



## City of Afton

# PLANNING COMMISSION AGENDA

---

November 2, 2015

7:00 pm

Please Note Meeting Start Time Change

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
  - Barbara Ronningen (Chair)
  - Sally Doherty
  - Kitty Kilmer
  - Kris Kopitzke
  - Mark Nelson
  - Judy Seeberger
  - Lucia Wroblewski
  - Scott Patten
  - Jim Langan
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF MINUTES**
  - a. October 5, 2015 Meeting Minutes
6. **REPORTS AND PRESENTATIONS – None**
7. **PUBLIC HEARINGS - None**
8. **NEW BUSINESS**
  - a. Ordinance Amendment Prohibiting the Land Application of Septage
9. **OLD BUSINESS**
  - a. Burning Permits in the Village Historic Site (VHS) District
  - b. Meeting Start Time Review
  - c. Draft City Council Minutes - Update on City Council Actions
10. **ADJOURN**

This agenda is not exclusive. Other business may be discussed as deemed necessary.

**A quorum of the City Council or Other Commissions may be present to receive information.**

CITY OF AFTON  
DRAFT PLANNING COMMISSION MINUTES  
October 5, 2015, 6:30 PM

1  
2  
3  
4  
5 1. **CALL TO ORDER** –Chair Barbara Ronningen called the meeting to order at 6:30 p.m.  
6

7 2. **PLEDGE OF ALLEGIANCE** – was recited.  
8

9 3. **ROLL CALL** – Present: Langan, Wroblewski, Chair Ronningen, Kopitzke, Patten, Nelson and Doherty.  
10 **Quorum present.** Excused Absence: Seeberger. Kilmer arrived at 6:35 p.m.  
11

12 **ALSO IN ATTENDANCE** – City Administrator Ron Moose and Council Member Liaison Stan Ross.  
13

14 4. **APPROVAL OF AGENDA** –

15 **Motion/Second: Patten/Nelson. To approve the October 5, 2015 Planning Commission agenda as**  
16 **presented. Motion carried 7-0-0.**  
17

18 5. **APPROVAL OF MINUTES** –

19 a. August 31, 2015 Planning Commission Meeting Minutes – On Line 169 the line should read: “The  
20 conditions ~~are~~ were not created by the actions of the owner.”  
21

22 **Motion/Second: Wroblewski/Patten. To approve the August 31, 2015 Planning Commission Meeting**  
23 **minutes as amended. Motion carried 7-0-1 (Abstain: Doherty.)**  
24

25 6. **REPORTS AND PRESENTATIONS** – none.  
26

27 7. **PUBLIC HEARINGS** –

28 a. Elaine Murphy Application for Conditional Use Permit for Grading at the Parcel west of 15824 50<sup>th</sup> Street  
29 with PID 27.028.20.43.0001 – Chair Ronningen opened the Public Hearing at 6:32 p.m.

30 Administrator Moose summarized the application from Washington Conservation District for constructing  
31 a grassed waterway on the northern portion of 15824 50<sup>th</sup> Street to catch and transport surface water to prevent  
32 the water from running down an existing waterway and existing rills (gullies) and causing erosion. Using soil  
33 from the grading of the grassed waterway, the existing waterway will be filled and the gullies will be filled.  
34 Additional fill will also be placed over a shallow natural gas line. The water flowing in the proposed grassed  
35 waterway will outlet into a grassy area and make its way through a wooded area to a grass corridor, then on to  
36 the St. Croix River. The volume of water that will reach the grass corridor will not increase. The speed at which  
37 the water travels should be reduced as it flows though the grassy area and woods vs. flowing down the gullies.  
38 The City Engineer reviewed the grading plans. After reviewing concerns about possible erosion issues through  
39 the wooded area, it was determined the area has a substantial amount of grass which will help to prevent erosion  
40 in the wooded area. The City Engineer also recommended a level spreader be installed at the outlet of the  
41 northern grassy waterway to spread the flow of water as it leaves the waterway and flows into the grassy area  
42 prior to entering the woods. James Landini, of the Washington Conservation District, added the level spreader to  
43 the project plans.

44 There were no public comments.  
45

46 **Motion/Second: Doherty/Patten. To close the public hearing at 6:36 p.m. Motion carried 8-0-0.**  
47

48 Commission Discussion

49 There was a question about the natural gas pipeline. There was confirmation of the 10-year water event. The  
50 WCD was questioned about why they wanted the grassed waterway fertilized.  
51

52 **Motion/Second: Ronningen/Doherty. To recommend approval to the City Council for the Elaine Murphy**  
53 **application for Grading CUP at the Parcel West of 15824 50th Street with PID # 27.028.20.43.0001with**

54 the conditions as recommended by staff and with the addition of the sentence on #5 below. Motion carried  
55 8-0-0.  
56

57 Conditions

- 58 1. All appropriate provisions of the Afton Code of Ordinances shall be complied with for the duration of  
59 the permit.
- 60 2. Grading plans shall be reviewed and approved by the City Engineer.
- 61 3. Any changes to the project shall be approved by the City of Afton.
- 62 4. City Engineer specifications and recommendations for all work shall be met for the duration of the  
63 permit.
- 64 5. The grading plan shall be constructed according to plans approved by the City Engineer. Silt fences or  
65 other types of erosion control shall be properly installed prior to construction; and shall be maintained in  
66 good condition until the construction is complete. Any changes to the plan shall be reviewed and  
67 approved by the City Engineer.
- 68 6. Non-compliance with the conditions of this permit shall be considered a violation, and may result in  
69 revocation of this permit.
- 70 7. The property owner will adhere to the operation and maintenance plan dated July, 2015, and the  
71 grassway shall be maintained as such for 10 years.
- 72 8. The operation of the proposed grassy waterway will be monitored on a periodic basis, particularly in  
73 relation to erosion in the wooded area. If erosion is occurring, remedial action will be taken to address  
74 and prevent the erosion.
- 75 9. Compliance with conditions of this permit shall be monitored on a periodic basis.
- 76 10. Construction shall begin within one year of the date of issuance of this permit or the permit shall  
77 become null and void.

78  
79 b. Guy Reithmeyer, et.al. Minor Subdivision at 1093 Lake Edith Lane and 1093 Indian Trail S. – Chair  
80 Ronningen opened the Public Hearing at 6:38 p.m.

81 Administrator Moorse summarized the application by Guy Reithmeyer who owns the property at 1093 Lake  
82 Edith Lane. The property is nonconforming in size, at 1.889 acres. The property at 1093 Indian Trail South has  
83 six owners located across the U.S. An application is being routed electronically to the owners for their  
84 signatures. Mr. Reithmeyer and the owners of the adjacent property at 1093 Indian Trail South have applied for  
85 a minor subdivision to transfer 15,443 sq. ft. of land to expand the Reithmeyer property at 1093 Lake Edith Lane  
86 and combined will become a little over 2 acres. The proposed land division will not create any new lots. The lot  
87 line rearrangement could not be accomplished through a simple subdivision because that requires both  
88 properties to be conforming both before and after the subdivision. As the 1093 Lake Edith Lane property is less  
89 than 5 acres, it is nonconforming. The land division will increase the size of the property, in conformance with  
90 Section 12-1262. Land Division:

91 *B. In cases where adjoining contiguous property owners wish to exchange or otherwise divide land*  
92 *with the intent of enlarging one of the parcels and as a result of such division neither parcel will*  
93 *be more nonconforming in accordance with the zoning ordinance, article II of this chapter,*  
94 *approval must be obtained from the City Council upon recommendation of the Planning*  
95 *Commission after review of the minor lot subdivision application.*  
96

97 **Motion/Second: Nelson/Kopitzke. To close the Public Hearing at 6:48 p.m. Motion carried 8-0-0.**

98  
99 Commissioners felt the application was straightforward.

100  
101 **Motion/Second: Doherty/Kilmer. To recommend approval to the City Council for the Guy Reithmeyer, et**  
102 **al application for a Minor Subdivision at 1093 Lake Edith Lane S. and 1093 Indian Trail S. Motion**  
103 **carried 7-1-0 (Nay-Kopitzke).**  
104

105 c. Jessie Wilcox After-the-fact Variance Application at 14725 Afton Boulevard S. – Chair Ronningen  
106 opened the Public Hearing at 6:50 p.m.

107 Administrator Moore summarized the Jessie Wilcox “after-the fact” variance to enable two existing  
108 accessory buildings that exceed the maximum allowed total square footage to remain on the property. In 2004,  
109 the property contained a house and a garage. The then-current property owner wanted to build a large pole barn  
110 on the property, but the pole barn along with the garage was going to exceed the maximum allowed square  
111 footage of accessory buildings. To address this issue, the property owner provided a letter to the city indicating  
112 the garage would be joined to the house to create one large principal structure. This remodel would make the  
113 pole barn conforming. After a building permit was issued for the pole barn and it was constructed in 2004 the  
114 property owners did not eliminate the garage. After the construction of the pole barn, the property owner  
115 demolished the garage and replaced it with a building designed to be used as a dwelling unit. This was done  
116 without a building permit, and therefore, without the knowledge or consent of the city. The property has, since  
117 that time, been sold to two different owners. Moore indicated that the current owner, Mr. Wilcox, did not have  
118 knowledge that the buildings were nonconforming when he bought the property; he is requesting a variance be  
119 granted to enable both accessory structures to remain on the property. The parcel size is 10 acres, which allows a  
120 maximum of 2,500 sq. ft. of accessory buildings. The two existing accessory buildings total 3,020 sq. ft., which  
121 is 520 sq. ft. over the maximum allowed. Also identified at issue on this property is the smaller accessory  
122 building was built as a second dwelling unit/guest house. The structure has a kitchen, a living room, a bathroom,  
123 and a loft area. Sec. 12-186 of the City Code requires that “There shall be no more than one residential dwelling  
124 unit on any one parcel of land described in Section 12- 132, unless otherwise allowed in the Zoning Code. The  
125 three exceptions are a duplex, a temporary accessory dwelling unit and an accessory dwelling unit (mother-in-  
126 law apartment). Both the duplex and the accessory dwelling unit require the second dwelling unit to be in the  
127 principal structure. The temporary accessory dwelling unit must be a temporary structure that is easily  
128 removable, such as a manufactured trailer home. Moore continued that if the Planning Commission  
129 recommends that this structure can remain, the recommendation should include conditions to ensure the  
130 structure cannot be used as a second dwelling unit. The conditions could include a declaration signed by the  
131 property owner and recorded against the property indicating that the structure will not be used as a dwelling  
132 unit, including a guest house, will not be rented, etc. The conditions could also include internal changes to the  
133 structure so that it cannot be readily used as a dwelling unit, such as removing plumbing, removing appliances,  
134 eliminating access to the loft area, prohibiting closets, etc.

135 Mr. Wilcox spoke about the application and the issues on his property. He does not wish to add on to the  
136 house or accessory structure to connect them.

137 Don Barrett, 15526 Afton Hills Drive, stated he bought the property before Mr. Wilcox on the advisement  
138 from the realtor that the property was in compliance with the city. He supports the request of the variance.

139 Raenette Manderfeld-Pung, 14801 Afton Blvd Ct, is not in support of the variance, feels there is a  
140 discrepancy in the parcel acreage, and asked if anyone could think that a pergola really connects the accessory  
141 structure to make it a part of the principal home. She asked how many acres is the parcel? How does that affect  
142 the amount considered for the accessory structure?

143 Moore explained that the road easement is considered part of the acreage. The part the County purchased  
144 for the road is not considered as part of the property.

145 Gregg Lauderdale, 14825 Afton Blvd Ct, stated according to the County the Wilcox property is not a 10  
146 acre property.

147 David Pung, 14801 Afton Blvd Ct, stated Wilcoxs have stated they wanted to split the property. So the  
148 designation of the acreage as 10 acres or 9.67 acres is important to the neighbors.

149 Wilcox spoke of the options available to them to split the lot.

151 **Motion/Second: Doherty/Wroblewski. To close the Public Hearing at 7:10 p.m. Motion carried 8-0-0.**

152  
153 Commission Discussion

154 Commissioners discussed what constituted being connected. Kopitzke suggested that the deck, pergola and  
155 block wall connect the dwellings so that a variance is not needed. If there was a deck or pergola, does that

156 “connect” the structures? If it is six feet away, is it a part of the principal structure. (The second dwelling unit is  
157 25 feet away according to the drawings.) The Commission spent a considerable amount of time in 2014  
158 discussing the “standards” that make a structure be considered as part of the principal structure, and that the  
159 “connection” must be livable space. Is the city following those standards? It was noted that the ability for an  
160 accessory structure to be part of the principal structure if it was within six feet *did not* include allowing *two*  
161 *dwelling units* within 6 feet being considered one structure.

162 Ronningen confirmed that city ordinance does not allow two dwelling units on one parcel, which this parcel  
163 clearly has, and there is no variance before them that asks for a variance to allow the second dwelling unit on the  
164 parcel. She felt that the illegal dwelling unit is a bigger issue than the accessory building square footage  
165 exceeding the allowable.

166 Wilcox responded that there are multiple properties in Afton that have guest houses.

167 Moore clarified that the application is only asking for a variance to keep both buildings; it does not ask to  
168 keep the second building as a dwelling unit. The Planning Commission, should they recommend approval to  
169 Council, can set conditions for the applicant to decommission the structure as a dwelling unit by removing  
170 plumbing, bathroom and raised the possibility of removing one element of the second dwelling, such as the  
171 kitchen.

172 Nelson felt that if the applicants had applied to increase the 1968 home's finished space in a way that would  
173 connect the two dwellings it could be viewed favorably, but framing the application in terms of economic  
174 reasons creates a barrier.

175 Kopitzke requested clarification that a dwelling unit contains a bedroom, a kitchen and a bathroom.

176 Ronningen commented that if the lot is not 10 acres, then the variance is for a much larger square footage  
177 discrepancy.

