

To: HONORABLE MAYOR AND CITY COUNCIL.

FROM: Dave Maroney, City Administrator.

SUBJECT: *Private Utility Systems.*

DATE: March 13, 2020.

BACKGROUND.

Throughout the years the City of Cannon Falls has discussed whether or not to amend the Ordinance that currently prohibits the installation and use of private on-site wastewater treatment (septic systems) and/or wells. At the request of several property owners, the Public Works Commission considered this topic on March 2, 2020 and recommends that the City Council initiate further study.

To provide a bit more background information, I am providing a recent correspondence between Benjamin Hoyt (Goodhue County) and myself.

REQUESTED COUNCIL ACTION.

In the event that the City Council wishes to give further consideration to the pros and cons of “conditionally” allowing private sanitary sewer and/or water systems within the corporate limits, Staff should be instructed and authorized to proceed with the evaluation as recommended by the Public Works Commission.

From: Hoyt, Benjamin <benjamin.hoyt@co.goodhue.mn.us>
Sent: Monday, January 6, 2020 9:33 AM
To: Dave Maroney
Cc: bradd@braddstrelow.com; Wes Anway; Holst, Pam
Subject: RE: Cannon Falls - private systems in city limits

Dave,

There are a lot of pieces that need to be worked out for this situation. The main piece to be worked out is whether or not it makes sense to connect the lots to city services rather than go through the process to try and allow septics.

Realistically, due to the proximity of the new lots to city services the cost of connecting should be comparable to installing wells and septics on every lot. Especially since the lots are likely to be annexed into the city. State regulations say that it has to be connected unless it's unfeasible.

Another piece to keep in mind is that these lots would be in the wellhead protection area(WPA) for Cannon Falls water supply wells. Cannon Falls should have something in their WPA documents to address a situation like this. At the very least it should be discussed at any variance or ordinance change with consultation from MDH or the water planner that helped develop the WPA.

I'll answer your questions below:

1. The "variance" to allow a septic system in Cannon Falls is by application to and determination by Goodhue County or the City of Cannon Falls or both?
 - The Cannon Falls ordinance has prohibited the install of new septics. So, Cannon Falls would have to address that issue. However, from what I understand you can't issue a variance to a prohibited use. So, you may have to do it as an ordinance amendment or something else. Ultimately the City would have to address it.
2. In the event that a "variance" is approved, does the County or City have jurisdiction and responsibility for permitting, inspecting and monitoring the septic system?
 - The County would be the regulatory responsibility for the system because as far as I know Cannon Falls does not have a Septic program. Our department does not have a monitoring component. So that would have to be worked out before installation.
3. Can you please send me a copy of the current agreement by and between Goodhue County and the City of Cannon Falls pertaining to private septic systems and wells?
 - There is no agreement between Goodhue County and Cannon Falls regarding private septics or wells. Basically the way the regulations are set up in Minnesota is that if the city does not have an ordinance to regulate it then the County typically has jurisdiction. Cannon Falls is a little unique in that it does have some septic regulations such as prohibiting installations, but there isn't a septic program I'm aware of. So, before the County can step in to regulate any septics in Cannon Falls ordinance conflicts will have to be cleared up.

One thing that you may consider if you're inclined to have a significant number of septics within city limits would be to create a septic program with MPCA. That way you would have full City control over what is/isn't connected to municipal services and how it all fits into your City planning. The inspector training is not all that difficult, and I suspect that with the amount of septics in Cannon Falls you could get by with a part time inspector. If you ran into anything really complicated you could contract it out or ask the County for assistance.

Let me know if that helps any. Feel free to call for further explanation.

Benjamin A. Hoyt, RS
Goodhue County Environmental Health
651-385-3113