



**CITY OF BALDWIN
PLANNING COMMISSION MEETING AGENDA
Wednesday, May 28, 2025 at 7:00 P.M.
Baldwin City Hall**

- A. **Call to Order:**
 - 1. Pledge of Allegiance
 - 2. Roll Call
 - 3. Planning Commission claim forms
- B. **Approval of the Agenda**
- C. **Approval of Minutes:**
 - 1. March 26, 2025
- D. **Public Hearings:**
 - 1. None
- E. **New Business:**
 - 1. Ordinance 920 (SSTS) amendment
 - 2. Agricultural building permit application
- F. **Old Business:**
 - 1. Discuss fence regulations
 - 2. Planning Commission bylaws
 - 3. Planning Commission interview questions
- H. **City Council Liaison Update**
- I. **Commissioner Update**
- J. **City Staff Update**
- K. **Miscellaneous Information and Communications**
- L. **Adjourn by 9:00PM**

Notes:

- 1. Five copies of the agenda and two copies of the packet materials are available for review by the public.
- 2. The meeting will be video and audio recorded for transcription purposes only.
- 3. This agenda does not claim to be complete and is subject to change.
- 4. A quorum of the City Council may be present at the Planning Commission meeting.



**PLANNING COMMISSION MEETING MINUTES
MARCH 26, 2025**

Call to Order: Chair Clarence Mattson called the Baldwin Planning Commission meeting to order at 7:02 pm.

Pledge of Allegiance: All present recited the Pledge of Allegiance.

Roll Call: Present: Chair Clarence Mattson, Commissioners Patti Miller, Joy Johnson, William McGowan, Calvin Schmock and Richard Marshall.

Also present: City Planner, Dan Licht, and City Council Liaison, Jay Swanson.

Absent: Vice Chair Sherry Newman

All claim forms were filled out and returned to the Deputy Clerk.

Approval of the Agenda:

Correction under New Business, item number 2, should state 125th street, not 12th street.

***Commissioner Schmock motioned to approve the agenda as amended.
Commissioner Johnson seconded. All in favor. Motion carried.***

Approval of the Minutes:

Planning Commission meeting of February 26, 2025

***Commissioner Schmock motioned to approve the minutes as written.
Commissioner Miller seconded. All in favor. Motion carried.***

Public Hearings: None

New Business:

Matt and Kathleen Finlayson; Lots 4 and 5, Block 1, Hunter Estates

City Planner Licht presented the planning report. The property owners are proposing to combine the lots and build a house and a detached accessory building on the property. The property owners further intend that their excavation contracting business would occupy the detached accessory building as a home occupation.

The applicant, Mr. Finlayson (28494 149th St NW), was in attendance and is aware of the seventeen conditions.

Commissioner Miller asked about the equipment listed in the planning report and how much of it would be inside of the accessory building. Mr. Finlayson stated the majority of the equipment will be inside the building; however the building will not be big enough to store all of the business equipment. City Planner Licht stated this would affect condition number nine.

Commissioner Marshall questioned condition number six as to why there is no sandblasting, painting, or maintenance. Mr. Finlayson stated there would be no maintenance on any of the equipment in this accessory building.

Commissioner Miller stated condition number ten has the incorrect business hours listed. It should state 7:00 AM to 7:00 PM. Mr. Finlayson requested the time to be changed to 6:00 AM.

Commissioner McGowan asked about planting trees as a barrier on the south side of the property to screen outdoor parking from the neighboring properties.

Commissioner Schmock motioned to recommend approval of the Home Occupation Interim Use Permit for Matt and Kathleen Finlayson with the following modifications:

9. All vehicles that are Class 5 or larger and all trailers and equipment for the business shall be stored upon a Class-5, asphalt, or concrete surface.

10. Business hours of operation shall be limited to 6:00 AM to 7:00 PM on Monday through Saturday; no work shall be allowed on Sunday.

18. The property owner shall plant evergreen trees, subject to approval of the Zoning Administrator, a minimum of 30 feet on center at the following locations :

a. Along the property line with PID 01-00424-0110

b. East of the detached accessory building, between the north line of the detached accessory building, and north line of the driveway access.