178 Doherty asked, in trying to move towards a solution, if the two dwelling units were connected, could that  
179 work?

180 Ronningen reiterated the problems with the property parcel: the Pole Barn accessory structure is in front of  
181 principal structure; there is a second dwelling unit on the parcel; the square footage for accessory structures is  
182 far exceeded; the variance application asks if this variance would confer upon the applicant privileges not  
183 allowed to other people in the neighborhood, and the applicant indicated “no,” however, she stated, approving a  
184 variance would give special privilege to this property owner. She sympathized with both of the former property  
185 owners, but stated it is a prickly situation for the city. She asked if the applicant was willing to tear down one of  
186 the houses.

187 The applicant handed out a list from the County of properties that have “guest houses” which don’t comply  
188 with the city ordinances or code, but were allowed to be built.

189 Kopitzke thought another option would be to require the kitchen to be removed which would make this an  
190 accessory building and the building should not be used as a guest house.

191 Nelson thought the questionnaire would have to say it is not being done purely for economic reasons.

192 Doherty thought the variance could be approved if they retracted the second dwelling unit.

193 Ronningen spoke about two properties from the list provided, stating that for the one on Valley Creek Trail,  
194 the PC recommended the condition be placed on that it would never be used as a dwelling unit; she indicated the  
195 mayor’s house was to create an office building, not a dwelling unit. She didn’t know any details on any others,  
196 but stated that the Planning Commission’s job is to hear the applications and to apply the city ordinances. She  
197 stated, in this case, the commission doesn’t have any reason to approve the variance as the ordinances are very  
198 specific: there is way too much square footage in accessory buildings, past variances weren’t complied with, a  
199 building was built without a building permit and may not even pass inspection now because of the way the  
200 electricity was done, and there are two separate dwelling units on one parcel, which is not allowed in Rural  
201 Residential zoning districts unless it is a duplex. The variance states it is for economic reasons, which is not one  
202 of the allowable variance factors of practical difficulty, and the parcel was sold with two dwelling units on it,  
203 which is not compliant with city code. If a variance was approved, it would afford this property owner privileges  
204 not afforded to others in the neighborhood. Therefore, she felt they needed to recommend denial to the City  
205 Council.

206 Kopitzke stated that the only viable option then would be to connect the two dwelling unit structures with a  
207 covered walkway.

208 Ronningen stated that the “connection,” according to the discussion of standards for an accessory structure  
209 to be part of a principal structure, would need to be fully livable space or be within six feet of the principal  
210 structure.

211 Kilmer preferred to offer options to the applicant. One would be to combine the structures into a duplex.

212 Ronningen stated that other options may be discussed with the City Administrator.

213 Kopitzke stated that the property could be sold with full disclosure of the problems that it has.

214  
215 **Motion/Second: Ronningen/Patten. To recommend DENIAL to the City Council of the Jessie Wilcox**  
216 **application for an After-the-Fact Variance at 14725 Afton Boulevard, based on:**

- 217 1. **The application does not meet the variance requirements.**
- 218 2. **It would confer special privileges on the property not afforded to others.**
- 219 3. **That there are more variances required than the excessive square footage for accessory buildings.**
- 220 4. **The reason for the variance is for economic reasons, per the applicant’s own answer to the**  
221 **variance questionnaire, which is not a practical difficulty.**

222 **Motion carried 8-0-0.**

223  
224 **It was recommended that the applicant work with the city to find an alternative to the variance to remedy**  
225 **the problems with the property, so that it may be sold as a compliant property.**

226  
227 d. Gary Maas Minor Subdivision at 15990 32nd Street – Chair Ronningen opened the Public Hearing at 7:45  
228 p.m.

229 Administrator Moose summarized the Gary Maas application for a Minor Subdivision to divide the existing  
230 1.04 acre property into two 22,582 sq. ft. lots. An existing house is on the southern portion of the existing  
231 property and will be on the proposed new southerly lot. Both parcels meet the requirements for a subdivision in  
232 the VHS-C zone.

233 Moose explained the City has acquired a 19-foot-wide easement along the eastern side of the property for  
234 road, levee, stormwater and sanitary sewer purposes. Several easements are required for stormwater and sanitary  
235 sewer lines, and to maintain a 15-foot clear zone along the toe of the levee, there will not be any permanent  
236 above-ground improvements in the easement area. In addition, in Sec. 12-1384. Easements, the City Code  
237 provides for the dedication of the following easements as part of a subdivision:

- 238 A. *Provided for utilities. Easements of at least 20 feet wide, centered on rear and other lot lines as*  
239 *required, shall be provided for utilities where necessary as recommended by the City Engineer.*  
240 *Where underground utilities are being installed, a ten-foot wide front or side yard easement may*  
241 *be required.*
- 242 B. *Provided for drainage. Easements shall be provided along each side of the centerline of any*  
243 *watercourse or drainage channel, whether or not shown on the comprehensive plan, to a*  
244 *sufficient width to provide proper maintenance and protection and to provide for stormwater*  
245 *runoff and installation and maintenance of storm sewers.*
- 246 C. *Dedication. Utility and drainage easements shall be dedicated for the required use.*

247 The City Engineer recommended dedicating drainage and utility easements along the perimeter of the property.

248 With the upcoming construction of the sanitary sewer system to serve the downtown area, the applicant is  
249 not required to demonstrate adequate septic system sites. The additional lot will be developed with municipal  
250 sewer service. The proposed conditions of the subdivision approval include the connection of each lot to the  
251 sewer system and an assessment waiver and agreement to pay the cost to hook up both lots to the sewer system.

252 During the survey work for the subdivision, it was discovered that the property on Afton Boulevard South  
253 directly west of the subject property has a garage that encroaches 0.4 feet onto the subject property, and the eave  
254 of the garage encroaches 1.4 feet. The applicant is proposing to grant a five foot wide easement for the garage,  
255 so that it will not be illegally encroaching on the property. There is also a shed that fully encroaches onto the  
256 property. The shed is to be removed from the property.

257 Joe Bush, developer for the owner, spoke briefly about the application.  
258

259 **Motion/Second: Patten/Doherty. To close the Public Hearing at 7:49 p.m. Motion carried 8-0-0.**  
260

261 Commission Discussion

262 It was clarified that the easement for the garage does not subtract any square footage from the proposed  
263 parcel square footage.  
264

265 Conditions

- 266 1. Drainage and utility easements as recommended by the City Engineer shall be granted.
- 267 2. Park dedication requirements shall be satisfied for one newly created lot prior to recording of the  
268 subdivision, in accordance with Section 12-1270 of the Subdivision Ordinance.
- 269 3. The principal structure on each lot shall be connected to the City's sewer system when the system is  
270 available.
- 271 4. The applicant shall sign an assessment waiver and agreement to pay the costs required to hook up both  
272 lots to the city sewer system.
- 273 5. A five foot wide easement for the encroaching garage shall be recorded prior to the recording of the  
274 subdivision.
- 275 6. The shed that fully encroaches onto the property shall be removed prior to recording the subdivision.
- 276 7. A driveway permit is required for the construction of a driveway to serve the northerly lot.  
277

278 **Motion/Second: Wroblewski/Nelson. To recommend approval of the Gary Maas application for a Minor  
279 Subdivision at 15990 32<sup>nd</sup> Street S. with conditions as listed above. Motion carried 8-0-0.**  
280

281 **9. NEW BUSINESS**

282 a. Washington County Revised Septic Ordinance (Land Spreading of Septage) – The memo provided  
283 background on the septage issue: The former County septic ordinance did not specifically address the land  
284 application of septage. The updated ordinance allows it within a set of standards. Septage is most commonly  
285 hauled to a sewage treatment system and pumped into the system. Land application of septage provides another  
286 method of treatment. The land application of septage is supported by septic pumpers and some of their  
287 customers because the land application option is less costly than hauling and disposing of septage at the Pig's  
288 Eye treatment plant.

289 Administrator Moorse explained that the Planning Commission's charge is to recommend whether or not  
290 Afton would allow the spreading of septage, which was added to the new County subsurface sewage treatment  
291 system ordinance, which Afton has adopted in the past by reference. The new County ordinance defines Septage  
292 as "...solids and liquids removed from an SSTS and includes solids and liquids from cesspools, seepage pits,  
293 other pits, or similar systems or devices that receive sewage. Septage also includes solids and liquids that are  
294 removed from portable, incinerating, composting, holding, or other types of toilets. Waste from Type III marine  
295 sanitation devices, as defined in Code of Federal Regulations, title 33, section 159.3, and material that has  
296 come into contact with untreated sewage within the past 12 months is also considered septage."

297 Moorse indicated that the County will honor each city's wish on whether they will allow the spreading of  
298 septage.

299 Ronningen stated that she recommends that the City Council not change our ordinance to allow the  
300 spreading of septage, as Afton's land is highly susceptible to very high drainage and permeability, and since  
301 Afton properties use well water, it is not a good idea.

302 Wroblewski commented that it seemed as if it is being allowed for economic reasons.

303 Kopitzke wondered whether this would be a better substitute than commercial fertilizer.

304 Ronningen pointed out that septage also contains bacteria, flushed drugs, and in the case of Cottage Grove,  
305 contamination by Perfluorochemicals (PFCs).

306 Cottage Grove adopted an ordinance prohibiting the spreading of septage.  
307

308 **Motion/Second: Ronningen/Wroblewski. To recommend to City Council to adopt the language from**  
309 **Cottage Grove regarding prohibiting the land spreading of septage in Afton. Motion carried 8-0-0.**  
310

311 b. Burning Permits in the Village Historic Site (VHS) District – Administrator Moose summarized that  
312 the Fire Department regularly issues burning permits for brush in the rural area of the City. The Fire Department  
313 also issues burning permits for brush in the Village Historic Site (VHS) District, but does so rarely. The City  
314 does not have a policy regarding larger brush fires vs. recreational fires in the VHS District. While large brush  
315 fires are rare in the VHS District, the City has received complaints regarding a large brush fire in the VHS  
316 District. The complaints were related to burning embers landing on roofs. Due to the small lots in the VHS  
317 District, staff recommended to the City Council that they consider limiting fires in the VHS District to small  
318 recreational fires and prohibiting larger brush fires. A recreational fire is a fire of 3' x 3' x 3' contained in a fire  
319 pit. Standards for a brush fire can be made for within the VHS. These could include diameter, height, setback  
320 from structures, acceptable materials and the need for a burning permit. The Council's discussion included  
321 comments that the size of brush fires should be restricted, that the fires should be restricted to only on-site brush,  
322 and brush fires must be an appropriate distance from any structures. The Fire Department needs policy guidance  
323 from Afton on what will be allowed in the VHS.

324 Commissioners discussed the nuisance of smoke odors, not just in the VHS, but in other areas of Afton with  
325 smaller lots, materials allowed to be burned, flame height, embers not leaving the property.  
326

327 **Staff was directed to gather the burn ordinances from the neighboring Valley cities for review at the next**  
328 **Commission meeting.**  
329

330 c. Comprehensive Plan Update - Met Council System Statements – The Commission was provided with  
331 the newly released Metropolitan Council System Statements for Afton to guide the City's Comprehensive Plan  
332 update process. The System Statements include population, household and employment forecasts. The detailed  
333 information regarding the Transportation, Water Resources/Wastewater and Regional Parks System Statements  
334 was provided to the Planning Commission members by email. Prior to the release of these System Statements,  
335 the City reviewed the Thrive MSP 2040 forecasts and provided feedback that the population and household  
336 forecasts were far beyond what the City's Comprehensive Plan would allow. In response, the Metropolitan  
337 Council substantially reduced those forecasts which are reflected in the 2015 System Statements.

338 Chair Ronningen wondered if the PC and CC should have a joint meeting to discuss. Moose agreed that any  
339 other long-term strategic planning for the Comprehensive Plan could be discussed in a joint session.

340 Slopes for large lots was discussed as a possible amendment to consider. There may be others. The Comp  
341 Plan calls for Public Input sessions and a Public Hearing.  
342

## 343 10. OLD BUSINESS

344 a. Meeting Start Time Review – Chair Ronningen wanted commissioner feedback to the early meeting  
345 start times. Some stated it has been a challenge, as it conflicts with youth sports; some work until 7:00 p.m., but  
346 can usually get out to make the early time. Some work on the other side of the metro, so it is harder to get  
347 through traffic for the earlier time. Getting supper before the meeting is sometimes difficult. Commissioners  
348 agreed they would like to have the meetings end by 9:00 p.m.  
349

350 **Next month the meeting will be at 7:00 p.m. and they will continue to discuss how the earlier start time is**  
351 **working for the members.**  
352

353 b. Draft City Council Minutes - Update on City Council Actions – Council Member Ross reported that the  
354 Paddock and Dickinson applications were approved by Council with many conditions. He indicated that the  
355 council did not come to consensus on a standard "minimum" lot size or having other guidelines for decisions  
356 and would like to continue reviewing applications on a case-by-case basis.

357 The wedding venue topic came back up with complaints by neighbors. Ross stated he has received several  
358 calls about the events happening at the property. The owners say they are not "charging" for the weddings,

359 therefore, it is not a commercial venture. The city had not had complaints up to this point, but residents need to  
360 call in to 911 for citing of noise complaints. The owners plan to come in to the city again for approval.

361  
362 **11. ADJOURN –**

363  
364 **Motion/Second: Doherty/Patten. To adjourn the meeting at 8:26 p.m. Motion carried 8-0-0.**

365  
366 Respectfully submitted by:

367  
368  
369 \_\_\_\_\_  
370 Kim Swanson Linner, Deputy Clerk

371 **To be approved on November 2, 2015 as (check one): Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_**  
372

DRAFT

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Planning Commission Memo

## Meeting: November 2, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moore, City Administrator  
Date: October 26, 2015  
Re: Ordinance Amendment Prohibiting the Land Application of Septage

---

### **Background**

At its October 5, 2015 meeting, the Planning Commission discussed the Washington County Septic Ordinance, and its updated language regarding the land application of septage. The Commission also discussed the ordinance amendment adopted by the City of Cottage Grove that prohibits the land spreading of septage and designates the land spreading of septage as an environmental nuisance. The Planning Commission recommended to the City Council that a similar ordinance amendment be adopted in Afton.

