

CASTLE ROCK TOWNSHIP
PLANNING COMMISSION PUBLIC HEARING
CONDITIONAL USE PERMIT FOR 1120 220TH ST W
May 27, 2014 @ 6:00 p.m.

Approved

A Public Hearing of the Planning Commission of Castle Rock Township was held on Tuesday, May 27, 2014 at 6:00p.m. Present were Monique Berg, Chair; Arlyn Lamb, Vice-chair; Jeff Partington, Gerald Larsen, and Jon Juenke, Commission members. Also present were Drea Doffing, Barbara Lang, Mary Schreiber, Ed Siegfried, Joan Siegfried, Sandy Weber, Louise Williams, Bob Williams, Janthra Jones, Matt Lemke, Kim Miller, Travis Overbye, Erv Zimmer, Janet Zimmer, Bernie May, Tammy Salmon, Cliff Salmon, Ron May, Mark Henry, Ray Henry, Randy Becker, Eri Imai, Allen Berg, Adan Ali, Alysia Maras, Jason Maras, Dave Nicolai, Hyder Aziz, Georgiann Juenke, Elwyn Juenke, Dennis Olson, Melanie Smith, Tony Faust, Gretchen Schreiber, and Gaston Peterson.

CALL TO ORDER:

Chair Monique Berg called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited.

The purpose of this meeting is to review a conditional use permit for the establishment of a cemetery within the parcel located at 1120 220th St W, Farmington, MN 55024. The purpose of the conditional use permit would be to allow the establishment of a cemetery owned by Kim Miller to be known as Dakota Gardens Cemetery. The conditional use permit application indicates that the existing buildings on the property will be converted to be used for burial preparation and storage of maintenance equipment.

Monique then opened the meeting for questions and statements from the floor.

QUESTIONS / STATEMENTS

Ed Siegfried: If the cemetery is approved, will bodies be placed in vaults and caskets to prevent bacteria and other contaminants from getting into the ground?

Kim Miller: This cemetery will not be open to the public. I will be the primary contact and licensed funeral director in establishing the cemetery, and will insure that state requirements and licenses are met. Mr. Aziz, representing the religious denomination, will clarify further.

Hyder Aziz: Muslim burial avoids use of embalming chemicals, which creates less ground contamination. Their tradition prefers green burials, but they could use concrete vaults if that condition would be required.

Dennis Olson: What are the proposed conditions that Castle Rock Township is requiring? Also, will the cemetery be organized under Minnesota Statutes, chapters 306 or 307? Would they be applying for tax exempt status?

Monique Berg: The conditions are still being developed. If the cemetery is approved, they would be required to meet all the township conditions.

Hyder Aziz: We would operate as a not for profit religious organization.

Mel Smith: I am the realtor representing Agstar, the current property owner. The new owners would work with the County regarding tax status.

Ed Siegfried: What kind of normal noise restrictions would be in place? Since there are time limits on getting the burials done, would there be backhoes digging at 2 am?

Hyder Aziz: Muslim tradition is to be buried the same day as death occurs before sunset. There would be no activity at the cemetery after sundown. As far as noise pollution from traffic noise, they don't expect traffic issues. The intention is for this to be a final place of rest in a quiet and peaceful place.

Joan Siegfried: Our property adjoins the property for the proposed cemetery. We have a swimming pool in the backyard, and have grandchildren and other people there a lot in the summertime. Will a fence or some kind of barrier be constructed?

Hyder Aziz: A fence of trees is planned. We plan to use trees that are already on the property to create a border of some kind. We are working with an artist to come up with a concept drawing to show how it would look. We expect to have one or two full-time caretakers at the property to take of grounds maintenance.

Mark Henry: Can you give a definition of a CUP, and why is it being used here?

Monique Berg: It is a Conditional Use Permit. By putting a CUP in place, the township can set specifications of hours of operation, number of vehicles allowed on the premises at any given time, noise restrictions, and similar conditions. This puts in place guidelines and addresses the concerns of the township.

Mark Henry: My understanding is that a CUP is generally for a non-conforming use. This property is defined as ag zoning. This type of use doesn't support the ag community.

Monique Berg: Under our Zoning Ordinances, cemeteries are allowed on ag-zoned land.

Cliff Salmon: I am concerned about ground water contamination. The aquifers are very close to the surface in this area. There are many requirements for local septic systems because of the high water tables.

Gretchen Schreiber: In the CUP, can you require the use of vaults? We aren't allowed to bury animals on our land, so this is a concern.

Mel Smith: The County, State and Metropolitan Council are all involved before final approvals are given to proceed, so any clarification would be made during that process.

Monique Berg: There are many regulations and legal requirements involved before this can proceed.

Kim Miller: There is a difference between vaults and grave liners. Sealed vaults are more complex and not often used. Grave liners, typically constructed of cement with drainage holes, are most commonly used. To my knowledge, no one in this area requires the use of an actual vault, but probably uses a grave liner which helps prevent settling after the burials are made.

Barbara Lang: My family is involved with the Castle Rock Valley Cemetery Association in this area, and our by-laws require burials to use vaults. I know that both of my parents are buried in sealed vaults which are required by our cemetery.

Mark Henry: Would the bodies to be buried come from this area?

Kim Miller: We would expect them to be from the near-by metro area. There is no embalming body preparation involved in this burial tradition. Mr. Aziz will explain further.

Hyder Aziz: The body is washed in a particular way. They are first bathed in clean water. The stomach and bladder are emptied and the body is then perfumed. Special prayers are recited as this preparation is done. After death, the body is transported to the facility for this preparation, and then to the cemetery for burial.

Bob Williams: In this brochure it says the Webster's dictionary defines Green Burials as reducing pollution. What does that mean?

