



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 14 November 2024

RE: Baldwin – Northland Ponds; Preliminary Plat

TPC FILE: 269.02

BACKGROUND

Lakeside Investments MN, LLC is proposing to subdivide an existing 36.692 acre parcel (PID 01-00034-3100) into 10 lots and one outlot. The subject property is currently undeveloped. The proposed subdivision requires application for preliminary plat approval to be processed in accordance with Section XX-3-3.B of the Subdivision Ordinance. Application has also been made for setback variances from the Ordinary High Water Level of a Natural Environment Lake that is within the subject property. The applications are subject to review by the Planning Commission and approval of the City Council.

A public hearing to consider the application was held by the Planning Commission at their meeting on 28 August 2024. The public hearing was closed and the application tabled to allow the Department of Natural Resources to survey the Natural Environment Lake to determine the Official High Water Line as it relates to setbacks applicable to the preliminary plat, which has been completed. The City has noticed a second public hearing to consider the applications for the Planning Commission meeting on 20 November 2024 at 7:00PM, although not required by State Statute, the Zoning Ordinance, or Subdivision Ordinance.

Exhibits:

- Property Location Map
- Comprehensive Plan Land Use Map
- Zoning Map
- Roadway Classification Map
- Preliminary Plat dated 11/06/24
- Civil Plans dated 5/31/24 (18 sheets)
- Draft alternative Findings of Fact and Recommendation (Approval/Denial)

ANALYSIS

Comprehensive Plan. The Comprehensive Plan includes a goal to establish land use patterns that provide connections to existing public amenities and the natural landscape. Existing rural residential character is to be expanded without spoiling scenery or open spaces. The proposed preliminary plat is consistent with the goals and policies of the Comprehensive Plan.

Zoning. The subject property is zoned R1, General Rural District. The subject property is also within the Shoreland Overland District of an unnamed Natural Environment Lake classified as such based on an amendment of the Zoning Ordinance approved on 17 June 2024 and Prairie Hill Lake east of 116th Street (CR 39). The preliminary plat proposes subdivision of 10 lots for construction new single family dwellings. Single family dwellings (and related accessory structures) are allowed as a permitted use within the R1 District and Shoreland Overlay District.

Surrounding Uses. Existing development in the area of the subject property includes rural single family dwellings on parcels that are between five and 10 acres in area to the north and east. There is a 40 acre undeveloped parcel to the west of the subject property and an 80 acre parcel with one single family dwelling to the south. The proposed preliminary plat also surrounds an exception parcel with a single family dwelling. The proposed preliminary plat allowing for construction of 10 single family dwellings is similar with the character of surrounding development and will be compatible within the area.

Access. The subject property abuts 116th Street (CR 39), which is designated as local road by the Sherburne County Transportation Plan. Lots 1 and 2, Block 1 are proposed to access 116th Street (CR 39). Lot 1, Block 1 is proposed to use an existing access onto 116th Street (CR 39) whereas Lot 2, Block 1 will share an access with the existing driveway accessing the exception parcel. Access for Lots 1 and 2, Block 1 to 116th Street (CR 39) is to be subject to review and approval by Sherburne County.

Lots 3-6, Block 1; Lots 1 and 2, Block 2; and Lots 1 and 2, Block 3 are to be accessed via right-of-way and construction of a local City street designated as 280th Avenue. The location of 280th Avenue intersecting 116th Street (CR 39) is to be subject to review and approval of Sherburne County. The proposed preliminary plat provides for dedication of 66 feet of right-of-way for 280th Avenue consistent with the requirements of Section XX-10-4.B.1 of the Subdivision Ordinance. Construction plans for 280th Avenue are for a 24 foot wide street surface and three foot gravel shoulders. Right-of-way dedication and the design of the street sections within these rights-of-way will be subject to review and approval of the City Engineer pursuant to Section XX-10-4.B.3 of the Subdivision Ordinance.

Access to individual lots from 280th Avenue will be subject to the requirements of Section 1.08 of the City Right-of-Way Ordinance. Driveways must be a minimum of 75 feet from intersections or other driveways on the same side of the street. Section XX-21-6.B.2.b of the Zoning Ordinance requires that the driveway within each platted lot be surfaced with concrete or asphalt at least to the 50 foot front setback line.

The preliminary plat provides for extension of the right-of-way for 280th Avenue to the west plat line to allow for future subdivision of the parcel to the west. A temporary cul-de-sac will need to be constructed at the terminus end of 280th Street. A temporary roadway easement will be required over Lot 3, Block 1 and Lot 1, Block 1 for the temporary cul-de-sac. Removal of the temporary cul-de-sac and restoration of the yards would be the future responsibility of the subdivider of the parcel to the west.

The preliminary plat also includes Outlot A intended as future right-of-way for extension of a street to the south if the abutting 80 acre parcel is subdivided in the future to provide neighborhood connectivity and multiple access points to the preliminary plat other than from 116th Street (CR 39). As the street that would be constructed within the right-of-way is not needed for access to the lots within the preliminary plat, City staff recommends that the right-of-way be platted as an outlot and deeded to the City. Future construction of a street within Outlot A would be the responsibility of the subdivider of the abutting parcel to the south.

Lot Requirements. Section XX-50-7 of the Zoning Ordinance sets forth the following minimum requirements for lots within the R1 District. The minimum lot area and width requirements applicable to platted single family lots within the R1 District are more restrictive than those of the Shoreland Overlay District for Natural Environment Lakes and govern as provided for by Section XX-1-5.B of the Zoning Ordinance.

A. Lot Area:		
	Platted Lot:	2.5 acres
	Buildable Area Within Parcel or Lot:	40,000 square feet
B. Lot Width:		200 feet
C. Lot Depth		300 feet

The proposed lots range in area from 2.50 acres to 5.17 acres in area and have a mean area of 3.29 acres. All of the proposed lots have more than 40,000 square feet of buildable area for construction of a single family dwelling as required by Section XX-16-2.B of the Zoning Ordinance. Each lot is more than 200 feet in width measured at the required setback from the front lot line abutting a public road and are more than 300 feet in depth. The lots within preliminary plat comply with the minimum requirements of the R1 District and Shoreland Overlay District.

Impervious Surface. Section XX-90-10.B.1 of the Zoning Ordinance limits impervious surface within the Shoreland Overlay District to not more than 25 percent of the lot area. All or portions of the lots within the preliminary plat are subject to the provisions of the Shoreland Overlay District. Each lots (or the portions thereof within the Shoreland Overlay District) have sufficient area to allow for construction of a single family dwelling, accessory structures, or other impervious surfaces while complying with the 25 percent limit. The certificate of survey submitted with application for a building permit will be required to indicate the proposed impervious surface within the lot.

Setbacks. Lots within the R1 District are subject to the setback requirements established by Section XX-50-8 of the Zoning Ordinance below. Each of the other lots within the preliminary plat have adequate area to allow for construction of a single family dwelling in compliance with required minimum setbacks of the R1 District.

A. Front Yard or Side Yard Abutting a Public Road:		
	City Street:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet

Section XX-90-7.B.1 of the Zoning Ordinance requires a minimum setback of 150 feet from the Ordinary High Water Level of a Natural Environment Lake for structures and Subsurface Sewage Treatment Systems. The preliminary plat proposes to reduce the required setback from the Ordinary High Water Level to 75 feet for Lots 1 and 2, Block 1 as shown on the preliminary plat. by variance. All other lots within the preliminary plat are shown to be subject to and have the ability to comply with the 150 foot setback required from the Ordinary High Water Level.

The preliminary plat illustrates that there is the ability to locate a single family dwelling and Subsurface Sewage Treatment System within Lot 1, Block 1, but the developer is requesting the variance to allow for the house location as designed prior to the Zoning Ordinance amendment classifying the wetland as a Natural Environment Lake. Because of the limits of the buildable area at the northeast corner of the subject property and the lack of depth between the Natural Environment Lake and 116th Street (CR 39), a dwelling within Lot 2, Block 1 cannot comply with the 150 foot setback.

Findings of fact supporting approval of a variance to allow the reduction in the setback from the Ordinary High Water Level for Lots 1 and 2, Block 1 have been prepared by City staff for consideration by the Planning Commission. The Planning Commission may also add conditions intended to minimize the need or extent of variance including, but not limited to, the following:

- Lot 1, Block 1 shall be required to comply with a 150 foot setback from the Ordinary High Water Level as required by Section XX-90-7.B.1 of the Zoning Ordinance.
- The preliminary plat shall be revised to combine Lots 1 and 2, Block 1 into one lot.

The Planning Commission may also determine the need for variance is caused only by the amendment of the Zoning Ordinance that occurred after the applications were submitted by prior to consideration by the Planning Commission. City staff advises that the amendment of the Zoning Ordinance after the application was received but before a decision is made of the application does not establish rights to the prior requirement. Department of Natural Resources staff have stated their object to the requested variance on this basis.

Landscaping. Section XX-19-2.B.1 of the Zoning Ordinance requires planting two shade or evergreen trees per acre for each lot platted after 3 April 2023. The tree planting requirement will be satisfied as part of the building process for each lot.

Grading. The developer has provided a grading plan the proposed preliminary plat. The site work will disturb less than one acre, so the stormwater management provisions of Section XX-10-6 of the Subdivision Ordinance do not apply. All grading, drainage, and erosion control issues are subject to review and approval of the City Engineer.

Wetlands. Administration of the Wetland Conservation Act (WCA) becomes the jurisdiction of the City with incorporation. A wetland delineation for the subject property has been approved by Sherburne County. No physical impacts to the Natural Environmental Lake are proposed as part of the site development. All wetland issues are subject to review by the City Engineer.

Utilities. The lots within the proposed preliminary plat are to be served by private Subsurface Sewage Treatment Systems (SSTS) and wells in accordance with Section XX-10-5 of the Subdivision Ordinance. The submitted plans identify a primary and secondary drainage field site within each lot for a SSTS. All SSTS and well plans are to be subject to review and approval of the Building Official at the time a building permit is applied for.

Easements. Section XX-10-8 of the Subdivision Ordinance requires dedication of drainage and utility easements a minimum of 12 feet in width at the perimeter of each lot, which may be centered on lot side and rear lines for abutting lots within the preliminary plat. The preliminary plat indicates the required perimeter drainage and utility easements, as well as over stormwater basins corresponding to the proposed grading plan. All drainage and utility easements are to be subject to approval of the City Engineer.

Park Dedication. Section XX-10-10 of the Subdivision Ordinance requires developers to dedicate 10 percent of the buildable area of a parcel being subdivided to the City for park purposes. The City may also elect to receive a cash fee in lieu of land dedication to be used only for development of the City park system. The decision as to whether the developer is required to dedicate land, pay a cash fee in lieu of land, or provide for dedication of a combination of land and cash fees to satisfy park dedication requirements is to be made by the City.

The preliminary plat does not propose dedication of land to the City for public park purposes meaning park dedication requirements would be satisfied by payment of a cash fee in lieu of land. Park dedication requirements for the proposed preliminary plat were reviewed by the Park Committee at their meeting on 18 July 2024. The Park Committee recommends that the developer pay a cash fee in lieu of land to satisfy park dedication requirements, which is subject to approval of the City Council. The cash fee in lieu of land is to be paid at the time of final plat approval based on the fee established by the Fee Schedule Ordinance in effect at that time.

RECOMMENDATION

The proposed Northland Ponds preliminary plat is consistent with the Comprehensive Plan for rural residential development. The preliminary plat further complies with the requirements of the Zoning Ordinance and Subdivision Ordinance, with exception of the proposed setback illustrated from the Ordinary High Water Level of a Natural Environment Lake for Lots 1 and 2, Block 1. Findings to either approve or deny the requested variance from the Shoreland Overlay District have been provided for consideration by the Planning Commission.

City staff recommends that approval of the preliminary plat be subject to the stipulations outlined below. The Planning Commission may also consider additional conditions relevant to compliance with the provisions of the Zoning Ordinance and Subdivision Ordinance or to minimize or mitigate any issues related to the requested variance.

POSSIBLE ACTIONS

- A. Motion to adopt findings of fact as presented recommend approval of a variance and the preliminary plat of Northland Ponds subject to the following conditions:
 - 1. The preliminary plat shall be valid for a period of one year from the date of approval in accordance with Minnesota Statutes 462.358, Subd. 3C., unless extended by the City Council.
 - 2. Access from Lots and 2, Block 1 to 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
 - 3. The proposed intersection of 280th Avenue with 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
 - 4. The developer shall dedicate a temporary roadway easement at the terminus end of 280th Avenue, subject to review and approval of City staff.
 - 5. Outlot A shall be deeded to the City for future right-of-way purposes.
 - 6. The right-of-way and street design and construction for 280th Avenue shall be subject to review and approval of the City Engineer.
 - 7. Access to individual lots from Town roads shall comply with Section 1.08 of the City Right-of-Way Ordinance and Section XX-21-6.B.2.b of the Zoning Ordinance.

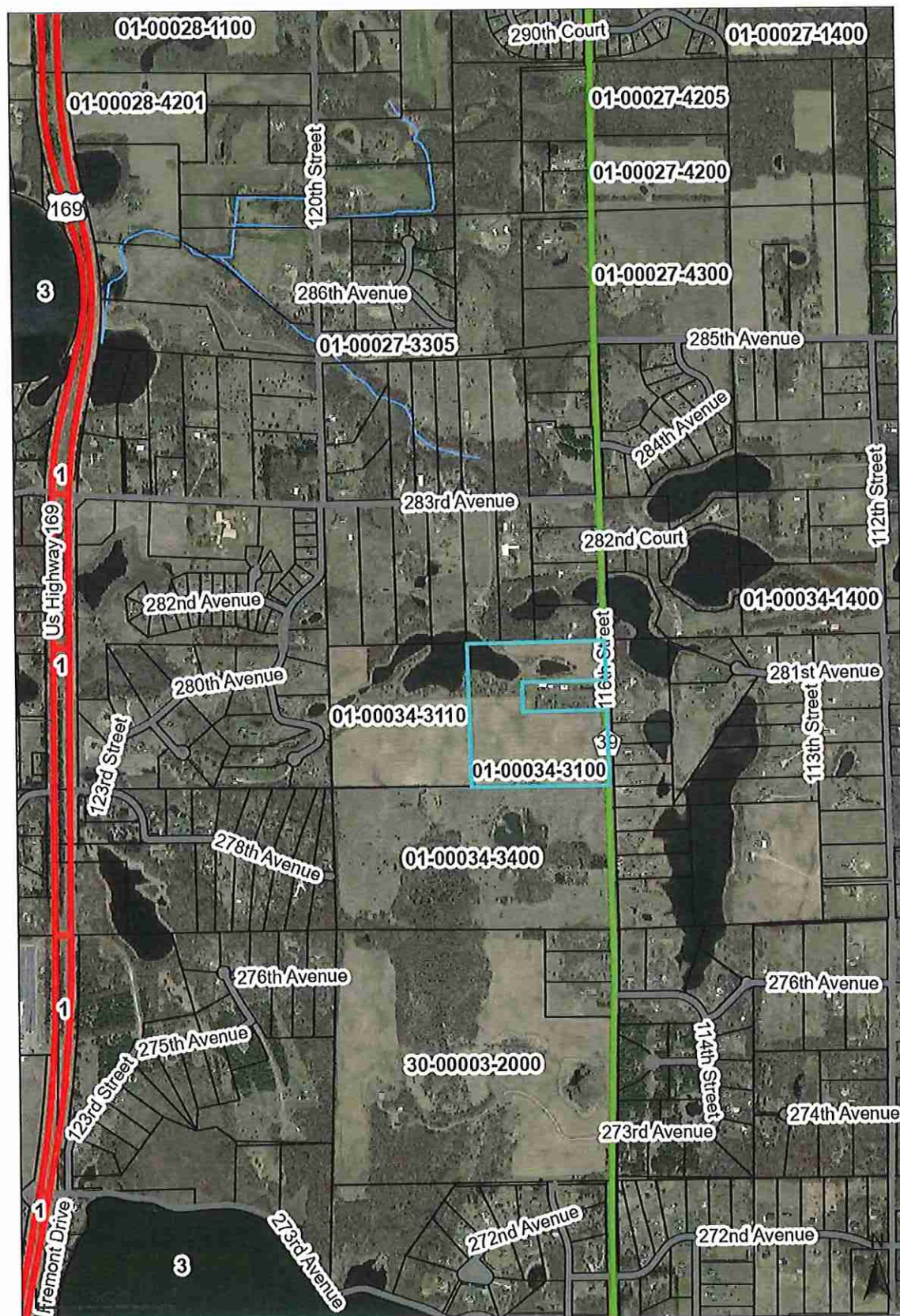
8. Construction on all lots shall comply with the following setback requirements:

A. Front Yard or Side Yard Abutting a Public Road:		
	County Road	67 feet
	City Street:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet
D. Ordinary High Water Level		
	Lots 1 and 2, Block 1	75 feet
	Lots 3-6, Block 1; Lots 1-2, Block 2; Lots 1-2, Block 3	150 feet

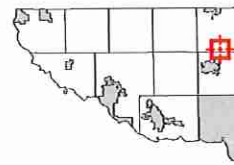
9. Impervious surface within all or portions of lots within the Shoreland Overlay District shall not exceed 25 percent; proposed impervious surface within the Shoreland Overlay District shall be shown on the certificate of survey for each lot with application for a Building Permit.
10. Subsurface Sewage Treatment Systems and well utilities for each lot shall be subject to review and approval of the Building Official.
11. All grading, drainage, and erosion control plans shall be subject to review and approval of the City Engineer.
12. All wetland issues shall be subject to review and approval of the City Engineer.
13. All easements shall be subject to review and approval of the City Engineer.
14. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land based on the Fee Schedule Ordinance in effect at the time of final plat approval, subject to approval of the City Council.
15. Development of the subject property shall comply with the Bald and Golden Eagles Protection Act, including issuance of a General Permit for Disturbance, subject to review and approval of the U.S. Fish and Wildlife Service.
- B. Motion to recommend the application be **denied** in accordance with the Findings of Fact and Decision as presented.
- C. Motion to **table**.

- c. Joan Heinen, City Clerk/Treasurer
Bob Ruppe, City Attorney
Dan Bogart, Acting City Engineer
David Roedel, Sherburne County
James Bedell, DNR

Site Location Map



Overview



Legend

Roads

-  MN Highway; US Highway
-  Municipal-State Aid Street
-  Municipal Street
-  Township Road
-  State Forest Road
-  Bureau of Fish and Wildlife Road
-  Connector (Ramp)
-  Privately Maintained Public Access Road
-  County Road
-  County-State Aid Highway
-  Parcels
-  Streams

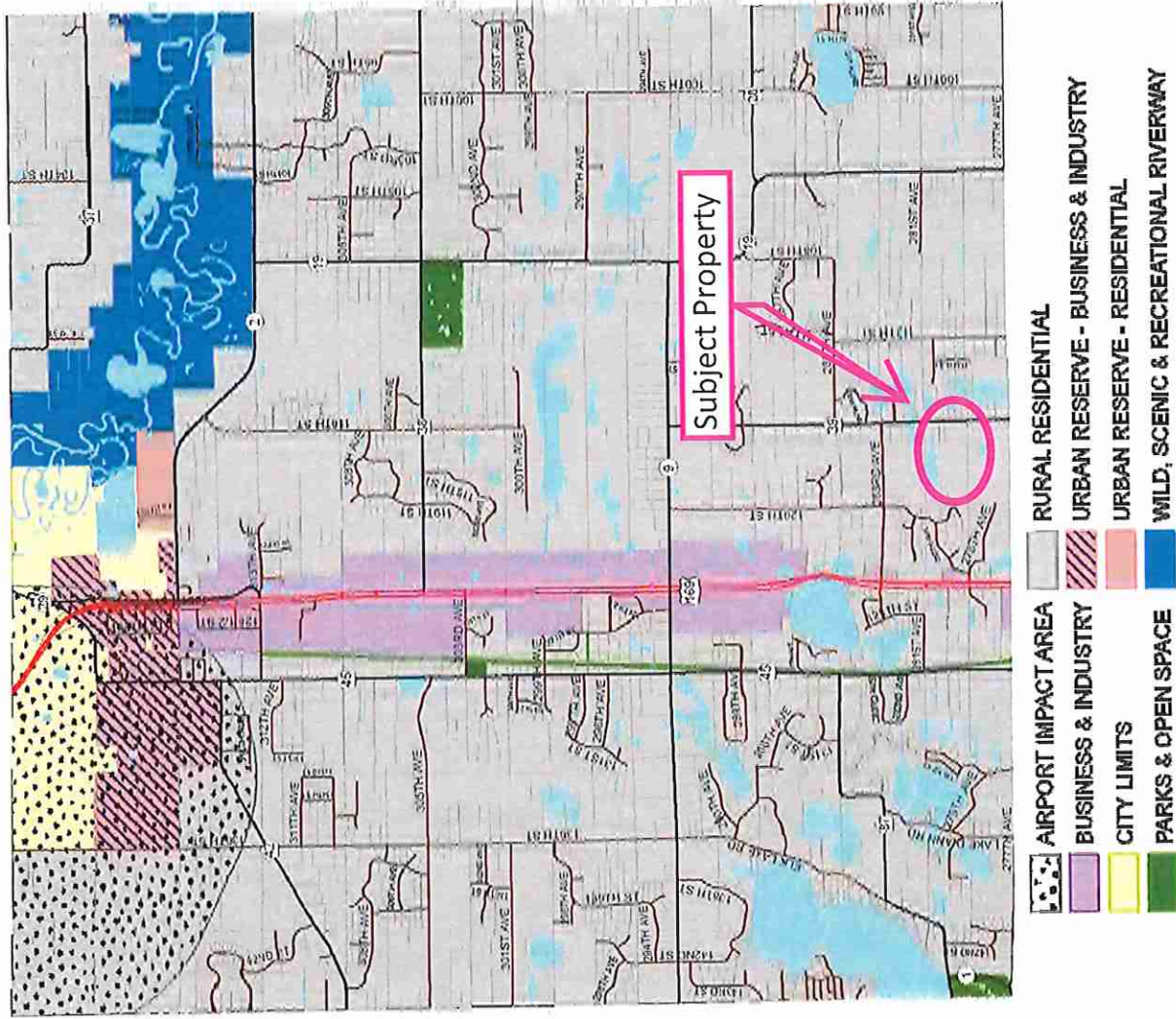


Figure 9.3: Sherburne County Future Land Use Map (Baldwin Township). Source: Sherburne County Planning & Zoning Dept.

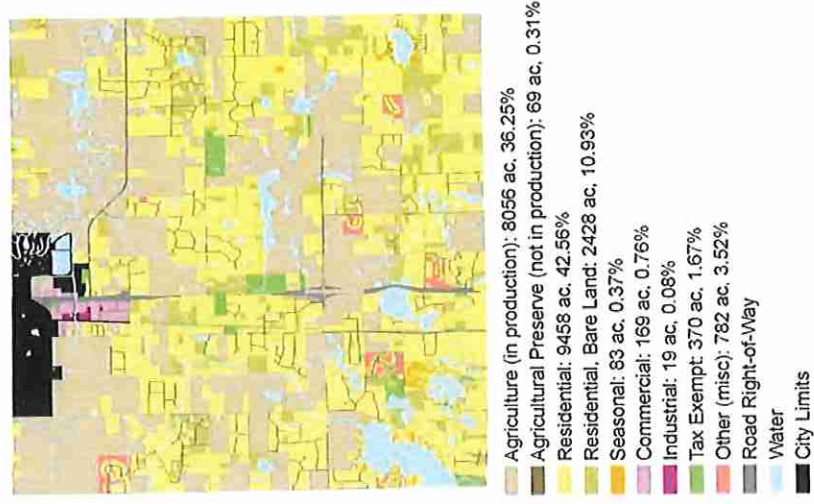
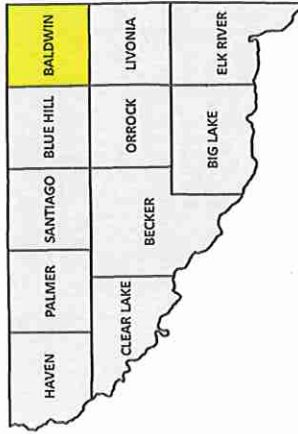


Figure 9.4: Baldwin Township existing land use by acres (2008). Source: Sherburne County Assessor's Dept.