The City Council, at its October 20, 2015 meeting, discussed the Planning Commission's recommendation and agreed that a similar ordinance amendment should be adopted. The Council referred the issue back to the Planning Commission to hold a public hearing regarding the ordinance amendment. Because the Council action occurred after the deadline for publishing a public hearing notice for the November 2 Planning Commission meeting, the hearing is planned to be scheduled for the December 7 Planning Commission meeting. The draft ordinance amendment is attached for the Planning Commission's review.

### **Planning Commission Direction Requested:**

**Motion regarding the draft ordinance amendment prohibiting the land spreading of septage in Afton, and scheduling a public hearing regarding the ordinance amendment for the December 7, 2015 Planning Commission meeting.**

**ORDINANCE XX-2015**

CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING  
SECTION 12-83 SEPTIC PERMITS AND SECTION 12-206 ENVIRONMENTAL NUISANCES TO  
PROHIBIT THE LAND SPREADING OF SEPTAGE**

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:  
The following sections shall be amended by adding the underlined language shown below.

**Sec. 12-83. Septic permits.<sup>58</sup>**

E. Land Spreading Domestic Septage Prohibited: No person or entities shall land spread domestic septage on any property within the incorporated area of Afton, Washington County, Minnesota.

**Sec. 12-206. Environmental nuisances.**

F. Land spreading domestic septage on any property within the incorporated area of Afton, Washington County, Minnesota.

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Planning Commission Memo

## Meeting: November 2, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorese, City Administrator  
Date: October 26, 2015  
Re: Burning Permits in the Village Historic Site (VHS) District

---

### Background

At its October 5, 2015 meeting, the Planning Commission discussed the issue of burning permits for brush fires vs. recreational fires in the Village Historic Site (VHS) District. The City does not have a policy regarding larger brush fires vs. recreational fires in the VHS District. While the Planning Commission discussed the option of prohibiting brush fires in the VHS District, the Commission also discussed possible standards for brush fires in the VHS.

The Commission directed staff to contact other cities regarding policies and/or ordinances concerning brush fires vs. recreational fires in areas with small lots. Staff contacted cities who have both “urban” and rural development. These included Lake Elmo, Forest Lake, Woodbury and Cottage Grove. Staff also contacted the Lower St. Croix Valley Fire Department regarding policies concerning brush burning fires. The information obtained from each of these is attached and is also summarized below. The information obtained has been outlined an attached draft burning permit policy and an attached draft recreational fire policy. The bolded language in the policies is to highlight specific language for discussion.

**Lake Elmo:** Lake Elmo allows burning permits for brush and requires that the location of the burn shall not be within 300 feet of an occupied residence other than those located on the property on which the burn is conducted.

**Forest Lake:** Forest Lake does not have separate regulations for rural vs. urban sized lots. All lots can have recreational fires. A fire larger than a recreational fire requires a burning permit issued by the Fire Department. A fire larger than 10' X 10' X 10' requires a site visit by the fire department to determine if it can be managed safely.

**Cottage Grove:** The City of Cottage Grove does not generally issue burning permits for properties in their urban residential area, other than for recreational fires.

**Woodbury:** Woodbury requires a brush burning permit for fires larger than a recreational fire, and up to 6 feet in diameter.

**Lower St. Croix Valley Fire Department:** Jim Stanley of the Fire Department has developed an outline of standards for brush fires in the VHS based on his experience and regulations from other cities. The standards include a maximum size of six feet by six feet.

**Discussion**

The Planning Commission may want to discuss the draft brush burning permit policy, as well as the attached regulations, and provide direction regarding a final brush burning permit policy.

**Planning Commission Direction Requested:**

**Motion regarding a policy concerning brush burning permits in the VHS District.**

## **VHS Brush Fire Permit Regulations**

1. A burning permit must be obtained prior to having a brush fire.
2. Brush fire permits may only be issued to property owners of single-family homes. Commercial burning is not allowed. A permit may be issued for up to three days at a time.
3. Brush fires are allowed to a maximum of **6 feet in diameter and 4 feet in height** and are limited to daylight hours. The size of a fire may be limited to less than 6 feet in diameter based on the size of the lot and other factors as deemed appropriate by the Fire Chief or designee. **Pieces to be burned shall not exceed 4 inches in diameter.** Fireplace burning or chipping are good alternatives for larger pieces.
4. Only natural wood may be burned. Burning of treated or painted wood, plastic, rubber, leaves, pine needles, garden vegetation or grass is not allowed.
5. A site inspection will be conducted prior to issuance of a brush fire permit. A signed copy of the permit must be retained by the home owner.
6. The location of the burn shall not be within **300** feet of an occupied residence other than those located on the property on which the burn is conducted. The location must be a minimum of **25** feet from property lines and **20** feet from structures on the property. These setbacks may be increased depending on the size of the fire.
7. The burn shall be conducted as far away as practical from any public road and controlled at all times so as not to create any type of traffic hazard.
8. The local fire authority must be notified prior to the burn being conducted.
9. The permit holder or an authorized representative shall be present at the burn for the duration of the burn and have the signed copy of the permit in their possession. The fire must be attended at all times and upon completion must be fully extinguished. No fire shall be left to smolder. The permit holder shall be responsible for any damages resulting from the fire. Unattended fires may result in a citation issued to the permit holder.
10. Upon declaration of "Burning Restrictions" or a "Burning Ban", permits, issued or not, shall be cancelled until the restrictions are lifted. The Department of Natural Resources, its representatives and the local fire authority shall have the authority to cancel permits.
- 11. Permits shall not be issued when other practical means of disposal are available.**
- 12. No brush burning will be allowed in the VHS during a City event or on a holiday**
13. The Fire Chief or designee may order any recreational fire to be immediately extinguished if a fire poses a nuisance to surrounding residences.
14. A nuisance is deemed to exist if the fire generates flying embers that pose a hazard to property or generates smoke or odors that unreasonably interfere with the use or enjoyment of neighboring properties.

## **Recreational Fire Regulations**

Recreational fires, defined as contained to a 3'x3' area, do not require a permit and are allowed when the following provisions are followed.

1. The fire is contained to a 3X3 foot area and flame height must not exceed three feet; this must be contained in a fire pit or enclosure that is constructed from brick, masonry, metal, or other noncombustible material.
- 2. The fire must be for recreational purposes only, not for land clearing or yard clean-up.**
3. Only clean burning wood or vegetative fuels can be used. No burning of trash, leaves or anything that would create a black smoke (treated, painted, varnished or otherwise coated lumber, tar paper, etc.)
4. The fire must take place on the owner's property, and should be at least **15/25** feet from any structure or combustible material, and **5/10** feet from property lines. The smoke should not be a nuisance to the neighbors.
5. Fire extinguishing equipment (extinguisher, garden hose, shovel, sand) is readily available.
6. All fires must be attended by an adult until it is cold out.
7. The fire must be completely extinguished before leaving the scene.
8. Property owners should review their homeowner's insurance policy as many restrict the location and use of fire pits.
9. There is no time requirement – recreational fires can be done at any time unless there is a burning ban in place.
- 10. Ground must be clear of all vegetation down to mineral soil 5 feet out around entire perimeter of fire ring.**
- 11. Recreational fires are not permitted when winds exceed 15 miles per hour**
12. Fires larger than 3'x3' require a burning permit
13. The Fire Chief or designee may order any recreational fire to be immediately extinguished if a fire poses a nuisance to surrounding residences.
14. A nuisance is deemed to exist if the fire generates flying embers that pose a hazard to property or generates smoke or odors that unreasonably interfere with the use or enjoyment of neighboring properties.
15. *Keep in mind – if the fire burns something with toxins, those toxins are released into the air, water and soil. Keep our resources safe for future generations.*
16. Recreational Fires ARE allowed when Burning Restrictions are in place.  
Recreational Fires ARE NOT allowed when a Burning Ban is in place.

# Lake Elmo

## Recreational Fires

Recreational fires, defined as contained to a 3'x3' area, do not require a permit and are allowed when the following provisions are followed. Fires larger than 3'x3' require a fire permit.

1. The fire is contained to a 3X3 foot area; this can be an in-ground, on ground or in a free standing pre-manufactured fireplace.
2. Fire must be for recreational purposes only, not for land clearing or yard clean-up.
3. Ground must be clear of all vegetation down to mineral soil 5 feet out around entire perimeter of fire ring.
4. Only clean burning wood or vegetative fuels can be used. No burning of trash, leaves or anything that would create a black smoke (treated lumber, tar paper, etc.)
5. The fire should be at least 25 feet from any structure or combustible material. The smoke should not be a nuisance to the neighbors.
6. Fire extinguishing equipment (extinguisher, garden hose, shovel, sand) is readily available.
7. All fires must be attended by an adult until it is cold out.
8. The fire must be completely extinguished before leaving the scene.
9. Remember to review your homeowner's insurance policy as many restrict the location and use of fire pits.
10. There is no time requirement – recreational fires can be done at any time unless there is a burning ban in place.
11. No burning permit is required for recreational fires.
12. Be sure to check local ordinances, some cities do not allow burning of recreational fires or leaves except during specific times of the year.
13. Keep in mind – if you burn something with toxins, those toxins are released into the air, water and soil. Keep our resources safe for future generations.

Recreational Fires ARE allowed when Burning Restrictions are in place.

Recreational Fires ARE NOT allowed when a Burning Ban is in place.

Current conditions can be found on the [MN DNR website](#).

When starting or tending a fire, regardless of the size, consider the conditions. Is it too windy to burn? Is it too dry to burn? Fires must be attended at all times and extinguished at the end of the day. Smoldering fires are illegal (statute 88.171 (10)). Leaf pile fires are not recreational fires. Visit the [Minnesota Revisor of State Statutes](#) for more information related to fire related statutes.



Paid Check # \_\_\_\_\_

# APPLICATION FOR OPEN BURNING, PERMIT

**FEES: Residential - \$45.00, Commercial (non-residential) - \$80.00**

DATE OF APPLICATION: \_\_\_/\_\_\_/\_\_\_  
(Application **MUST** be made at least 7 days prior to burn)

BURN DATE REQUESTED: \_\_\_/\_\_\_/\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

ADDRESS OF APPLICANT: \_\_\_\_\_

PHONE NUMBERS: H) \_\_\_\_\_ W) \_\_\_\_\_ Cell) \_\_\_\_\_

BUSINESS NAME IF APPLICABLE: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_  
(Number) (Street) (City) (State) (Zip)

ADDRESS OF BURN: \_\_\_\_\_  
(Number) (Street) (City) (State) (Zip)

LOCATION OF BURNDPILE ON PROPERTY: \_\_\_\_\_  
(Include drawing if necessary)

DESCRIBE MATERIAL TO BE BURNED AND WHY BURNING IS NECESSARY: \_\_\_\_\_

\_\_\_\_\_

## **LOCAL APPROVAL FOR OPEN BURNING**

This permit application is submitted with the knowledge and authorization of the local fire authority of the local governmental authority having jurisdiction where the burning is to be conducted. Any burning conducted under this permit request would be in accordance with DNR regulations and local ordinances. Requirements for burning permit approval are listed on the back of this form. Anyone of the requirements not met, shall be just cause to deny the permit. This permit is not valid until signed by the local fire authority. Applicant must have the signed copy of this application in their possession during the burn.

PERMIT: APPROVED/ DENIED (Reasons) \_\_\_\_\_

ADDITIONAL CONDITIONS: \_\_\_\_\_

INSPECTED BY: \_\_\_\_\_  
(Print name)

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
(Local fire authority)

DATE OF INSPECTION: \_\_\_/\_\_\_/\_\_\_

**BURN MUST BE COMPLETED WITHIN 60 DAYS OF INSPECTION**

**PERMIT IS VALID FOR ONE BURN ONLY AND MUST BE IN POSSESSION DURING BURN**

DISPATCH CONTACTED \_\_\_/\_\_\_/\_\_\_

BURN COMPLETED \_\_\_/\_\_\_/\_\_\_

**SEE REVERSE SIDE**

**THIS PERMIT IS LIMITED TO THE FOLLOWING CONDITIONS:**

1. The location of the burn shall not be within **300** feet of an occupied residence other than those located on the property on which the burn is conducted.
2. The following materials may be burned by permit: Brush, untreated lumber and prairie restoration.
3. The location of the burn shall not be within one mile of any airport or landing strip.
4. The burn shall be conducted as far away as practical from any freeway, highway, or public road and controlled at all times so as not to create any type of traffic hazard.
5. Only those materials approved by city code may be burned.
6. The local fire authority must be notified prior to the burn being conducted.
7. The permit holder or an authorized representative shall be present at the burn for the duration of the burn and have the signed copy of the permit in their possession. The fire must be attended at all times and upon completion must be fully extinguished. The permit holder shall be responsible for any damages resulting from this fire. Unattended fires may result in a citation issued to the permit holder.
8. Upon declaration of **“Burning Restrictions”** or a **“Burning Ban”**, permits, issued or not, shall be cancelled until the restrictions are lifted. The Department of Natural Resources, its representatives and the local fire authority shall have the authority to cancel permits.
9. Permits shall not be issued when other practical means of disposal are available.
10. Recreational fires, (3 ft. x 3 ft. x 3 ft.) do not require a permit. Recreational fires will not be allowed during burning bans, must be attended at all times, and must be extinguished upon completion.
11. Anyone that burns without a permit shall be issued a citation, and the fire shall be extinguished. Repeat offenders shall receive an additional citation and be billed for extinguishment costs as determined by the Lake Elmo Fire Chief.
12. Other reasonable conditions as set forth by the issuing party:

*I, \_\_\_\_\_, the applicant, agree to the conditions as specified above, and will adhere to these conditions, any additional DNR and State requirements pertaining to open burning. I also understand that this permit may not be approved and at such time the application fee is non-refundable.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date

## City of Woodbury

### Recreational Fire Guidelines

A permit is not required for recreational fires. However, property owners are expected to follow the guidelines outlined below for their safety, the safety of others, and to help protect the environment.