Monique Berg: You are referring to the publication entitled "Choices" which was created by the Minnesota Dept of Health, Mortuary Science Section, which we provided some copies of by the door. The definition reads: "Green Funerals/Green Burials: Webster's online dictionary defines the word 'green' (as it pertains to products and services) as 'not harmful to the environment.' A green funeral is generally any end-of-life ritual that is as harmless as possible for the environment, thereby reducing its environmental impact. A green burial may take place in a conventional modern cemetery or in a green cemetery or natural burial ground that uses eco-friendly methods. In a d green burial, graves are dug by hand and concrete vaults or grave liners are not used."

Janet Zimmer: If this would be a green cemetery, we have septic systems in our area, not a city sewer system. Will a study be done to determine the impact of this?

Monique Berg: How will the waste from the bodies be disposed of?

Kim Miller: We would have to comply with State regulations.

Mel Smith: They would have to comply with State regulations before the project will proceed. There is a Muslim Cemetery in Burnsville, and also in Roseville.

Tammy Salmon: Why are they looking for an additional cemetery? The Burnsville Cemetery is still open for expansion, so I don't understand why they want to establish another one here.

Hyder Aziz: The Roseville location is getting full. Burnsville location also is filling up. To my knowledge, the majority of the cemeteries in the area now being used have a small section that is devoted to Muslim burials.

Mark Henry: Is there an existing CUP for this property? What and how does that get handled?

Monique Berg: Yes there is, for a landscaping business. The Township has the right to revoke it at any time.

Randy Becker: Can you explain more about the ceremony of burial? Also, what will the other building be used for?

Hyder Aziz: The washed and perfumed body is brought out to a table inside the building. A prayer leader would then lead a brief prayer, approximately two minutes. There are no eulogies or others speaking in their tradition. Most often there would be 20 to 30 people in attendance for a burial. In the case of someone who is more well-known within the Muslim community, there would still be no more than 120 attending, at a maximum. The smaller building would be used to store a snowplow, a grave digging machine and other grounds maintenance equipment. The larger building would be used for body preparation, an office area, and a small viewing area to be used before the body is taken out for burial.

Joan Siegfried: What does Burnsville use for the burials? Do they have traffic problems?

Hyder Aziz: They use a vault with the drainage holes in the bottom that was described earlier. Their tradition doesn't have long funeral processions. There is ample parking on this property so there should never be an overflow parking situation where cars might try to park along the road.

Erv Zimmer: I am opposed to having a cemetery in this location.

Kim Miller: Before finding this location, we thought we had found a possible property in the Lakeville area, but weren't able to work out a purchase with the property owner. We have been looking for something that is affordable and within reasonable driving distance from the metro area.

Erv Zimmer: Would tombstones be used?

Kim Miller: Only flat grave markers would be used.

Jan Zimmer: Are you opposed to other religions being buried there?

Hyder Aziz: This would be a private cemetery and restricted.

Ed Siegfried: Does anyone on the Board or Planning Commission have financial ties to this property?

Monique Berg: No

Ed Siegfried: Does Kim Miller have any relationship to anyone on the Planning Commission?

Monique Berg: No

Dennis Olson: What is the size of the property?

Monique Berg: 72 plus acres.

Cliff Salmon: Are there any provisions for protection from wild animals getting onto the property and digging up bodies?

Kim Miller: 6 feet for the vault and caskets are about 3 feet deep.

Janthra Jones: Animals could dig into the graves and carry away body parts.

Bob Williams: I am worried about water contamination.

Arlyn Lamb: I am on the Board of the Oakford Cemetery, so am familiar that there are many State regulations that must be met for any cemetery.

Kim Miller: If animals and septic systems are of concern to the surrounding owners, we will certainly look into those issues.

Drea Doffing: The cemetery alone is allowed under our zoning ordinances. A funeral home is not allowed. The township would not approve that purpose. Should the purchasers wish to proceed with establishing the cemetery, the township will proceed with final reviews and have a resolution drawn up for that authorization.

Jason Maras: I am concerned about the lowering of property values.

Jan Zimmer: Is the cemetery definitely designated as green?

Monique Berg: The Planning Commission and Board of Supervisors are still reviewing this application.

Ron May: What type of experience do the applicants have in putting in a cemetery and funeral home?

Kim Miller: We will be hiring people to do the final surveying, plotting, any necessary construction, etc.

Hyder Aziz: Our organization has funding to cover these expenses. The organization's name is the Al Maghfira Cemetery Association.

Gretchen Schreiber: I have a concern about traffic. There are many accidents along Highway 50, and I am concerned that extra traffic could cause more accidents turning in and out of the property.

Drea Doffing: At this point, the attorneys are advising that because of the township's Zoning Ordinances, the only portion of this application that could be approved would be for the cemetery.

Mel Smith: I believe churches are also approved uses under your ordinances.

Jerry Larson: I am also concerned about groundwater contamination and have been doing some research on that subject.

Jon Juenke: If something would change the financial circumstances for the cemetery group, would the property revert back to the County or Township to maintain it?

Arlyn Lamb: There are many cemeteries around the state that are abandoned, so this would be a situation that would be far in the future if it would ever happen. There have been good questions and comments this evening.

MOTION: Monique Berg moved that the Public Hearing be continued to a later date, to be determined, and with a list of conditions prepared. Arlyn Lamb seconded. 5 ayes. Motion carried.

Hearing continued, 7:02 p.m.

Respectfully submitted,

Barbara Lang, Town Clerk
Castle Rock Township

Attest: Monique Berg, Chair, Castle Rock Planning Commission
Drea Doffing, Chair, Castle Rock Board of Supervisors