Baldwin Township Zoning Map



Township Boundary

City Limits

Zoning

- R1, General Rural - 21,558ac (97.3%)
- C1, General Commercial - 163ac (0.8%)
- I1, General Industrial - 426ac (1.9%)
- S, Shoreland - 7860ac (35.5%)
- WS, Wild and Scenic - 1339ac (6%)

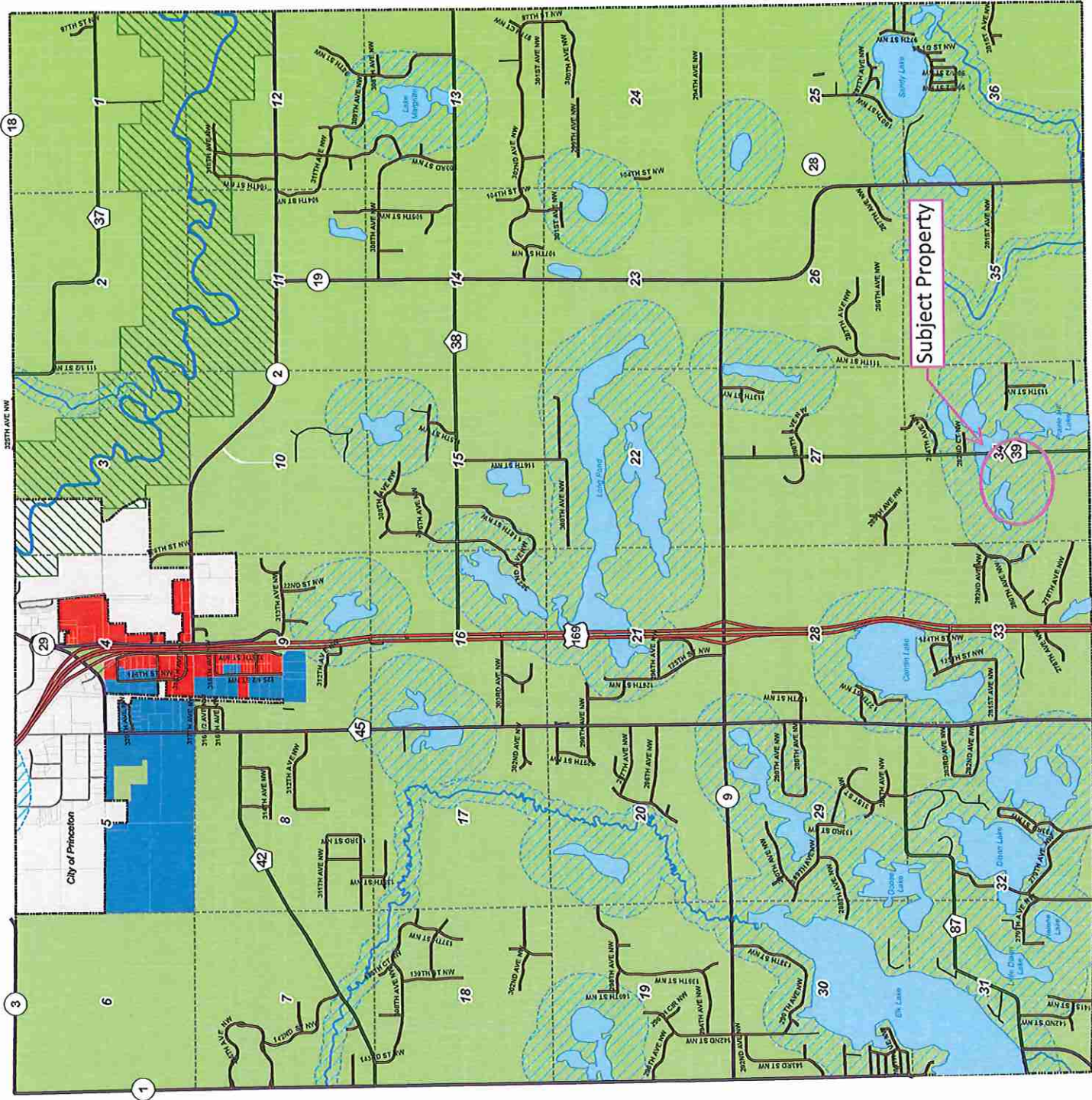
Roads

- US Highway
- County-State Aid Highway (CSAH)
- County Road
- Township Road
- Private Road
- City Street

TPC
The Planning Company

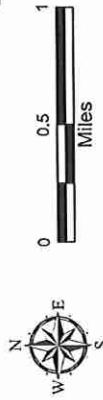
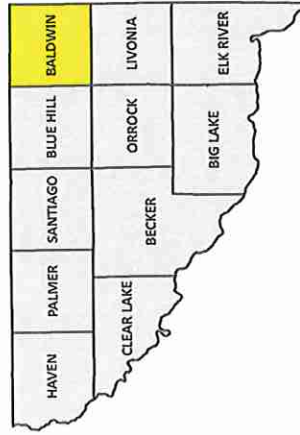
**Hakanson
Anderson**

DISCLAIMER: Baldwin Township does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed.



Baldwin Township

ROADWAY CLASSIFICATION



DNR Public Waters

Township Boundary

Roads

Principal Arterial (Federal/State)

County Major Collector

County Minor Collector

County Local

Town Collector

Town Road

City Street

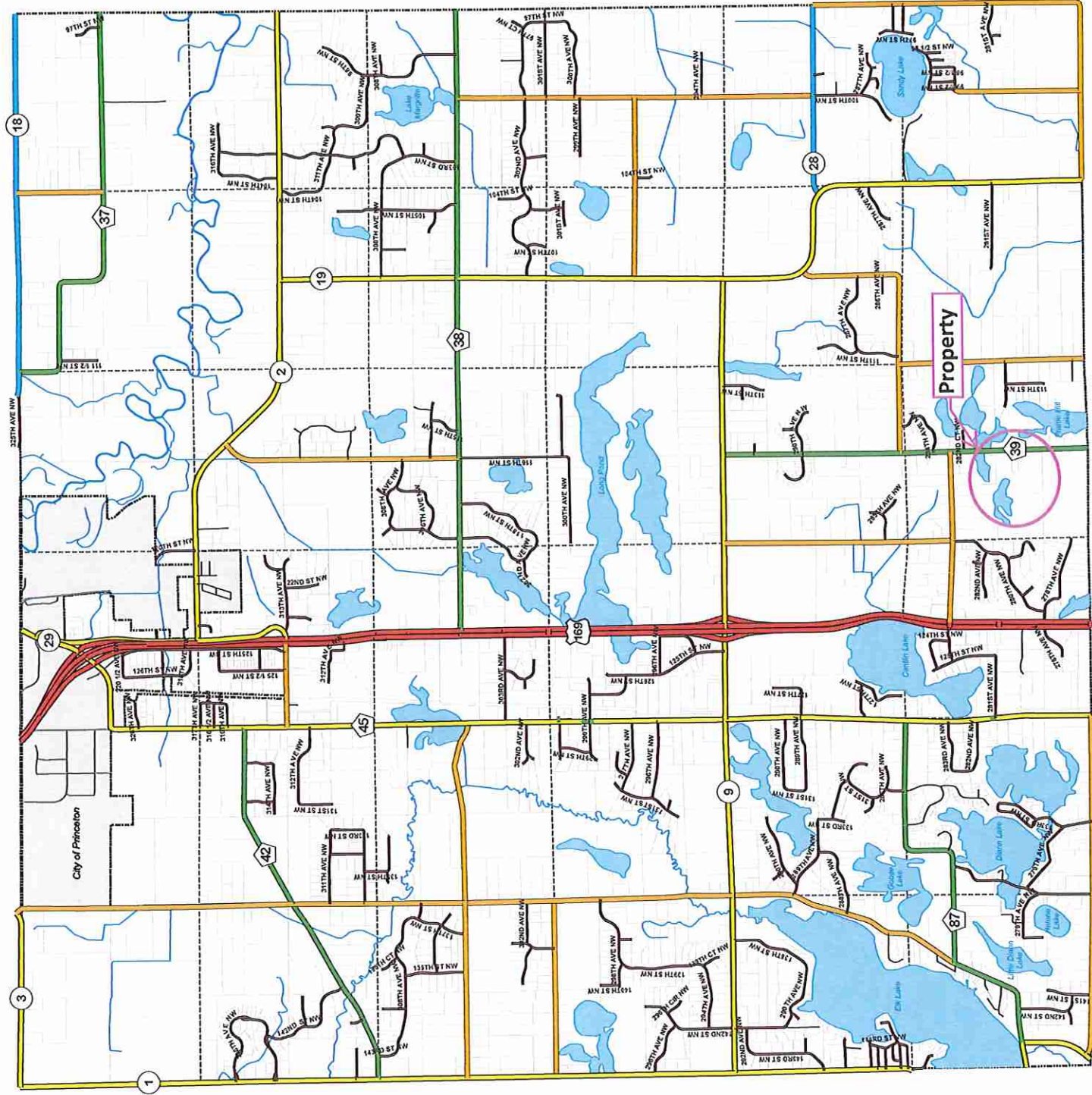
Private Road

TPC
The Planning Company

Source:
Sherburne County 2040 Transportation Plan
Baldwin Township

DISCLAIMER: Baldwin Township does not warrant the accuracy nor the correctness of the information contained in this map. It is your responsibility to verify the accuracy of this information. In no event will Sherburne County be liable for any damages, including loss of business, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains. Map information is believed to be accurate but accuracy is not guaranteed.

K:\GIS\Projects\Municipal\Baldwin\Roadway Classification Map.mxd



The Northeast Quarter of the Southwest Quarter of Section 34, Township 33, Range 25, Sherburne County, Minnesota, encompassing therefrom the South 200.00 feet of the North 400.00 feet of the East 794.00 feet. Also encompassing therefrom the South 78.00 feet of the North 400.00 feet of the East 794.00 feet of the East 794.00 feet of the Northeast Quarter of the Southwest Quarter of Section 34, Township 33, Range 25, Sherburne County, Minnesota.

Name: <u>Mr. J. J. J. J. J.</u> Address: <u>1234 Main St.</u> City: <u>New York</u> State: <u>NY</u> Zip: <u>10001</u>	Name: <u>Mr. J. J. J. J. J.</u> Address: <u>1234 Main St.</u> City: <u>New York</u> State: <u>NY</u> Zip: <u>10001</u>
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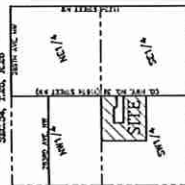
AREA OF PROPOSED LOT 38 ¹ ABOVE MOTTLED SOIL (FOR SOIL BORINGS BY SOIL SCIENTIST)	
Lot 1, Block 1 = 134,222 Sq.Ft.	Lot 8, Block 1 = 74,070 Sq.Ft.
Lot 2, Block 1 = 43,536 Sq.Ft.	Lot 2, Block 2 = 70,064 Sq.Ft.
Lot 3, Block 1 = 128,252 Sq.Ft.	Lot 1, Block 2 = 83,520 Sq.Ft.
Lot 4, Block 1 = 102,768 Sq.Ft.	Lot 2, Block 2 = 83,408 Sq.Ft.
Lot 5, Block 1 = 102,768 Sq.Ft.	Lot 1, Block 2 = 84,002 Sq.Ft.

= PORTION OF LOT 38¹ ABOVE MOTTLED SOIL
(FOR SOIL BORINGS BY SOIL SCIENTIST)

NOTES

- [illegible]

VICINITY MAP

[illegible]

PRELIMINARY PLAT
FOR
LAKESIDE INVESTMENTS MN, LLC
SHERBURNE COUNTY, MINNESOTA

NORTHLAND PONDS



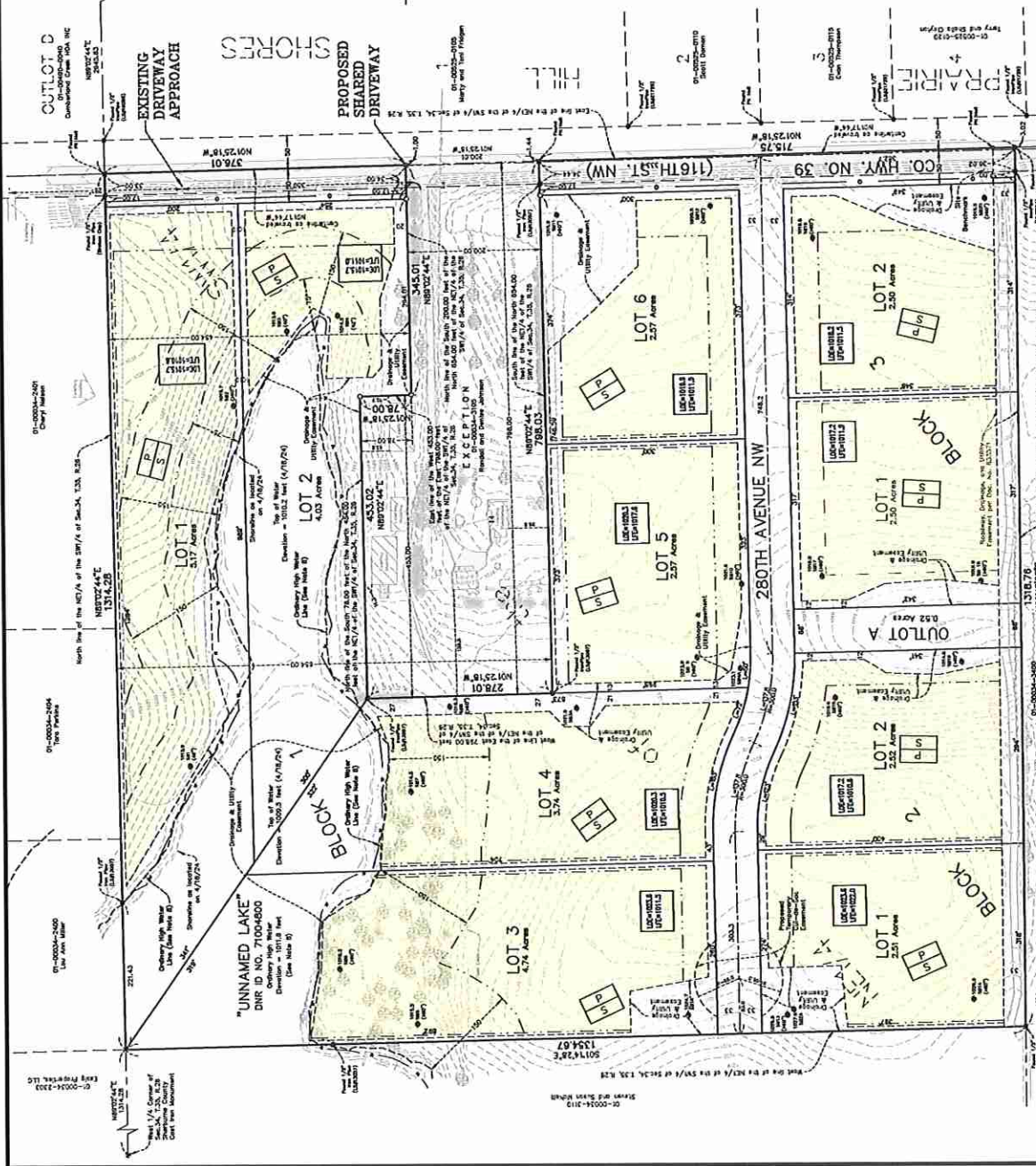
RUM RIVER
LAND SURVEYORS & ENGINEERS

ISSUED BY:	SWAM	DATE:	06/07/24
ISSUED TO:	JJ	FILE NO.:	

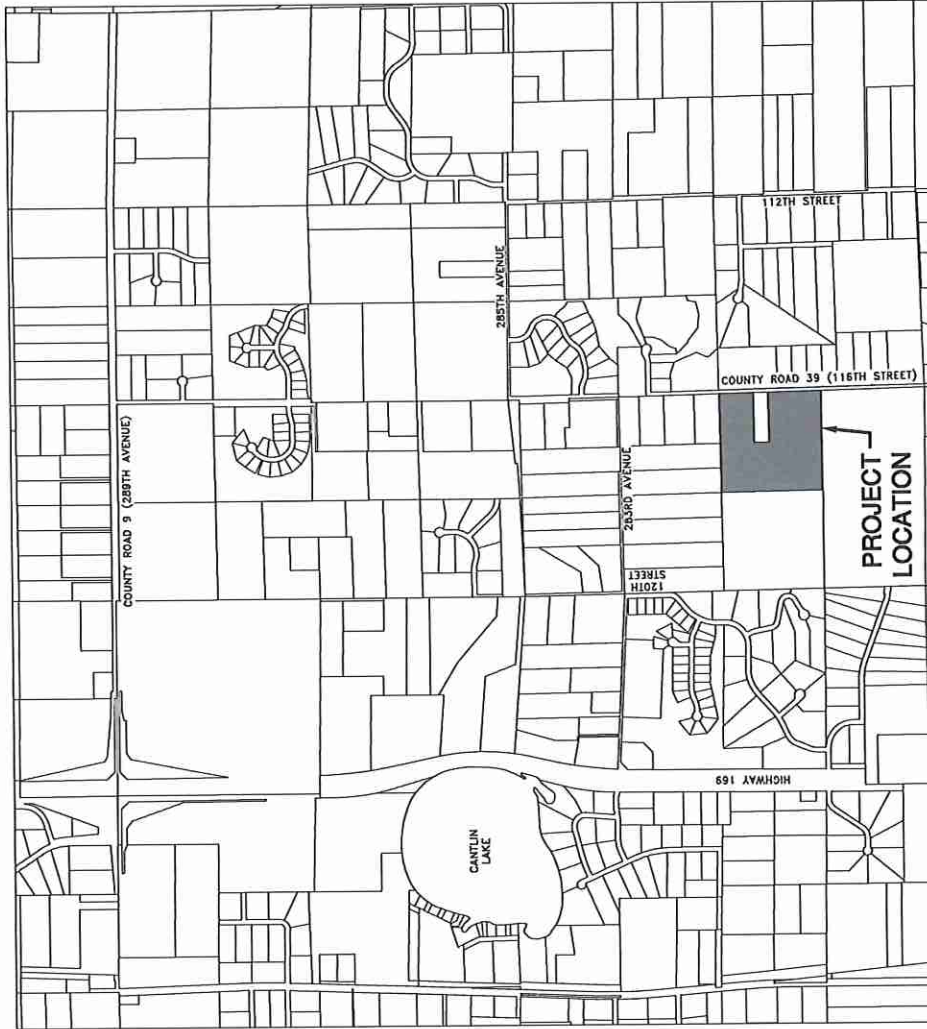
I hereby certify that this survey, plan or map was made by me or under my direct supervision and I am a Licensed Professional Land Surveyor under the laws of the State of Minnesota.

John E. ...
 John E. ...
 John E. ...

DATE	REVISION
09/19/24	Maximo per Yearship Comments
11/08/24	Maximo per ONI Request



NORTHLAND PONDS SITE DEVELOPMENT PLANS LAKESIDE INVESTMENTS MN, LLC IN BALDWIN TOWNSHIP



PROJECT LOCATION

PROJECT BENCHMARK:
MN/DOT BENCHMARK NO. 7105 AC
ELEV=988.21 (NGVD 1929)

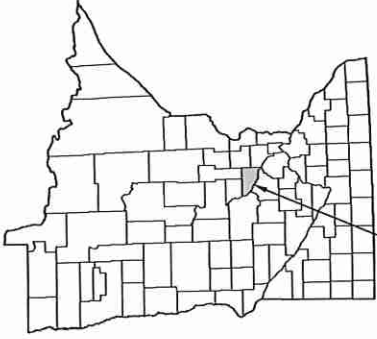
SITE BENCHMARK:
DOUBLE SPIKE SET IN POWER POLE WEST SIDE OF COUNTY HIGHWAY 169 (112TH STREET) 720 FEET SOUTH OF HIGHWAY 169 (116TH STREET) (SOUTHEAST CORNER OF SITE)
ELEV=1019.30 (NGVD 1929)

THIS SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL "D." THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA.

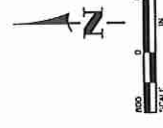


DEVELOPER/OWNER
LAKESIDE INVESTMENTS MN, LLC
2939 HIGHWAY 10 SOUTH
CANDLER MN 56004
763-639-5722

ENGINEER/SURVEYOR
RUM RIVER LAND SURVEYORS AND ENGINEERS
503 FIRST STREET
THUNDERBOLT, MN 56171
TIMOTHY A. EGGERICHS, P.E.
BRIAN FERSON, P.L.S.
763-427-5860 (763-427-0520 (FAX)



BALDWIN TOWNSHIP,
SHERBURNE COUNTY,
MINNESOTA



GOVERNING SPECIFICATIONS
THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE 2003 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION".
ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.
ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

SHEET INDEX

THIS PLAN CONTAINS 17 SHEETS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	CONSTRUCTION NOTES, PROJECT LEGEND AND TABULATIONS
3	DETAILS
4	EXISTING TOPOGRAPHY AND ROADWAYS PLAN
5	PROPOSED CONDITIONS SHEET INDEX
6	GRADING, DRAINAGE AND EROSION CONTROL PLAN
7-8	RESTORATION PLAN
9-11	AS-BUILT CONSTRUCTION PLAN
12-13	AS-BUILT CONSTRUCTION PLAN
14-16	CROSS SECTIONS
17	CROSS SECTIONS

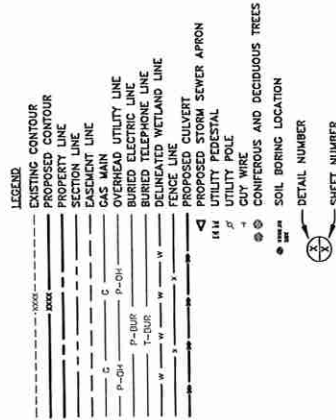
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Timothy A. Eggerichs
TIMOTHY A. EGGERICHS, P.E.
RUM RIVER LAND SURVEYORS AND ENGINEERS
DESIGN ENGINEER

DATE 5/31/24
LIC. NO. 43362

REVISION

- GENERAL CONSTRUCTION AND SOILS NOTES:
1. TOP OF THE GRADING SUBGRADE IS DEFINED AS THE BOTTOM OF THE CLASS 3 AGGREGATE BASE PAD. ALL EXISTING AND PROPOSED CUTS, TOPSOIL, SLITS, ORGANIC MATERIALS, MIXTURES, ENCOUNTERED DURING EXCAVATION SHALL BE REMOVED.
 2. STRIP AND REUSE ALL INPLACE TOPSOIL IN AREAS TO BE DISTURBED BY CONSTRUCTION. PLACING ENGINEERED FILL FOR THIS PROJECT SHALL CONSIST OF ALL SOILS ENCOUNTERED WITH THE EXCEPTION OF TOPSOIL, SLIT, BERM, OR OTHER ORGANIC MATERIALS. TOPSOIL SHALL BE PLACED WITHIN 12" OF THE EXISTING OR PROPOSED SURFACE. TOPSOIL SHALL BE PLACED AT A MINIMUM RATE OF 0.04 CAL/SY TO 0.06 CAL/SY BETWEEN BITUMINOUS LAYERS. FIELD DILUTION IS NOT ACCEPTABLE.
 3. APPROVE THE FILL AREAS AND FINAL SUBGRADE.
 4. TERMINATE CONSTRUCTION TO ENSURE A UNIFORM JOINT.
 5. STRIP AND REUSE ALL INPLACE TOPSOIL IN AREAS TO BE DISTURBED BY CONSTRUCTION. PLACING ENGINEERED FILL FOR THIS PROJECT SHALL CONSIST OF ALL SOILS ENCOUNTERED WITH THE EXCEPTION OF TOPSOIL, SLIT, BERM, OR OTHER ORGANIC MATERIALS. TOPSOIL SHALL BE PLACED WITHIN 12" OF THE EXISTING OR PROPOSED SURFACE. TOPSOIL SHALL BE PLACED AT A MINIMUM RATE OF 0.04 CAL/SY TO 0.06 CAL/SY BETWEEN BITUMINOUS LAYERS. FIELD DILUTION IS NOT ACCEPTABLE.
 6. PERFORMANCE GRADED (PG) ASPHALT BINDER PG 58S-28, PER MN/DOT SPEC. 3151, SHALL BE USED FOR ALL BITUMINOUS MIXTURES THAT MEET THE REQUIREMENTS OF SPECIFICATIONS 2350 AND 3159.
 7. IF NECESSARY, THE UTILITY COMPANIES WILL RELOCATE THEIR FACILITIES CONCURRENTLY WITH THE CONSTRUCTION OPERATIONS. CONTRACTOR SHALL SCHEDULE CONSTRUCTION IN COOPERATION WITH THE UTILITY COMPANIES.
 8. GENERAL EROSION CONTROL NOTES:
 1. PRIOR TO ANY CONSTRUCTION ACTIVITIES THE CONTRACTOR SHALL ACQUIRE THE MPCA.
 2. CONSTRUCTION STORMWATER GENERAL PERMIT (NPDES).
 3. THE CONTRACTOR SHALL INSTALL EROSION AND SEDIMENT CONTROL FACILITIES (BMP'S) PRIOR TO GRADING AND REMOVAL ACTIVITIES. BMP'S SHALL BE MAINTAINED FOR THE DURATION OF CONSTRUCTION ACTIVITIES AND POTENTIAL FOR EROSION HAS PASSED.
 4. THE CONTRACTOR SHALL SCHEDULE HIS OPERATION TO MINIMIZE THE AMOUNT OF DISTURBED AREA AT ANY ONE TIME.
 5. BMP'S SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND DOCUMENTED IN A SWPPP INSPECTION LOG.
 6. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY DISPOSED OF WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION IS APPROVED BY THE ENGINEER.
 7. THE CONTRACTOR SHALL MAINTAIN A NOTCHED PERMANENT EROSION CONTROL MEASURE.
 8. EROSION CONTROL SHALL CONFORM TO THE MN/DOT EROSION CONTROL HANDBOOK.
 9. SEE SHEETS 12-13 FOR THE RESTORATION PLAN.
 10. ALL DISTURBED AREAS SHALL BE STABILIZED WITHIN SEVEN DAYS OF COMPLETION OF GRADING.
 11. MINIMUM FLOOR ELEVATIONS ARE BASED ON THE MOTTLED DEPTHS FROM THE BORINGS.
 12. SHOWN ON THE PLANS. FINAL FLOOR ELEVATIONS SHALL BE VERIFIED PRIOR TO HOME CONSTRUCTION.
- REFERENCE NOTES:
1. FLOOR ELEVATIONS SHALL BE A MINIMUM OF 1-FOOT ABOVE THE ELEVATION OF MOTTLED SOILS.
 2. MINIMUM LOW OPENING ELEVATIONS SHALL BE A MINIMUM OF 1.5- FEET ABOVE THE EMERGENCY OVERFLOW ELEVATION OR THE 100-YEAR HIGH WATER LEVEL, WHICHEVER IS GREATER.
 3. HIGH WATER LEVELS SHOWN ARE BASED ON THE 1-DAY, 100-YEAR STORM EVENT, UNLESS NOTED OTHERWISE.
 4. THE ELEVATION OF THE BOTTOM OF THE BORING.
 5. FINAL HOUSE TYPES AND ELEVATIONS SHALL BE DETERMINED AT THE TIME OF LOT DEVELOPMENT.
 6. MULTIPLE HIGH WATER AND EMERGENCY OVERFLOW ELEVATIONS EXIST ON THIS LOT. THE PROPOSED HOME ELEVATIONS SHOWN ARE BASED ON THE HIGHEST ELEVATION SHOWN.
 7. BE REVIEWED IF THE HOUSE PAD IS RELOCATED.
 8. HIGH WATER LEVEL SHOWN IS BASED ON THE 10-DAY, 100-YEAR SNOWMELT.