- Recreational fires are allowed to a maximum of 3 feet in diameter at the base. In addition, flames should be no higher than 3 feet.
- Only natural wood may be burned. **Treated or painted wood, plastic, rubber, leaves and grass may not be burned.**
- Recreational fires shall be constantly attended until the fire is extinguished.
- Fires shall not be conducted within 15 feet of a structure or combustible material.
- Recreational fires shall take place on the owner's property and shall be a minimum of 5 feet from property lines.
- A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel or garden hose shall be readily available for immediate use.
- A burning ban may be issued by the Commissioner of the Department of Natural Resources or any other unit of government for a specific area of the state. When a ban is issued, the city reserves the right to suspend all recreational fires.
- The fire must be extinguished if it becomes a nuisance to others or if not under supervision. (City Code Section 15-1, Subd.1 Annoys, injures or endangers the health, safety, comfort or repose of the public.)

**These guidelines do not pertain to brush burning permits.** For more information on brush burning permits, visit the **brush burning page**. You may also contact the Fire Department at [fire@ci.woodbury.mn.us](mailto:fire@ci.woodbury.mn.us) or by calling (651) 714-3600.

### Brush Fire Permits

Section 8-3 of the Woodbury City Code requires a person to obtain a burning permit prior to having a brush fire. There is no charge for a permit.

Brush fire permits may only be issued to property owners of single-family homes. Commercial burning is not allowed. A permit may be issued for up to three days at a time.

Brush fires are allowed to a maximum of 6 feet in diameter and are limited to daylight hours. Pieces to be burned shall not exceed 4 inches in diameter. Fireplace burning or chipping are good alternatives for larger pieces.

Only natural wood may be burned. Burning of treated or painted wood, plastic, rubber, leaves or grass is not allowed. Any time the Minnesota Department of Natural Resources issues a burning ban that includes the Woodbury area, all burning permits are cancelled until the ban is lifted.

A site inspection will be conducted prior to issuance of a brush fire permit. A signed copy of the permit must be retained by the home owner.

## City of Cottage Grove

### 4-6-1: OPEN BURNING:

A. Definitions: For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

**BURNING PERMIT:** A permit issued by the city fire chief authorizing fires exempted from the general provisions hereof and setting conditions therefor.

**COMBUSTIBLE:** Capable of being ignited and burning, combustible materials include, but are not limited to, wood structures or building materials, trees, brush, leaves, trash and woodpiles.

**MULTI-FAMILY DWELLINGS:** A multi-family dwelling is any single structure containing three (3) or more separate living quarters, whether condominiums, townhouses or apartments.

**NONCOMBUSTIBLE:** Not capable of igniting and burning readily. Noncombustible materials include masonry, brick and metal.

**OPEN BURNING:** Burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through a stack, duct or chimney of a type meeting specifications from time to time established by the Minnesota pollution control agency.

**RECREATIONAL FIRES:** Wood burning fireplaces and open fires used solely for outdoor recreational purposes.

B. Open Burning Prohibited: Except as herein otherwise provided, open burning is prohibited within the city.

C. Exemptions: Open burning of the types, and subject to the conditions, as hereinafter stated, shall be exempt from the prohibition of subsection B of this section:

1. Open burning for outdoor food preparation.

a. Grilling is permitted at single-family dwellings, two-family dwellings, and multi-family dwellings where all dwelling units have ground level living areas.

b. Barbecues for the purpose of cooking food may be permitted at multi-family dwellings if they are electric or gas fired barbecue grill, permanently mounted and wired or plumbed to the building's gas supply or electrical system. No multi-family dwelling owner, resident, or other person shall set, kindle, maintain, or permit any fire or open flame on or under any balcony or under any overhead wooden or combustible building projections of a multi-family dwelling except as permitted by this subsection. No barbecue, torch, or similar heating, cooking, burning, or lighting equipment or device

may be affixed to a deck or railing within five feet (5') of a multi-family dwelling or apartment with wood or combustible siding, even though there is no wooden deck or wooden projection above the open flame. The ignition device of the barbecue must be an electric starter. The use of any igniting fluids, pastes, or bricks is prohibited. The provisions of this subsection C1b apply to multi-family dwellings where one or more dwelling units do not have ground level living areas.

2. Recreational fires. Recreational fires are permitted on residential property as provided below:

- a. All recreational fires must be operated in compliance with the requirements of this subsection. Recreational fires must be located at least fifteen feet (15') away from any combustible structure and at least ten feet (10') from any property line, unless a different location is approved by the fire chief. Fires must be contained in a fire pit or enclosure that is constructed from brick, masonry, metal, or other noncombustible material. Fires must be no more than three feet (3') in diameter. Flame height must not exceed three feet (3'). No trash, leaves, stumps, treated, painted, varnished, or otherwise coated lumber may be burned. An adult must be in attendance and a charged water hose or fire extinguisher must be readily available at all times. Recreational fires are not permitted when area winds exceed fifteen (15) miles per hour or when the fire chief has issued a no fire order. Fires must be extinguished to the point of cold before being left unattended.
  - b. The fire chief may order any recreational fire to be immediately extinguished if the fire poses a nuisance to surrounding residences. A nuisance is deemed to exist if the fire generates flying embers that pose a hazard to property or generates smoke or odors that unreasonably interfere with the use or enjoyment of neighboring properties.
  - c. Fires under managed supervision, for which a burning permit has been obtained from the city fire chief and, where required by state law, from the pollution control agency, but limited to, the following:
    - (1) Fires purposely set for the instruction and training of public and industrial firefighting personnel.
    - (2) Fires set for the elimination of a fire hazard which cannot be abated by any other practicable means.
    - (3) Fires purposely set for forest and game management purposes.
    - (4) The burning of trees, brush, grass and other vegetation in the clearing of land, the maintenance of street, road and highway rights of way, and in accepted agricultural land management practices.
3. Exemption to conduct fires under this subsection C does not excuse a person from the consequences, damages or injuries which may result therefrom, nor does it exempt any person from regulations promulgated by the Minnesota pollution control agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation. (Ord. 714, 3-20-2002)

# Cottage Grove

## Recreational Fires

Recreational fires are allowed by the City of Cottage Grove when the following provisions are followed:

- Must be located at least 15 feet away from any combustible structure and at least 10 feet from any property line, unless a different location is approved by the fire chief.
- Must be contained in a fire pit or enclosure that is constructed from brick, masonry, metal, or other noncombustible material.
- Must be no more than 3 feet in diameter.
- Flame height must not exceed 3 feet.
- No trash, leaves, stumps, treated, painted varnished, or otherwise coated lumber may be burned.
- An adult must be in attendance.
- Fire-extinguishing equipment, such as a charged water hose or fire extinguisher, must be readily available at all times.
- Not permitted when winds exceed 15 miles per hour
- Not permitted when the fire chief has issued a no fire order.
- Fires must be extinguished to the point of cold before being left unattended.

In addition:

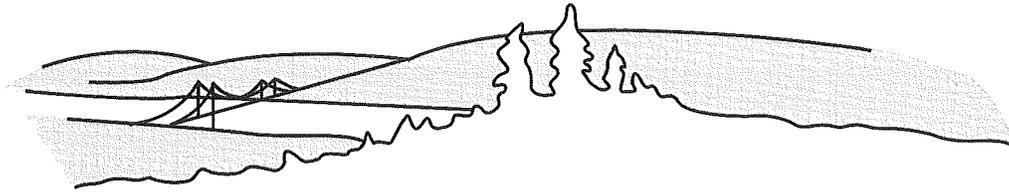
- The fire chief may order any recreational fire to be immediately extinguished if the fire poses a nuisance to surrounding residences.
- A nuisance is deemed to exist if the fire generates flying embers that pose a hazard to property or generates smoke or odors that unreasonably interfere with the use or enjoyment of neighboring properties.

Note: State-issued burning restrictions/bans may impact this policy.

## Burn Permits

The Cottage Grove Fire Department will issue commercial and residential burn permits to the citizens and business owners in Cottage Grove under the following steps.

- Pick up a Permit Application at 12800 Ravine Parkway between 8 am and 4:30 pm Monday through Friday.
- Once requested:
  - The area is inspected by the Fire Marshall or his/her designee prior to being issued.
  - The area must not be located directly in a residential area (some exceptions granted).
  - The fee of \$50 for Commercial and \$20 for Residential permits are paid ahead of time.
  - The Citizen/Business follows the instructions and dates/times located on the burn permit itself once issued.
- If there is a burning ban placed on the issuance of burn permits by the MN DNR you can still contact us regarding information for a variance that can be given by the DNR (usually reserved for prescribed burns). The issuance of a burn ban by the MN DNR does not include recreational fires (however if the wind is high and it is dry out use common sense and all recreational fire rules apply).



## **LOWER ST. CROIX VALLEY FIRE DEPARTMENT**

1560 St. Croix Trail South  
Mailing Address: P.O. Box 234 - Lakeland, MN 55043  
(651) 436-7033 • FAX (651) 436-1682

### Recommendations for Permit Required Burns in Old Village

The intent of a burn permit is to allow a home owner to dispose of brush and any untreated and unpainted wood.

**1. Burn site must be 25 feet from property line and 20 feet from a structure.**

This keeps the individual from moving burn site to his back property line which is away from his house and to close to neighbors.

**2. No burning of grass, raked leaves or needles, garden vegetation, or chemically treated products.**

This is always a problem in the fall with yard and garden clean up.

**3. No permit burning will be allowed in Old Village during a City event or on a holiday.**

This is for obvious reasons. You may even want to restrict burning within a certain distance from any permitted event.

**4. Must have a form of extinguishment available at all times. This can be a hose, fire extinguisher, or even a shovel with snow or dirt.**

**5. The burn pile shall be no bigger than 6 foot high and 6 ft across in the Old Village. The fire dept. has the right to lessen the size depending on other conditions such as weather, lot size, etc.**

**6. The fire must be attended at all times by a non intoxicated person of the age of 18 or older.**

**7. The fire shall be completely extinguished if it becomes offensive to others.**

**8. All fire are subject to extinguishment at the direction of law enforcement or fire.**

**9. Once burning is complete the ash shall be totally extinguished. No fire shall be left to smolder.**

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Planning Commission Memo

## Meeting: November 2, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moore, City Administrator  
Date: October 26, 2015  
Re: Meeting Start Time Review

---

### **Background**

For several months, the Planning Commission had been starting its meetings at 6:30 p.m. At the October 5 meeting, the Commission agreed to start the November 2 meeting at 7:00 and to continue to discuss how the earlier start time has worked for the members, and what start time is preferred by the members.

**Planning Commission Direction Requested:**  
**Motion regarding the Planning Commission meeting start time.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53

PROCEEDINGS OF THE AFTON CITY COUNCIL  
CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

DRAFT City Council Regular Meeting Minutes  
October 20, 2015  
Afton City Hall  
3033 St. Croix Trail  
Afton, MN 55001  
7:00 P.M.

---

1. **THE MEETING WAS CALLED TO ORDER** at 7:00 P.M. by Mayor Bend.

2. **THE PLEDGE OF ALLEGIANCE** – was recited.

3. **ROLL CALL:** Nelson, Ross, Palmquist and Mayor Bend. Absent: Richter. **Quorum Present.**

**ALSO PRESENT:** City Attorney Fritz Knaak, City Engineer Diane Hankee, City Administrator Ron Moose and Deputy Clerk Kim Swanson Linner. City Accountant Tom Niedzwiecki joined the meeting in progress.

4. **APPROVAL OF AGENDA** –

A. Agenda for the Regular City Council Meeting of October 20, 2015 – Two items, 9C6 and 9C9 were deleted from the agenda, as the Council discussed those issues at their Work Session on Monday, October 19. Item 9C10 was added to the agenda, A Summary of the City Administrator’s Evaluation, which was also discussed in closed session at the October 19 Work Session.

**Motion/Second: Palmquist/Ross. To approve the agenda of the October 20, 2015 Regular City Council Meeting as amended. Motion carried 4-0-0.**

5. **APPROVAL OF MINUTES** -

A. Minutes of the September 15, 2015 Regular City Council Meeting Minutes – It was noted that the September 15 meeting minutes were not copied and included in the packet.

**The September 15, 2015 City Council Meeting Minutes will be included in the November 17 packet.**

B. Sheriff’s Monthly Report – Deputy Nick Sullivan reported there were 158 ICR’s for the month; two car break-ins on Afton Boulevard S ended badly, as Deputy Manis was instrumental in solving the crimes, landing the perpetrator, a member of a much larger auto theft ring, in jail. Kudos to Deputy Manis! And thanks to all of the deputies that work the Afton beat!

6. **PUBLIC INPUT** – Laurel Ross, 14616 Afton Blvd S, spoke in support of the contribution to the Afton Historical Museum.

7. **REPORTS/PRESENTATIONS** -

A. Sheriff’s Monthly Report – [Deputy report was moved up to 5B].

B. Jim Bougie, Finance Committee Report – the cash flow report showed at the end of August \$44,000 more than anticipated. A \$63,000 bond payment was to have been paid in August. [Tom Niedzwiecki later reported that payment was made on July 21, 2015 for the bond interest payment.]