Commissioner Marshall seconded. All in favor. Motion carried.

Century Cabinets; 31924 125th Street NW

City Planner Licht presented the planning report. Century Custom Cabinets has acquired the property at 31924 125th Street NW, which is developed with a 7,200 square foot building. The building was previously used as a restaurant. The property owner intends to use the building for cabinet manufacturing.

The applicant, Mike Ternes, was in attendance and stated that he has been operating out of a small accessory building and would like to expand his business into a larger shop and showroom.

Commissioner Schmock motioned to recommend approval of the Conditional Use Permit for Century Custom Cabinets, subject to the four conditions recommended by City staff. Commissioner Marshall seconded. All in favor. Motion carried.

City of Baldwin Interim Ordinance

City Planner Licht presented the planning report. To ensure that future development is consistent with the vision of the City of Baldwin, it is necessary to complete the Comprehensive Plan update. The Planning Commission is concerned that if growth is permitted to continue before the Comprehensive Plan update is finished, opportunities may be missed, particularly in the area of commercial and industrial development.

Commissioner Miller noted that the word "statute" was spelled incorrectly on the ordinance.

Commissioner Schmock motioned to recommend approval of the interim ordinance for the City of Baldwin prohibiting application for subdivision. Commissioner Miller seconded. All in favor. Motion carried.

Old Business: None

City Council Liaison Update:

Mayor Swanson updated the Planning Commission on City Council discussions.

Commissioner Update:

Commissioner Marshall wants to discuss having Planning Commission meetings even if City Planner Licht is absent.

Chair Mattson wants to bring attention to Jake's Tree Service and note that it is unpleasant to look at.

City Staff Update:

City Planner Licht updated the Planning Commission on the topics to be discussed at upcoming meetings.

Miscellaneous Information and Communications: None.

Adjourn:

Commissioner Marshall motioned to adjourn the March 20, 2025 Planning Commission meeting at 8:44 pm. Commissioner Schmock seconded. All in favor. Motion carried.

Respectfully submitted:

Approved by:

Kayla Nielsen
Deputy Clerk

Clarence Mattson
Chair

Date

Attendees: Matt Finlayson, Jason Allen, and Mike Ternes

Chapter 4
SUBSURFACE SEWAGE TREATMENT SYSTEMS

SECTION:

- 920-4-1: Purpose
- 920-4-2: Intent
- 920-4-3: Authority and Regulations Adopted
- 920-4-4: Definitions
- 920-4-5: General Provisions
- 920-4-6: General Requirements
- 920-4-7: SSTS Standards
- 920-4-8: SSTS Permitting
- 920-4-9: Management Plans
- 920-4-10: Compliance Management
- 920-4-11: Enforcement
- 920-4-12: Record Keeping
- 920-4-13: Annual Report
- 920-4-14: Fees
- 920-4-15: Interpretation
- 920-4-16: Severability
- 920-4-17: Abrogation and Greater Restrictions

920-4-1: PURPOSE: The purpose of this section is to establish minimum requirements for regulation of ISTS and MSTs for the treatment and dispersal of sewage within the city to protect public health and safety, groundwater quality, and prevent or eliminate the development of public nuisances. It is intended to serve the best interests of the City of Baldwin citizens by protecting their health, safety, general welfare, and natural resources.

920-4-2: INTENT: It is intended by the city that this section will promote the following:

- A. The protection of lakes, rivers and streams, wetlands, and groundwater in the city essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the city.
- B. The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- C. The establishment of minimum standards for SSTS design, construction, reconstruction, repair, and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- D. The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- E. The provision of technical assistance and education, plan review, inspections, SSTS surveys and complaint investigations to prevent and control water-borne diseases, lake degradation, groundwater related hazards, and public nuisance conditions.

920-4-3: AUTHORITY AND REGULATIONS ADOPTED:

- A. This section is adopted pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082 or successor rules.
- B. The City hereby adopts by reference Minnesota Statutes, Section 115.55; Minnesota Statutes, Sections 145A.01 through 145A.08; Minnesota Statutes, Section 375.51; or successor statutes, and Minnesota Rules, Chapter 7080, Chapter 7081, Chapter 7082 or successor rules.