LOT TABULATION ⑤										
LOT	BLOCK	MINIMUM LOW FLOOR ELEVATION (FEET) ①	MINIMUM LOW OPENING ELEVATION (FEET) ②	SOIL BORING ELEVATION	SOIL BORING ELEVATION	DEPTH TO MOTTLED SOILS (INCHES)	ELEVATION OF MOTTLED SOILS	100-YEAR HIGH WATER LEVEL ③	EMERGENCY OVERFLOW ELEVATION	REFERENCE NOTES
1	1	1010.6	1015.7	581	1013.9	52	1009.6	1011.7	1014.2	7
				582	1015.7	>60 ④	1010.7			
2	1	1011.0	1015.7	583	1013.6	48	1009.6	1011.7	1014.2	7
				584	1014.2	50	1010.0			
3	1	1011.5	1023.6	585	1015.5	>60 ④	1010.5	1022.1	1025.0	6, 7
				586	1016.2	>60 ④	1011.2			
4	1	1010.5	1020.3	587	1014.5	>60 ④	1009.5	1018.8	1015.5	6
				588	1018.3	>60 ④	1013.3			
5	1	1017.6	1020.3	589	1021.9	>60 ④	1018.9	1018.8	1018.5	
				590	1021.6	>60 ④	1016.6			
6	1	1011.9	1019.9	5811	1015.9	>60 ④	1010.9	1018.4	1018.4	7
				5812	1005.5	>60 ④	1015.5			
				5813	1026.8	>60 ④	1021.8			
1	2	1022.0	1023.6	5814	1026.0	>60 ④	1021.0	1022.1	1022.0	7
				5815	1015.6	>60 ④	1014.6			
2	2	1010.6	1017.2	5816	1014.6	>60 ④	1009.6	1015.7	1015.5	7
				5817	1018.0	>60 ④	1013.0			
1	3	1011.9	1017.2	5818	1015.9	>60 ④	1010.9	1015.7	1015.5	7
				5819	1015.8	>60 ④	1014.8			
2	3	1011.5	1018.8	5820	1015.5	>60 ④	1010.5	1017.3	1017.2	7



DATE: 07/20/2024
BY: J. A. EGGERS, P.E.
PROJECT: 43362

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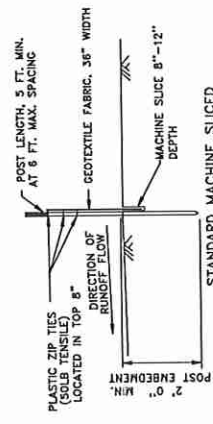
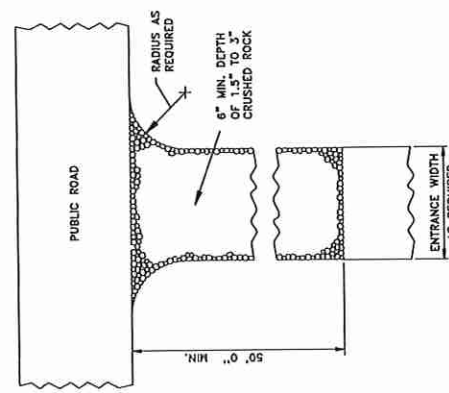
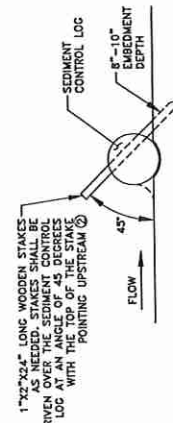
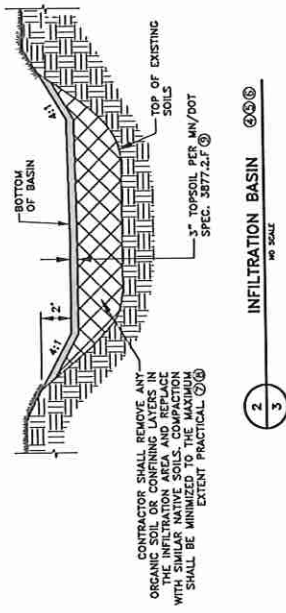
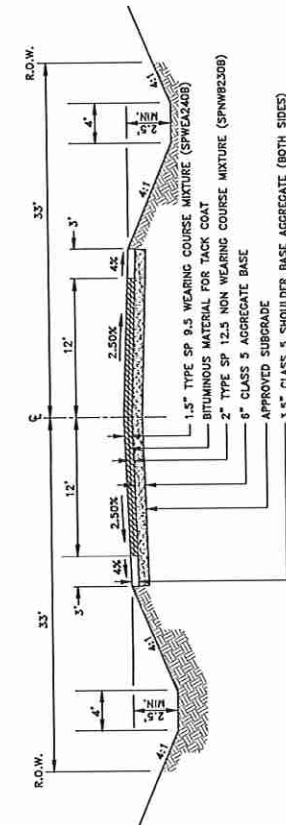
DATE: 07/20/2024
BY: J. A. EGGERS, P.E.
PROJECT: 43362

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PROJECT: 43362

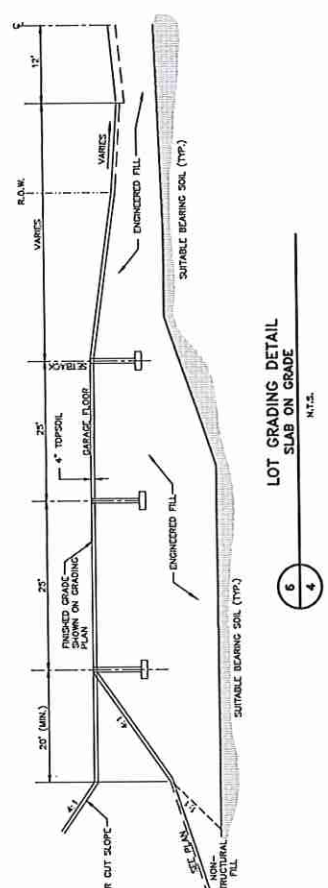
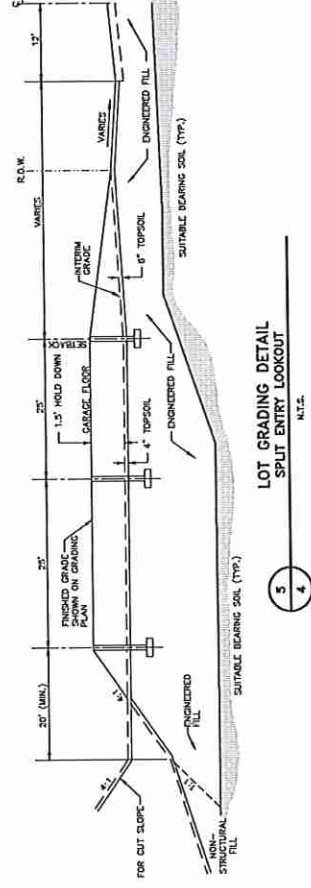
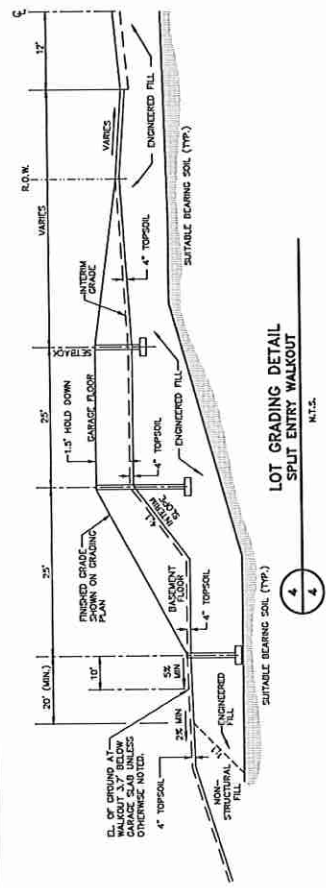
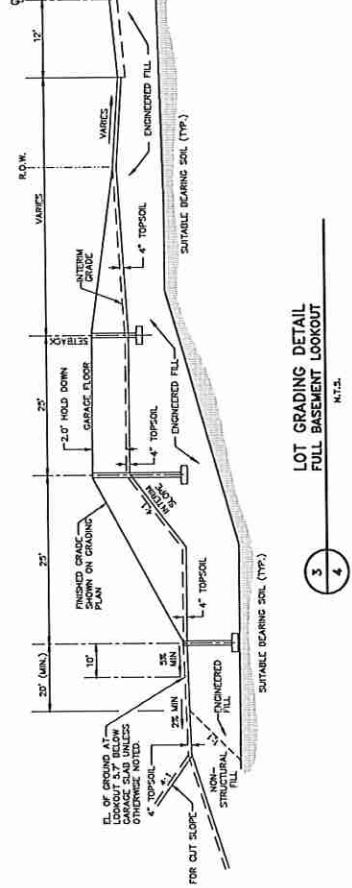
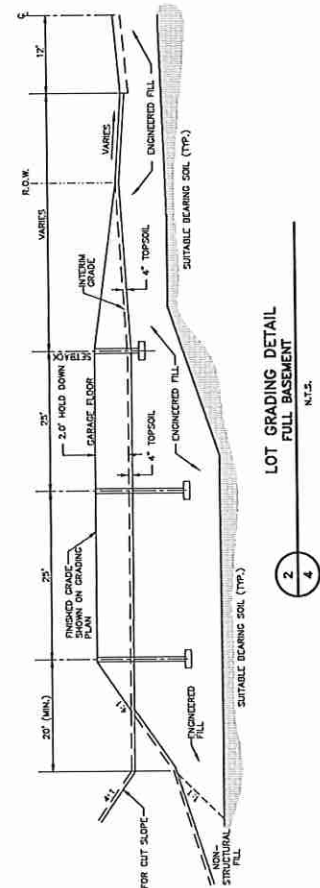
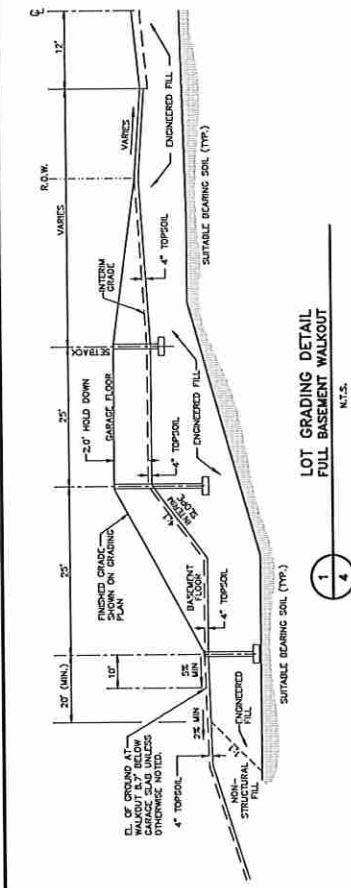
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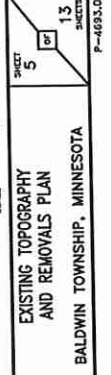
DATE: 07/20/2024
BY: J. A. EGGERS, P.E.
PROJECT: 43362



- REFERENCE NOTES:
- (1) SEDIMENT CONTROL LOGS SHALL BE PLACED AFTER GRADING.
- (2) STAKE STAKES AS NEEDED TO PREVENT MOVEMENT OF SEDIMENT CONTROL LOGS PLACED ON SLOPES OR AS NEEDED DUE TO OTHER FACTORS.
- (3) SEDIMENT CONTROL LOG SHALL MEET THE REQUIREMENTS OF MN/DOT SPEC. 3097.2.4.
- (4) CONTRACTOR SHALL PROTECT THE INFILTRATION BASIN WITH 48" HIGH ORANGE SAFETY FENCE PRIOR TO THE START OF CONSTRUCTION.
- (5) CONSTRUCTION EQUIPMENT SHALL BE MINIMIZED OVER THE FOOTPRINT OF THE BASIN. ONLY LOW PRESSURE, WIDE TRACKS AND TREADS SHALL BE USED FOR CONSTRUCTION.
- (6) INFILTRATION BASINS SHALL NOT BE GRADED TO WITHIN THREE FEET OF THE FINAL GRADE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN CONSTRUCTED AND FULLY STABILIZED OR ROBUST VEGETATION COVERED IN AREAS HAVE BEEN PROVIDED.
- (7) CONTROLS TO KEEP SEDIMENT AND RUNOFF COMPLETELY OUTSIDE OF THE INFILTRATION BASIN SHALL BE BETWEEN 0.45 AND 0.75 TIMES THE LENGTH OF THE BASIN.
- (8) THE INFILTRATION LOGS FOR THE CONTRACTOR MAY HAVE TO AMEND THE SOILS TO MEET THIS REQUIREMENT.
- (9) ONECE TOPSOIL UNDER THE INFILTRATION BASIN SHALL BE SCARIFIED TO A DEPTH OF 12" PRIOR TO RESTORATION.
- (10) COMPACTED SOIL WITHIN THE REQUIREMENTS OF MN/DOT SPEC. 3877.2.F.



DATE		REVISION	LOT GRADING DETAILS		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		SHEET 4 OF 13
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.		DATE	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		BALDWIN TOWNSHIP, MINNESOTA		P-4833.02



RUM RIVER
LAND SURVEYORS + ENGINEERS
509 First Street, Minneapolis, MN 55471
612.259.4476
info@rrll.com

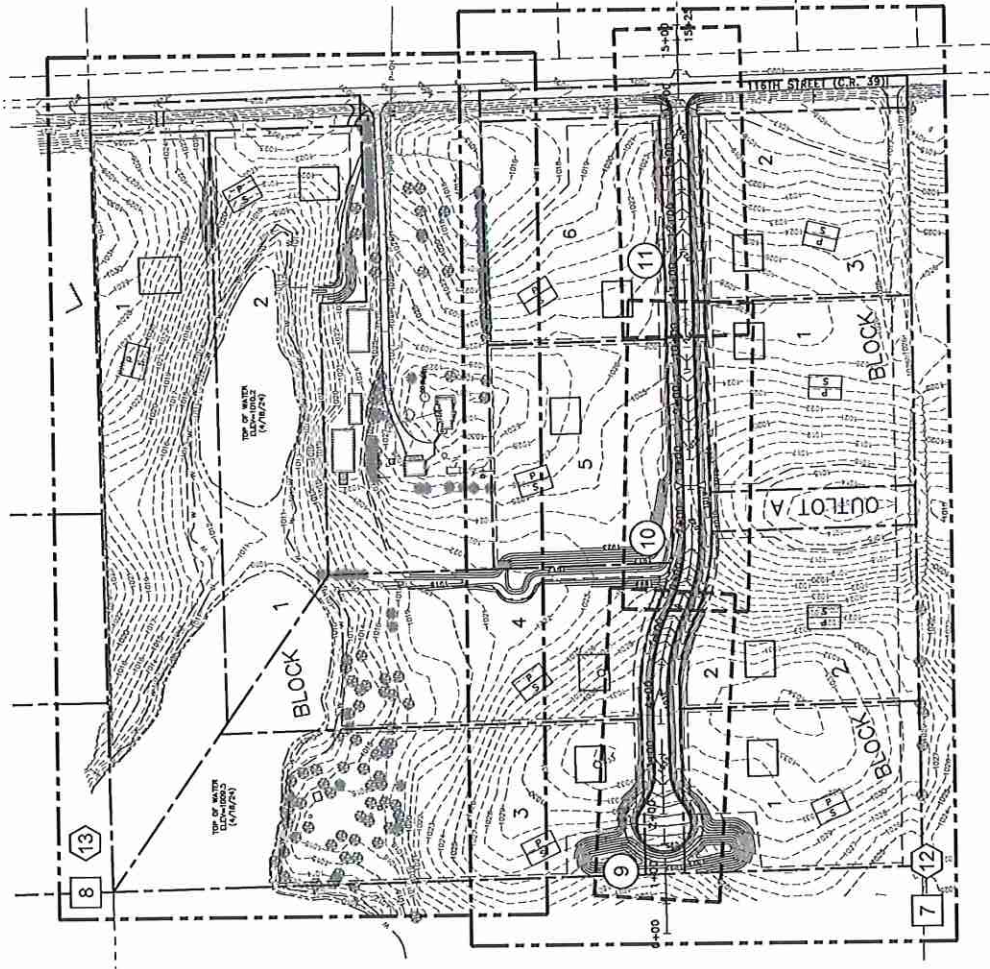
EX-103 R TAE STATE R TAE EX-103 R CJJ	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota. <i>John E. D.</i> JIMMOTHY A. EGGERS, P.E. Lic. No. 43302 Date 5/31/24
--	--

Date 3/31/24 Lic. No. 20002

Nov 07, 2024 - 5:02pm
K:\PRIVATE\4-4593.02\ENGINEERING\PLAN DWG\4-4593.02-EXISTING.dwg

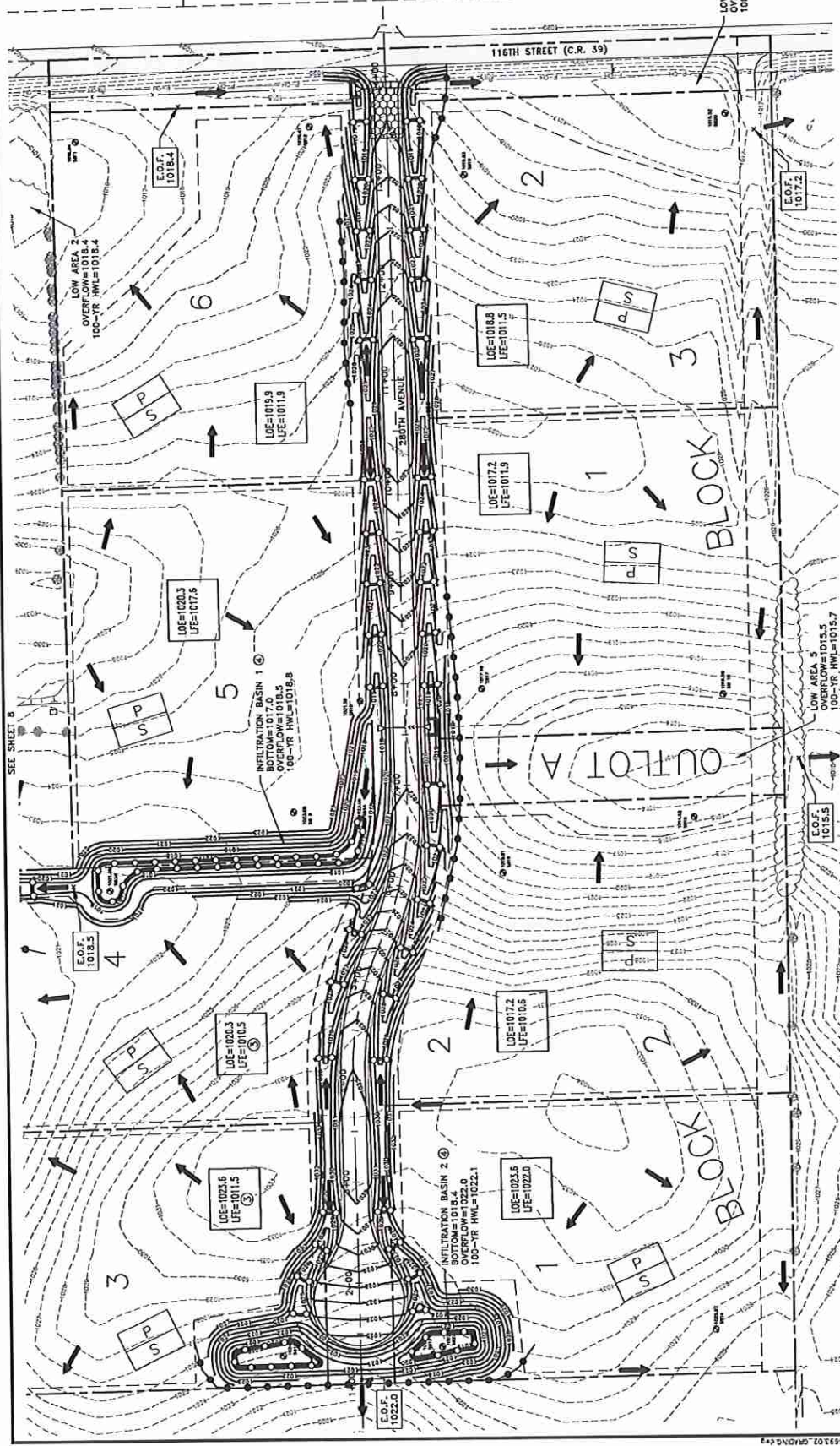
LEGEND

- X GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN SHEET NUMBER
- X STREET AND STORM SEWER CONSTRUCTION PLAN SHEET NUMBER
- X RESTORATION PLAN SHEET NUMBER



DATE: 07/20/24 DESIGNER: J. A. EGGERTS, P.E. PROJECT: NORTHLAND PONDS LOCATION: BALDWIN TOWNSHIP, MINNESOTA SHEET: 6 OF 13 P-4493.02 PROPOSED CONDITIONS SHEET INDEX	
RUM RIVER LAND SURVEYORS & ENGINEERS 200 Westwood Avenue, Suite 100 Baldwin, Minnesota 55120	
Northland Ponds	
1. I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Minnesota. <i>J. A. Eggerts</i> DATE: 5/31/24 PROJECT: NORTHLAND PONDS, P.L. 43362 DESIGNER: J. A. EGGERTS, P.E.	

REFERENCE NOTES:
 ① FINAL GRADE AND SURFACE SEWAGE TREATMENT SYSTEM (SSTS) AREAS SHALL BE VERIFIED AT THE TIME OF HOME CONSTRUCTION.
 ② FINAL HOUSE TYPES AND ELEVATIONS SHALL BE DETERMINED AT THE TIME OF HOME CONSTRUCTION. THE TYPE OF HOUSE SHALL BE AFFECTED BY THE FINAL DEPTH TO MOTTLER SOILS.
 ③ MULTIPLE HIGH WATER AND ELEVATIONS EXIST ON THIS LOT. THE PROPOSED HOME SHALL BE ELEVATIONS SHOWN ON THE HOUSE PADS SHOWN ON THE GRADING DRAINAGE AND SEDIMENT CONTROL ELEVATIONS SHALL BE REVIEWED IF THE HOUSE PAD IS RELOCATED.
 ④ CONSTRUCT INFILTRATION BASIN PER ②



LEGEND

HOUSE PAD LOCATION ②

LOE=XXXX.X
LFE=XXXX.X

LOE=XXXX.X MINIMUM LOW OPENING ELEVATION
LFE=XXXX.X MINIMUM LOW FLOOR ELEVATION

↑ DRAINAGE ARROW

DATE: 02/22/24
DESIGNER: JUAN ENRIQUE LARSEN, INC.

REVISION: 1
DATE: 02/22/24
BY: JUAN ENRIQUE LARSEN, INC.

PRIMARY AND SECONDARY SSTS AREA ①

SILT FENCE PER ③

SEDIMENT CONTROL LOG PER ④

STABILIZED CONSTRUCTION EXIT PER ③

CULVERT END CONTROL

EMERGENCY OVERFLOW ELEVATION

LOE=XXXX.X
LFE=XXXX.X

DATE: 02/22/24
DESIGNER: JUAN ENRIQUE LARSEN, INC.

REVISION: 1
DATE: 02/22/24
BY: JUAN ENRIQUE LARSEN, INC.

RUM RIVER

50% EXCESS FLOW CAPACITY - EXCESS FLOW CAPACITY

50% EXCESS FLOW CAPACITY - EXCESS FLOW CAPACITY

GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN

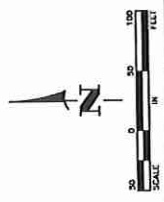
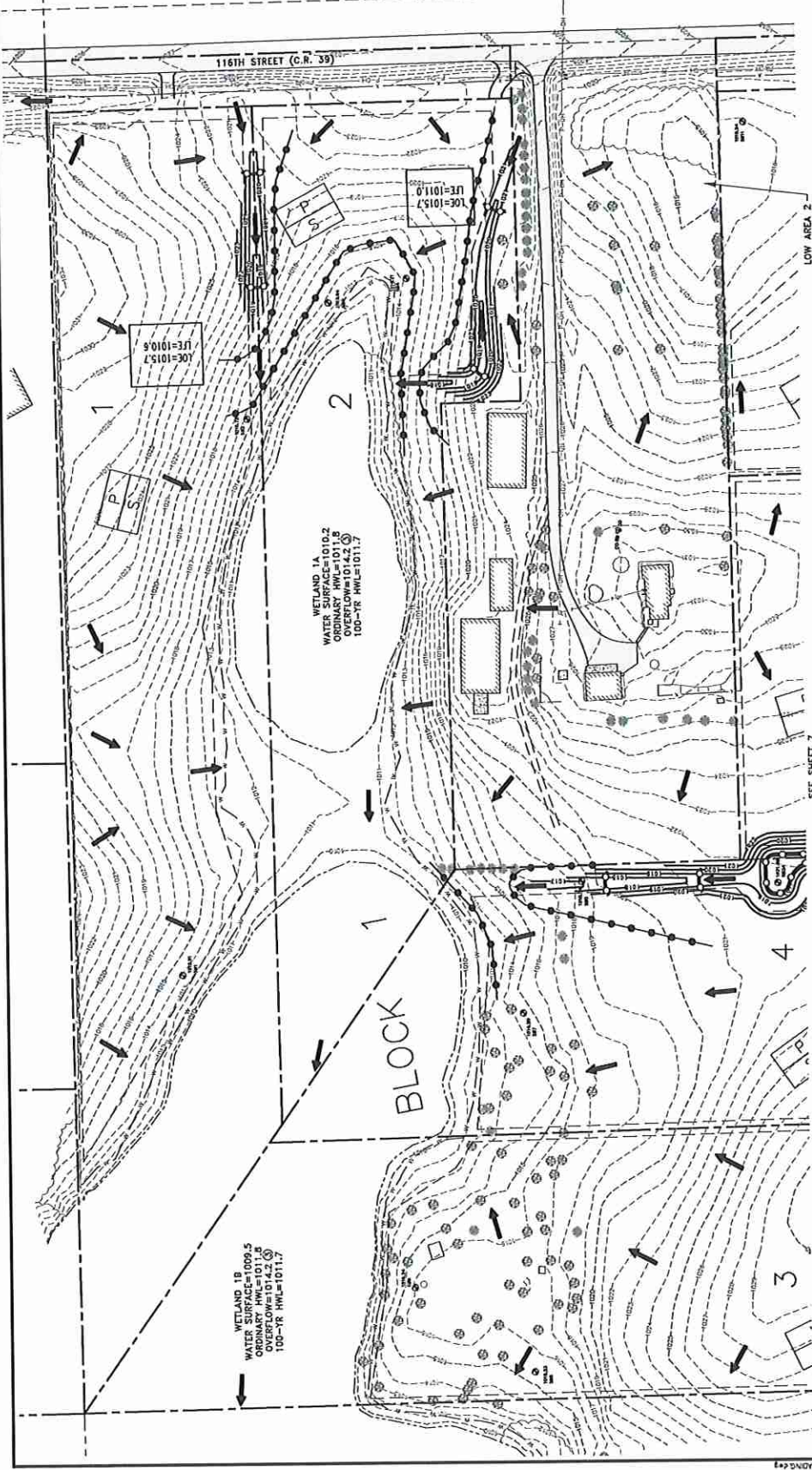
NORTHLAND PONDS

BALDWIN TOWNSHIP, MINNESOTA

SHEET 7 OF 13

P-4693.02

REFERENCE NOTES:
 ① FINAL LOCATIONS OF HOUSE, PAD, AND SURFACE SEWAGE TREATMENT SYSTEM (SSTS) AREAS SHALL BE VERIFIED AT THE TIME OF HOME INSPECTION.
 ② FINAL HOUSE TYPES AND ELEVATIONS SHALL BE DETERMINED AT THE TIME OF LOT DEVELOPMENT. HOUSES BEING CONSTRUCTED SHALL BE AFFECTED BY THE FINAL DEPTH TO MOTTLLED SOILS.
 ③ WETLAND OVERFLOW IS LOCATED ALONG CENTERLINE OF 116TH STREET, APPROXIMATELY 1500 FEET WEST OF THE SITE.