C. Tom Niedzwiecki Budget Report – [This item will “float” until Mr. Niedzwiecki arrives from another meeting.]

D. Lower St. Croix Fire District Report – The digital signage was discussed at the FD meeting; the issue is on the agenda later in the Council meeting.

54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104

**8. CONSENT AGENDA -**

- A. Just and Correct Claims
- B. 4M Fund Transfer - SEPTEMBER - **Resolution 2015-68**

**Motion/Second: Palmquist/Ross. To approve the Consent Agenda as presented, including Resolution 2015-68. ROLL CALL: All Ayes. Motion carried 4-0-0.**

**9. CITY COUNCIL BUSINESS -**

**A. Planning Commission Report** – Council Liaison Stan Ross reported for the Planning Commission, stating the Jesse Wilcox variance application and the Land Spreading of Septage received the most discussion. The VHS brush burning issue was discussed and the PC wanted more information from the Fire Department and neighboring communities’ brush burning ordinances.

1. Elaine Murphy Application for Conditional Use Permit for Grading at the Parcel west of 15824 50th Street with PID 27.028.20.43.0001 – Resolution 2015-69 – Administrator Moose summarized the Washington Conservation District proposed project to construct a grassed waterway on the norther portion of the property to reduce field erosion at the parcel west of 15824 50th Street with PID # 27.028.20.43.0001. The extent of grading requires a conditional use permit (CUP). The new grassed waterway will catch and transport surface water to prevent the water from running down an existing waterway and existing rills (gullies) and causing erosion. Soil from the grading of the grassed waterway will be used to fill the existing waterway and the eroded gullies. The water flowing in the proposed grassed waterway will outlet into a grassy area and make its way through a wooded area to a grass corridor, then on to the St. Croix River. The volume of water that will reach the grass corridor will not increase. The speed at which the water travels should be reduced as it flows though the grassy area and woods vs. flowing down the gullies. Moose reported that while the City Engineer had concerns about possible erosion as the water flows through the wooded area, a review of the wooded area indicated the area has a substantial amount of grass which will help to prevent erosion. The City Engineer also recommended a level spreader be installed at the outlet of the northern grassy waterway to spread the flow of water as it leaves the waterway and flows into the grassy area prior to entering the woods. James Landini, of the Washington Conservation District, has added the level spreader to the project plans. The Planning Commission recommended approval of the conditional use permit on a vote of 8-0-0 with the following findings and conditions:

Findings

1. The Washington Conservation District and the City Engineer found the proposed project will withstand a 10-year precipitation event.
2. The project will not increase water flow to adjacent properties.
3. The project will improve the overall water quality of the drainage from the property that flows to the St. Croix River.

Conditions

1. All appropriate provisions of the Afton Code of Ordinances shall be complied with for the duration of the permit.
2. Grading plans shall be reviewed and approved by the City Engineer
3. City Engineer specifications and recommendations for all work shall be met for the duration of the permit.
4. The grading plan shall be constructed according to plans approved by the City Engineer. Silt fences or other types of erosion control shall be properly installed prior to construction; and shall be maintained in good condition until the construction is complete.
5. Any changes to the grading plan shall be approved by the City Engineer and the City Administrator.

- 105 6. Non-compliance with the conditions of this permit shall be considered a violation, and may result in  
106 revocation of this permit.
- 107 7. The property owner will adhere to the operation and maintenance plan dated July, 2015, and as may be  
108 modified by the City Engineer, and the grassway shall be maintained as such for 10 years.
- 109 8. The operation of the proposed grassy waterway will be monitored on a periodic basis, particularly in  
110 relation to erosion in the wooded area. If erosion is occurring, remedial action will be taken to address  
111 and prevent the erosion.
- 112 9. Compliance with conditions of this permit shall be monitored on a periodic basis.
- 113 10. Construction shall begin within one year of the date of issuance of this permit or the permit shall  
114 become null and void.

115  
116 **Motion/Second: Bend/Ross. To approve the Elaine Murphy application for a Conditional Use Permit for**  
117 **a grading and erosion control project by Washington Conservation District at the parcel west of 15824**  
118 **50th Street with PID 27.028.20.43.0001, per Resolution 2015-69, with the above findings and conditions.**  
119 **ROLL CALL: All Ayes. Motion carried 4-0-0.**

120  
121 Guy Reithmeyer, et.al. Minor Subdivision at 1093 Lake Edith Lane and 1093 Indian Trail S. Resolution 2015-  
122 70 – Administrator Moose summarized the application by Guy Reithmeyer, owner of the property at 1093  
123 Lake Edith Lane, which is nonconforming in size, at 1.889 acres. The property at 1093 Indian Trail South has  
124 six owners located across the U.S. Signatures from each of those owners has been acquired for this application.  
125 The proposed Minor Subdivision is to transfer 15,443 sq. ft. of the adjacent property to expand the Reithmeyer  
126 property at 1093 Lake Edith Lane and combined will become a little over 2 acres. The proposed land division  
127 will not create any new lots. The lot line rearrangement could not be accomplished through a simple subdivision  
128 because that requires both properties to be conforming both before and after the subdivision. As the 1093 Lake  
129 Edith Lane property is less than 5 acres, it is nonconforming. The land division will increase the size of the  
130 property, making it “less non-conforming.” The Planning Commission recommended approval of the proposed  
131 subdivision on a vote of 7-1-0.

132 Council felt the subdivision was straightforward and agreed to the findings and conditions as provided:

133  
134 Findings

- 135 1. The proposed subdivision will not create any new lots.
- 136 2. Neither parcel will be made more nonconforming by the subdivision.
- 137 3. The parcel at 1093 Lake Edith Lane will be made less non-conforming.

138  
139 Conditions

- 140 1. The subdivision will be completed according to the surveys dated September 11, 2015.

141  
142 **Motion/Second: Bend/Ross. To approve the Guy Reithmeyer, et.al. Minor Subdivision at 1093 Lake Edith**  
143 **Lane and 1093 Indian Trail S., per Resolution 2015-70, with the above findings and conditions. ROLL**  
144 **CALL: All Ayes. Motion carried 4-0-0.**

145  
146 2. Jessie Wilcox After-the-fact Variance Application at 14725 Afton Boulevard S – Mr. Wilcox  
147 submitted a Request for Continuation to the November 17, 2015 Council Meeting. A letter for a 60-day  
148 extension was sent from the city to the applicant.

149  
150 **Motion/Second: Bend/Ross. To continue the Jessie Wilcox After-the-Fact Variance Application at 14725**  
151 **Afton Boulevard S to the November 17, 2015. Motion carried 4-0-0.**

152  
153 3. Gary Maas Minor Subdivision at 15990 32nd Street – Resolution 2015-72 – Administrator Moose  
154 summarized the Gary Maas application for a Minor Subdivision to divide the existing 1.04 acre property into  
155 two 22,582 sq. ft. lots. An existing house is on the southern portion of the existing property and will be on the  
156 proposed new southerly lot. Both parcels meet the requirements for a subdivision in the VHS-C zone. Moose

157 explained that the City has acquired a 19-foot-wide easement along the eastern side of the property for road,  
158 levee, stormwater and sanitary sewer purposes. Several easements are required for stormwater and sanitary  
159 sewer lines, and to maintain a 15-foot clear zone along the toe of the levee, there will not be any permanent  
160 above-ground improvements in the easement area. For this reason, the City Engineer recommended dedicating  
161 drainage and utility easements along the perimeter of the property. The applicant was not required to  
162 demonstrate adequate septic system sites, due to the upcoming construction of the sanitary sewer system to  
163 serve the downtown area. The additional lot will be developed with municipal sewer service. The proposed  
164 conditions of the subdivision approval include the connection of each lot to the sewer system and an assessment  
165 waiver and agreement to pay the cost to hook up both lots to the sewer system. Moose described that during the  
166 survey work for the subdivision, it was discovered that the property on Afton Boulevard South directly west of  
167 the subject property has a garage that encroaches 0.4 feet onto the subject property, and the eave of the garage  
168 encroaches 1.4 feet. The applicant is proposing to grant a five foot wide easement for the garage, so that it will  
169 not be illegally encroaching on the property. There is also a shed that fully encroaches onto the property. The  
170 shed is to be removed from the property.

171  
172 Findings

- 173 1. The proposed subdivision meets subdivision requirements.
- 174 2. Both proposed lots will meet the minimum lot size standards.

175  
176 Conditions

- 177 1. Drainage and utility easements as recommended by the City Engineer shall be granted, with a minimum  
178 width of five feet along the side lot lines and 10 feet along the front and rear lot lines.
- 179 2. The subdivision shall be completed according to the surveys dated September 22, 2015, and as revised to  
180 reflect the drainage and utility easements described in #2 above.
- 181 3. A park dedication fee of \$5,000 shall be paid prior to the recording of the subdivision, in accordance with  
182 Section 12-1270 of the Subdivision Ordinance.
- 183 4. The principal structure on each lot shall be connected to the City's sewer system when the system is  
184 available.
- 185 5. The applicant shall sign an assessment waiver and agreement to pay the costs required to hook up both  
186 lots to the city sewer system.
- 187 6. A five foot wide easement for the encroaching garage at the northwest corner of the property shall be  
188 recorded prior to the recording of the subdivision.
- 189 7. The shed that fully encroaches onto the northwest corner of the property shall be removed.
- 190 8. A driveway permit is required for the construction of a driveway to serve the northerly lot.

191  
192 **Motion/Second: Palmquist/Nelson. To approve the Gary Maas Minor Subdivision at 15990 32nd Street,**  
193 **per Resolution 2015-72, with the above findings and conditions. ROLL CALL: All Ayes. Motion carried**  
194 **4-0-0.**

195  
196 Land Spreading of Septage – Ordinance Amendment – Administrator Moose explained that rather than  
197 having its own subsurface sewage treatment system ordinance for private septic systems, the City adopts the  
198 County's septic ordinance. In April 2015, Washington County approved an updated septic ordinance. The  
199 County's updated ordinance includes new language regarding the land application of septage. In the ordinance  
200 "Septage" is defined as "*...solids and liquids removed from an SSTS and includes solids and liquids from*  
201 *cesspools, seepage pits, other pits, or similar systems or devices that receive sewage. Septage also includes*  
202 *solids and liquids that are removed from portable, incinerating, composting, holding, or other types of toilets.*  
203 *Waste from Type III marine sanitation devices, as defined in Code of Federal Regulations, title 33, section*  
204 *159.3, and material that has come into contact with untreated sewage within the past 12 months is also*  
205 *considered septage.*" Moose stated the County's former septic ordinance did not specifically address the land  
206 application of septage. Normally septage is hauled by septic pumpers to a sewage treatment system and pumped  
207 into the system. This newly allowed land application of septage provides another method of treatment. The land  
208 application of septage is supported by septic pumpers and some of their customers because the land application

209 option is less costly than hauling and disposing of septage at the Pig's Eye treatment plant. The updated  
210 ordinance allows it within a set of standards. The Washington County Public Health Department has indicated  
211 that approximately 3% of the land in Washington County is suitable for land application. They will have a land  
212 application permitting process to determine the suitability of the land. Washington County is requesting each  
213 community in Washington County to make a determination on whether the land spreading of septage will be  
214 allowed or prohibited. The updated ordinance requires that, prior to approval of a land application permit,  
215 documentation from the local unit of government indicating the proposed activity is allowed must be provided.  
216 The Planning Commission discussed the issue and recommended, on a vote of 8-0-0, that the City adopt an  
217 ordinance similar to the ordinance adopted by the City of Cottage Grove, prohibiting the land application of  
218 septage in Afton. Moore indicated the City of Cottage Grove did a lot of research and adopted an ordinance  
219 prohibiting the land application of septage. They contended one reason for the prohibition is that Cottage Grove  
220 has had past issues with Perfluorochemicals (PFCs) contamination and that one source of the contamination may  
221 have been the land spreading of sewage sludge. Much of Cottage Grove soils, as is found in Afton, are sensitive  
222 to infiltration. Cottage Grove also found that the County ordinance does not include regulations restricting the  
223 locations from which the septage can be hauled and they did not want to become a disposal site for septage.  
224

225 **Motion/Second: Bend/Ross. To refer the issue back to the Planning Commission directing them to draft**  
226 **an ordinance prohibiting the land application of septage modeled after the Cottage Grove ordinance and**  
227 **to schedule a Public Hearing and recommendation to Council. Motion carried 4-0-0.**  
228

229 **B. Engineering Report** – Engineer Diane Hankee reported to the Council.

230 1. Purchase of Wetland Credits – Engineer Hankee explained that the Afton Downtown Improvement  
231 project requires mitigation of wetland impacts for the north pond, sanitary sewer, and levee. Minnesota Board of  
232 Water and Soil Resources provided a purchase agreement for the amount of mitigation and cost of wetland  
233 credits. The wetland credits will cost Afton in the range of \$49,174.88 to \$53,234.88 depending on the Corps of  
234 Engineers' (COE) determination of ratio for impacts (2:1 vs. 2:25). Hankee confirmed that the wetland  
235 mitigation costs have been included in the overall project funding.  
236

237 Council Discussion

238 Council questioned whether the north pond qualified as a wetland.

239 Hankee explained it does not. The mitigation required for wetlands will be determined by the COE, specific  
240 to the type of wetland that is being lost due to the project and the amount of acres for displacement. If the city  
241 creates a wetland instead of paying the wetland banking credits, the wetland mitigation requires 5-years of  
242 monitoring.  
243

244 **Motion/Second: Palmquist/Nelson. To approve the Purchase Agreement for Wetland Banking Credits for**  
245 **\$53,234.88 pending the City working with local property owners, in the event that wetlands can be**  
246 **created somewhere else, such as Belwin Conservancy land, which may be less expensive and would benefit**  
247 **the environment as well. Motion carried 4-0-0.**  
248

249 **C. Administration** –

250 1. Afton Historical Museum Funding Request – Ward 3 Council Member, Stan Ross, who is also the  
251 President of the Afton Historical Museum Board, presented a request for funding from the City to support the  
252 operations of the Afton Museum. He indicated that the Museum has been able to obtain grants for specific  
253 projects and capital items, however, there are no grants available to fund operating expenses. The Museum is  
254 requesting funding for a portion of its operating expenses. In particular, the Afton Historical Museum proposal  
255 request was for 1) designating the museum as the “official history agent” for collection, preservation and  
256 caretaker of Afton's history; 2) assigning the Afton Museum the “statutory responsibility” to store and care for  
257 the City's historical government records; and, 3) was for contributing \$15,000 annually to cover operating  
258 expenses.  
259

260 **Motion/Second: Palmquist/Nelson. To approve #1 and #2 from the Afton Historical Museum proposal**  
261 **request for 1) designating the museum as the “official history agent” for collection, preservation and care**  
262 **taker of Afton’s history; and, 2) assigning the Afton Museum the “statutory responsibility” to store and**  
263 **care for the City’s historical government records. Item #3 was for contributing \$15,000 annually to cover**  
264 **operating expenses.**

265  
266 Council Discussion

267 Council discussed that “what is historic” would need to be defined and the “path” for old or historic  
268 documents would need to follow the State’s Document Retention Policy. How would that be managed? What  
269 would be turned over? What about confidentiality?

