going up to 300 animal units, from 100 animal units. This matches the state threshold, and allows larger feedlots without onerous permitting requirements.
- Graduated setbacks will be added. The Planning Commission hears the most public concern about feedlot setbacks, mostly from dwellings. The current rule requires a ¼ mile setback between feedlots and dwellings, no matter the size of the feedlot. The new rules allow a much smaller (or no) setback for small feedlots, and up to a 1 mile setback for large feedlots (over 4000 animal units). This will not affect most existing feedlots, as they will still fall into the ¼ mile setback bracket. The larger setbacks are set at levels of feedlot size that are not currently commonplace in Redwood County. However, if feedlots do continue to expand or get bigger, the larger setbacks would apply.
- Manure stockpiling setbacks were decreased for public roads and increased for dwellings.
- Feedlot owners can decrease the required setback if meeting 97% Odor-Offset rating.

Madsen asked how a feedlot would meet the Odor-Offset limits. Brozek explained that the feedlot operator would have to use mitigating techniques or technologies. Some of these are built into the Odor-Offset model, but the model also allows you to enter your own. Additionally, the University of Iowa has tested a lot of technologies and those numbers can be entered into the model.

Scheffler stated that he likes the Offset model because it gives the Commission an objective criteria to base its decisions on. Madsen stated that the Offset analysis may be a good basis for the Commission's decisions if feedlot permits are challenged in court, as has happened in other areas.

The proposed amendments remove provisions allowing members of the public to petition to require a feedlot to obtain a CUP.

Dead animals will be required to be screened from public view.

Wold and Brozek then presented on the proposed amendments to the mining and excavation ordinance. Mining permits will change from a Conditional Use Permit to an interim use permit. Also, there will be an increase in the required liability insurance amount to 1.5 million.

Wold and Brozek presented on changes to the Zoning District ordinances. The main changes are in the permitted and conditional use lists, which are being made more expansive and more detailed.

The Commission discussed how to zone for vacation rentals by owner

Zeug asked how the zoning ordinance would deal with hemp and marijuana growing operations. For zoning purposes, growing hemp or marijuana would be treated as any other ag use, under both the current ordinance and proposed amendments. Any processing facilities would require a CUP though. Madsen stated that, if it's legal, people should be able to grow what plants they want. Redwood County staff can keep an eye on what other counties are doing regarding hemp and marijuana regulation and bring that to the Commission for review. Zeug stated that it is best to be proactive instead of reactive.

Wold explained that the plan is to review and make housekeeping and other changes to the ordinance at the end of each year.

Wold and Brozek presented on home occupations. Currently there are two classifications of home occupations. The proposed amendments will change this to three classifications, in order to allow more business activity without needing a CUP, or a permit at all. The policy behind this is to allow people to start business small, without a large outlay of capital. Therefore, the amendments increase the size that home occupations can reach

before a CUP is required. However, large business can have an impact on the neighborhood, so Zoning and Planning is set up to generally encourage businesses to be located in town, since towns are the center of local commerce, and have more robust zoning requirements to deal with more impactful uses. Also, it is easier and cheaper to provide government services to businesses clustered together in town.

Zeug asked about regulation of daycares. She stated that people will buy a house and use it solely for daycare, which means it would not be permitted as a "home occupation," because they don't live there. Staff stated that Redwood County has never required a permit for a daycare. Using a separate, otherwise residential, property as a stand-alone daycare sounds like something that would be more likely to happen in town, where houses are closer together and there is a larger market and need for daycare close by. Otherwise, Redwood County has always considered daycare to be a level 1 (non-CUP) home occupation. The only real concern we have for daycares is impact on septic. However, daycare is specifically listed in the permitted and conditional use lists in the proposed ordinance amendments.

Smaller business generally have less traffic. Redwood County wants to allow people to start businesses, while still making sure they will not negatively impact the neighborhood.

The penalty for violation of the ordinance is increasing to a maximum fine of \$1000. Currently the maximum fine is \$500. The new amount matches the maximum penalty for misdemeanor violations in state law.

At the close of discussion, Chair Madsen closed the public hearing at 2:14 p.m.

Chair Madsen called for a motion to make a recommendation to the County Board of Commissioners concerning the proposed amendments to the ordinance.

Forkrud made a motion to recommend approval of the amendments and codification. Kaufenberg seconded the motion and it was passed unanimously.

The Commissioners discussed when the ordinance amendment would be taken to the County Board.

The Commissioners reviewed and discussed the minutes from the December 17th Planning Commission meeting. On a motion by Zeug seconded by Huseby the minutes from the December 17th Planning Commission meeting were unanimously approved as presented.

Brozek reported on upcoming permits.

On a motion by Zeug, seconded by Forkrud, the meeting was adjourned at 2:18 pm.

Nick Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office

Mark Madsen, Chair
Redwood County Planning Commission