LEGEND

LOC=XXXX.X
 LFE=XXXX.X

HOUSE PAD LOCATION ①②

LOC=XXXX.X MINIMUM LOW OPENING ELEVATION
 LFE=XXXX.X MINIMUM LOW FLOOR ELEVATION

DRAINAGE ARROW

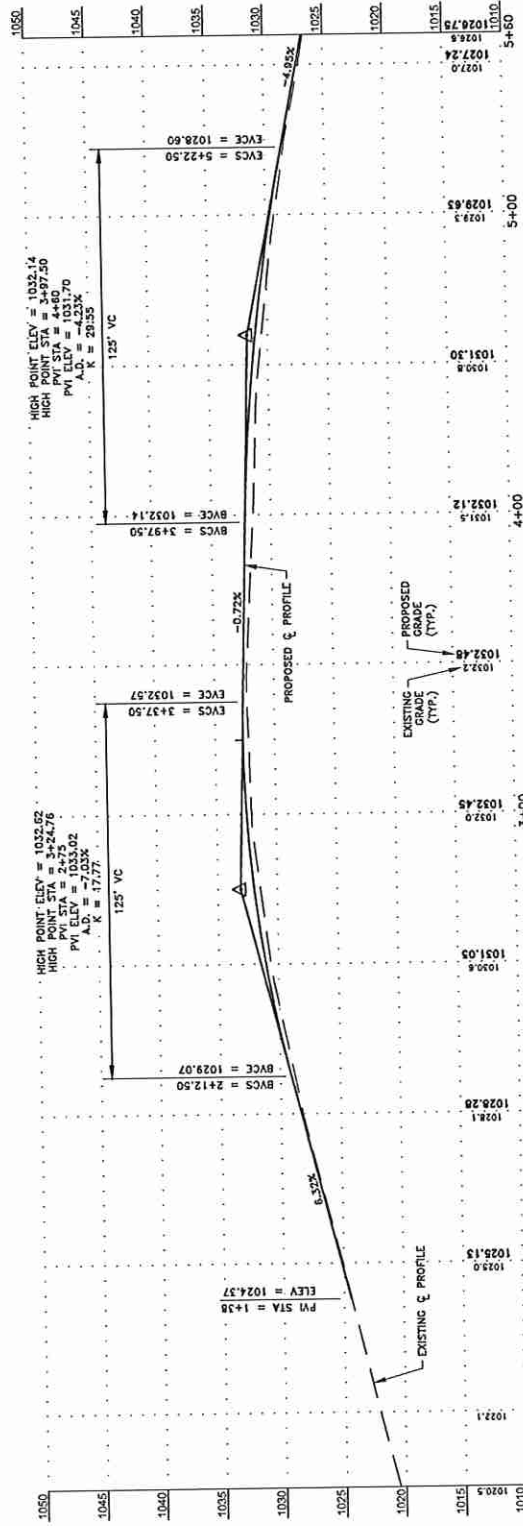
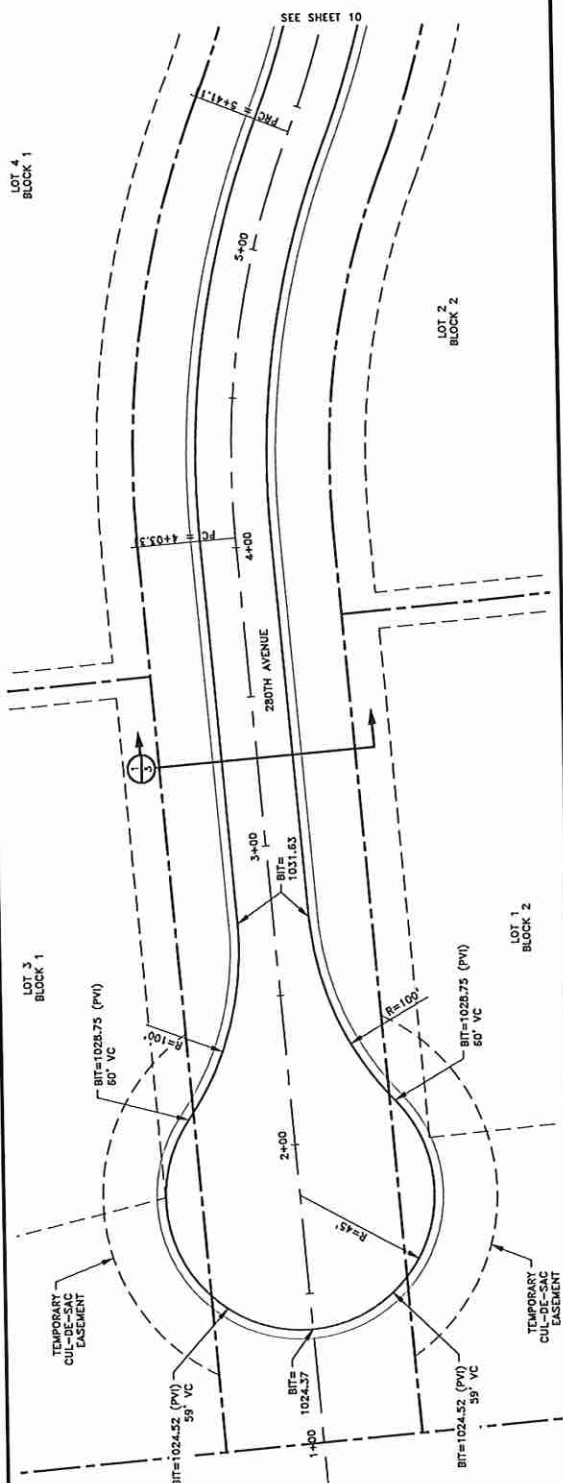
EMERGENCY OVERFLOW ELEVATION
 LOC=XXXX.X

PRIMARY AND SECONDARY SSTS AREA ①

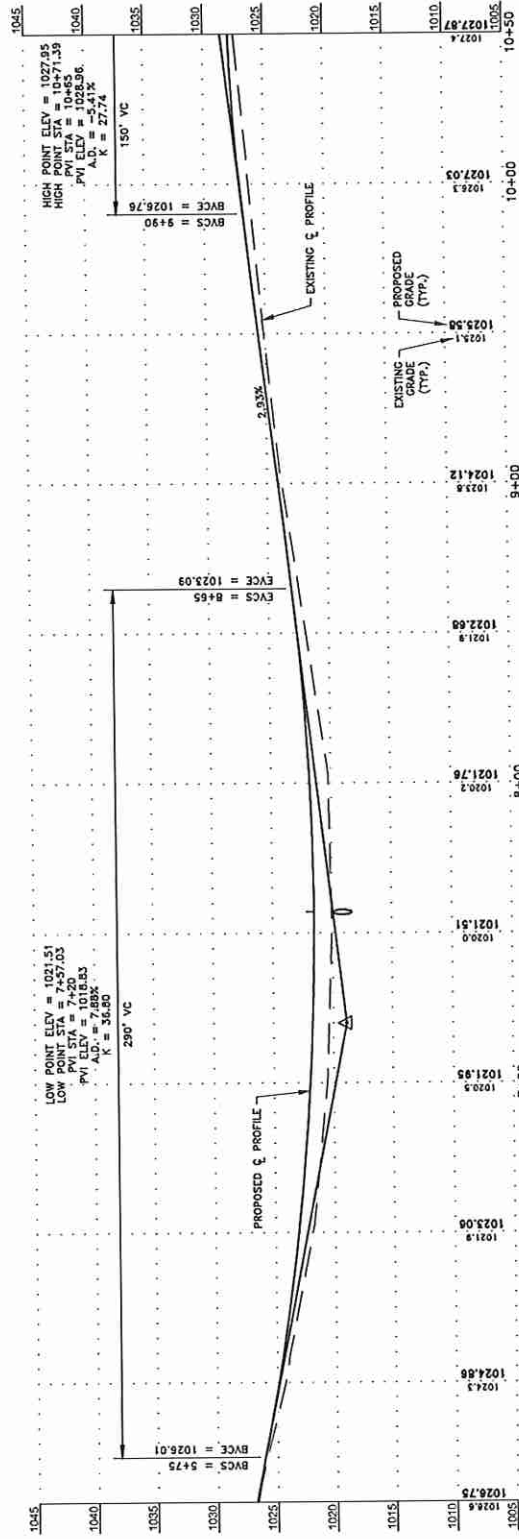
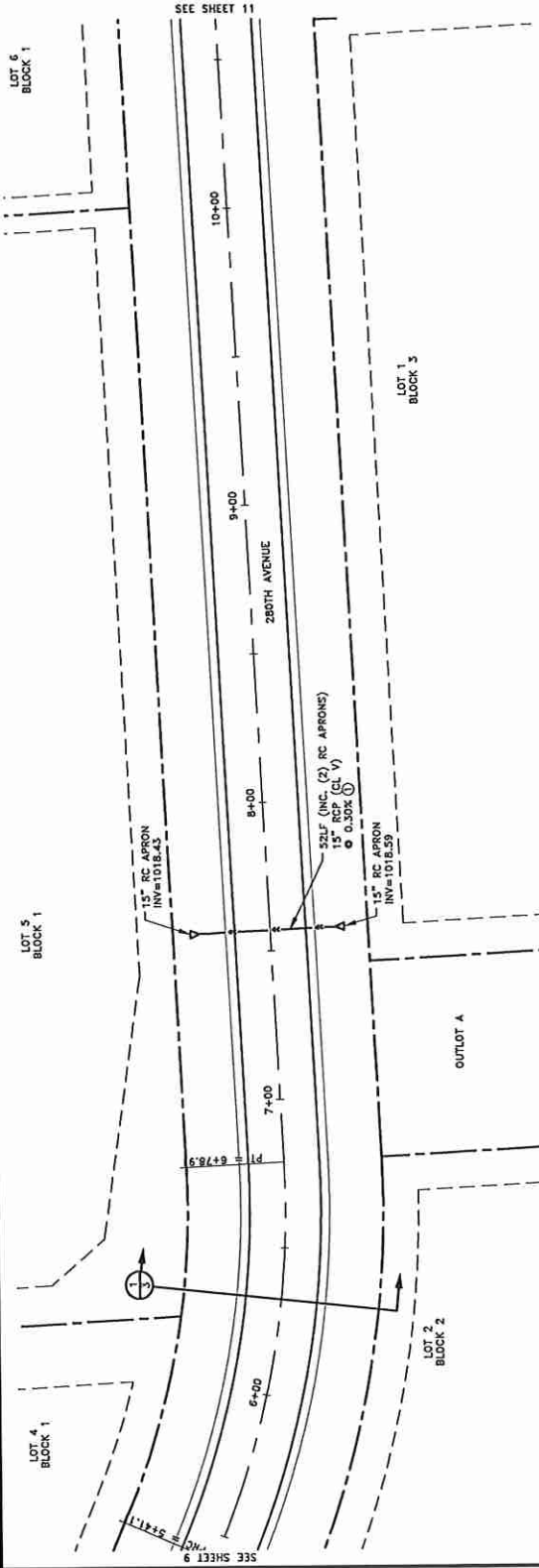
SILT FENCE PER ③

SEDIMENT CONTROL LOG PER ④

RUM RIVER A LAND SURVEYOR & ENGINEER 505 WEST 10TH STREET, SUITE 100 MINNEAPOLIS, MN 55407 (612) 338-1111		NORTHLAND PONDS		GRADING, DRAINAGE AND SEDIMENT CONTROL PLAN BALDWIN TOWNSHIP, MINNESOTA	
DATE: 11/27/2024 DRAWN BY: J. E. JOHNSON CHECKED BY: J. E. JOHNSON PROJECT NO.: 24-001		SHEET 8 OF 13 P-4683.02		REVISION 1. 11/27/2024: PLAN REVISION FOR THE PROJECT	

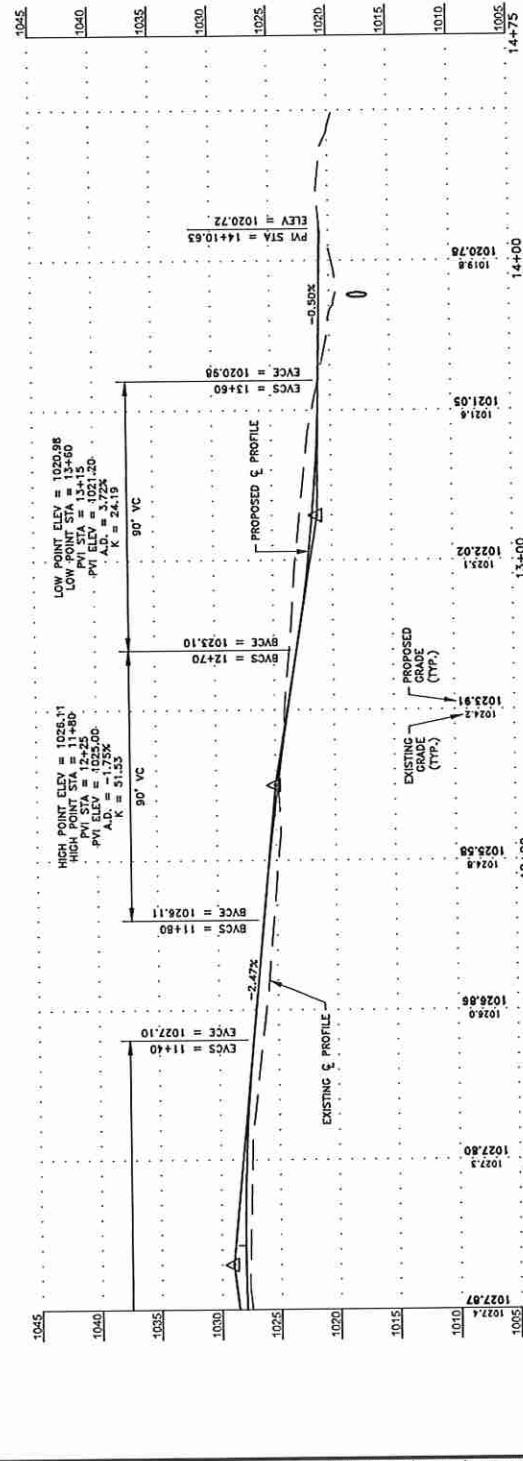
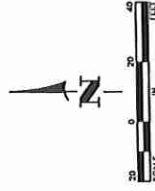
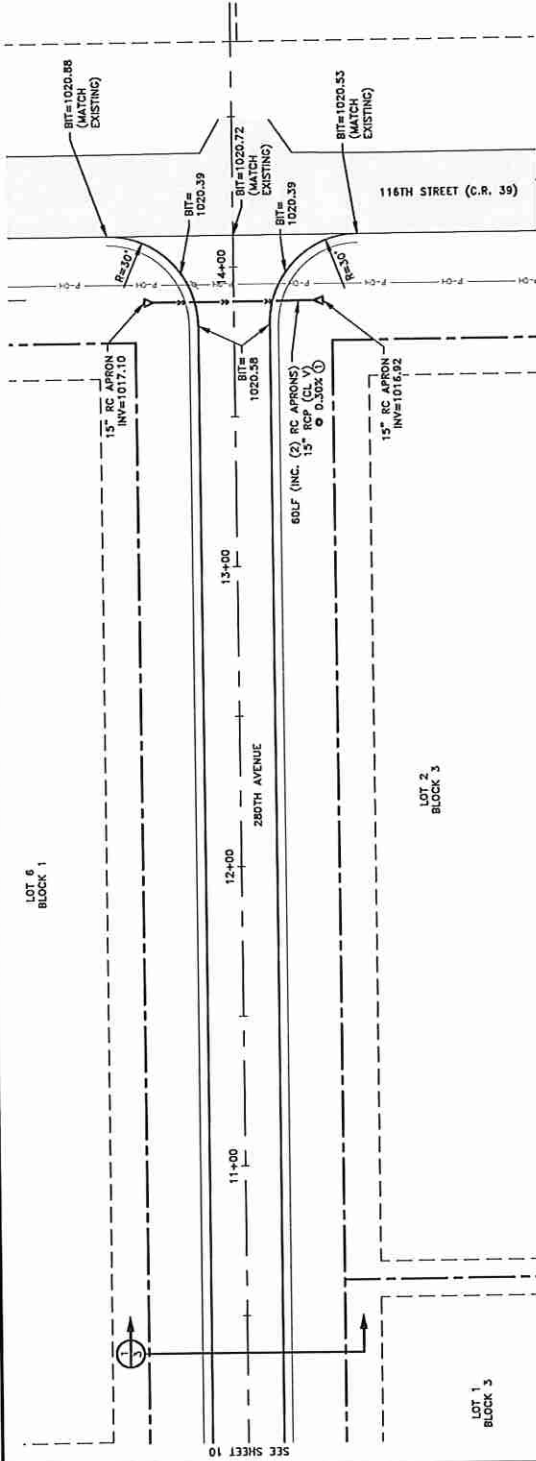


REFERENCE NOTES:
 ① TIE ALL PIPE JOINTS PER MM/DOOT
 STANDARD PLATE 3145.



DATE		REVISION		 RUM RIVER LAND DEVELOPMENT & UTILITIES 10000 RUM RIVER AVENUE MINNETONKA, MN 55345		NORTHLAND PONDS STREET AND STORM SEWER CONSTRUCTION PLAN 280TH AVENUE BALDWIN TOWNSHIP, MINNESOTA		SHEET 10 OF 13 SHEETS P-4693.02
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer of the State of Minnesota.				EXHIBIT TAE DATE 5/31/2024 BY JAE C.J.J.		Date: 5/31/2024 J. A. EQUILUS, P.E. 43382		

REFERENCE NOTES:
 ① ALL ELEVATIONS PER MN/DOT
 STANDARD PLATE 3142.



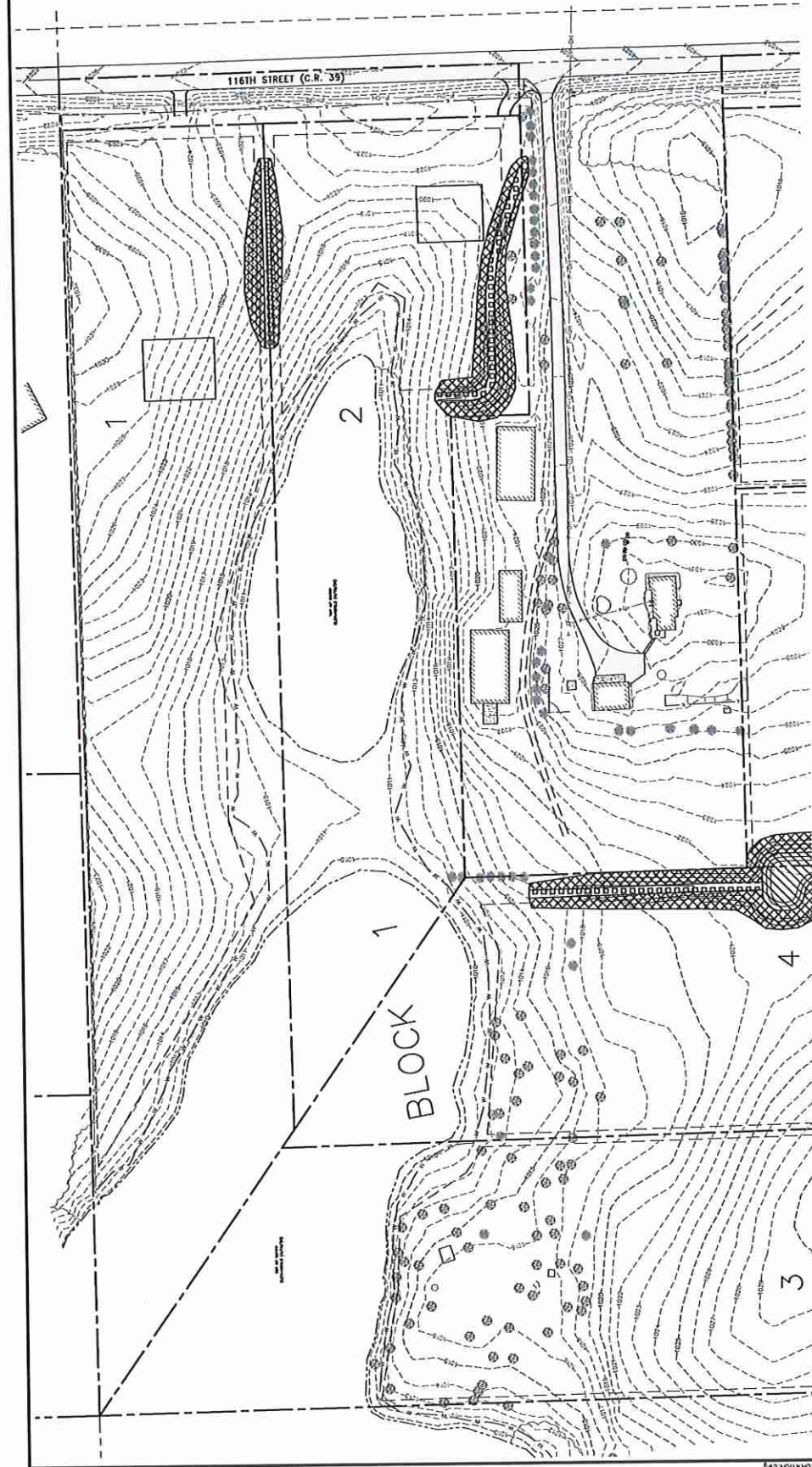
DATE		REVISION	RUM RIVER		NORTHLAND PONDS		STREET AND STORM SEWER CONSTRUCTION PLAN 280TH AVENUE BALDWIN TOWNSHIP, MINNESOTA		SHEET 11	OF 13	SHEETS P-4893.02
DESIGNED BY			RUM RIVER		RUM RIVER		RUM RIVER				
CHECKED BY			TAE		TAE		TAE				
DATE			NOV 10, 2023		NOV 10, 2023		NOV 10, 2023				
PROJECT NO.			P-4893.02		P-4893.02		P-4893.02				
DRAWN BY			J. A. EGGBACHS, P.E.		J. A. EGGBACHS, P.E.		J. A. EGGBACHS, P.E.				
DATE			NOV 10, 2023		NOV 10, 2023		NOV 10, 2023				



1. I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.

Date: 5/31/2023
 J. A. EGGBACHS, P.E.
 License No. 423392

DATE	REVISION



RESTORATION PLAN
BALDWIN TOWNSHIP, MINNESOTA
SHEET 13
13
P-4693.C

NORTHLAND PONDS

RUM RIVER
LAND SURVEYING & ENGINEERS
565 First Street, Princeton, MN 55371
Ph: 763.379.4475
FAX: 763.379.4475

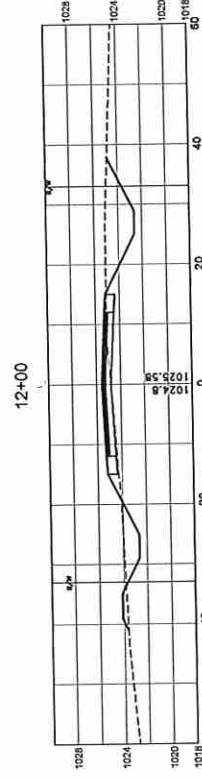
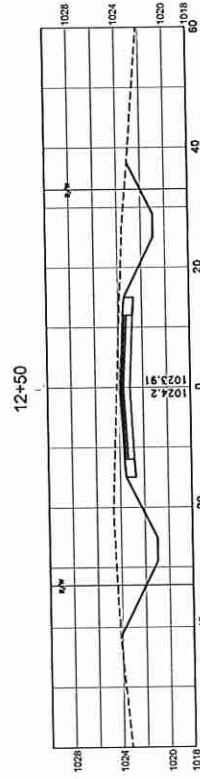
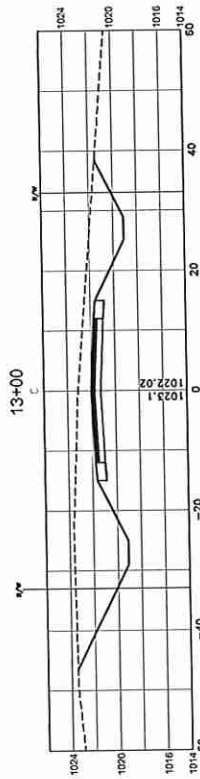
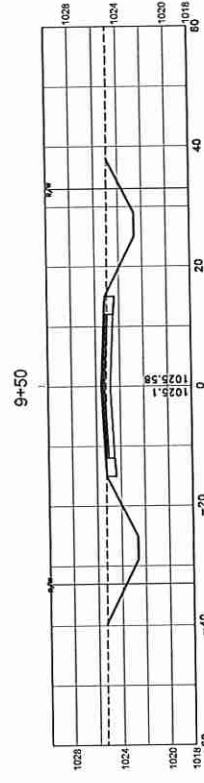
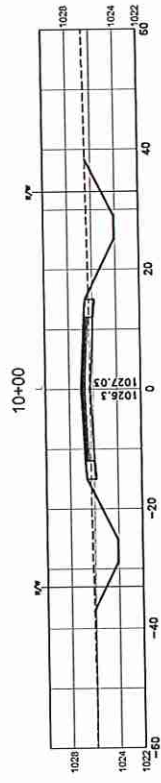
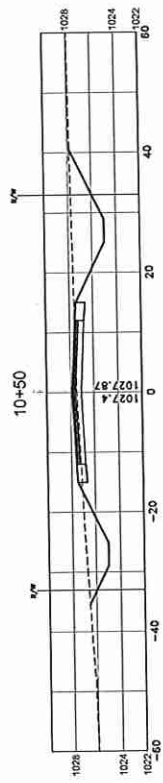
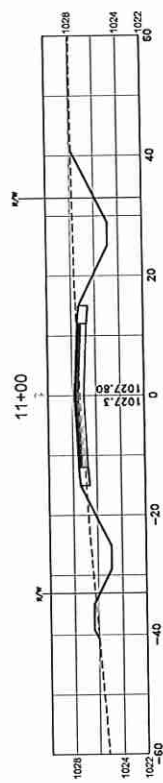
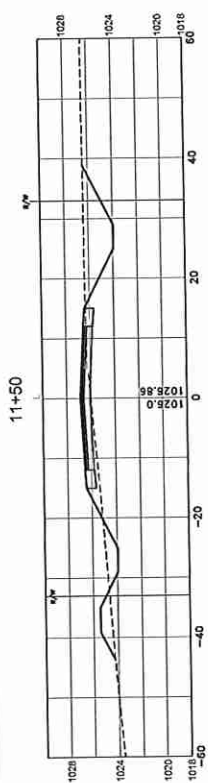
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.	EXCISE	TAE
	DATE	TAE
 TIMOTHY A. EGGOICHS, P.E. Lic. No. 43362	DATE	CJJ

[illegible]

LEGEND

SEED MIX 23-131 (220 LBS/ACRES)	TYPE 1 FERTILIZER (300 LBS/ACRES)	ROLLED CRISP PREVENTION CATEGORY 20
SEED MIX 33-261 (35 LBS/ACRES)	TYPE 1 FERTILIZER (300 LBS/ACRES)	HYDRAULIC MULCH MATRIX (2500 LBS/ACRE)
SEED MIX 23-131 (220 LBS/ACRES)	TYPE 1 FERTILIZER (300 LBS/ACRES)	HYDRAULIC MULCH MATRIX (2500 LBS/ACRE)

NC PRIVATE P-4593.02/ENGINEERING PLAN DMS P-4593.02 RESTORATION-68g

[illegible]

REMOVED BY TAE	REMOVED BY TAE	CHIEF OF CJ
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DR TAE	R TAE	DE CJJ
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RUM RIVER
LAND SURVEYS & ENGINEERS
203 First Street, Princeton, MN 55371
O-763.269-4476
HML26.com

THE RIVER
 SURVEYING & ENGINEERING
 105 West Street, Princeton, NJ 08541
 609.259.4176
 HRI26.com

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NORTHLAND PONDS

CROSS SECTIONS
280TH AVENUE
BALDWIN TOWNSHIP, MINNESOTA

280TH AVENUE
BALDWIN TOWNSHIP, MINNESOTA

280TH AVENUE
BALDWIN TOWNSHIP, MINNESOTA

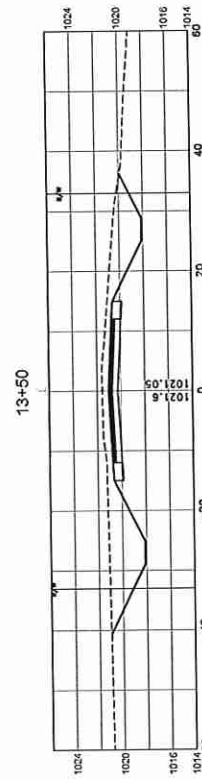
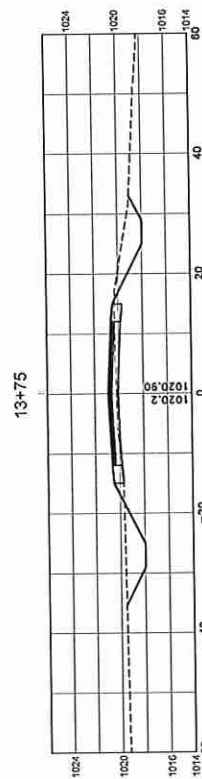
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CHECKED BY	TAE
DATE	CJJ



NORTHLAND PONDS

CROSS SECTIONS
280TH AVENUE
BALDWIN TOWNSHIP, MINNESOTA

SHEET
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OF
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SHEETS
P-4893.02

**CITY OF BALDWIN
PLANNING COMMISSION
VARIANCE APPROVAL
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Lakeside Investments MN, LLC

APPLICATION: Request for variance from the minimum setback from a Natural Environment Lake required by the Shoreland Overlay District.