270 It was brought up that the City, in maintaining the museum building and allowing the museum to house the  
271 building, already does contribute to the Museum.

272 Bend agreed the City should market the unique aspects of a frontier river city, however, he prefers that an  
273 agreement with the Afton Historical Museum, much like the agreement the city now has with the Afton Parade  
274 Committee, be investigated as to appropriateness, legality, be “common and prudent,” meeting data practices  
275 that the city needs to adhere to. He asked if the City would then “pay for services” from the Museum?

276  
277 **Palmquist withdrew his motion.**

278  
279 **Staff was directed to work with the Afton Historical Museum staff on a mutually beneficial agreement to**  
280 **investigate whether the City wishes to have the Museum act as Afton’s “official history agent” and to be**  
281 **the “caretaker and storage place” for Afton historical documents.**

282  
283 2. 2012 Park Plan – Administrator Moose explained that this has been placed on the agenda so that  
284 the process for updating the City’s Park Plan can be completed.

285 Council Member Palmquist reviewed that the Parks Committee took approximately one year to review the  
286 previous Park Plan and recommended a number of updates. The Planning Commission reviewed and held a  
287 Public Hearing on the Parks Plan [on February 4, 2013]; the Plan was revised to reflect the Planning  
288 Commission’s updates. [The Park Plan was on the February 19, 2013 City Council agenda, but was tabled at the  
289 meeting. City Council then reviewed and discussed the Park Plan in a Work Session on May 23, 2013. Former  
290 Mayor Pat Snyder agreed to write up the comments into a “red-inked” version which were submitted to city staff  
291 on August 13, 2013 to be reviewed by the Parks Committee.] Palmquist stated that since the Parks Committee  
292 had spent a year in reviewing their update to the Park Plan, they decided not to discuss the handwritten  
293 comments.

294 Administrator Moose noted that, at this time, to finalize the Park Plan, the Council needs to review the  
295 updated plan and determine whether the plan is ready for approval or needs further review/revision.

296  
297 **Motion/Second: Bend/Palmquist. To have drafts of the 2012 Park Plan made available to council**  
298 **members for review, including the former mayor’s red-inked comments, so that the Council can proceed**  
299 **with finalizing approval. Motion carried 4-0-0.**

300  
301 3. Appointment of Representative to the MSCWMO – Administrator Moose explained that in June,  
302 2015, the Council appointed Sondra Larson as the City’s representative on the Middle St. Croix Water  
303 Management Organization. (MSCWMO). He reported that she felt the role was beyond what she expected and  
304 she has resigned from the position. Therefore, the Council needs to appoint a new representative to the  
305 MSCWMO. It was also noted that the Valley Branch Watershed District is seeking a Board member.

306 Nelson, former MSCWMO liaison, stated that the City representative must disclose all financial  
307 information, per state law, and that may discourage some from serving.

308 Council discussed whether members of current commissions or committees might be interested in serving.

309 Bend mentioned that the current City committees and commissions are working efficiently groups and  
310 serving on a watershed board would be good training ground for someone seeking to be on the City Council or  
311 Planning Commission in the future.

312 **Staff was directed to solicit volunteers for both watershed management organizations through a**  
 313 **notice in the City Newsletter.**

314  
 315 4. River Road Erosion Repairs – [This item was moved up in the agenda from 9C5 to 9C4.] -  
 316 Administrator Moose explained that during a heavy rain this summer, a major washout occurred on a steep  
 317 slope directly adjacent to River Road. The washout left the edge of the roadway vulnerable to further erosion  
 318 and possible undermining and damage to the roadway. The property owners where the erosion has occurred are  
 319 working with an engineer to develop a plan for repairing the steep slope and preventing erosion. However, the  
 320 City has a prescriptive easement for River Road, hence has a responsibility and priority to protect the edge of the  
 321 roadway from being undermined by further erosion. The City Engineer and Tri County have reviewed the area  
 322 and have recommended temporary repairs to be made this fall to protect the roadway during the rains of next  
 323 spring. Moose summarized the recommended repairs: to haul in fill to reestablish the road shoulder in two areas  
 324 where erosion washed out soils near the roadway edge, and to construct an earthen berm two feet in height along  
 325 the portion of the roadway that is sensitive/prone to additional erosion to keep drainage from flowing from the  
 326 road to the area. The fill and the berm will be covered with an erosion control blanket. The cost of this work is  
 327 **\$2,800**. The major repairs required to permanently reestablish the steep slope will be the responsibility of the  
 328 property owners where the erosion has occurred.

329  
 330 **Motion/Second: Nelson/Bend. To authorize Tri County to complete temporary erosion control repairs on**  
 331 **River Road at a cost not to exceed \$2,800 to shore up the roadway from being undermined by further**  
 332 **erosion. Motion carried 4-0-0.**

333  
 334 5. Replace City Hall Water-Related Equipment and Fixtures – [This item was moved up in the agenda  
 335 from 9C7 to 9C5.] – Administrator Moose explained that City Hall has a number of water-related items that  
 336 need repair, replacement or removal. These include the water heater, the water softener and the drinking  
 337 fountain. Staff recommends re-plumbing the water filter that filters water from the well to make it easier to  
 338 regularly replace the filter. The water softener has not been working for a number of years, which results in  
 339 issues related to iron in the water, but these are not significant. The drinking fountain is not used, as the iron in  
 340 the water makes drinking it unsavory. Instead, the city contracts with a company to provide bottled water. The  
 341 Minnesota Department of Health has indicated concern that the having a water line that ends at a drinking  
 342 fountain that is not used could cause problems with the water. Since the drinking fountain is not used, staff  
 343 recommend removing the drinking fountain and install a “bar” sink and cabinet that can be used for washing  
 344 dishes, etc. that are difficult to clean using the small restroom sinks. This will involve running a hot water line to  
 345 the sink. Price quotes from two companies was obtained for the work.

	<b>St. Croix Plumbing</b>	<b>Stillwater Plumbing</b>
347 Sink and Faucet	\$2,200	\$1,238
348 Water heater	\$1,350	\$715
349 Water Filter	\$425	\$535
350 <b>Total</b>	<b>\$3,975</b>	<b>\$2,488</b>
351		
352 Water Softener	\$1,750	\$1,360 (Replacement not recommended.)

353  
 354  
 355 **Motion/Second: Bend/Nelson. To authorize Stillwater Plumbing to complete the recommended work to**  
 356 **install a “bar” sink and faucet with cabinet in the hallway, including a hot water line, to replace the water**  
 357 **heater and to re-plumb the water filter, at a cost not to exceed the quoted \$2,488.**

358  
 359 Council Discussion

360 Council questioned whether there was enough room in the hallway to put in even a “bar” sink. They liked  
 361 the idea of a cabinet.

362 Staff stated that the hallway does not meet code for a commercial building.

364 6. Funding for Community Digital Sign at Fire Station – Administrator Moose reported that the City  
365 received a special distribution from the Lower St. Croix Valley Cable Commission to its member cities. Afton’s  
366 share of the distribution was \$1,404.51. The cities are considering using this revenue to provide partial funding  
367 for the installation of a community digital sign at the Lower St. Croix Valley Fire Station. The sign would be  
368 used to provide emergency public safety information as well as other public safety information and Fire  
369 Department information. It would also be used to provide community information and the sign has the ability to  
370 have different messages on each side. Mayor Bend had discussed with the Fire Department and the other cities  
371 an agreement regarding the funding for the sign and the use of the sign for community information. The  
372 agreement would enable the cities to use the sign for community information, and particularly to advertise  
373 community events, such as Afton’s community festivals and 4<sup>th</sup> of July Parade.  
374  
375

376 **Motion/Second: To approve submitting the Cable Commission’s check in the amount of \$1,404.51 as the**  
377 **Afton contribution for the LSCV Fire Department installing a community digital sign at the Lower St.**  
378 **Croix Valley Fire Station, subject to an agreement regarding the use of the sign for community**  
379 **information and pending contributions from the other Lower St. Croix Valley communities and the sign**  
380 **being fully funded. Motion carried 3-1-0 (Nay-Ross).**  
381

382 7. Cartway Erosion Control Repairs – [This issue was discussed at the October 19, 2015 City Council  
383 Work Session, so the item was deleted from the agenda.]  
384

385 8. Facilitated 3-City Meeting – Administrator Moose explained that Thursday evening, November  
386 5, from 6:00 p.m. to 8:00 p.m. has been set tentatively for a facilitated meeting between the Cities of  
387 Afton, Lake St. Croix Beach and St. Mary’s Point. If this date works for the Council, staff will notify  
388 the County, who will determine if the date still works for the other cities.

389 Palmquist felt it would be a more appropriate time to meet after our permit for the Village Sewer Project is  
390 issued by the Minnesota Pollution Control Agency (MPCA).

391 Nelson stated he is not willing at this time to meet, as Lake St. Croix Beach (LSCB) continues to try to  
392 undermine Afton’s project.

393 Palmquist agreed, stating that after the LSCB City Council inferred that the meeting was going to be to talk  
394 about the Afton project and accusing our staff of fraud.

395 Ross stated he could not make a November meeting.

396 Bend was available, but stated he would not go as a sole City Council representative. He also felt the MPCA  
397 would see that LSCB would look “the fools” in public at a mediation. He felt that Afton doesn’t have a majority  
398 of City Council members interested in attending a facilitated meeting because of the other city’s behavior.  
399

400 9. Clarify Status of Two Dwelling Units on the Property at 3787 St. Croix Trail – [This issue was  
401 discussed at the October 19, 2015 City Council Work Session, so the item was deleted from the agenda.]  
402

403 10. Summary of City Administrator Ron Moose’ Performance Evaluation – Mayor Bend reported on  
404 City Administrator Ron Moose’ Performance Evaluation held at the October 19, 2015 Council Work Session.  
405 He stated the Council’s gross assessment is that Administrator Moose “exceeds expectations” and that he has  
406 done a “phenomenally good job with other agencies.” He reported that Council noted that Moose needs  
407 additional support with land use matters and that he delegate certain matters of the city.  
408

409 **D. Committee Reports -**

410 1. Public Works – haven’t met.

411 2. Personnel – Ross reported that the technology consultant has set up a trial period for the  
412 recommended software. He is looking forward to a report soon.

413 3. Parks – they will meet this month if they have more detailed drawings of the Town Square Park to  
414 review.

- 415 4. HPC/DR – are moving forward on the local historical nomination process with Tom Zahn.  
416 5. Natural Resources and Groundwater – a member of the committee, Susan Winsor, authored an  
417 article about plant invasive species, which will be featured in the November Afton newsletter.  
418 6. High Speed Internet – the grant decision on High Speed Internet funding should be coming by  
419 December 15, 2015.

420  
421 **10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES**

- 422 A. Ward 1 Council Member Palmquist – liked the KSTP water quality report for Washington County;  
423 Afton is doing all the right things by addressing compliant subsurface septic treatment systems and  
424 storm water drainage issues.  
425 B. Ward 2 Council Member Richter – absent.  
426 C. Ward 3 Council Member Ross – none.  
427 D. Ward 4 Council Member Nelson – Continue concern about the JPA with the LSCV Fire Dept. and  
428 made another plea to purchase new council chamber chairs.  
429 E. Mayor Bend – none.  
430 F. City Attorney Knaak – Prosecution Report on file.  
431 G. City Administrator Moorese – none.

432  
433 **11. ADJOURN –**

434  
435 **Motion/Second: Bend/Palmquist. To adjourn the meeting at 10:05 p.m. Motion carried 4-0-0.**

436  
437 Respectfully submitted by:

438  
439  
440 \_\_\_\_\_  
441 Kim Swanson Linner, Deputy Clerk

442  
443 **Approved by Council (on October 20, 2015) as (check one): Presented: \_\_\_\_\_ Amended: \_\_\_\_\_**

444  
445  
446 **Signed by Mayor Richard Bend \_\_\_\_\_ Date \_\_\_\_\_**

# **SUPPLEMENTAL PACKET**



# Decentralized Systems Technology Fact Sheet Septage Treatment/Disposal

## DESCRIPTION

In 1990 the U.S. Department of Commerce, Census Bureau, estimated that the number of housing units with septic tanks or cesspools in the U.S. was 24.6 million and approximately 5.5 billion gallons of septage were being generated each year. "Septage" is the liquid and solid material pumped from a septic tank, cesspool, or other primary treatment source. Scum accumulates on the surface while the sludge settles at the bottom, comprising 20 to 50% of the total septic tank volume when pumped. A septic tank will usually retain 60 to 70% of the solids, oil, and grease that passes through the system.

