

REDWOOD COUNTY PLANNING COMMISSION

MINUTES

Meeting Date: June 29, 2015

A meeting of the Redwood County Planning Commission convened on Monday, the 29th day of June, 2015, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mark Madsen, Mike Scheffler, John Rohlik, Jr., Kent Runkel, Dave Mattison and Commissioner Lon Walling. Also present were the following individuals: Land Use & Zoning Supervisor Nick Brozek and Citizens: Thomas Hansen, Bruce Baker and Nancy Baker.

At approximately 1:00 p.m., Chairman Madsen called the meeting to order.

At approximately 1:01 p.m., Chairman Madsen called to order a public hearing on a *Conditional Use Permit Application*, No. 10-15 submitted by the City of Walnut Grove to establish and operate a municipal burn and compost site for compost, brush, and trees, for residents of the City of Walnut Grove.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the *Conditional Use Permit Application*, No. 10-15 submitted by the City of Walnut Grove:

1. An *Application for Conditional Use Permit* has been filed by City of Walnut Grove to establish and operate a municipal burn and compost site for compost, brush, and trees, for residents of the City of Walnut Grove. The site is situated in the County of Redwood, State of Minnesota, to wit: South 24 Rods of the SW1/4 SW1/4, 12 acres, of Section 30, Township 109N, Range 38W, North Hero Township.. The site is located in a "A" Agricultural District. The property is owned by Dean Baker, who signed off on the permit application.
2. Walnut Grove previously operated a municipal burn site at a different location, which is no longer available. Consequently, the proposed new location was selected.
3. The burn site will be operated from April to October each year. Hours of operation will be Wednesdays from 4:30 p.m. until 6:30 p.m., and Saturdays from 10:00 a.m. until 12:00 noon and from 1:00 p.m. until 3:00 p.m. The site will be constantly supervised and monitored during those times. Materials authorized to be dropped off at the site include trees, tree trimmings, brush, leaves, garden plants, and grass clippings.
4. If unauthorized materials are dropped off, they will be returned to the owner, if known. If the owner is unknown, then the unauthorized materials will be properly disposed of by the City of Walnut Grove, by hauling to demolition landfill or other appropriate disposal site.

5. A three or four wire livestock/pasture fence will be constructed to enclose the site and keep out unauthorized persons. A new approach was constructed from 110th Street. A gate will be built on the approach and it will be locked when the site is closed. The fence and gate will be constructed on the 110th Street right-of-way line.
6. The burn area will be set back 250 feet from the west lot line of the property line (measured from the County Hwy 5 right-of-way line), 625 feet from the east property line, 175 feet from the north property line, and 100 feet from the center line of 110th Street.
7. The City of Walnut Grove has applied for and obtained a permanent burn site permit from the Minnesota DNR. The DNR permit was issued on November 19th, 2014, and will remain in effect for a term of 5 years from said date. The terms of the DNR permit require that the burn site be at least 800 feet from any occupied structure, 100 feet from any public road, and 500 feet from any body of water. The burn area is 100 feet from the center line of 110th street, and 250 from the ROW line of County Hwy 5, therefore it meets the public road setback requirement. There is no body of water nearby.
8. There is one dwelling within 800 feet of the propose burn site. The dwelling in question is uninhabited. It is located at 10994 Co Hwy 5, on the southwest corner of Hwy 5 and 110th Street. It is approximately 500 feet from the proposed burn area. I visited the property on June 17th, 2015. The dwelling is rundown, the grass overgrown, and there was no sign of habitation. No vehicles were present and no trails were worn in the weeds and grass around the house, gravel driveway, and outbuildings. Redwood County Property records show the property is owned by Venla Vang. Vang's address is listed as 1756 Sims Avenue, St. Paul, MN. According to Tom Hanson of the City of Walnut Grove, no one has lived in the dwelling for three years.
9. According to John Kelly, of the MN DNR, even if the house were to become inhabited again, it would not affect the Walnut Grove burn permit because the state law only requires a 50 foot setback from a dwelling, so long as the smoke is kept away from said dwelling.
10. Other dwellings in the area include the following:
 1. Shirley Knakmuhs, 10914 Co Hwy 5, about 800 feet southwest of the burn area.
 2. Khoua & Ko Her Vang, 11100 Co Hwy 5, about 980 feet northwest of the burn area.
 3. Wayne Atkins, 11214 Co Hwy 5, about 1100 feet northwest of the burn area.
 4. Charles & Jane Sabinske, 11366 Co Hwy 5, about 1800 feet northwest of the burn area.
 5. Bruce & Nancy Baker, 11028 Derby Ave., about 2100 feet east of the burn area.
11. Other terms of the DNR permit include the following:

1. Prevailing wind must be away from roads, residences and occupied buildings during burns
 2. Burns must be monitored to ensure no illegal materials
 3. Burn site must have controlled access
 4. Walnut Grove must display a sign at the site listing the hours of operation, rates, authorized materials, and penalty for disobeying the rules
 5. The burn must not be allowed to smolder
 6. Burn pile must be no larger than 40' x 40' x 20'
 7. An emergency plan must be in place
 8. An annual report must be submitted to the DNR
12. The City has attached an emergency plan to its DNR permit. The plan includes a list of emergency phone numbers. It calls for notification of the fire department and sheriffs office prior to burning. Materials must be inspected and the site must be monitored. The fire must be fully extinguished after the burn. Burns must occur during a west wind less than 20 mph.
13. The annual report must include a log of all burn times and the amount of material burned.
14. The proposed burn site is about 2000 feet south of the city limits of the City of Walnut Grove.
15. The closest county tile line to the proposed burn site is located on the opposite (south) side of 110th Street, about 190 feet south of the burn area. The tile line runs west to east along 110th, about 90 feet from the center line.
16. The soils on the location are classified as Wilmonton clay loam and Letri clay loam.

The proposed conditions for the *Application for Conditional Use Permit* submitted by the City of Walnut Grove are attached hereto.

Thomas Hansen appeared before the Commission to explain the project. He presented the following information and it was discussed by the Planning Commission:

1. The City of Walnut Grove would like to lease a portion of land owned by Dean Baker to be used as a brush burning/compost site
2. The landowner of the current burn/compost site does not wish to renew the contract
3. Still need to install fence and signs
4. The site is secured if there are no city employees present
5. There is no garbage allowed. The DNR stops out 2-3 times per year to inspect
6. Usually has a firetruck on hand while burning if the conditions are dry
7. The ash and leaves are mixed and made into dirt. Hauls to town and people can use it. Some farmers take it to compost their dead hogs
8. Typically they burn 20x/year up to 48 hours at a time, but usually no more than 24 hours. Tom checks the 7 day forecast before burning and prefers a north wind
9. He usually stays for 1 – 2 hours after lighting the fire to ensure it stays controlled

Brozek mentioned the DNR requirement that the burn pile be no closer than 800 feet from any occupied structure. There is a house that is approximately 500 feet to the southwest of the site, but the house is currently not occupied. In speaking with the DNR, Brozek was told that it wouldn't matter if the house were to become occupied in the future unless the smoke was drifting over there and affecting the property.

Commissioner Walling raised a question regarding condition #14 which states the hours of operation are between 6 am – 6 pm and the fact that burning could take up to 48 hours. There was discussion and it was decided that the condition would be changed to state that "...material will only be added between 6 am – 6 pm."

Commissioner Madsen asked Hansen if he had read and understood the proposed conditions. Hansen quickly perused the conditions and stated he approved.

Members of the public speaking in favor of the project: None.

Members of the public speaking in opposition to the project: None.

While there was not specifically anyone opposed to or in favor of the project, Bruce Baker did appear before the Commission. He stated he was "wearing two hats."

1. North Hero Township Board member
 - a. Stated they were concerned with smoke
 - b. Mentioned that Tom does a good job keeping the site clean
2. Landowner – 1/6 undivided interest in land proposed as new site
 - a. Dean is the owner who signed for the CUP
 - b. Concerned about liability
 - c. No one contacted Bruce about this permit
 - d. Bruce has tried to remove his name from the property to no avail
 - e. Would like to see an additional condition addressing the ownership of the parcel.
 - f. Can Dean sign off that 100% of the liability is his?

The Commission discussed at length their rights/responsibilities as the Planning Commission. Brozek explained that to have a piece of land with undivided interest, all of the owners have equal authority over the entire parcel. Bruce explained that he is not looking for any money or anything in exchange for the land, he just needs Dean's cooperation to go through the legal process of transferring the land to Dean.

Hansen stated that he would be contacting Dean Baker before the end of the day. The fence company is coming to install the fence and the city may be "out" that money if they are unable to proceed with the burn/compost site.

Walling stated that the County Board may have an issue with the lack of a clear title.

The hearing was closed at 1:53 p.m.

On a motion made by Scheffler and seconded by Mattison it was moved and passed unanimously that the *Conditional Use Permit Application*, No. 10-15 submitted by the City of Walnut Grove be recommended for approval by the Redwood County Board of Commissioners subject to the sixteen (16) recommended conditions with the seventeenth being a clear title into Dean's name.

On a motion by Rohlik seconded by Runkel, the Commission unanimously approved the May 26th, 2015 Planning Commission minutes.

On a motion by Rohlik seconded by Scheffler, the meeting was adjourned at 2:27 p.m.

Nicholas Brozek
Land Use & Zoning Supervisor
Redwood County Environmental Office

Mark Madsen, Chairman
Redwood County Planning Commission