PLANNING COMMISSION MEETING: 20 November 2024

FINDINGS: Based upon review of the application and evidence received, the Baldwin Township Planning Commission now makes the following findings of fact:

1. The property is legally described as:

The Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota, excepting therefrom the South 200.00 feet of the 200.00 feet of the North 654.00 feet of the East 798.00 feet, Also excepting therefrom the South 78.00 feet of the North 454.00 feet of the West 453.00 feet of the East 798.00 feet of the Northeast of the Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota.

2. The property is guided for Rural land uses by the Comprehensive Plan.
3. The property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of a Natural Environment Lake.
4. The applicant is requesting a variance to a reduction from 150 feet to 75 feet for the setback required by Section XX-90-7.B.1 of the Zoning Ordinance for structures and Subsurface Sewage Treatment Systems for Lots 1 and 2, Block 1 of the proposed preliminary plat of Northland Ponds.
5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: The proposed variance will allow for subdivision and construction of two new single family lots consistent with the Comprehensive plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: Proposed Lots 1 and 2, Block 1 are located at the northeast area of the preliminary plat separated from the balance of the subdivision by a wetland now classified as a Natural Environment Lake as of 17 June 2024. The developable area of proposed Lots 1 and 2, is limited by the extent of the Natural Environment Lake encumbering the property and lack of depth between said lake and 116th Street (CR 39) and the practical difficulty of the property owner caused by the government action of amending the performance standards applicable to the subject property after the preliminary plat application had been submitted.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The preliminary plat for subdivision of the was established prior to adoption of the ordinance classifying the wetland as a Natural Environment Lake creating a practical difficulty for approval of the subdivision designed as proposed caused by government action.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is only due to the recent classification of the wetland as a Natural Environment Lake as a result of government action and limited area and depth of developable land at the northeast area of the proposed preliminary plat such that the need for variance is not based only on economic considerations.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The propose preliminary plat is consistent with the character of rural residential land uses surrounding the subject property.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed variance applies to only two of the 10 lots proposed with the preliminary plat and the proposed setback reduction from 150 feet to 75 feet is the minimum action necessary to alleviate the practical difficulty caused by government action of amending the development standards applicable to the property.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the structures and Subsurface Sewage Treatment Systems within Lots 1 and 2, Block 1 are setback the greatest distance possible from the Ordinary High Water Level, which is greater than would have been required prior to the recent classification of the wetland as a Natural Environmental Lake, to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not for a use not allowed by the Zoning Ordinance.

6. The planning report dated 22 August 2024 and 14 November 2024 prepared by the City Planner, The Planning Company LLC, is incorporated herein.
7. The Planning Commission conducted a public hearing at their meeting on 28 August 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to table the application to allow the Department of Natural Resources to determine the Ordinary High Water Level to be established.
8. The Planning Commission conducted a second public hearing at their meeting on 20 November 2024 to consider the application, preceded by published and mailed notice, although not required by State Statute, the Zoning Ordinance, or Subdivision Ordinance; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted recommended that the City Council approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **APPROVED**, subject to the following conditions:

1. The preliminary plat shall be valid for a period of one year from the date of approval in accordance with Minnesota Statutes 462.358, Subd. 3C., unless extended by the City Council.
2. Access from Lots and 2, Block 1 to 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
3. The proposed intersection of 280th Avenue with 116th Street (CR 39) shall be subject to review and approval of Sherburne County.
4. The developer shall dedicate a temporary roadway easement at the terminus end of 280th Avenue, subject to review and approval of City staff.
5. Outlot A shall be deeded to the City for future right-of-way purposes.
6. The right-of-way and street design and construction for 280th Avenue shall be subject to review and approval of the City Engineer.
7. Access to individual lots from Town roads shall comply with Section 1.08 of the City Right-of-Way Ordinance and Section XX-21-6.B.2.b of the Zoning Ordinance.
8. Construction on all lots shall comply with the following setback requirements:

A. Front Yard or Side Yard Abutting a Public Road:		
	County Road	67 feet
	City Street:	50 feet
B. Side Yard (except as allowed by Section XX-51-5.A):		20 feet
C. Rear Yard:		25 feet
D. Ordinary High Water Level		
	Lots 1 and 2, Block 1	75 feet
	Lots 3-6, Block 1; Lots 1-2, Block 2; Lots 1-2, Block 3	150 feet

9. Impervious surface within all or portions of lots within the Shoreland Overlay District shall not exceed 25 percent; proposed impervious surface within the Shoreland Overlay District shall be shown on the certificate of survey for each lot with application for a Building Permit.
10. Subsurface Sewage Treatment Systems and well utilities for each lot shall be subject to review and approval of the Building Official.
11. All grading, drainage, and erosion control plans shall be subject to review and approval of the City Engineer.
12. All wetland issues shall be subject to review and approval of the City Engineer.
13. All easements shall be subject to review and approval of the City Engineer.
14. Park dedication requirements shall be satisfied by payment of a cash fee in lieu of land based on the Fee Schedule Ordinance in effect at the time of final plat approval, subject to approval of the City Council.
15. Development of the subject property shall comply with the Bald and Golden Eagles Protection Act, including issuance of a General Permit for Disturbance, subject to review and approval of the U.S. Fish and Wildlife Service.

(Remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin Planning Commission this 20th day of November, 2024.

MOTION BY:
SECOND BY:
ALL IN FAVOR:
THOSE OPPOSED:

BALDWIN PLANNING COMMISSION

BY: _____
Clarence Mattson, Chair

ATTEST: _____
Kayla Nielsen, Deputy Clerk

**CITY OF BALDWIN
PLANNING COMMISSION
VARIANCE DENIAL
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Lakeside Investments MN, LLC

APPLICATION: Request for variance from the minimum setback from a Natural Environment Lake required by the Shoreland Overlay District.

PLANNING COMMISSION MEETING: 20 November 2024

FINDINGS: Based upon review of the application and evidence received, the Baldwin Township Planning Commission now makes the following findings of fact:

1. The property is legally described as:

The Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota, excepting therefrom the South 200.00 feet of the 200.00 feet of the North 654.00 feet of the East 798.00 feet, Also excepting therefrom the South 78.00 feet of the North 454.00 feet of the West 453.00 feet of the East 798.00 feet of the Northeast of the Northeast Quarter of the Southwest Quarter of Section 34, Township 35, Range 26, Sherburne County, Minnesota.

2. The property is guided for Rural land uses by the Comprehensive Plan.
3. The property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of a Natural Environment Lake.
4. The applicant is requesting a variance to a reduction from 150 feet to 75 feet for the setback required by Section XX-90-7.B.1 of the Zoning Ordinance for structures and Subsurface Sewage Treatment Systems for Lots 1 and 2, Block 1 of the proposed preliminary plat of Northland Ponds.
5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:

- A. That the variance would be consistent with the comprehensive plan.

Finding: The proposed variance will allow for subdivision and construction of two new single family lots consistent with the Comprehensive plan.

- B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: Proposed Lots 1 and 2, Block 1 are located at the northeast area of the preliminary plat separated from the balance of the subdivision by a wetland now classified as a Natural Environment Lake as of 17 June 2024. Section XX-90-7.B.1 of the Zoning Ordinance requires a 150 foot setback from the Ordinary High Water Level of a Natural Environment Lake. There is not area within Lots 1 and 2, Block 1 to allow for location of a single family dwelling within the lots without approval of a variance. Approval of a variance without a finding of a practical difficulty is not consistent with the criteria established by the Zoning Ordinance.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The preliminary plat for subdivision of the was established prior to adoption of the ordinance classifying the wetland as a Natural Environment Lake creating a practical difficulty for approval of the subdivision designed as proposed caused by government action.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is due to the recent classification of the wetland as a Natural Environment Lake, which to comply with would require the preliminary plat to be revised to eliminate the proposed lots and building sites in the area of Lot 1 and Lot 2, Block 1. The effect of the plat revision eliminating lots and building sites in the area of Lot 1 and Block 2 is an economic consideration for the developer.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The proposed subdivision design of the preliminary plat is consistent with the character of rural residential land uses surrounding the subject property.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed variance applies to only two of the 10 lots proposed with the preliminary plat and is the minimum action necessary to alleviate the practical difficulty caused by government action of amending the development standards applicable to the property.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the structures and Subsurface Sewage Treatment Systems within Lots 1 and 2, Block 1 are setback the greatest distance possible from the Ordinary High Water Level, which is greater than would have been required prior to the recent classification of the wetland as a Natural Environmental Lake, to prevent potential impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The requested variance is not for a use not allowed by the Zoning Ordinance.

6. The planning report dated 22 August 2024 and 14 November 2024 prepared by the City Planner, The Planning Company LLC, is incorporated herein.
7. The Planning Commission conducted a public hearing at their meeting on 28 August 2024 to consider the application, preceded by published and mailed notice; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted to table the application to allow the Department of Natural Resources to determine the Ordinary High Water Level to be established.
8. The Planning Commission conducted a second public hearing at their meeting on 20 November 2024 to consider the application, preceded by published and mailed notice, although not required by State Statute, the Zoning Ordinance, or Subdivision Ordinance; based upon review of the application and evidence received, the public hearing was closed and the Planning Commission voted recommended that the City Council approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends the request be **DENIED**.

(Remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin Planning Commission this 20th day of November, 2024.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

BALDWIN PLANNING COMMISSION

BY: _____
Clarence Mattson, Chair

ATTEST: _____
Kayla Nielsen, Deputy Clerk



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Baldwin Planning Commission

FROM: D. Daniel Licht

DATE: 15 October 2024

RE: Baldwin; Ordinance Amendments

TPC FILE: 269.01

BACKGROUND

Baldwin Township will become the City of Baldwin on 18 November 2024. One of the immediate effects of the change in governance is that the Zoning Ordinance will no longer be required to be consistent with the Zoning Ordinance of Sherburne County in accordance with Minnesota Statutes Section 394.33, Subdivision 1. City staff is seeking to propose amendments to the Zoning Ordinance that will facilitate property development for residents under City jurisdiction. These include requirements for a Land Use Permit for development of property including wetlands identified by the National Wetland Inventory and removal of the limit on the area of individual accessory buildings. City staff has also brought forward for discussion by the Planning Commission allowance of shipping containers as detached accessory buildings as to possible expanded use on residential properties.

Minnesota Statutes Chapter 342 became law in 2023 allowing for legalization of recreational adult-use cannabis. Implementation of the law will be the responsibility of the Office of Cannabis Management (OCM) through regulatory rules and procedures still being developed. The law does establish that cities cannot prohibit cannabis businesses from operating within their jurisdictions and limits the scope of regulations that a city can adopt to control public use, as well as time, place, and manner operations of a cannabis business. City staff has included in the proposed ordinance amendments zoning regulations for cannabis business uses that establish definitions, general performance standards, designation of allowed uses by zoning district, and standards specific to those uses allowed by interim use permit.

A public hearing has been noticed for the Planning Commission meeting on 20 November 2024 to consider the proposed amendments.

Exhibits:

- Draft ordinance amendment

ANALYSIS

Cannabis. The City must initially decide upon a regulatory policy to be taken towards cannabis businesses. At one end of the spectrum is a laissez faire approach of the City taking the minimum action required by Statute regarding the license and operation of cannabis businesses on the basis that the State has deemed this to be a legal activity in Minnesota.

- **Public Use.** The Statute legalized adult use of cannabis within public places effective 1 August 2023 unless otherwise regulated by local government jurisdictions. The draft ordinance provides that adult use of cannabis within the City is only allowed on private properties and those properties licensed to permit its use.
- **Number.** The Statute establishes that counties and cities may impose the following limits the number of cannabis business licenses issued within their jurisdictions.
 - Minimum 1 license 12,500 population within issuing LGU (county/city)
 - If County has 1 license / 12,500 county population, a city not required to register
- **Cannabis Businesses.** The Statute defines 14 specific cannabis businesses and two hemp-based businesses allowed to operate in Minnesota, listed below. This list includes medical cannabis cultivator and medical cannabis processor, which would include an existing business operating in Otsego.
 - Cannabis microbusiness
 - Cannabis mezzobusiness
 - Cannabis cultivator
 - Cannabis manufacturer
 - Cannabis retailer
 - Cannabis wholesaler
 - Cannabis transporter
 - Cannabis testing facility
 - Cannabis event organizer
 - Cannabis delivery service
 - Medical cannabis cultivator
 - Medical cannabis processor
 - Medical cannabis retailer
 - Medical cannabis combination business
 - Low Potency Hemp Edible Manufacturer
 - Low Potency Hemp Edible Retailer

The definitions of each of these businesses included within the Statute establish a basis for the City to define the types of businesses to be allowed within various zoning districts in terms of time, place, and manner regulations applicable to each type of operation.

- **Time/Place/Manner Regulations.** The concepts of time, place, and manner regulations is the fundamental basis of zoning. Allowed uses are defined and located within the City based on land use compatibility and access to infrastructure so as to protect public health safety and welfare. Uses are allowed by the Zoning Ordinance either as permitted, conditional, or interim

uses that are subject to varied levels of review by the Planning Commission and City Council, with likewise varied levels discretion to impose conditions related to the operation of the use. Zoning Districts provide for co-location of like land uses within a defined geographic area where they will compatibly exist and, in the case of businesses, provide for market attraction and business interchange.

- **Zoning Districts.** The primary form of place regulations for land uses is by zoning district. A preliminary outline of the cannabis businesses and hemp businesses by land use characteristics and corresponding zoning districts, not including residential or institutional districts, is provided below:

Business		C1 Commercial	I1 Industrial
Microbusiness			Interim
Mezzobusiness			Interim
Cultivator			Interim
Manufacturer			Interim
Retailer		Permitted	
Transporter			Interim
Testing facility			Interim
Event organizer		Permitted	
Delivery service			Interim
Medical	Cultivator		Interim
	Processor		Interim
	Retailer	Permitted	
	Combination		Interim
LP Hemp Edible Manufacturer			Interim
LP Hemp Edible Retailer		Permitted	

How each of the cannabis business is allowed within the assigned zoning districts will also need to be determined as allowance as a permitted, conditional, or interim use is a form of time, place, and manner regulation. The Statute does not provide direction as to how cities must allow cannabis businesses within the Zoning Ordinance as Statutes do with other certain uses. The Planning Commission and City Council need to determine if there are potential negative impacts with the cannabis business that warrants the additional review process required of a conditional or interim use and what types of conditions could be reasonably established beyond the limited standards outlined by Statute.

Requiring the additional review processes of a conditional use or interim use can also be problematic from a political perspective. The Planning Commission and City Council have an educated understanding of the level of discretion allowed to the City for review of conditional uses and interim uses and application of conditions. The public does not always have this level of understanding and may have unfounded expectations of the City Council's ability to approve or deny a cannabis business application through the Conditional Use Permit or Interim Use Permit review process. To this end, it may be the most practical approach for the City to allow cannabis businesses as permitted uses subject to the general performance standards established by the Zoning Ordinance applicable to any business within the same zoning district and those specifically established by Statute or OCM rules and procedures.

- **Building Code.** The Statute allows for compliance with the building code as a requirement for a county or city to registering a license within its jurisdiction. The Zoning Ordinance already establishes this requirement as a general performance standard applicable to all uses within the City. Connecting building code compliance to the cannabis business license does provide an additional avenue of enforcement in the case of known violations.
- **Property Taxes.** The Statute requires a cannabis business to certify that the current years' property taxes have been paid as a condition of a county or city registering a license within its jurisdiction. This provision is consistent with other State Statutes requiring certification of taxes paid as a condition of zoning and subdivision approvals.
- **Other Licenses.** Certain licensed businesses, such as businesses with liquor licenses, may also acquire hemp business licenses to sell hemp products. A criminal conviction for violating the terms of the hemp license impacts liquor licenses by operation of state statute. The city should also consider adding conditions to business licenses that the business will not sell illegal hemp or cannabis products. This will allow for administrative enforcement without the need to secure a criminal conviction. Businesses that may risk illegal hemp or cannabis sales may be more likely to obey the law if noncompliant sales could also result in, for example, liquor license revocation.
- **Administration.** The Statute establishes administrative responsibilities for counties and cities registering cannabis businesses that involve compliance checks and inspections. The inspections are technical involving verification of product as well as handling and storage. For this reason, there has been discussion between Sherburne County, cities, and townships about joint responsibilities. City staff continues discussion with Sherburne County staff on this matter. If the City is ultimately the jurisdiction that administrates of cannabis businesses, the Statute provides a schedule for registration fees that can be collected as well as distribution of the special sales tax for cannabis retail sales that can be used by the City to fund these responsibilities.

The Office of Cannabis Management continues to work to establish additional regulations, policies, and procedures for cannabis businesses. However, the Statute allows that cannabis businesses licenses may be issued as of 1 January 2025. City staff recommends that it is best that the City proactively have at least the zoning regulations in place prior to 1 January 2025. City staff will monitor the Office of Cannabis Management rule making process and review potential applications of regulations as they are published while also continuing discussions with Sherburne County regarding administration of cannabis regulations.

Wetlands. Minnesota Rules Section 8420.0200, Subpart 1.A establishes that outside of the seven-county Twin Cities Metropolitan Area, the Local Government Unit responsible for administration of the Wetland Conservation Act is the County or City in which the activity is located. Section XX-16-4 of the Baldwin Zoning Ordinance establishes performance standards applicable to site development involving wetland impacts or potential wetland impacts administered by Sherburne County. Upon incorporation of Baldwin, these responsibilities will belong to the City. The draft ordinance amendment includes changes to Chapter 16 of the Zoning Ordinance and Chapter 7 of the Subdivision Ordinance transferring authority for wetland administration to the City Engineer.

Accessory Buildings. Section XX-18-2. Of the Zoning Ordinance establishes limits on the area allowed for detached accessory buildings. The Planning Commission and City Council have taken issue with the current requirement that arbitrarily limits the area of any one detached accessory building allowed to be

constructed within a lot. Limits on the area (and number) of detached buildings are meant to control the bulk and scale of a building(s) relative to the residential dwelling on the property to ensure that the use remains accessory and does not disrupt the intended residential character of an area.

Rural residential areas typically have opportunities for larger detached accessory buildings corresponding to larger parcels and less development density. Establishing allowances for detached accessory buildings in relation to the area of a lot is a common means controlling the bulk and scale of structures on a property. The scale established by the Zoning Ordinance correlates allowed building area to lot area in a reasonable manner. The provision limiting the area of individual buildings does not affect the bulk of detached accessory buildings within a lot as the allowed area can be achieved through multiple buildings. This approach may also lead to a perception of greater crowding of buildings within a lot given multiple structures and the need for separation.

The Planning Commission discussed at their Special Meeting on 16 October 2024 amending the Zoning ordinance to eliminate the scaled limit on the area of individual detached accessory buildings based on lot area. The Planning Commission further discussed eliminating the overall maximum area for any detached accessory building. The current maximum allowed 5,500 square foot detached accessory building is allowed on unplatted parcels or platted lots larger than five acres, which is equal to the four percent or three percent total area allowed, respectively. Rather, the Planning Commission supported allowing detached accessory buildings up to four percent of the lot area and without the current distinction between unplatted and platted lots.

Shipping Containers. Section XX-18-2.G of the Zoning Ordinance regulates use of shipping containers on residential properties as follows:

XX-18-2.G. Shipping/Storage Containers and Semi-Trailers: Shipping/storage containers and semi-trailers are prohibited for use as an accessory structure on any platted lot and on non-platted residential lots less than 10 acres in area, except when used for the following purposes:

- 1. As a temporary storage unit for moving purposes for a period of not more than one consecutive month in a 12 month period; or*
- 2. As a temporary construction project container not to exceed three consecutive months.*
- 3. Shipping/storage containers and semi-trailers used for these purposes on platted lots shall comply with the parking requirements for vehicles provided for in chapter 21 of this ordinance.*

Use of shipping containers on platted lots or unplatted residential lots less than 10 acres in area is limited to a temporary basis. City staff is dealing with use of a shipping container on a platted lot less than 10 acres in area as code enforcement and is aware of other properties where a shipping containers is being used as a detached accessory structure in violation of the current provisions of the Zoning Ordinance.

The Town Board directed the Planning Commission to consider and make recommendations as to whether the current provisions of the Zoning Ordinance regulating use of shipping containers ought to

be amended to allow greater use than currently provided for. The Planning Commission discussed the matter at their special meeting on 16 October 2024 and recommended no amendment of the Zoning Ordinance regulating use of shipping containers on residential properties.

Incorporation. With incorporation being effective as of 18 November 2024, City staff has included a provision in the proposed amendments directing the Zoning Administrator to revise the Zoning Ordinance, Subdivision Ordinance, and Building Ordinance to reflect this change. The ordinances are to be revised to change words such as Town to City, Town Board, to City Council, etc. No changes in the scope of the regulations is being authorized.

CONCLUSION

City staff recommends adoption of the proposed amendments of the Zoning Ordinance (Ordinance 900), Subdivision Ordinance (Ordinance 910), and Building Ordinance (Ordinance 920).

c. Joan Heinen, City Clerk/Treasurer

ORDINANCE NO.: 24-__

CITY OF BALDWIN
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE AMENDING ORDINANCES 900, 910, AND 920
REGARDING WETLANDS, ACCESSORY BUILDINGS, CANNABIS, AND INCORPORATION.

THE BALDWIN CITY COUNCIL ORDAINS:

Section 1. Section XX-2-2 of Ordinance 900 (Zoning Ordinance - Definitions) is hereby amended to include the following terms alphabetically:

Cannabis Businesses Related: Unless otherwise noted in this section or chapter 28 of this title, words and phrases contained in Minnesota Statutes, section 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this title.

- A. Adult-Use Cannabis Product: As defined under Minnesota Statutes, section 342.01, subd. 4.
- B. Cannabis Cultivation: A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
- C. Cannabis Retail Businesses: A state licensed retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, excluding lower-potency hemp edible retailers.
- D. Cannabis Retailer: Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
- E. Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a twenty four (24) hour day.
- F. Lower Potency Hemp Edible: As defined under Minnesota Statutes, section 342.01, subd. 50.
- G. Office of Cannabis Management: State of Minnesota Office of Cannabis Management, as may be referred to as "OCM" in reference to this title.
- H. Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise

made available to the public.

- I. Preliminary License Approval: Office of Cannabis Management pre-approval for a cannabis business license for applicants who qualify under Minnesota Statutes, section 342.17.
- J. Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
- K. Residential Treatment Facility: As defined under Minnesota Statutes, section 245.462 subd. 23.
- L. Retail Registration: An approved registration issued by Wright County to a cannabis retail business.
- M. School: A public school as defined under Minnesota Statutes, section 120A.05 or a nonpublic school that complies with the reporting requirements under Minnesota Statute, section 120A.24.
- N. State License: An approved license issued by the Office of Cannabis Management to a cannabis retail business.