Septage is classified according to the environment in which it is generated. This fact sheet will focus solely on domestic septage. Treatment and disposal of domestic septage is governed by the U.S. Code of Federal Regulations (40 CFR) Part 503. Municipalities can also establish local regulations for septage handling, treatment, and disposal in addition to the federal and state regulations.

There are several approaches to septage treatment and disposal which include private or public ownership. Larger municipalities are capable of managing the whole process from handling and treatment to disposal, while other municipalities opt to use privately owned facilities that alleviate some of the responsibilities of operating a facility. Land disposal of septage after adequate treatment is also a popular option.

## Septage characteristics

Factors that affect the physical characteristics of septage are: climate, user habits, septic tank size, design, and pumping frequency, water supply characteristics, piping material, and the use of water-conservation fixtures, garbage disposals, household chemicals, and water softeners. Table 1 lists the characteristics and limits of domestic septage.

**TABLE 1 CHARACTERISTICS OF  
SEPTAGE CONVENTIONAL  
PARAMETERS**

Parameter	Concentration	
	Minimum	Maximum
Total solids	1,132	130,475
Total volatile solids	353	71,402
Total suspended solids	310	93,378
Volatile suspended	95	51,500
Biochemical oxygen demand	440	78,600
Chemical oxygen demand	1,500	703,000
Total Kjeldahl nitrogen	66	1,060
Ammonia nitrogen	3	.116
Total phosphorus	20	760
Alkalinity	522	4,190
Grease	208	23,368
pH	1.5	12.6
Total coliform	10 <sup>7</sup> /100 mL	10 <sup>9</sup> /100 mL
Fecal coliform	10 <sup>6</sup> /100 mL	10 <sup>8</sup> /100 mL

Note: The measurements above are in mg/L unless otherwise indicated.

Source: U.S. EPA, 1994.

**TABLE 2 SOURCES OF SEPTAGE**

Description Rate	Removal Pump-out	Characteristics
Septic tank	2-6 years, but can vary with location local ordinances	Concentrated BOD, solids, nutrients, variable toxics (such as metals), inorganics (sand), odor, pathogens, oil, and grease
Cesspool	2-10 years	Concentrated BOD, solids, nutrients, variable toxics, inorganics, sometimes high grit, odor, pathogens, oil, and grease
Privies/portable toilets	1 week to months	Variable BOD, solids, inorganics, odor, pathogens, and some chemicals
Aerobic tanks	Months to 1 year	Variable BOD, inorganics, odor, pathogens, and concentrated solids
Holding tanks (septic tank with no drain-field, typically a local requirement)	Days to weeks	Variable BOD, solids, inorganics, odor, and pathogens, similar to raw wastewater solids
Dry pits (associated with septic fields)	2-6 years	Variable BOD, solids, inorganics, and odor
Miscellaneous May Exhibit Characteristics of Septage		
Private wastewater treatment plants	Variable	Septic tank
Boat pump-out station	Variable	Portable toilets
Grit traps	Variable	Oil, grease, solids, inorganics, odor, and variable BOD
Grease traps	Weeks to months	Oil, grease, BOD, viscous solids, and odor

Source: Septage Handling Task Force (1997), copyright Water Environment Federation, used with permission.

**APPLICABILITY**

Septage is highly variable and organic, with significant levels of grease, grit, hair, and debris. The liquids and solids pumped from a septic tank or cesspool have an offensive odor and appearance, a tendency to foam upon agitation, and a resistance to settling and dewatering. Septage is also a host for many disease-causing viruses, bacteria, and parasites. As a result, septage requires special handling and treatment. However, the polymers and chemical conditioners available today have considerably reduced these requirements.

The handling and disposal of septage are based on the characteristics and volume of septic waste. Knowledge of this information is also useful for design purposes and determining typical design values for treatment and disposal. Table 2 summarizes the sources of septage.

**ADVANTAGES AND DISADVANTAGES**

**Advantages**

The advantage of using treatment plants is that they provide regional solutions to septage management.

**Disadvantages**

- May need a holding facility during periods of frozen or saturated soil.
- Need a relatively large, remote land area for the setup of the septic system.
- Capital and operation and maintenance costs tend to be high.
- Skilled operators may be required.
- Some limitations to certain management options of untreated septage include lack of available sites and potential odor and pathogen problems. These problems can be reduced by pretreating and stabilizing the septage before it is applied to the land.
- Septage treated at a wastewater treatment facility has the potential to upset processes if the septage addition is not properly

controlled, and increased requirements for handling and disposing of residuals.

## DESIGN CRITERIA

### Surface application

Septage can be applied to the land as a fertilizer and soil conditioner. Application rates depend on the slope, soil type, depth of application, drainage class, and hydraulic loading. Septage must not be applied before or during rainfall or on frozen ground. Thus, an interim storage facility is needed. Some states require septage to be disinfected before application.

- Spray Irrigation-pretreated (e.g., screened) septage is pumped at 80 to 100 psi through nozzles and sprayed directly onto the land. Spray irrigation can be used on steep or rough land and minimizes disturbances to the soil by trucks. It is important to consider the wind patterns and the site location when using spray irrigation because of the offensive odors associated with septage.
- Ridge and Furrow Irrigation-this is used for relatively level land, with slopes no greater than 0.5 to 1.5%. In this disposal method, pretreated septage is applied directly to furrows or to row crops that will not be directly consumed by humans.
- Hauler Truck Spreading-septage is applied to the soil directly from a hauler truck that uses a splash plate to improve distribution. The same truck that pumps out the septic tank can be used for transporting and disposing the septage.
- Farm Tractor and Wagon Spreading-liquid septage or septage solids are transferred to farm equipment for spreading. This allows for application of liquid or solid septage. However, if the septage was not lime stabilized, then the septage must be incorporated into the soil within 6 hours.

### Subsurface Incorporation

Subsurface incorporation places untreated septage just below the soil surface, reducing odors and health risks while fertilizing and conditioning the soil. Septage can only be applied to slopes less than 8%, and the soil depth to seasonal high water table must be at least 20 inches (or as mandated by local regulations). A holding facility is required during periods of wet or frozen ground. To prevent soil compaction and allow sufficient infiltration, equipment must not be driven over the site until 1 to 2 weeks after application.

- Plow and Furrow Cover-typically, a moldboard plow is used with furrow wheels and coulter. The coulter blade slits the ground ahead of a plow. Liquid septage is discharged from a tank into a narrow furrow about 15 to 20 cm deep and is then covered by a second plow.
- Subsurface Injection-liquid septage is injected in a narrow cavity created by a tillage tool. The opening is about 10 to 15 cm below the surface. Some equipment uses a forced closure of the injection swath.

### Burial

Septage burial includes disposal in holding lagoons, trenches, and sanitary landfills. There is a high odor potential during septage application until a final cover is placed on top. It is essential to select an appropriate site for disposal not only to control odors, but to avoid groundwater pollution.

- Holding Lagoons- these disposal lagoons are a maximum of 6 feet deep, with septage placed in small incremental lifts of 15 to 30 cm and no infiltration. Multiple lagoons are loaded in sequential order for optimum drying. To decrease odors, the lagoon inlet pipe can be placed below liquid level.
- Trenches-multiple trenches are filled sequentially with septage in small lifts of 15 to 20 cm for optimum drying. Each trench is then covered with soil (2 feet), and new trenches are opened. Another option is to

leave a filled trench uncovered to enable some solids to settle and liquids to evaporate and leach out. The solids, along with some bottom and sidewall material, are removed and the trench can be reused.

- Sanitary Landfills- the primary problems that need to be considered when septage is added to a sanitary landfill are the production of leachate, treatment, and odor. Therefore, septage must not be disposed of in landfills with areas that have over 90 cm of rainfall, landfills that do not have leachate prevention and control facilities, or those not having isolated underlying rock. Each area that is filled with septage should be covered with 15 cm of soil each day and 2 feet of final cover within 1 week after the placement of the final lift. In general, sanitary landfills are not cost-effective disposal options for septage.

Septage is resistant to dewatering and as a result conditioning chemicals are used. The amount of chemical used is based on the load and its characteristics. A combination of lime and ferric chloride has been successfully used, along with certain polymers. Septage treatment plants also use other processes to dewater conditioned septage such as screw presses, plate and frame presses, belt presses, rotary vacuum filters, gravity and vacuum-assisted drying beds, and sand drying beds.

Another feasible option for septage treatment facilities is composting in locations where bulking agents are available and the humus product is needed as a soil conditioner. If the necessary bulking agents are not accessible, this method can be expensive. For this reason, it is preferable to dewater septage before composting.

## **OPERATION AND MAINTENANCE**

The three basic alternatives for septage treatment and disposal are land application, treatment at wastewater treatment plants, and treatment at independent septage treatment plants.

### **Treatment at independent septage treatment plants**

- Stabilization lagoon.
- Chlorine oxidation.
- Aerobic digestion.
- Anaerobic digestion.
- Biological and chemical treatment.
- Conditioning and stabilization.
- Composting

### **Treatment at wastewater treatment plants**

- Addition to upstream sewer manhole.
- Addition to plant headworks.
- Addition to sludge handling process.
- Addition to both liquid stream and sludge handling processes.

### **Land application**

- Surface application.
- Subsurface incorporation.
- Burial.

Selecting the appropriate septage management option depends on technical issues and regulatory requirements. Some of the factors that influence the process of selection include: land availability and site conditions, buffer zone requirements, hauling distance, fuel costs, labor costs, costs of disposal, and other legal and regulatory requirements.

### **Treatment at Independent Septage Treatment Plants**

Independent septage treatment plants use such processes as chlorine oxidation, aerobic digestion, anaerobic digestion, and biological and chemical

treatment. Many septage treatment plants also use lime to provide both conditioning and stabilization before the septage is dewatered. The liquid residual can be discharged to a privately owned treatment facility or undergo further treatment and then be discharged. Septage solids are then sent to either a landfill, composted, applied to the land, or incinerated.

When suitable land is unavailable and wastewater treatment facilities are too distant or do not have adequate capacity, independent septage treatment plants can be of use. Such treatment plants have been designed exclusively for treating septage and have many unit processes to handle both the liquid and solid portions of septage.

Stabilization is a treatment method that decreases odors, the levels of disease-causing organisms, and the potential for putrefaction of septage. Pretreatment/stabilization is achieved by physical, chemical, or biological processes. Some methods of stabilizing septage are discussed below.

#### *Alkali (Lime) Stabilization*

Lime or other alkaline material is added to liquid septage to raise the pH to 12.0 for a minimum of 30 minutes. Although there is a lot of variation in septage characteristics and lime requirements, mixing is not very difficult, and approximately 20 to 25 pounds of lime are used for every 1,000 gallons of septage. The three main stabilization approaches before land application are to add lime slurry: 1) to the pumper truck before the septage is pumped, 2) to the pumper truck while the septage is being pumped, or 3) to a tank that is storing septage that was discharged from a pumper truck. The septage and lime may sometimes be mixed by a coarse bubble diffuser system located in the tank or truck. In some states, it is prohibited to use hauler trucks for the stabilization process. A separate storage tank is necessary for lime and septage mixing. This is beneficial because a separate holding tank allows for more uniform mixing and easier sampling, monitoring, and control.

#### *Aerobic Digestion*

Septage is aerated for 15 to 20 days in an open tank to achieve biological reduction in organic solids and odor potential. The time requirements increase with lower temperatures. Normally, this is not a cost-effective option.

#### *Anaerobic Digestion*

Septage is retained for 15 to 30 days in an enclosed vessel to achieve biological reduction of organic solids. Anaerobic digestion is generally not used except for co-treatment with sewage sludge. However, one advantage is that anaerobic digestion generates methane gas, which can be used for digester heating or other purposes.

#### *Composting*

Liquid septage or septage solids are mixed with a bulking agent (e.g., wood chips, sawdust) and aerated mechanically or by turning. Biological activity generates temperatures that are sufficiently high to destroy pathogens. The composting process converts septage into a stable, humus material that can be used as a soil amendment. This process tends to create odors that can be a problem if not handled properly.

After the septage is stabilized, it is then sent for further treatment or disposal, which is described in the sections that follow.

#### **Land application**

Land application of septage is currently the most commonly used disposal method in the U.S. It is relatively simple and cost-effective, uses low energy, and recycles organic material and nutrients to the land.

With proper management, domestic septage is a resource containing nutrients that can condition the soil and decrease the reliance on chemical fertilizers for agriculture. Septage management maximizes these benefits of septage while protecting public health and the environment.

Land application includes spreading septage from septage hauler trucks, specially designed land application vehicles, or tank wagons onto sites using spray irrigation, ridge and furrow irrigation, and overland flow.

### **Treatment at Wastewater Treatment Plants**

A convenient and attractive option for septage treatment is performing the treatment at a wastewater treatment facility. The constituents of septage are similar to domestic sewage, even though septage is stronger and more concentrated. The advantages of treating septage at wastewater treatment plants are that many plants are capable of handling some septage and that it centralizes waste treatment operations. The four main approaches to treating septage at a wastewater treatment plant are:

#### *To Upstream Sewer Manhole*

When septage is added to a sewer upstream of the wastewater treatment plant, substantial dilution of septage occurs prior to it reaching the wastewater treatment plant. This method is only feasible with large sewers and treatment plants. It is economical due to the very simple receiving station design. However, there is the potential for grit and debris to accumulate in the sewer and for odor problems near the manhole.

#### *To Plant Headworks*

Septage can be added to sewage immediately upstream of the screening and grit removal processes. This method, like the one mentioned above, is economical because of the very simple receiving station design. It also allows the wastewater treatment plant staff to have control of the septage discharge.

