

**Questions Received during the MACPZA Spring Conference  
June 3, 2021**

**Questions during the Staff Reports Panel**

- Kristi Gross: How many people work 508 Compliance (ADA reader compliant documents) onto their staff reports?
- Heather Cunningham: For counties who do not make a recommendation...do you feel it catches the applicant off guard when they get a denial? We like to prep the applicant with the issues for approval or denial before they arrive for the hearing. Sets the tone.
- Loria Rebuffoni: We still do very detailed minutes, but our meetings are also recorded. The idea of Action minutes is very appealing. I'm wondering how many counties do this and any pros and cons (if anyone has comments).
- Amelia Meiners: Our standard practice has been to complete roll call on each individual finding and then they also adopt the findings as a whole. Is all of that necessary, or how do you recommend completing that process?
- Kathy Henderscheidt: On the recommendation of our County Attorney, we complete roll call on each individual finding and adopt the findings as a whole as well. This has helped boards and applicants to better understand the approval/denial/conditions.
- Kay Qualley: Winona does as Eric and Marc described. Our legal stated that was okay.
- Deana Malone: Our chair usually asks after each finding if the commissioners are in agreement, so by consensus, and then at the end they will make a recommendation to the County Board for approval or denial based on the findings which becomes a motion.

**Questions for Legal/Case Law Update Presentation**

- Deana Malone: Do counties have to send out written notification of decision to each adjacent landowner on variances or CUP's? Applicants are notified in writing if an application for CUP or variance are denied or approved, but we don't notify other parties in writing, only verbally at the end of the hearing for variance, or County Board process for CUP.
- Kathy Henderscheidt: We send notice of decision to the applicant as well as all the neighbors initially noticed of the public hearing.
- Angie Lipelt: Back to notices, should zoning permits be withheld for 30 days for expiration of appeals or just notify landowners of risk of appeal?
- Jacob Snyder: Can you discuss an existing nonconforming deck that the applicant wants to replace, totally rebuild that doesn't meet standards in the ZO. What is your thought on rebuilding that structure with a variance or if possible, downsize to meet standards in the ordinance? I guess my question is, should we be pushed back to allow rebuild at the same size of the nonconforming deck use?

**Questions for Enforcement Presentation**

- Amy Kowalzek: What is the citation for the right to observe open space areas?
- Trina Bergloff: I didn't think use variances were allowed?
- Loria Rebuffoni: We've been trying to get problem sites into permits (CUPs for junk yards) and the landowners ignore us. Board is not interested in misdemeanors at this time, so then what?
- Loria Rebuffoni: Also, this is where it seems like Administrative provisions would help in getting them into compliance, but I didn't think counties have that ability?

- Mark Manderfeld: From a prosecution standpoint, are ongoing, long-lived violations problematic? Meaning, the longer the violation continues, does it get more difficult to convince the courts it is problematic? We often don't start to address violations until a complaint is made, which might mean the violation has been there for quite some time.
- Loria Rebuffoni: We're currently working on a nuisance ordinance, but I think the County would prefer an APO. Thank you!
- Kathy Henderscheidt: If a CUP was issued with a 3 year review and dust control requirements but multiple complaints have been received within the first year regarding the dust control, can the CUP be brought in for review earlier than three years? If so, can the dust control requirements be changed at that time? Original dust control was water, can that be changed to another type of dust control?
- Jacob Snyder: What do Counties need to worry about with dual regulation laws for site uses? Can Jay talk about the pitfalls of dual regulated sites that have violations and put in new applications for uses? So what I mean is when Dave discussed the setback issues on a site and then regulating those issues with a different expansion request.
- Loria Rebuffoni: Would it be like a CUP for a feedlot with an MPCA permit?

#### **Questions for Legislative Update**

- Deana Malone: If we go back to in-person meetings, we have to allow public to be able to comment remotely still?
- Kay Qualley: We need that noxious weed funding. That is a pittance compared to need!
- Amy Kowalzek: Can we circle back on the remote meetings? Sorry, I missed some of that discussion. Counties MUST go back to in-person meetings come July?
- Kay Qualley: If decision makers are in-person, can staff members present information from a remote location?
- Amy Kowalzek: OK. Can we offer that to BOA/PC members to participate remotely? Or does that just fall under the emergency orders? How about offering applicants to be remote if they choose?
- Amy Kowalzek: Can you please send the language?
- Kathy Henderscheidt: Check your ordinance; our ordinance requires the applicant to attend in person.