Section 2. Section XX-5-4 of Ordinance 900 (Zoning Ordinance - Interim Use Permits; Specific Use Standards) is hereby amended to include the following provisions with subsequent sections renumbered accordingly:

- H. Cannabis businesses; combination medical cannabis, cultivator, manufacturer, medical cannabis combination, mezzobusiness, microbusiness, testing facility, and lower potency hemp manufacturer, provided that:
 - 1. General Standards. The cannabis business shall comply with the provisions of chapter 28 of this title.
 - 2. Indoor Operations:
 - a. A cannabis business shall be conducted entirely within a principal or accessory building as allowed by this title; all outside storage is prohibited.
 - b. All waste and recycling containers shall be kept within a principal or accessory building.
 - 3. Minimum Buffer Zone. All principal and accessory buildings occupied by a cannabis business shall be setback a minimum of 500 from any residential district established by chapter 45 of this title.
 - 4. Allowed Hours:
 - a. Retail sale of cannabis, cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products shall be limited to occur between

the hours set forth by section XX-28-4.c. of this title.

- b. The hours of operation for a cannabis business other than those specified by section 11-5-4.H.5.a of this section shall be limited to the hours of 7:00 A.M. to 10:00 P.M each day, unless extended by the city council.

5. Emissions. An emissions plan shall be submitted with application for a conditional use permit describing the emissions(s) anticipated to originate at the premises and the methods to be used to prevent such odor(s) from leaving the premises, subject to the following:

- a. Sufficient measures and means of preventing any gas, vapors, odors, smoke, odors, debris, dust, fluids, or other substances from exiting a cannabis business shall be provided at all times.
- b. In the event that any gas, vapors, odors, debris, dust, fluids, or other substances exit a cannabis business, the cannabis business and the owner of the subject property shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition.
- c. The cannabis business shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, state and local laws and regulations.

6. Cultivation:

- a. Cannabis cultivation shall not be perceptible from the exterior of the building in which the cultivation occurs.

b. Lighting:

- (1) The use of any lighting for indoor marijuana cultivation shall be limited to light-emitting diodes (LEDs), compact fluorescent lamps (CFLs), or other fluorescent lighting.
- (2) Use of high-intensity discharge (HID) lighting, including, but not limited to, mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high-pressure sodium (HPS) lamps and xenon short-arc lamps, shall be prohibited.

5. Security:

- a. Burglary alarm systems with audible and sheriff notification components that are professionally monitored and maintained in good working condition shall be installed on all doors, windows, and access points.

- b. Surveillance cameras shall be installed and operate 24 hours a day, seven days a week, with 30 day video storage, to monitor all entrances and trash receptacles, along with the interior and exterior of the premises shall be required.
 - c. Exterior lighting shall be required sufficient for observers to see and for cameras to record, that is either constantly on or activated by motion detectors.
 - d. Deadbolt locks shall be installed and utilized on all exterior doors and locks shall be installed on all other windows or access points.
 - e. Additional security requirements including, but not limited to, security guards, steel doors, and steel window coverings shall be required as determined by the city council.
7. Retail sale of products other than cannabis products as an accessory use shall be allowed subject to approval of separate interim use permit.

Section 3. Section XX-5-4 of Ordinance 900 (Zoning Ordinance - Interim Use Permits; Specific Use Standards) is hereby amended to include the following provisions with subsequent sections renumbered accordingly:

- I. Cannabis businesses; temporary cannabis events.
 - 1. Information Required. In addition to the by section XX-5-5 of this title, the applicant shall submit the following information a copy of the Office of Cannabis Management cannabis event license application pursuant to Minnesota Statutes, section 342.39, subd. 2.
 - 2. A temporary cannabis event shall comply with the minimum buffer zone requirements established by section XX-28-3 of this chapter.
 - 3. Temporary cannabis events shall only occur between the hours of 7:00 A.M. and 10:00 P.M, unless extended by the city council.
 - 4. Notice to Property Owners. A copy of the interim use permit for a temporary cannabis event shall to be mailed not less than 14 days prior to the special event to all property owners within 500 of the event location, subject to approval of the zoning administrator.

Section 4. Section XX-16-4.A of the Ordinance 900 (Zoning Ordinance - General Performance Standards; Wetlands) is hereby amended to read as follows:

- A. A land use permit issued by Sherburne County shall be required for all properties with wetlands prior to any site disturbance or issuance of a building permit. Prior to any site disturbance or issuance of a building permit for any property with wetlands, the City Engineer shall determine that there are no wetland impacts or that any wetland impacts are approved in accordance with the provisions of this Section.

Section 5. Section XX-16-4.B of the Ordinance 900 (Zoning Ordinance - General Performance Standards; Wetlands) is hereby amended to read as follows:

- B. Prior to approval of a preliminary plat or recording of any subdivision, a wetland delineation and any proposed wetland impacts shall be approved by ~~Sherburne County~~the City Engineer.

Section 6. Section XX-16-4.C.5 of the Ordinance 900 (General Performance Standards – Wetlands) is hereby amended to read as follows:

5. ~~Administration;~~ ~~Sherburne County~~The City Engineer shall make all necessary wetland decisions pursuant to the requirements of the Minnesota wetland conservation act.

Section 7. Section XX-18-2 of Ordinance 900 (Zoning Ordinance - Accessory Uses, Structures, and Buildings; Accessory Structures and Buildings) is hereby amended to read as follows:

- F. ~~Area. Residential~~The area of all detached accessory structures on residential properties ~~are shall be limited to the following area and no variance may be granted to the building size limitations provided in the section:~~4 percent of the area of the parcel or lot.

Unplatted Parcel or Lot Area		Maximum Area of Any One Structure	Maximum Lot Coverage for All <u>Detached</u> Accessory Structures
Unplatted Parcels	Less than 2.5 acres	1,200 square feet	4 percent of lot area
	2.5 acres to 5.0 acres	1,800 square feet	
	Greater than 5.0 acres	5,500 square feet	
Platted Lots	Less than 2.5 acres	1,200 square feet	3 percent of lot area
	2.5 acres to 5.0 acres	1,800 square feet	
	Greater than 5.0 acres	5,500 square feet	

Section 8. Chapter 28 of Ordinance 900 (Zoning Ordinance - Reserved) is hereby amended to add the following provisions:

Chapter 28
CANNABIS BUSINESS USES

11-28-1: Purpose and Intent; Authority and Jurisdiction

11-28-2: License and Retail Registration

11-28-3: Buffer Zone Required

11-28-4: Performance Standards

11-28-5: Lower Potency Edibles

11-28-6: Use in Public Places

11-28-1: FINDINGS AND PURPOSE; AUTHORITY:

A. Findings and Purpose. The city makes the following legislative findings:

1. The purpose of this chapter is to implement the provisions of Minnesota statutes, chapter 342, which authorizes the city to protect the public health, safety, and welfare of residents by regulating cannabis businesses within the city.
2. The city finds that the proposed provisions are appropriate and lawful regulations for the city, that the proposed amendments will promote the interests of the community in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

B. Authority. The city has the authority to adopt this chapter pursuant to:

1. Minnesota statutes, section 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
2. Minnesota statutes, section 342.22, regarding the local registration and enforcement requirements of state licensed cannabis retail businesses and lower potency hemp edible retail businesses.
3. Minnesota statutes, section 152.0263, Subd. 5, regarding the use of cannabis in public places.
4. Minnesota statutes, section 462.357, regarding the authority of a local authority to adopt zoning ordinances.

XX-28-2: LICENSE AND RETAIL REGISTRATION:

- A. State License. Operation of a cannabis business of the types established by Minnesota statutes, section 342.10 shall require a state license in accordance with Minnesota statutes, section 342.14.
- B. Retail Registration. No individual or entity may operate a cannabis retail business within the city without first obtaining approval of a registration in accordance with Minnesota statutes, section 342.22.

C. Registration Process. (Needed?)

XX-28-3: BUFFER ZONE REQUIRED:

- A. Operation of a retail cannabis business within shall be prohibited within:
 1. 1,000 feet of a school;
 2. 500 feet of a day care;
 3. 500 feet of a residential treatment facility;
 4. 500 feet of an attraction within a public park that is regularly used by minors, including a

playground or athletic field.

B. For purposes of this section, the distance of a required buffer between a cannabis retail business and a use identified in section XX-28-3.A of this section shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure the cannabis business is located to the property line of said use.

C. Pursuant to Minnesota statutes, section 462.367, subd. 14, a registered cannabis business established in accordance with the provisions of this chapter or a cannabis business seeking registration from continuing operation at the same site shall not be prohibited if a use identified within section XX-28-3.A of this section moves within the minimum required buffer zone.

XX-28-4: PERFORMANCE STANDARDS: Operation of a registered cannabis business of the types established by Minnesota Statutes, section 324.10 within the city shall comply with the provisions of this title and the following:

A. Building Code. The cannabis business shall comply with the provisions of Ordinance 920, Chapter 2 of this code.

B. Fire Code. The cannabis business shall comply with the provisions of Ordinance 920, Chapter 3, of this code.

C. Allowed Hours:

1. Retail sale of cannabis, cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products shall be limited to occur between the hours of 10:00 A.M. to 9:00 P.M. each day, unless extended by approval of an interim use permit.

2. Cannabis businesses other than those specified by section XX-28-5.D.1 of this section shall be allowed to operate 24 each day unless otherwise limited in accordance with the provisions of this code.

D. Ventilation. A cannabis business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the cannabis business at the property line.

E. Age Limitations. No person under 21 years of age shall be within the cannabis business premises.

F. Public View:

1. All activities of a cannabis business businesses, including, without limitation, cultivating, growing, processing, displaying, manufacturing, selling, and storage, shall be conducted out of public view.

2. No cannabis or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed premises.

G. Prohibited Activities:

1. Consumption or use of cannabis products onsite of a cannabis retail business is prohibited.
2. There shall be no outdoor events or sales associated with a cannabis business; all such activities shall occur within a principal or accessory building, including temporary structures, as allowed in compliance with this title.
3. No cannabis business shall occupy a residential dwelling unit.

XX-28-5: LOWER POTENCY EDIBLES: The retail sale of lower potency edibles and beverages shall be allowed, subject to the conditions within this section:

- A. Age Restrictions. The sale of lower potency edibles is permitted only in places that admit persons 21 years of age or older.
- B. Product Storage. Lower potency edibles shall only be sold behind a counter and shall be stored in a locked case.

XX-28-6: USE IN PUBLIC PLACES: No person shall use cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of cannabis products.

Section 9. Section XX-61-2 of Ordinance 900 (Zoning Ordinance - C1 District; Permitted Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

- C. Cannabis businesses; retail businesses, medical cannabis retailer, and lower potency hemp edible retailer only, subject to the provisions of chapter 28 of this title.

Section 10. Section XX-61-2 of Ordinance 900 (Zoning Ordinance - C1 District; Permitted Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

- D. Cannabis businesses; temporary cannabis events.

Section 11. Section XX-71-4 of Ordinance 900 (Zoning Ordinance - I1 District; Interim Uses) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

- E. Cannabis businesses; combination medical cannabis, cultivator, manufacturer, medical cannabis combination, mezzobusiness, microbusiness, testing facility, and lower potency hemp manufacturer.

Section 12. Section XX-7-2.B.12 of Ordinance 910 (Subdivision Ordinance - Information Requirements) is hereby amended read as follows:

12. Wetland information:
 - a. Plats with no wetland impacts may submit a routine level 1 wetland delineation,

unless waived by ~~Sherburne county~~the City Engineer, based on available information from the national wetland inventory map and county soil survey. Simple plats with potential wetland impacts shall require a routine level 2 wetland delineation for wetlands on the property, subject to approval of ~~Sherburne county~~the City Engineer in accordance with section XX-16-4 of the zoning ordinance.

b. All plats that are not simple plats must obtain a routine level 2 wetland Delineation for the entire property, ~~the delineation must be approved by the Sherburne County Planning and Zoning Department prior to the township authorizing preliminary plat approval that~~shall be subject to approval of the City Engineer.

c. If wetland impacts are proposed, either a de minimus exemption or wetland replacement plan must be approved by the City Engineer prior to ~~the township authorizing preliminary plat~~City Council approval of a preliminary plat.

Section 13. Section XX-7-2.c.12 of Ordinance 910 (Subdivision Ordinance - Information Requirements) is hereby amended to read as follows:

12. A wetland delineation completed by a Minnesota licensed wetland delineator approved by ~~Sherburne county and the Technical Evaluation Panel~~the City Engineer.

Section 14. Ordinance 900 (Zoning Ordinance), Ordinance 910 (Subdivision Ordinance), and Ordinance 920 (Building Ordinance) have been adopted in form and shall be amended by the Zoning Administrator as necessary to revise references to "Baldwin Township", the "Town", "Town" officials, or "Town" staff or other relevant terms to address incorporation as the City of Baldwin.

Section 15. This ordinance shall be in full effect upon adoption and publication.

(remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin City Council this _____ day of _____, 2022.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Hienen, City Clerk/Treasurer



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

PLANNING REPORT

TO: Baldwin Planning Commission

FROM: D. Daniel Licht

REPORT DATE: 15 November 2024

RE: Baldwin – Roensch (01-00416-0080); SSTS Variance

TPC FILE: 269.02

BACKGROUND

Steinbrecher Companies has prepared a Subsurface Sewage Treatment System design for the property at 28716 Elk Lake Road East on behalf of property owners Nicholas and Jennifer Spain. There is a single family dwelling upon the property served by an existing Subsurface Sewage Treatment System to be replaced with the proposed system design. There is not suitable area within the subject property for the drain field for the new system so the submitted plan proposes to locate the drain field within the public right-of-way.

The proposed location of the drain field within the public right-of-way necessitates consideration of a variance from Ordinance 920, Chapter 4 regulating Subsurface Sewage Treatment Systems. Applications for variances from the requirements of Ordinance 920 are processed in accordance with the process established by Section XX-6-4 of the Zoning Ordinance and are subject to review by the Planning Commission and approval of the City Council. The Planning Commission will consider the variance application at their meeting on 20 November 2024. The City Council will subsequently conduct a public hearing and consider the application and recommendation of the Planning Commission at a future meeting to be determined.

Exhibits:

- Property Location Map
- SSTS Design dated 8/30/2024
- Findings of Fact and Recommendation

ANALYSIS

Comprehensive Plan. The Comprehensive Plan guides development of land use patterns that provide connections to existing public amenities and the natural landscape. Existing rural residential character is to be expanded without spoiling scenery or open spaces. The existing residential use of the property is consistent with the Comprehensive Plan.

Zoning. The subject property is zoned R1, General Rural District. The subject property is also within the Shoreland Overlay District of Elk Lake, which is designated as a General Development Lake. The existing single family dwelling is allowed as a permitted use within the R1 District and Shoreland Overlay District.

Surrounding Uses. The properties to the north and south of the subject property are similarly sized lots developed with single family dwellings. To the east across Elk Lake Road are additional single family dwellings on larger parcels. The existing use of the subject property is compatible with the surrounding area.

Lot Requirements. Platted lots within the R1 District are required to be 2.5 acres in area, 200 feet in width measured at the front setback line abutting a public right-of-way, and 300 feet in depth. Lots within the Shoreland Overlay District of a General Development Lake are required by Section XX-90-7.A.1 of the Zoning Ordinance to be a minimum of 40,000 square feet in area and 150 feet in width. The subject property is 0.34 acres (14,810 square feet) in area, approximately 100 feet in width, and approximately 120 feet in depth. The property is a legal non-conforming lot of record governed by Chapter 15 of the Zoning Ordinance.

Setbacks. Chapter 4 of the Building Ordinance requires SSTS installations to be setback a minimum of 10 feet from all property lines and buildings within the lot and 50 feet from wells. The property plan included with the SSTS design plan indicates that the new system is to be installed at a location that complies with the setbacks required property lines except for the drain field, which encroaches into the public right-of-way for Elk Lake Road.

The drain field location is proposed to be setback approximately 11 feet from the edge of the street surface. Streets Department staff and the City Engineer have reviewed the plan and do not have concerns with the location. The property owner will be required to enter into an encroachment agreement drafted by the City Attorney allowing the drain field within the public right-of-way. The encroachment agreement will include provisions holding the City harmless for any damage to the drain field caused by use or maintenance of the right-of-way and allows the City to require removal of the drain field if its location interferes with use of the right-of-way in the future.

Variance. The area, width, and depth of the legal non-conforming lot is such that it is not possible to locate a SSTS drain field anywhere within the subject property. There is an undue hardship caused by the non-conforming status of the lot area, depth and width such that compliance with the requirements of the SSTS chapter of the Building Ordinance cannot be complied with to allow continuation of reasonable use of the property unless a variance is approved.

RECOMMENDATION

City staff recommends approval of a variance for installation of a SSTS in accordance with the criteria established by the Zoning Ordinance. Findings of Fact and Recommendation have been drafted for consideration by the Planning Commission. We recommend that approval of the variance be subject to the conditions outlined below.

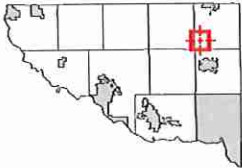
POSSIBLE ACTIONS

- A. Motion to **adopt** Findings of Fact as presented and recommend **approval** of a variance for PID 01-00416-0080, subject to the following conditions:
 - 1. The property owner shall execute an encroachment agreement drafted by the City Attorney to allow location of the SSTS drain field within public right-of-way, subject to approval of the City Council.
 - 2. Installation of the SSTS shall be installed in accordance with Chapter 4 of the Building Ordinance subject to review and approval of the Building Official except as modified by the variance.
- B. Motion to recommend the application be **denied** based on a finding that the request is inconsistent with the Comprehensive Plan and criteria established by the Zoning Ordinance.
- C. Motion to **table**.
- c. Joan Heinen, City Clerk/Treasurer
Zac Good, Public Works Supervisor
Matthew Kind, City Engineer
Andy Schreder, Building Official
James Bedell, DNR

Property Location



Overview



Legend

- Roads
- MN Highway; US Highway
 - Municipal-State Aid Street
 - Municipal Street
 - Township Road
 - State Forest Road
 - Bureau of Fish and Wildlife Road
 - Connector (Ramp)
 - Privately Maintained Public Access Road
 - County Road
 - County-State Aid Highway
- Parcels
- Streams

Steinbrecher Companies, Inc.

13792 247th Avenue – Zimmerman, MN 55398
Phone (763) 274-0925 Fax (763) 274-0928

ROLL-OFFS ♦ SEPTIC SYSTEMS ♦ EXCAVATING
LANDSCAPING ♦ DEMOLITION

Date: 8/30/2024

Nick Spain
28716 Elk Lake Rd E
Zimmerman, MN 55398

Septic Design

Project Address: 28716 Elk Lake Rd E, Zimmerman

This septic system is designed for a 3 Bedroom, Class I home. This design is for residential waste strength (as defined by the MPCA), with a design flow of 450 gpd. Average daily water flow should not exceed 60% of the design flow. There is not a lift pump in the lower level. This system will be a type III/IV system. Final approval of design will need to be obtained from City of Baldwin

This system will need to be installed as per all Codes 7080-7083 and this design. Below is a summary of what needs to be completed.

- The existing tanks will need to be properly abandoned per all Codes MPCA 7080-7083.
- (1) 1450/950 3-compartment tank with (1) AX20UV Pod installed on top.
- Test pits will need to be completed to verify elevation of redox. System must remain 12" above redox.
- The existing drainfield will need to be excavated, removed and properly disposed of. Mound sand will need to be installed in all dig out areas to an elevation of approx. 974'. This must be field adjusted to maintain a minimum of 12" to redox.
- (1) 10' x 45' rock dispersal bed with 6" of rock under the pipe.
- Adequate fill will need to be installed on the North end of the system.
- This system will need a variance to be 11' from the edge of the tar. This will be approx. 10' over the east property line in the ROW.

The owner will need to verify that all setbacks from well, property lines, and buildings are met. Keep all heavy equipment off the area before and after construction of the system. It is very important that adequate grass is established over entire septic and all disturbed areas.

Sincerely,



Shane Steinbrecher
Steinbrecher Companies, Inc
L8207

As property owner, I agree to use the system with the parameters described above and hold the named designer and Steinbrecher Companies, Inc harmless for any future issues regarding this system.

Owner Signature

Date

Advantex & Pressure Bed

Property Owner:

Nick Spain

Date: 8/30/2024

Site Address:

28716 Elk Lake Rd E, Zimmerman

PID: 01-416-0080

Comments:

This system will be a Type III/IV

 instructions: = site specific input = adjust if desired = self-calculated (DO NOT ADJUST)

 3 bedroom Type IV Residential System
 450 GPD design flow

PRETREATMENT: (AX20 applications, Residential strength to level "A")

 1 Number of AX20 units UV light req'd Yes (res : 600 gpd / unit. Other Est : sizing per mfg)

 1450 Gallon septic tank (2 * Design flow minimum) tank options: septic/recirc combo w/mole hole

 1450 Gallon recirc tank (Design flow minimum. Recirc tank must handle surges, so don't undersize it)
 at 24 gpi (recirc tanks with a "mole hole" to the septic gain the septic for surges as well)
 (44" minimum water level depth required)

 315 GPD average estimated/measured flow (should be < 70% of design flow)

 4 Recirc ratio desired
 (pump setting for filter flow of 4:1 --> 4 parts recycle & 1 part forward --> 5 parts total)

 10 gallons per dose to Advantex unit(s) (factory recommended 10 gal per unit)

 30 gpm 8 ft head TREATMENT pump (perform drawdown test to confirm pump rate)

Timed dosing to Advantex unit(s) of:

 20 sec ON (confirm pump rate with drawdown test and adjust if necessary)

 8.8 min OFF

Recirc Pump vault float settings: (minimum of 44" req'd from inlet invert to inside bottom of tank)

 48 inches from top of riser to inlet invert (typically 36" of riser & 12" from top of tank to inlet invert = 48")

 48 inches from top of riser to Hi Level Alarm

 50 inches from top of riser to Over-ride

 52 inches from top of riser to top of RSV cage (lengthen to increase surge capacity)

 192 gal average surge capacity (normal water level is a range, not a specific height)

 61 inches from top of riser to Redundant Off (make sure float is not resting on top of filter)

DISPERSAL:

 1.60 GPD/ft² Soil Loading Rate 281 ft² (code minimum) 450 ft² (design size / LUG req'd)

Treatment Level A/B (must match soil boring log)

 10.0 ft desired bed width, leads to a 45.0 ft bed length
 (25' maximum)

 3.0 ft lateral spacing 3.0 ft perforation spacing (maximum 3 for both)

 end feed manifold connection

 3 laterals 43.0 feet long 15.0 perfs / lateral 45 perfs total

(1/2 perf means the 1st perf starts at the middle feed manifold)

 3/16 inch perfs at 1 feet residual head gives 0.42 gpm flow rate per perforation

(If bed has > 1' of cover, increase residual head for cleanout req's)

 for this perf size & spacing, & pipe size on line 26, max perfs/lateral = 37, line #21 must be less -->

OK

) 4.0 doses per day (4 minimum)

) 113 gallons per dose (treatment volume)

) 2.00 inch diameter laterals must be used to meet "4x pipe volume" requirement

) 20 feet of 2.0 inch supply line leads to 3 gallons of drainback volume
(Tip: "top feed" manifold to control the drainback)

) 116 gallons TOTAL pump out volume (treatment + drainback)

) 10 feet vertical lift from pump to drainfield laterals, leads to a

) 19 GPM @ 16 feet of head, DISPERSAL Pump requirement
(>50 gpm may require additional 3-6' head allowance for discharge assembly)

) 500 gal Dose tank (code minimum) 950 gal Dose tank (design size / LUG req'd) at 16.00 gpi

) 7.3 inch swing on demand float or Timed dosing of 6.1 min ON (confirm pump rate with drawdown
(to deliver Peak design flow) 5.9 hrs OFF test and adjust as necessary)
(to deliver Average flow, 66% of Peak) 9.0 hrs OFF

During installation/float setting, add height of riser to the following float measurements:

) 12 inches from Top of tank to inlet invert

) 28 inches from Top of tank to "Hi Level / Timer Override" float

) 41 inches from Top to "Pump On" float, or 46 inches from Top of tank to "Timer ON" float if time dosed

) 48 inches from Top of tank to "pump OFF" or "Redundant Off" float

) 58 inches from Top of tank to inside bottom of tank

) 256 gallons reserve capacity (after High Level Alarm is activated)

) 288 gallons surge capacity (timer ON to High Level Alarm)

) 50 inches, or 4.17 ft. to Redox or other limiting condition (This must match the soil boring log)
Treatment zone contains 0 inches 0% soil credit, and 0 inches 50% soil credit

) 12 inches, or 1.00 ft. of vertical separation required
leads to bottom of rock no more than:

) 38 inches, or 3.2 ft. Below existing grade CRITICAL FOR FUTURE CERTIFICATIONS!!!