#### *To Sludge Handling Process*

Septage can also be handled as sludge and processed with wastewater treatment plant sludge after pretreatment in the receiving station. This method reduces the loading to liquid stream processes, and it eliminates the potential for affecting effluent quality. However, there could be an adverse effect on the sludge treatment processes,

such as dewatering. Adding septage to the sludge handling process may also cause clogging of the pipes and increase wear on the pumps if the septage is not screened and dewatered in the receiving station.

#### *To Both Liquid Stream and Sludge Handling Processes*

Septage can also be pretreated to separate liquid and solid fractions, which are then processed accordingly. This provides more concentrated sludge for processing and reduces the organic loading to liquid stream processes and the hydraulic loading to sludge processes. Increased operations are required for septage pretreatment at the receiving station.

### **COST**

Cost considerations cannot be generalized because of the wide range of options available for septage management. The cost of a septage management system is dependent on the treatment and disposal method used and the regulatory requirements of a particular area.

Administrators of a septage management program should be aware of disposal options and the cost involved. The median cost of disposal (or tipping fee) typically ranges from 3 to 6 cents per gallon.

### **REFERENCES**

1. Brown, D. V. and R. K. White. December 1977. "Septage Disposal Alternatives in Rural Areas." Ohio Agricultural Research and Development Center. Research Bulletin 1096. Cooperative Extension Service. The Ohio State University Extension Bulletin 624.
2. Septage Handling Task Force. 1997. Septage Handling. Water Environment Federation (WEF) Manual of Practice No. 24. WEF. Alexandria, Virginia.

3. Ungvarsky, J. and K. Mancl. 1982. "Septage Use and Disposal." Special Circular 317. The Pennsylvania State University. College of Agriculture, Extension Service.
4. U.S. EPA, 1984. *Handbook: Septage Treatment and Disposal*. EPA Municipal Environmental Research Laboratory. Cincinnati, Ohio. EPA-625/6-84-009.
5. U.S. EPA, 1994. *Guide to Septage Treatment and Disposal*. EPA Office of Research and Development. Washington, D.C. EPA/625/R-94/002.

### ADDITIONAL INFORMATION

Lisa Dvello  
Director at Large  
Town of Flower Mound  
2121 Cross Timbers Road  
Lewisville, TX 75028

Daniel Balboa  
Director at Large  
Balboa Septic Design  
3470 Jack C. Hays Trail  
Buda, TX 78610

The mention of trade names or commercial products does not constitute endorsement or recommendation for use by the U.S. Environmental Protection Agency.

For more information contact:

Municipal Technology Branch  
U.S. EPA  
Mail Code 4204  
401 M St., S.W.  
Washington, D.C., 20460

**OWM**  
**MTB**

Excellence in compliance through optimal technical solutions  
MUNICIPAL TECHNOLOGY BRANCH



## SECTION 23 LAND APPLICATION OF SEPTAGE

### 23.1 Allowed Septage Application

This section applies to land application domestic septage only.

### 23.2 Permits and Licenses Required

- (1) A Permit from this Department is required for each parcel of land to which septage is applied.
- (2) Land spreading must be conducted by a licensed maintainer business.

### 23.3 Permit Application

- (1) An application for a Permit to land apply septage on a specific parcel of land shall made to the Department on forms provided by the Department. At a minimum the application must contain the following information: The geocode for the proposed receiving site;
- (2) The name and address of the landowner;
- (3) A signed copy of the agreement with the landowner for land application on the specified parcel of land;
- (4) A map to scale of the parcel showing the exact location within the parcel where land application is being proposed;
- (5) Soils information at each land application site. Soil information shall include soil observation logs and a soil survey map of each site;
- (6) Information regarding the nutrient suitability for land application of the proposed site, including current soil nutrient levels and proposed nutrient loading rates;
- (7) Information regarding the drainage, slope, absorption rates, and separation distance from saturated soil conditions, bedrock, or other restrictive layer of the proposed site.
- (8) The proposed application rates, volumes of septage to be applied, method of application, incorporation, date(s) of application and limiting conditions to application;
- (9) The cover crop and/or proposed cropping information;
- (10) A description of the pathogen and vector control methods to be used;
- (11) A description of how public access to the site will be controlled;
- (12) Documentation from the local unit of government indicating that the proposed activity is allowed.

### 23.4 Duration of Permit

A Permit shall be valid for a period of no longer than two years from the date of issuance.

### 23.5 Maximum Volume

The maximum volume of septage that can be applied to each acre of land in each land application site must be determined using the following equation:

$$AAR = N / 0.0026$$

Where:

**AAR** = Annual Application Rate in gallons per acre per 365 days

**N** = amount of Nitrogen in pounds per acre per 365 days needed by the crop or vegetation to be grown on the land

The maximum allowable volume of domestic septage shall also take into account any nitrogen fertilizer applied in association with the septage.

**23.6 Requirements for Land Application Sites**

To be approved as a site for land application of domestic septage, the following minimum requirements must be met:

- (1) The site shall:
  - (A) Be a non-public site;
  - (B) Not be in a shoreland area;
  - (C) Be located in an Agricultural Zoning District. No land application is allowed in residential, institutional or commercial/industrial zones;
  - (D) Contain soils that are not rapidly permeable at the application depth;
  - (E) Not be located in a floodway or floodplain;
  - (F) Not contain slopes greater than 12 percent; and
  - (G) Not be classified as Very High Sensitivity or High Sensitivity of groundwater pollution according to the "Prairie du-Chien-Jordan Aquifer" map (Plate 6) of the Geologic Atlas of Washington County (1990), developed by the Minnesota Geologic Survey of the University of Minnesota. The Geologic Atlas of Washington County (1990) is incorporated by reference, and is not subject to frequent change.
- (2) Unless limed, septage shall either be injected or incorporated within six hours of surface application to a minimum depth of six inches. No significant amount of septage shall be present at the land surface after septage is injected or incorporated.
- (3) Be protected from unauthorized access.
- (4) Septage shall not be applied such that ponding or runoff occurs.
- (5) Septage must not be applied unless the soil has dried adequately from previous applications or rainfall so that ponding does not occur.
- (6) Septage shall not be applied by spray irrigation or other methods that will cause aerosols to drift from the application site.

**23.7 Soil Suitability**

For the land application site to be suitable, the soil on the site must meet the following requirements:

- (1) Have medium or fine surface textures with a soil hydraulic loading rate less than or equal to 0.78 gpd/ft<sup>2</sup> (percolation rate slower than 5 minutes per inch). Land application must not be performed on sand or peat surface textures;
- (2) Have a three foot vertical separation from the application depth to saturated soil conditions or bedrock;
- (3) Have six inches of available water holding capacity between the application depth and saturated soil conditions or bedrock;
- (4) Have at least one horizon in the upper five feet that has a soil hydraulic loading rate less than 0.6 or fine sand (percolation rate slower than 10 minutes per inch) .

**Table X**

Daily surface application rates of domestic septage on non-frozen, non-snow covered sites	
Soil Texture	Maximum Daily Application Rates Gallons/Acre/Day
Coarse Sand, Sand, Loamy Coarse Sand	0
Fine Sand, Very Fine Sand, Loamy Sand, Loamy Fine Sand, Loamy Very Fine Sand	10,000
Sandy Loam, Coarse Sandy Loam, Fine Sandy Loam, Very Fine Sandy Loam, Loam, Silt Loam, Silt	10,000
Sandy Clay Loam, Clay Loam, Silty Clay Loam, Sandy Clay,	10,000
Silty Clay, Clay	0

**23.8 Required Application Methods**

- (1) Land application methods must comply with Code of Federal Regulations (CFR) 40, Part 503 for pathogen reduction, vector attraction, and for maximum volume of septage that may be applied to any site during a 365 day period.
- (2) When soils are snow covered or frozen, the application rate is limited to 10,000 gallons per acre or less, and application is only allowed on slopes of 2 percent or less. Each area of the site may only be covered once.
- (3) Septage must not be applied on areas with ponding water.
- (4) Land application sites shall not be used for crops for direct human consumption unless the waiting periods on Table XI below are followed:

**Table XI**

Restricted Activity	Waiting Period
Food crops whose harvested part may touch the soil/septage (melons, squash, tomatoes, etc.)	14 months
Food crops with harvested parts below the surface (potatoes, carrots, etc.)	38 months
Feed, food, or fiber crops that do not touch the soil surface (field corn, sweet corn, hay, flax, etc.)	30 days
Turf harvest	1 year
Grazing of animals	30 days
Public access to land	
High potential for exposure	1 year
Low potential for exposure	30 days

**23.9 Slope Restrictions**

Slope	Surface Application	Incorporated within 48 hours	Frozen Soil	Injected
<2%	Allowed	Allowed	Allowed	Allowed
2-6%	Allowed	Allowed	Not Allowed	Allowed
6-12%	Not Allowed	Allowed	Not Allowed	Allowed
>12%	Not Allowed	Not Allowed	Not Allowed	Conditionally Allowed*

\*The Department may approve land application of domestic septage through injection on sites previously used for crop production with slopes exceeding twelve percent (12%) on a case-by case basis. The Department may impose any conditions necessary to protect public health, public safety and the environment.

23.10 Setback Requirements

Table XII

Setbacks to Physical Features				
		Setback Distances in Feet		
		Surface Application	Incorporated within 48 hours	Injected
Private drinking water well		200		
Public drinking water well*		1000		
Irrigation well		50	25	25
Occupied building (residences)		200	200	100
Residential developments		600	600	300
Commercial subdivision		600	600	300
Recreation area		600	600	300
Public contact sites		600	600	300
Property line		50	50	50
Road right-of-way		50	50	50
Down gradient lakes, rivers, streams, wetlands, intermittent streams, or tile inlets connected to these surface water features**, and sinkholes	Slope 0 % to 6 %	200	50	50
	Slope 6 % to 12 %	Not Allowed	100	100
	Winter (0 % to 2 %)	600	Not Applicable	Not Applicable
Grassed Water Ways***	Slope 0 % to 6 %	100	33	33
	Slope 6 % to 12 %	Not Allowed	33	33
Shoreland Area		Not Allowed	Not Allowed	Not Allowed

\*There may be special requirements if the land application site is within a wellhead protection area.

\*\*Intermittent stream means a drainage channel with definable banks that provides for runoff flow to any of the surface waters listed in the above table during snow melt or rainfall events.

\*\*\*Grassed waterways are natural or constructed and seeded to grass as protection against erosion. Separation distances are from the centerline of grassed waterways. For a grassed waterway which is wider than the separation distances required, application is allowed to the edge of the grass strip.

**23.11 Reporting Requirements**

The permittee must submit to the Department an annual report. The reporting year will run from September 1 of each year through August 31 of the following year. Such report shall be submitted to the Department no later than November 1 of each year. The following information is required to be included in the report:

- (1) Daily land application activities, including, but not limited to:
  - (A) Each site where septage was applied, the date of application, permit number for the site, and Geocode of the site;
  - (B) The exact location on the site septage was applied, and the number of acres which received septage;
  - (C) The total volume of septage applied to each land application site;
  - (D) The method of application used for each land application site;
  - (E) Vector attraction reduction and pathogen reduction method used. If lime stabilization is used, records must indicate the pH of each load;
  - (F) A description of any additional management practices and site restrictions that were used.
- (2) Any other analysis of information as required by the Department in the Permit.



## Forest Lake Fire Department

1408 Lake Street South  
Forest Lake, MN 55025  
651-464-2244

### Open Burning Information & Regulations

To assist you in safely burning on your land, a burning permit is required. The Forest Lake Fire Department, in cooperation with the City of Forest Lake, City of Columbus & City of Wyoming, operate under the following open burning regulations:

#### **Only untreated vegetative material may be burned**

Items that **cannot** be burned are: Household garbage, oil, rubber, plastics, tires, treated lumber, tarpaper, sheetrock, paint, etc... A complete list of material that cannot be burned is found in [MN Law 88.171 – Open Burning Prohibitions](#).

No permit is required for the following:

- Fires contained in a charcoal grill, camp stove, or other device for the purpose of cooking
- Campfires or recreational fires, provided that it is not larger than 3 feet in diameter and that the ground is cleared at least 5 feet around the base of the fire
- When there is snow cover of 3 inches or more surrounding the immediate area of the fire

#### **WHEN YOU SIGN AND RECEIVE A MINNESOTA BURNING PERMIT YOU AGREE TO THE FOLLOWING:**

- Burn between the hours of 6 p.m. and 8 a.m.
- Clear combustible material 5 feet around the base of the fire or burner
- Pile material to be burned and keep the piles less than 10 feet x 10 feet in size
- Keep piles at least 50 feet from any structure
- Use clean burning devices to start the fire
- Keep control of the fire at all times
- Assume responsibility for all damages and costs that may result from your fire
- ***Attend the fire until is it completely extinguished***
- Do not allow the fire to smolder without a flame
- Extinguish the fire immediately if the permit is revoked
- Ensure that the prevailing wind is AWAY from occupied structures
- Have a permit available at the burn site for inspection
- Do not burn paper, cardboard, or household garbage
- Do not allow the fire to become a public nuisance
- Extinguish the fire if the smoke creates a nuisance – Per MN Statute 609.704

**Standard Minnesota Burning Permits are available at no cost at the following locations:**

#### **City of Forest Lake**

1408 Lake Street South  
651-464-3550  
Hours: M-F | 8a – 4:30p

#### **City of Columbus**

16319 Kettle River Boulevard  
651-464-3120  
Hours: M,Tu,Th,F | 8a – 4p  
W 8a – 5p

#### **City of Wyoming**

7645 Wyoming Trail  
651-462-0575  
Hours: M-F | 8:30a – 4:30p

**SPECIAL** burning permits are required if your burn cannot comply with the above regulations. To apply for a **SPECIAL** burning permit, contact the Forest Lake Fire Chief at 651-209-9722. Please allow 7-10 days for an inspection and issuance of the permit. ***Burning is a privilege and you are responsible for doing it safely***

***Ensure that your address is prominently displayed and clearly visible from the roadway***