) 6 inches of rock below the pipe

) 2 inches of rock to cover pipe

) Overall Dimensions: 10.0 ft. wide by 45.0 ft. long Pressure Bed

Rock Bed materials:

) 10 ft. by 45.0 ft. by 8 inches total, plus 20% gives 14 yd³ or *1.4= 20 ton

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

Shane Steiner
Designer Signature

Steinbrecher Compaines
Company

8207
License#

8/30/2024
Date

Installer Summary

PRETREATMENT:

gallon Septic tank (minimum) Tank options: septic/recirc combo w/mole hole
 gallon recirc tank (minimum) (44" minimum water height)

Advantex AX20 unit(s) UV light req'd

Anti-flotation considerations: _____

Phone line to control panel - Vericomm

gpm @ ft. of head, TREATMENT pump
 sec ON time min OFF time

Pump vault float settings from top of riser (or other reference point)

inches to Inlet invert, will then give:
 inches to Hi level alarm
 inches to Override
 inches to top of RSV cage
 inches to Redundant Off (and not resting on top of filter)

DISPERSAL:

gallon Dose tank (minimum) at gpi

GPM @ ft. of head, DISPERSAL Pump

minutes ON time & hrs OFF time (peak) or inch swing on Demand float
or hrs OFF time (average-66% of peak)

Lift tank float settings:

inches top of tank to "Hi Level Alarm" float
 inches top of tank to "timer ON" float inches top of tank to "pump ON" float
 inches top of tank to "pump OFF" or RO float

ft. of inch supply line with manifold connection

laterals inch diameter feet long ft lateral spacing

inch perfs ft perforation spacing

clean out & valve box assembly

Bottom of rock no more than:

inches, or ft. Below existing grade

inches of rock below the pipe

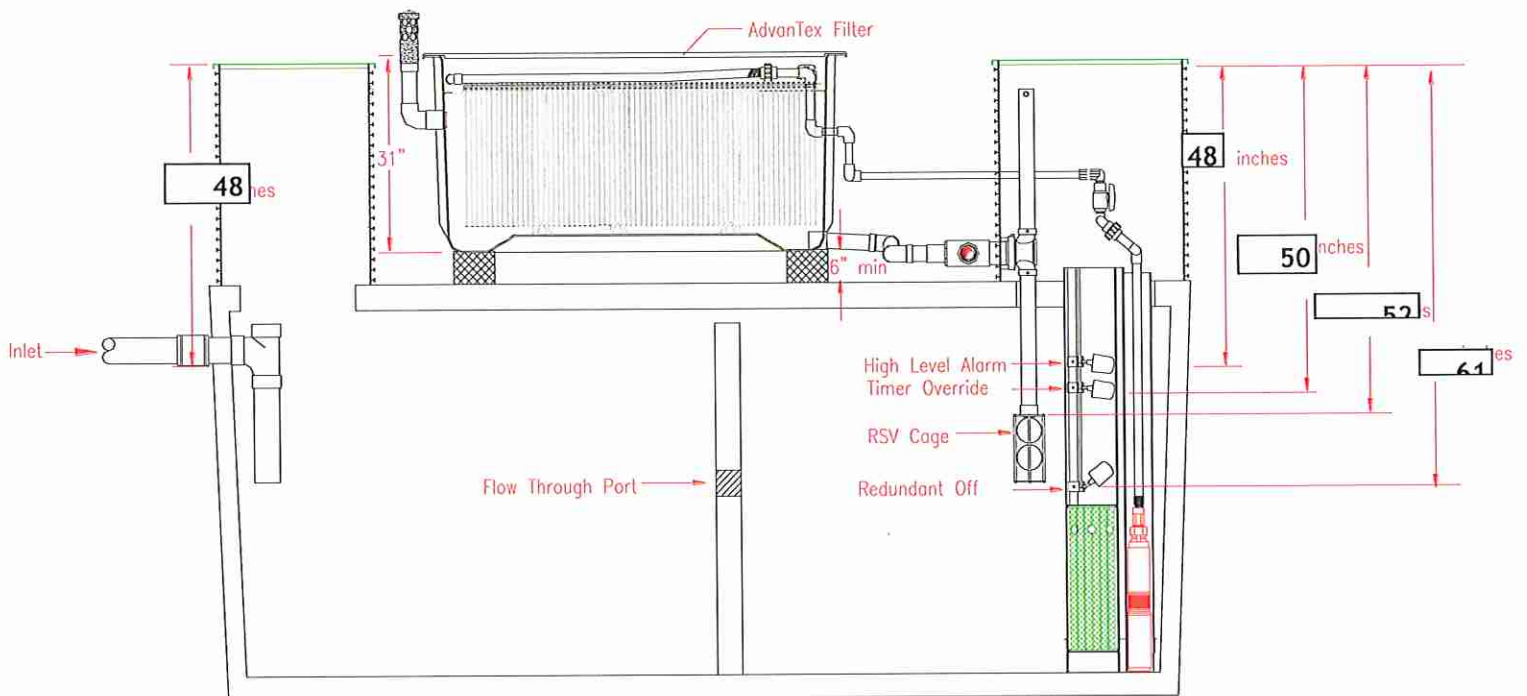
Overall Dimensions: ft. wide by ft. long Pressure Bed

Rock Bed materials: yd³ or *1.4= ton

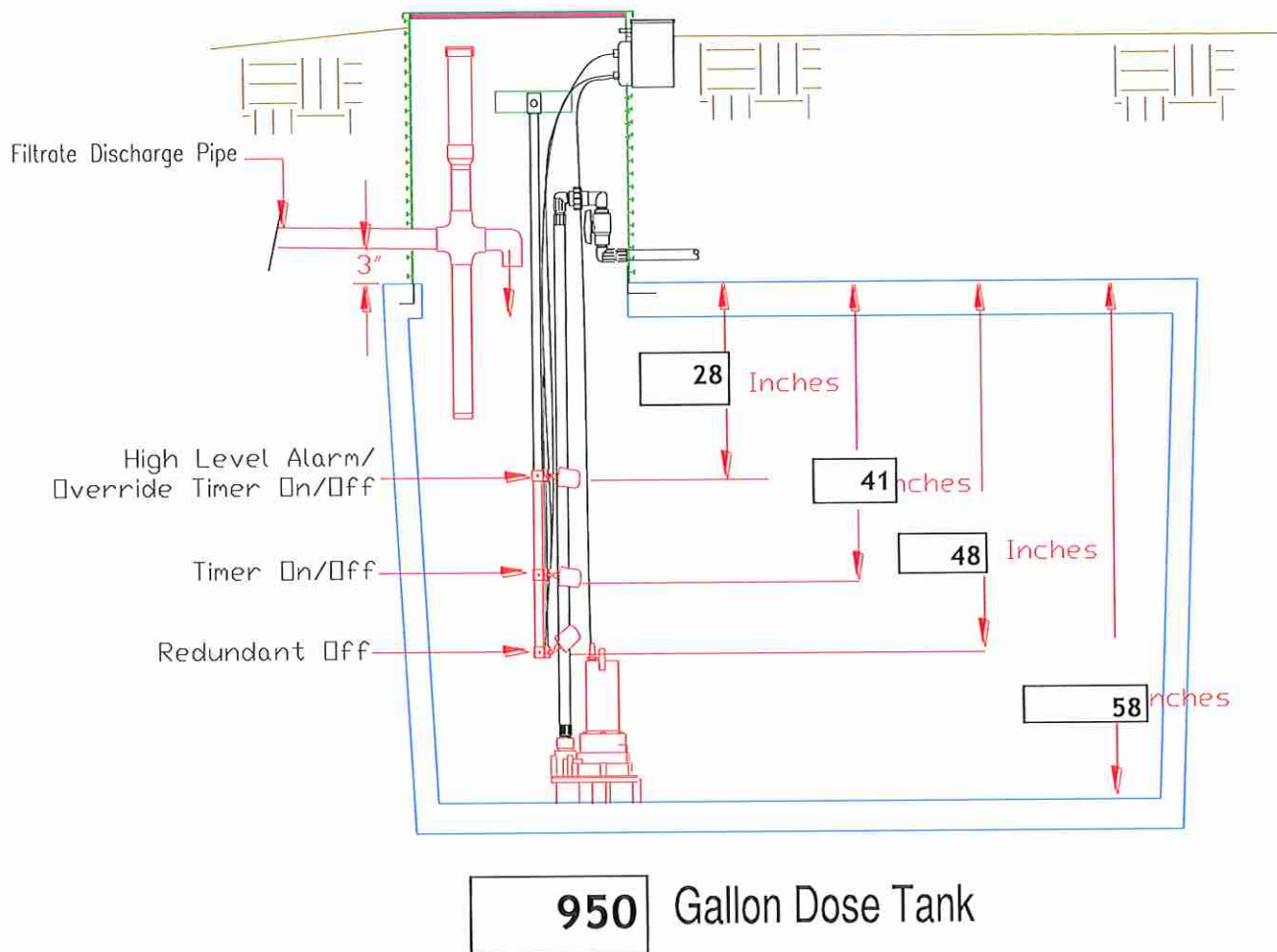
AdvanTex AX20 Treatment System

Float & RSV Elevation Details

The distance to the inlet invert is the basis for the float heights.
If field adjustments to the risers occur, start with the HLA at the same elevation as the inlet invert.

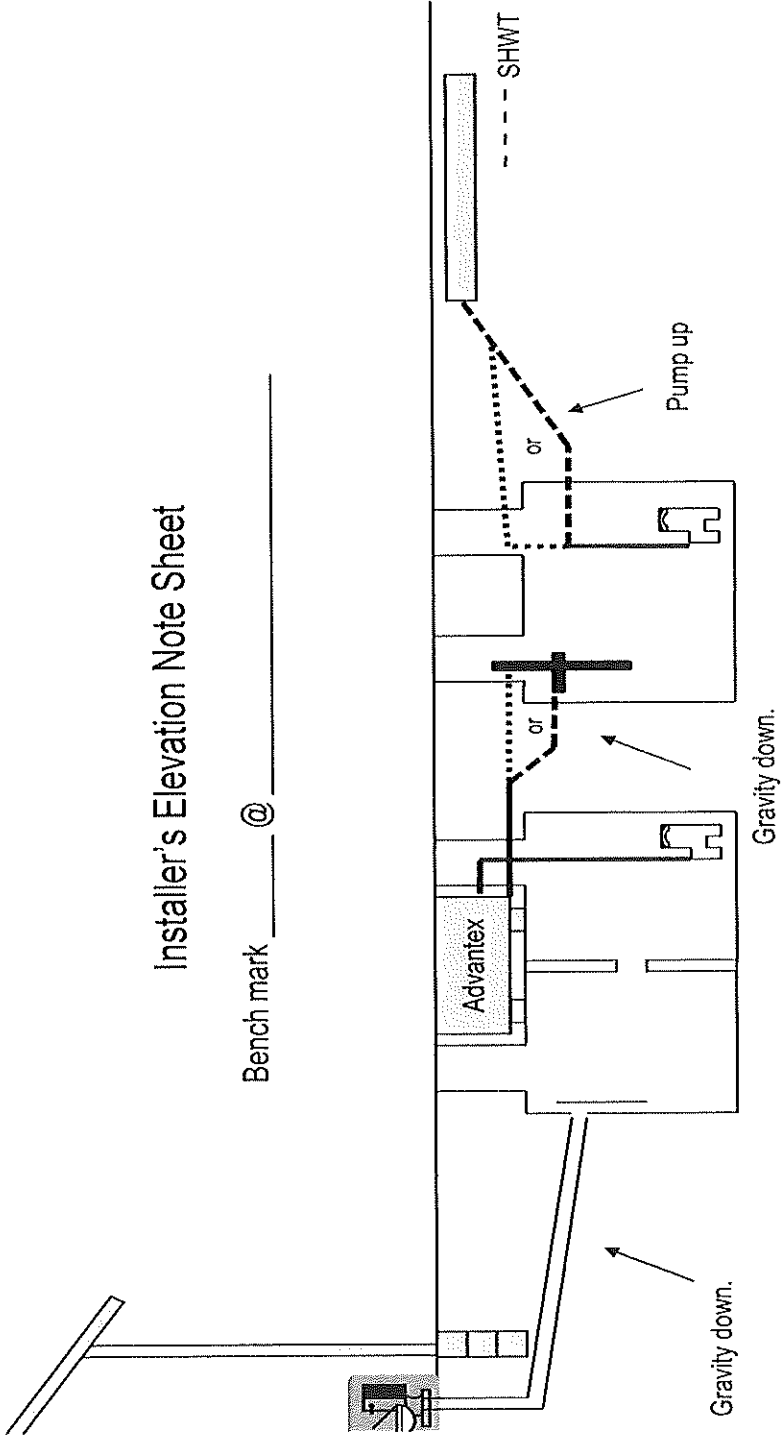


Dose Tank Float Elevations



Installer's Elevation Note Sheet

Bench mark _____ @ _____



House	Advantex septic / recirc	Dosing Tank	Absorption Area
	Final Grade _____	Final Grade _____	Final Grade _____
Outlet _____	RSV outlet _____		Laterals _____
	Inlet _____	Inlet _____	Bottom rock _____
		(tank or riser for both)	SHWT _____
		Outlet _____	
	Tank bottom _____	Tank bottom _____	

INSPECTOR CHECKLIST - Advantex - Pressure bed

28716 Elk Lake Rd E, Zimmerman

WELL setbacks: 20'- 50' to sewer line req's MDH pressure test form (5 psi for 15 min)

50' to everything 100' to drainfield with shallow well

PROPERTY LINES setback: 10' to everything

Road setback: platted: 10' prop line. Metes & bounds: out of road easement, or outer ditch.

LAKE / BLUFF setback: 20' for bluff. Lakes: GD ____, RD ____, NE _____. Protected wetland ____.

Building setbacks: 10' for everything, 20' for dispersal area.

WATER LINE under pressure 10' to bed, tank & sewer line. (else sewer line >12" below)

Sewer line & tank connection (no hard 90's, Long sweep 90 or 2-45's, slope minimum 1" in 8' =1%)
(no depth req's, clean out every 100', Sch 40 pipe)

Septic tank and risers (water tight risers, baffles, insulated, proper depth, existing verified by pumping)

mfg _____ 1450 gallons septic septic/recirc combo w/mole hole

1450 gallon recirc tank 44" minimum to inlet invert

Riser over outlet, riser over inlet or center, and 6"+ inspection pipe over any remaining baffles.

1 Advantex unit(s) UV light req'd Yes

Treatment pump _____ 30 gpm 8 head 10 gal/dose 20 sec ON 8.8 min OFF

verify weep hole & Label floats: with inlet invert= 48 HLA= 48 OR = 50 RSV= 52 RO = 61

Dose tank, risers and piping (water tight risers, insulated, proper depth, drainback)

mfg _____ 950 gallons

dose pump _____ 19 gpm 16 head VERIFY PUMP CURVE 6.1 min ON 9.0 hr OFF
average flow

float setting drop 7.3 inches at 16 gpi "DESIGNED"
116.0 gal dose divided by _____ gpi "INSTALLED" = _____ inches float drop (field corrected)

LABEL pump requirements and drawdown on riser or panel

Cam lock, weep hole, supply line access (no hard 90, pipes reachable from grade - 30")

2.0 inch supply pipe: Sch40, sloped 1/8"+, supported by 4" sch40 sleeve or compacted, and buried 6"+.

splice box / control panel / electrical connections

Bed dimensions 10 X 45.0

Rock depth below pipe 6 inches

Rock bottom elevation 38.0 inches from Grade to bottom of rock (max)

cover depth of 12"+ VERIFY

3 laterals (1-2' from edge of rock)

2.00 inch pipe size (sch40 pipe & fittings)

3.0 ft lateral spacing

3/16 inch perforations (smaller is ok)

3.0 ft perforation spacing

Air inlet at end of laterals, and at top feed manifold. VERIFY

clean outs (deep bed 2' of head) (no hard 90's)

4" inspection pipe to bottom of rock, anchored VERIFY

Abandon existing system if necessary ☐ Re-use existing tank certification

monitoring plan and type _____

well abandonment form if necessary

"Type IV - performance"

Monitoring and Maintenance Disclosure

Property address: 28716 Elk Lake Road E, Zimmerman

The septic system designed for this site has been classified as a Type IV system and will therefore require ongoing monitoring and maintenance for the life of the system.

It is the owners responsibility to discuss these requirements (as listed on the permit) and their respective intervals and costs with their septic designer and/or maintenance provider.

Monitoring and maintenance may include (but is not limited to):

- Manufacturer required maintenance
- Tank pumping
- Taking Lab samples

It is the owners responsibility to hire an M.P.C.A licensed septic professional to perform this work, and for that professional to submit an annual report to the Local Unit of Gouvernement.

All other long term septic system costs such as repairs and emergency service calls outside of any warranty coverage (if applicable), are outside the scope of this disclosure.

I acknowledge and understand these requirements, and agree to contract a licensed professional to monitor and maintain this system.

Owner Signature

Date

Date: 8/30/2024

y Address: 28716 Elk Lake Rd E, Zimmerman

ystems can be an expensive investment, good maintenance will ensure they last a lifetime.
ose of a septic system is to properly "decompose" the pollutants before the water is recycled back
groundwater. If you're not taking this seriously, ask yourself where your well water comes from.

tic design lists all the components of your system and their location. Keep the design, this
nent plan and the UofM "Septic System Owners Guide" in a safe place for future reference.
y of the Owners guide call the University of MN at 1-800-876-8636.

the following tasks you can do yourself, some require a professional, but is it YOUR responsibility
at it gets done.

Owner Tasks 315

your best to conserve water. Don't overload your septic with multiple large water uses at the
same time or on the same day.
household leaks promptly (leaky toilet, dripping faucets).
it bleach and anti-bacterial products. Use Biodegradable dishwasher detergent.
sider a lint filter on your clothes washer.
ularly check for wet or spongy soil around your drainfield.
e a septic professional check your tanks every 3 years to determine if they need pumping.
ou have a septic tank filter (effluent filter) clean it on a regular basis (or have a professional do it).
septic alarm goes off, call your septic professional to diagnose the problem.
ify the County/City/Township when this management plan is not being met.
aware of and protect your secondary drainfield site.

Professional Tasks

close the location of the secondary drainfield (if applicable).
pond to alarms and diagnose problems as needed.
view water use with the owner, check for a "soggy" drainfield.
p the septic tanks as needed and ensure they are in proper working order.
ify the pump, dose amount, HI Level Alarm & drainback are all working properly.

erating Permit:

ERVICE PROVIDER is to maintain pretreatment system per Mfg req's: 1 time per year,
follow operating permit/monitoring plan requirements of:

owner, I understand it is my responsibility to properly operate and maintain this septic system".

erty Owner Signature: _____ Date _____

Soil Observation Log

www.SepticResource.com vers 12.4

Owner Information

Property Owner / project: Nick Spain

Date 8/30/2024

Property Address / PID: 28716 Elk Lake Rd E, Zimmerman

Soil Survey Information

☐ refer to attached soil survey

Parent mat'l's: ☒ Till ☐ Outwash ☐ Lacustrine ☐ Alluvium ☐ Organic ☐ Bedrock

landscape position: ☐ Summit ☒ Shoulder ☐ Side slope ☐ Toe slope

soil survey map units: _____ slope _____ % direction- downhill

Soil Log #1

☒ Boring ☐ Pit Elevation 976.35 Depth to SHWT 972.19

Depth (in)	Texture	315	matrix color	redox color	consistence	grade	shape
0-15	Fine sand	<35	10YR 3/2		Loose	Loose	Single grain
16-30	Fine sand	<35	10YR 3/4		Loose	Loose	Single grain
31-49	Fine sand	<35	10YR 3/5		Loose	Loose	Single grain
50	Fine sand	<35	10R 3/6	N/A	Loose	Loose	Single grain

Comments: No Redox observed to 50"

28716 Elk Lake Rd E, Zimmerman **Soil Log #2**

		☒ Boring	☐ Pit	Elevation <u>973.8</u>	Depth to SHWT <u>969.3</u>		
Depth (in)	Texture	fragment %	matrix color	redox color	consistence	grade	shape
0-10	Fine sand	<35	10YR 3/2		Loose	Loose	Single grain
11-25	Fine sand	<35	10YR 3/4		Loose	Loose	Single grain
26-53	Fine sand	<35	10YR 3/5		Loose	Loose	Single grain
54	Fine sand	<35	10R 3/6	N/A	Loose	Loose	Single grain

28716 Elk Lake Rd E, Zimmerman **Soil Log #3**

		☒ Boring	☐ Pit	Elevation <u>975.33</u>	Depth to SHWT <u>970.67</u>		
Depth (in)	Texture	fragment %	matrix color	redox color	consistence	grade	shape
0-10	Fine sand	<35	10YR 3/3		Loose	Loose	Single grain
11-30	Fine sand	<35	10YR 3/4		Loose	Loose	Single grain
31-55	Fine sand	<35	10YR 3/5		Loose	Loose	Single grain
56	Fine sand	<35	10R 3/6	N/A	Loose	Loose	Single grain

I hereby certify this work was completed in accordance with MN 7080 and any local req's.

Shane Stearns
Designer Signature

Steinbrecher Compaines
Company

8207
License #

Steinbrecher Companies, Inc.

13792 247th Avenue – Zimmerman, MN 55398
Phone (763) 274-0925 Fax (763) 274-0928

ROLL-OFFS ♦ SEPTIC SYSTEMS ♦ EXCAVATING
LANDSCAPING ♦ DEMOLITION

Mitigation Plan

Nick Spain

28716 Elk Lake Road East, Zimmerman

This is a Mitigation Plan for the wastewater treatment system at Residence located at 28716 Elk Lake Rd, Zimmerman MN 55398. This proposed mitigation plan would be implemented in the event of a system failure. The following defines a plan of action to mitigate any issues that may arise in the system.

Overall Philosophy:

The AdvanTex® Treatment System is a multiple-pass, packed-bed aerobic wastewater treatment system specifically designed and engineered for long-term processing of residential strength wastewater. The treatment media is an engineered textile, which has an extremely high void capacity, moisture-holding capacity, and surface area per unit volume. Consequently, AdvanTex Treatment Systems are capable of processing residential strength wastewater to better than “secondary standards”.

Mitigation Response 1: Initial Response

If the system fails, the 1450/950 Gallon Septic, recirculation, and dose tank is to be used as a Holding Tank in the interim as the emergency response measure, until a long-term response can be implemented.

- At the onset of an identified issue, all water usage shall be reduced to the absolute minimum.
- Power supplies to any and all Pumps in the system shall be disconnected.
- The existing 1450/950 tank shall be immediately pumped.
- Contact with the Licensed Service Provider must be established immediately.

Due to the nature of the proposed system and the lack of additional storage capacity of effluent, the emptied 2400 Gallon Tanks will only provide a total of approximately 5 days of storage capacity at Peak Flows of 450 Gallons Per Day.

Maintenance options should be investigated as soon as possible. Maintenance requirements may include, but are not limited to, the following:

- If water is observed to be surfacing in the location of the Advantex Unit or the Dose/Lift Tank, a blockage in the piping connection may have occurred. Clearing the obstruction should alleviate the issue.
- If pipes freeze, low flow may be the cause. Freezing may occur in piping that is in traveled areas where the frost may drive in deeper due to the additional pressure of increased foot traffic. In cases where

pipings should freeze, they shall be uncovered, thawed and insulated and/or heat traced for future protection.

Mitigation Response 2: Dispersal Bed

The dispersal bed system has been designed to discharge treated water to 450 Sq. Ft. of area.

If a problem in the Dispersal Area were to occur, it would be evidenced by the presence of regular standing water ponding in the Beds and/or Discharging to the surface. Monitoring Wells will be installed in order to ensure that the proposed system is accepting Effluent at the rate at which it is designed. The following actions could be taken but are not limited to in response in the event of these issues.

- If water surfaces in the dispersal bed, the reason for surfacing must be determined. All Pumps and Floats must be checked for proper operation. The Pump may be running continuously due to a Timer and/or Relay malfunction. Maintenance to the Timer, Relay, and Pump may eliminate the problem.
- Repeated High Water Level alarms would indicate that the system is receiving more water than intended. This may be a symptom of a Run-On concern and would need to be addressed with changes in the surrounding landscaping.
- If reduced Percolation is identified as the issue, traditionally the capacity of the Soil Treatment Area could be expanded. Due to difficult site conditions on this property, this would not likely be an option. Therefore, other solutions would need to be explored.

Responsible Parties:

The party responsible for implementing this Mitigation Plan is the property owner.

This mitigation plan is in no way a guarantee or warranty implied or expressed to the design and construction of the proposed system. Additionally, any costs incurred due to the implementation of this mitigation plan shall be above and beyond the cost of the proposed design and construction of the proposed system and shall be the responsibility of the property owner.

Owner Signature

Date

STEINBRECHER
W1450/950-P TRIPLE
AX20 POD
TANK SPECIFICATIONS

DIMENSIONS:

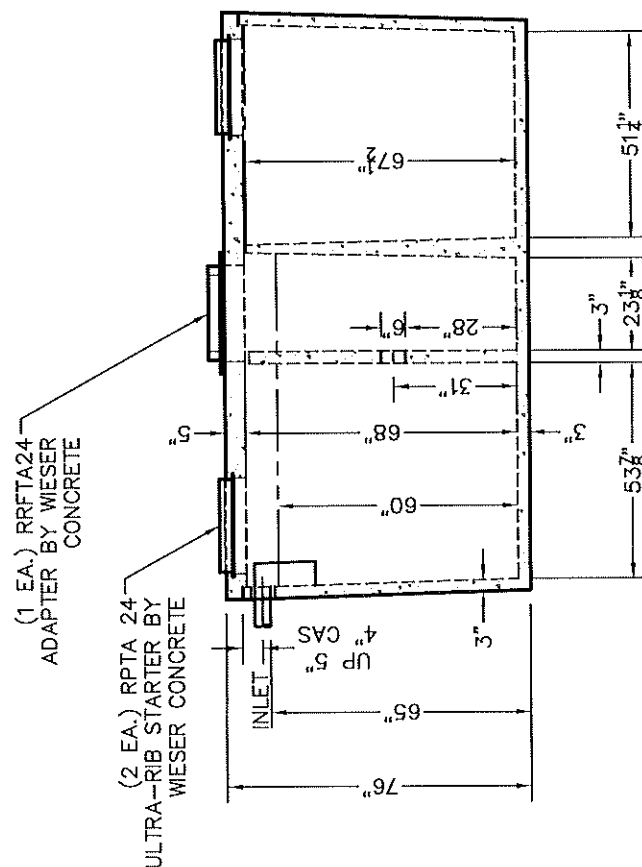
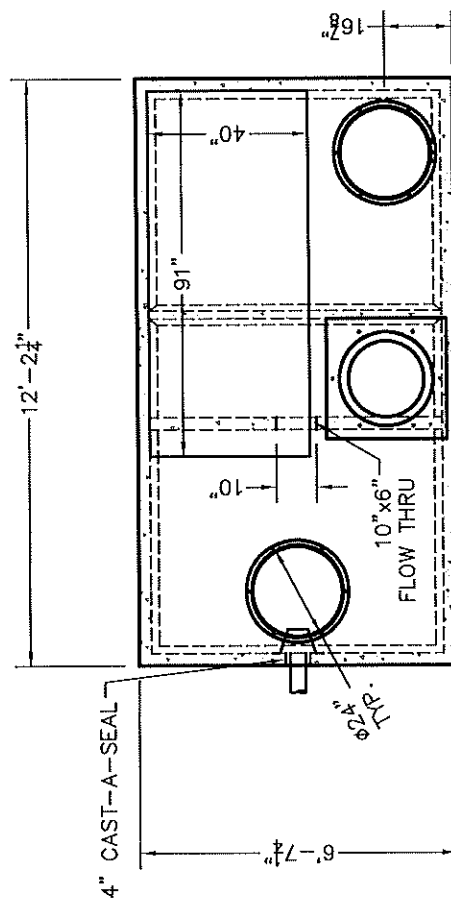
WALL:	3"
BOTTOM:	3"
COVER:	5"
MANHOLE:	24" I.D. ULTRA-RIB STARTER 24" HOLE W/ TANK ADAPTER
HEIGHT:	76" O.D.
LENGTH:	12'-2 1/4" O.D.
WIDTH:	6'-7 1/4" O.D.
BELOW INLET:	65" O.D.
LIQUID LEVEL:	60"
WEIGHT:	BOTTOM 15,060 LBS. COVER 5,035 LBS.

INLET: 4" CAST-A-SEAL BOOT OR EQUAL GASKET

LIQUID CAPACITY: 16.70 GAL/IN (SEPTIC)
7.28 GAL/IN (SEPTIC)
16.20 GAL/IN (PUMP)

LOADING DESIGN: 8'-0" UNSATURATED SOIL

COVER: MIX DESIGN #8 (NO FIBER)
TANK: MIX DESIGN #9 (SMALL FIBER)

REVIEWED BY
REVIEW DATE

**DRAWINGS SUBMITTED
FOR APPROVAL**

APPROVED BY: _____
APPROVAL DATE: _____
PRODUCTS NEEDED BY: _____

SHEET NO.

STEINBRECHER
WIESER JOB#

WIESER CONCRETE

SCALE: 1/4" = 1'-0"	REV.	DATE:	PRE-POUR:	
DRAWN BY: BDK	NO. 1	10/04/21	POST-POUR:	
FILE: E:\auto cad\p\p\holding tanks\p\p\tank 2021\k\k\k\k\k - w\w\w\w\w - s\w\w\w\w\w - s\w\w\w\w\w				

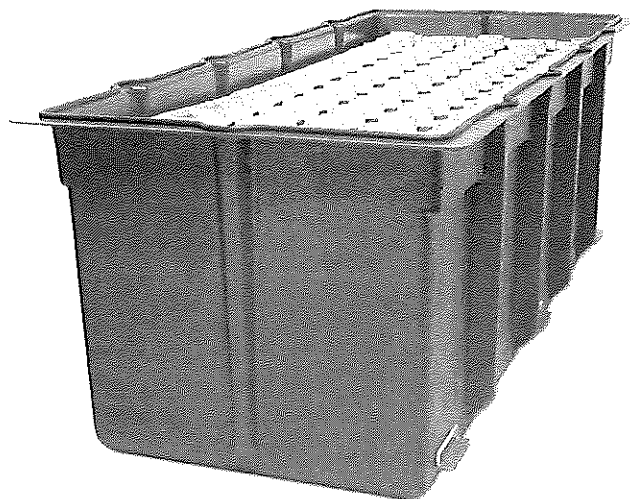
AdvanTex® AX20 Textile Filter

Applications

Orenco's AdvanTex® AX20 Treatment System* is an innovative technology for onsite treatment of residential wastewater. The heart of the System is the AdvanTex Filter, a sturdy, watertight fiberglass basin filled with an engineered textile material. This lightweight, highly absorbent textile material treats a tremendous amount of wastewater in a small space. AX20 Treatment Systems are ideal for:

- Small sites
- System upgrades and repairs
- New construction
- Poor soils
- Nitrogen reduction
- Price-sensitive markets
- Pretreatment

For sizing, see "AdvanTex® Design Criteria," NDA-ATX-2.



The heart of the AdvanTex® AX20 Treatment System is this sturdy, watertight fiberglass basin filled with an engineered textile material.

Physical Specifications**

Filter basin length, in. (mm)	91 (2311)
Width, in. (mm)	40 (1016)
Height, in. (mm)	31 (787)
Area (footprint), ft² (m²)	20 (1.85)
Filter dry weight, lb (kg)	383 (174)

* Covered by U.S. patent numbers 5,980,748; 5,531,894; 5,480,561; 5,360,556; 5,492,635; and 4,439,323. Additional patents pending.

** Nominal values provided. See AdvanTex® Treatment System drawings for exact dimensions.

Features/Specifications

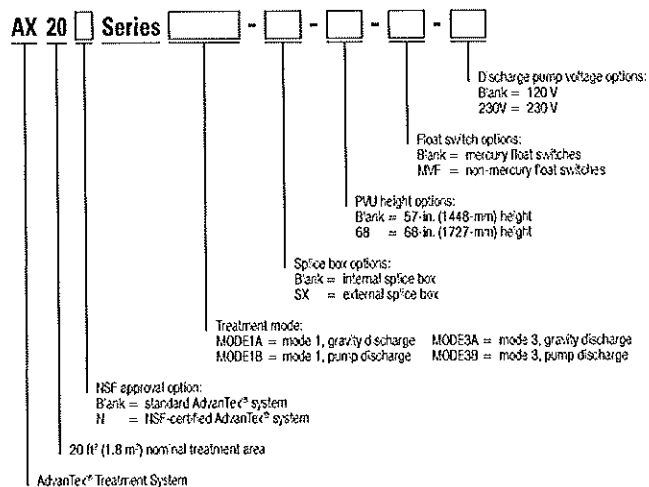
To specify this product, require the following:

- Wastewater treatment to better than secondary treatment standards
- Consistent treatment, even during peak flows
- Timer operation for flow monitoring, flow modulation, and surge control
- Fixed film textile media (a polyester plastic), operated in an unsaturated condition
- Consistent media quality
- Low maintenance beyond annual servicing
- Low energy consumption (under \$1.45-4.86/month power cost at national average electric rate of \$0.10/kWh)
- Complete pre-manufactured package, ready-to-install
- Watertight construction, corrosion-proof materials, tamper-proof lid bolts
- Anti-flotation flanges
- Foam-core lid provides insulation value of R-6 (RSI-1.1)
- Quiet operation

Standard Models

AX20, AX20N

Product Code Diagram



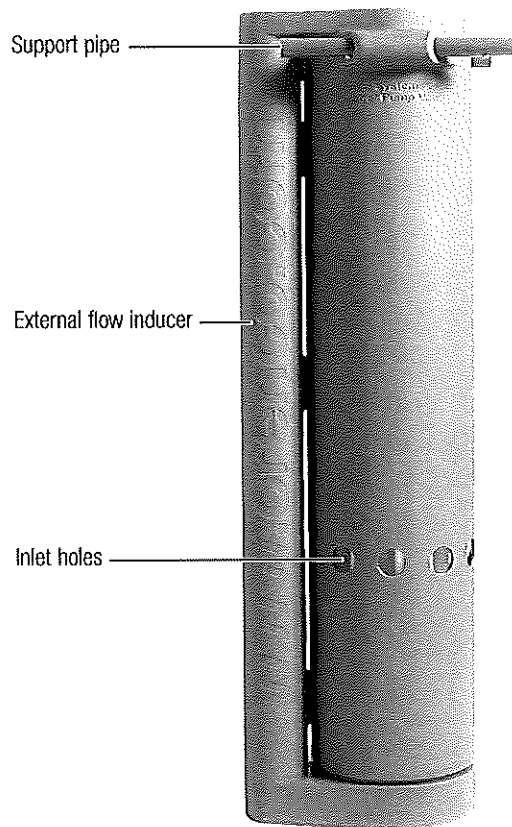
AdvanTex® Treatment System AXN Models meet the requirements of NSF-ANSI Standard 40 for Class I Systems.

Universal Biotube® Pump Vaults

For use with Orenco® 4-inch (100-mm) Submersible Effluent Pumps

Applications

Orenco Biotube® Pump Vaults are used to filter effluent that is pumped from septic tanks or separate dosing tanks in STEP systems and onsite wastewater treatment systems. They remove two-thirds of suspended solids, on average. Pump vaults house a Biotube effluent filter and one or two Orenco high-head effluent pumps and can be used in single-compartment septic tanks with flows up to 40 gpm (2.5 L/sec). When flows are greater than 40 gpm (2.5 L/sec), a double-compartment septic tank or separate dosing tank is recommended.



Side view

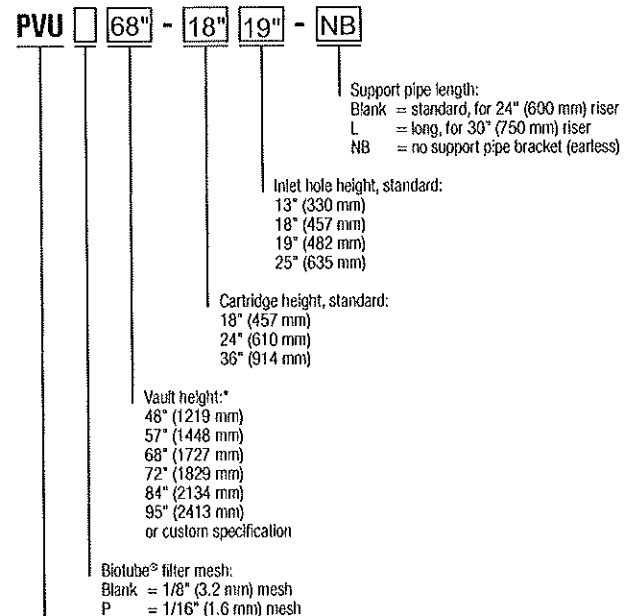
General

The Orenco Biotube Pump Vault includes a molded polyethylene housing with an internal Biotube filter cartridge constructed of polypropylene and PVC. Schedule 80 PVC support pipes are included to suspend the vault in a tank opening. "Earless" 68-inch (1727-mm) vaults, which rest on the bottom of the tank instead of on support pipes, are also available. The filter cartridge can be removed without pulling the pump or the vault. Effluent enters through inlet holes around the perimeter of the Biotube vault and flows through the Biotubes to the external flow inducer. The external flow inducer accommodates one or two pumps. Orenco Biotube Pump Vaults are covered by U.S. patents #4,439,323 and 5,492,635.

Standard Models

PVU48-1818, PVU57-1819, PVU68-2419, PVU84-2419, PVU95-3625

Product Code Diagram



Universal Pump Vault

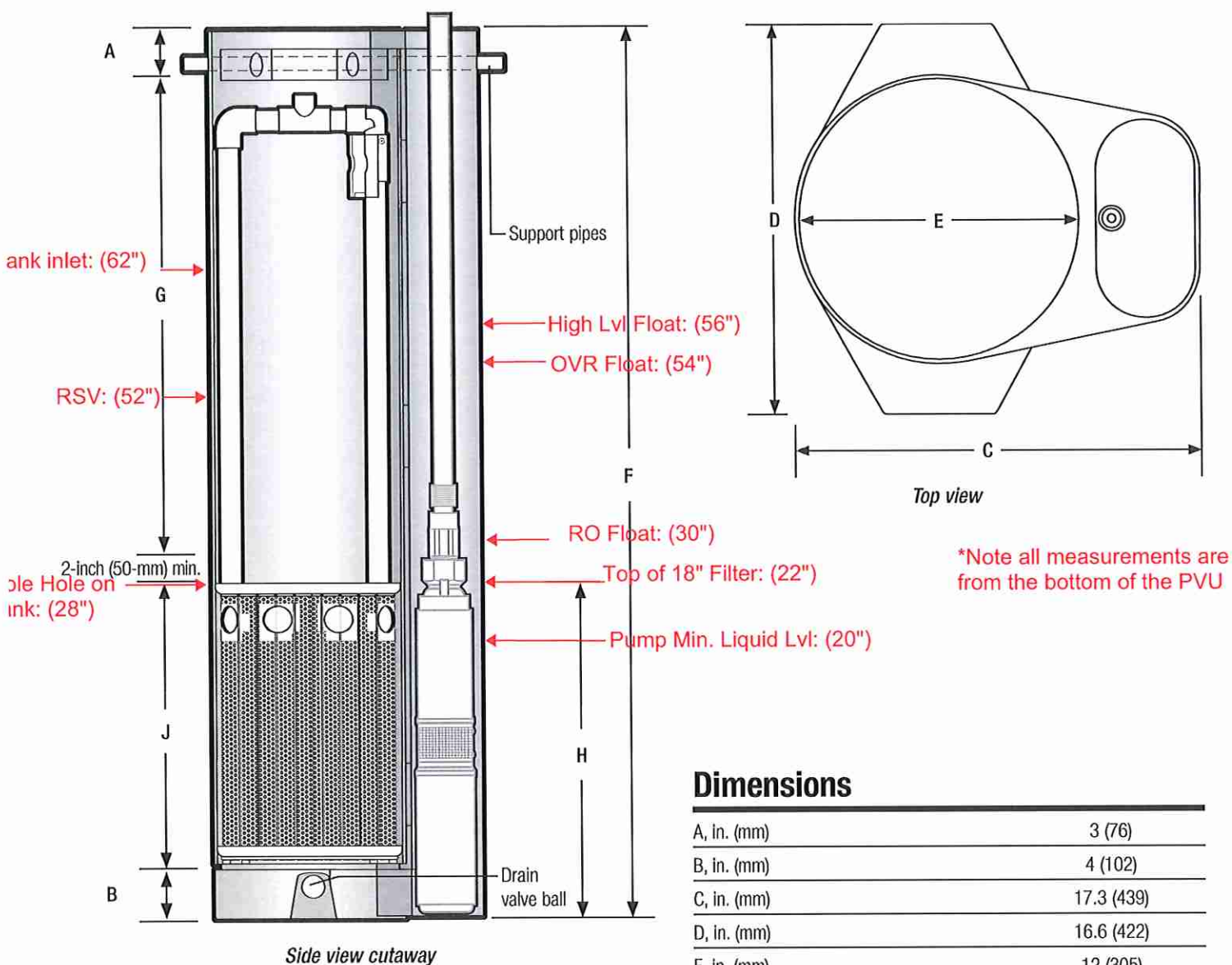
* Custom heights from 42" to 135" available

Tank Access and Riser Diameters

Diameter, in. (mm)	PVU with simplex pump	PVU with duplex pumps
Tank access, minimum	19 (483)	19 (483)
Tank access, recommended	20 (508)	20 (508)
Riser, minimum	24 (600)	30 (750)

Materials of Construction

Support pipe	Schedule 80 PVC
Biotube® vault	Polyethylene
Biotube filter cartridge	Polypropylene/PVC
Float stem	Schedule 40 PVC
Drain valve ball	Polypropylene



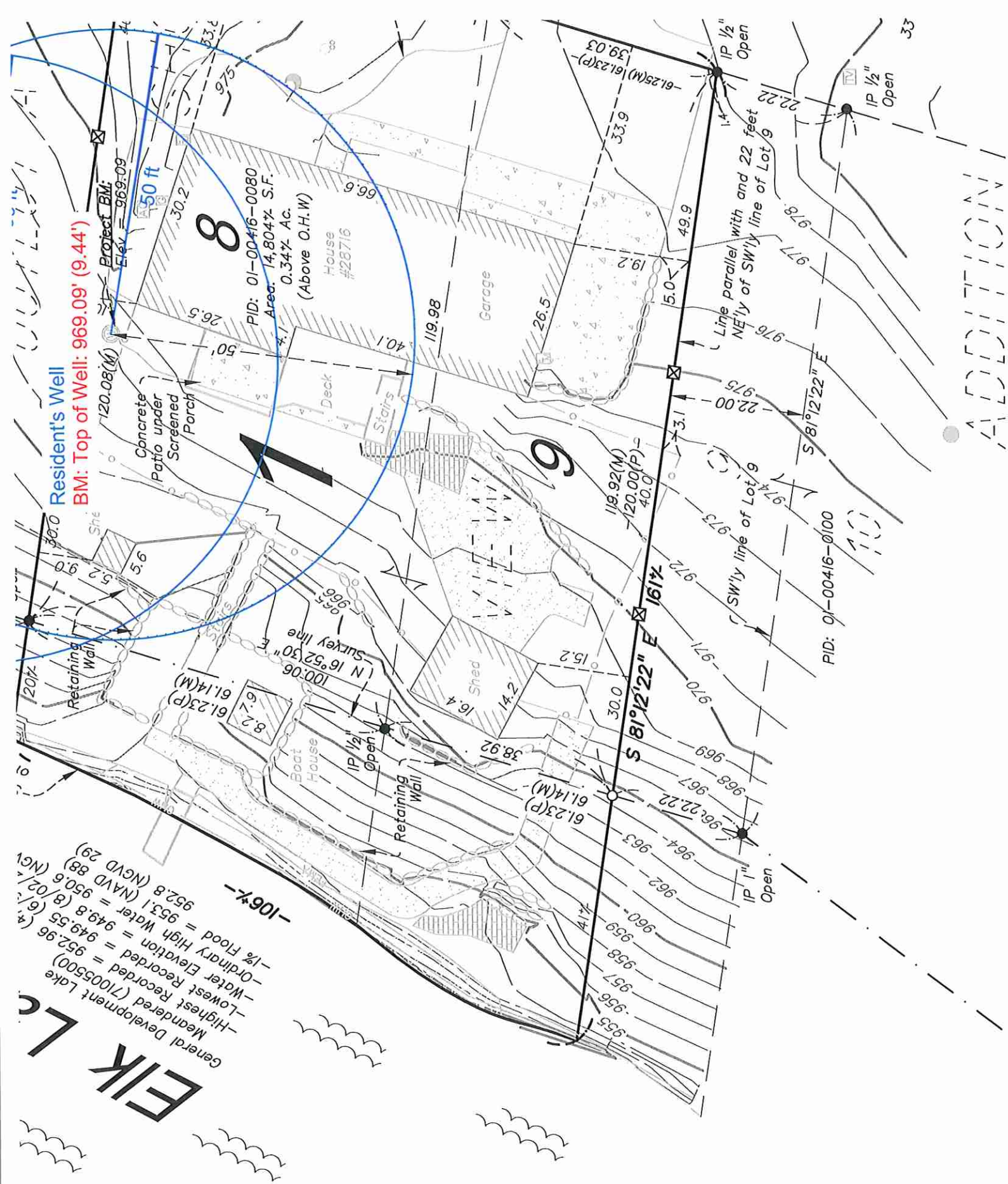
Specifications

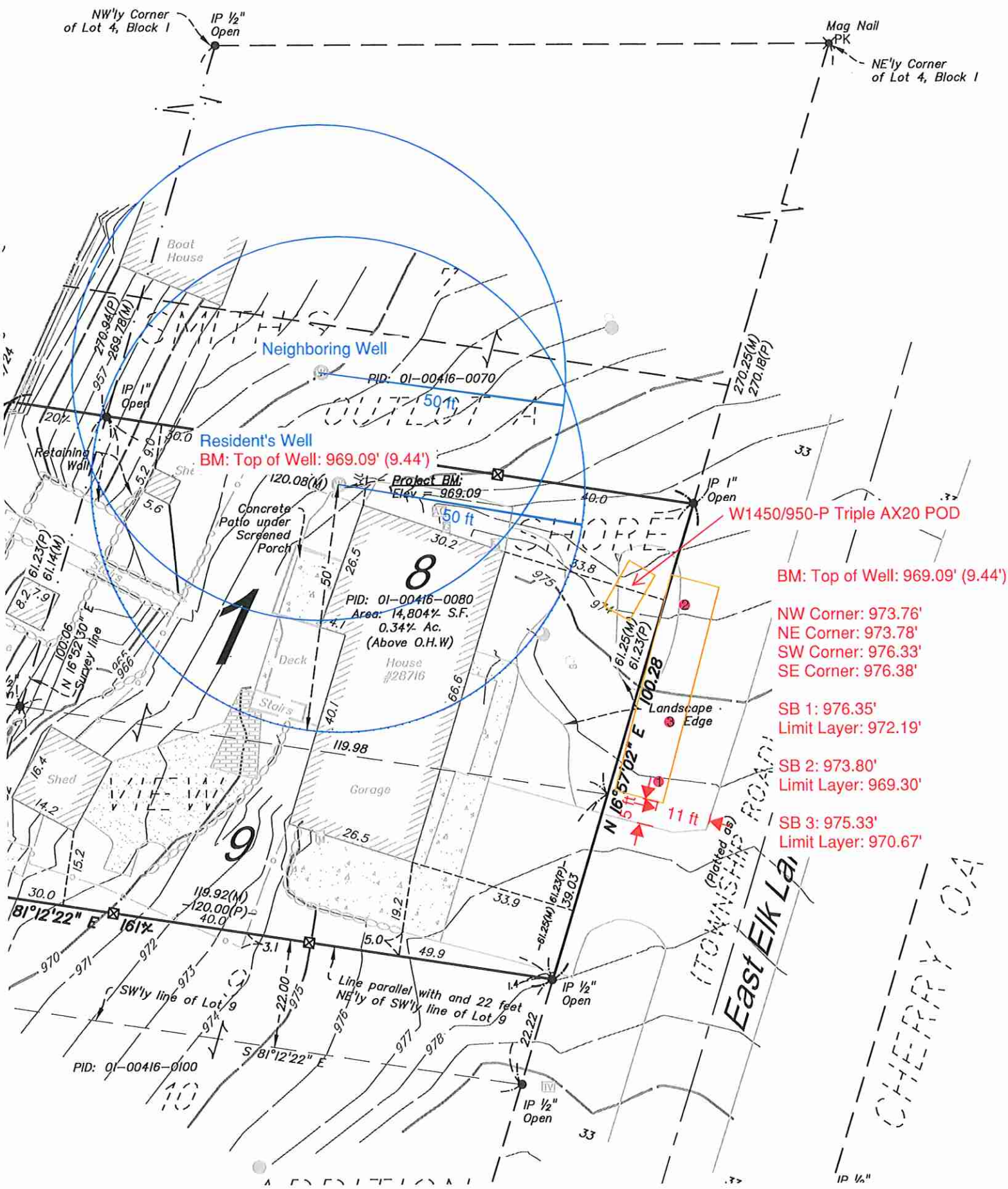
Model	PVU48-1818	PVU68-1819	PVU68-2419	PVU84-2419	PVU95-3625
F, vault height, in. (mm)	48 (1219)	68	68 (1727)	84 (1727)	95 (2413)
G, lowest float setting point, in. (mm)	21 (533)	29 (737)	35 (889)	51 (1295)	50 (1270)
H, inlet hole height, in. (mm)*	18 (457)	19 (483)	19 in. (483)	19 (482)	25 (635)
J, Biotube® cartridge height, in. (mm)	18 (457)	18 (457)	24 (610)	24 (610)	36 (914)
Biotube mesh opening, in. (mm)	0.125 (3)	0.125 (3)	0.125 (3)	0.125 (3)	0.125 (3)
Filter flow area, ft² (m²)	4.4 (0.4)	4.4 (0.4)	5.9 (0.5)	5.9 (0.5)	9.0 (0.84)
Filter surface area, ft² (m²)	14.5 (1.35)	14.5 (1.35)	19.7 (1.83)	19.7 (1.83)	30 (2.79)
Maximum flow rate, gpm (L/sec)	140 (8.8)	140 (8.8)	140 (8.8)	140 (8.8)	140 (8.8)

* May vary depending on the configuration of the tank.

ice

Elk





**CITY OF BALDWIN
PLANNING COMMISSION
VARIANCE
FINDINGS OF FACT & RECOMMENDATION**

APPLICANT: Steinbrecher Companies

APPLICATION: Request for variance to allow installation of a Subsurface Sewage Treatment System (SSTS) for PID 01-00416-0080 that encroaches upon public right-of-way.

PLANNING COMMISSION MEETING: 20 November 2024

FINDINGS: Based upon review of the application and evidence received, the Planning Commission now makes the following findings of fact:

1. The legal description of the property is:

Lot 8 and that part of Lot 9 lying Northeasterly of a line drawn parallel with and 22 Northeasterly from the Southeasterly line of Lot 9, as measure at right angles thereto, Simith's Shore View Addition, according to the plat thereof on file and of record in the office of the County Recorder, Sherburne County, Minnesota.

2. The property is guided for rural land uses Comprehensive Plan.
3. The property is zoned R1, General Rural District and is also located within the Shoreland Overlay District of Elk Lake.
4. The applicant is requesting a variance to allow installation of a new Subsurface Sewage Treatment System that encroaches into public right-of-way for Elk Lake Road.
5. The Planning Commission must take into consideration the possible effects of the request with their judgment based upon (but not limited to) the criteria outlined in Section XX-6-3 of the Zoning Ordinance:
 - A. That the variance would be consistent with the comprehensive plan.

Finding: Continuation of the existing residential use upon the legal non-conforming lot is consistent with the Comprehensive plan.
 - B. That the variance would be in harmony with the general purposes and intent of this ordinance.

Finding: The proposed Subsurface Sewage Treatment System is to be located within the public right-of-way to provide for compliance with other applicable requirements.

- C. That the plight of the landowner is due to circumstances unique to the property not created by the landowner.

Finding: The property was is legal non-conforming lot of record prior within insufficient area to allow for location of a Subsurface Sewage Treatment System entirely within the subject property.

- D. That the purpose of the variance is not exclusively economic considerations.

Finding: The need for variance is due to the legal non-conforming area, width, and depth of the property that does not allow for location of a Subsurface Sewage Treatment System entirely within the subject property and not economic consideration.

- E. That the granting of the variance will not alter the essential character of the neighborhood in which the parcel of land is located.

Finding: The properties surrounding the subject site are similar in dimension to the subject site and developed with single family dwellings utilizing Subsurface Sewage Treatment Systems for sewage disposal. Approval of the variance will not alter the character of the area in which the subject site is located.

- F. That the requested variance is the minimum action required to remedy the practical difficulty.

Finding: The proposed location of the Subsurface Sewage Treatment System within the public right-of-way is minimized to the extent possible while complying with other applicable design requirements.

- G. The potential for the variance to impact natural resources such as surface water, groundwater, or wetlands; sites identified for rare biological species habitat; ecologically sensitive areas; or historically significant areas.

Finding: The proposed location of the Subsurface Sewage Treatment System will not cause impacts to natural resources.

- H. No variance shall be granted that would allow for a lesser degree of flood protection than required by this ordinance.

Finding: Approval of the variance will not allow for a lesser degree of flood protection.

- I. Variances shall not be approved for any use that is not allowed under this ordinance for property in the zoning district in which the parcel or lot is located.

Finding: The existing single family dwelling is an allowed use within the zoning district established for the subject site by the Zoning Ordinance.

- 6. The planning report dated 15 November 2024 prepared by the City Planner, The Planning Company LLC, is incorporated herein.

7. The Planning Commission considered the request at their meeting on 28 February 2024; based upon review of the application and evidence received, the Planning Commission voted to recommend that the City Council approve the request based on the aforementioned findings.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning Commission recommends that the request be **APPROVED**, subject to the following conditions:

1. The property owner shall execute an encroachment agreement drafted by the City Attorney to allow location of the SSTS drain field within public right-of-way, subject to approval of the City Council.
2. Installation of the SSTS shall be installed in accordance with Chapter 4 of the Building Ordinance subject to review and approval of the Building Official except as modified by the variance.

(Remainder of page intentionally blank signatures follow)

ADOPTED by the Baldwin Planning Commission this 20th day of November, 2024.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

BALDWIN PLANNING COMMISSION

BY: _____
Clarence Mattson, Chair

ATTEST: _____
Kayla Nielsen, Deputy Clerk