920-4-4: DEFINITIONS: The following words and phrases when used in this chapter shall have the following meanings ascribed to them:

Authorized Representative: An employee or agent of the city of Baldwin.

Board of Adjustment: The city council of the city of Baldwin acting with the authority to order the issuance of variances, hear and decide appeals from a member of the affected public and review any order, requirement, decision, or determination made by any administrative official charged with enforcing any ordinance adopted pursuant to the provision of Minnesota statutes, sections 394.21 to 394.37, order the issuance of permits for buildings in areas designated for future public use on an official map and perform such other duties as required by the official controls.

Building Official: The building official for the City appointed by the City Council.

Class V Injection Well: A shallow well used to place a variety of fluids directly below the land surface, which includes a domestic SSTS serving more than 20 people. The US Environmental Protection Agency and delegated state groundwater programs permit these wells to inject wastes below the ground surface provided they meet certain requirements and do not endanger underground sources of drinking water. Class V motor vehicle waste disposal wells and large- capacity cesspools are specifically prohibited (see 40 CFR Parts 144 & 146).

Cluster System: A SSTS under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on an acceptable site near the dwellings or buildings.

Design Flow: The daily volume of wastewater for which an SSTS is designed to treat and discharge.

Failure to Protect Groundwater: At a minimum, a SSTS that does not protect groundwater is considered to be a seepage pit, cesspool, drywell, leaching pit, or other pit; a SSTS with less than the required vertical separation distance, described in MR Chapter 7080.1500 Subp. 4 D and E; and a system not abandoned in accordance with part 7080.2500. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or an individual licensed pursuant to Section 5 hereof.

Imminent Threat to Public Health and Safety: At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a qualified employee or a SSTS inspection business licensed pursuant to section 5 hereof.

ISTS: An individual sewage treatment system having a design flow of no more than 5,000 gallons per day.

Malfunction: The partial or complete loss of function of a SSTS component, which requires a corrective action to restore its intended function.

Management Plan: A plan that describes necessary and recommended routine operational and maintenance requirements, periodic examination, adjustment, and testing, and the frequency of each to ensure system performance meets the treatment expectations, including a planned course of action to prevent an illegal discharge.

Minor Repair: The repair or replacement of an existing damaged or faulty component/part of an SSTS that will return the SSTS to its operable condition. The repair shall not alter the original area, dimensions, design, specifications or concept of the SSTS.

MSTS: A “mid-sized subsurface sewage treatment system” under single ownership that receives sewage from dwellings or other establishments having a design flow of more than 5,000 gallons per day to a maximum of 10,000 gallons per day.

MPCA: Minnesota Pollution Control Agency.

Notice of Noncompliance: A written document notifying a system owner that the owner’s onsite/cluster treatment system has been observed to be noncompliant with the requirements of this Ordinance.

Qualified Employee: An employee of the state or a local unit of government, who performs site evaluations or designs, installs, maintains, pumps, or inspects SSTS as part of the individual’s employment duties and is registered on the SSTS professional register verifying specialty area endorsements applicable to the work being conducted.

Record Drawings: A set of drawings which to the fullest extent possible document the final in- place location, size, and type of all SSTS components including the results of any materials testing performed and a description of conditions during construction of the system.

Sewage: Waste from toilets, bathing, laundry, or culinary activities or operations or floor drains associated with these sources, including household cleaners and other constituents in amounts normally used for domestic purposes.

SSTS: Subsurface sewage treatment system including an ISTS, MSTS, or LSTS.

State: The State of Minnesota.

Treatment Level: Treatment system performance levels defined in Minnesota Rules, Chapter 7083.4030, Table III for testing of proprietary treatment products.

Type I System: An ISTS that follows a standard trench, bed, at-grade, mound, or graywater system design in accordance with MPCA rules, Minnesota Rules, Chapter 7080.2200 through 7080.2240.

Type II System: An ISTS with acceptable modifications or sewage containment system that may be permitted for use on a site not meeting the conditions acceptable for a standard Type I system. These include systems on lots with rapidly permeable soils or lots in floodplains and privies or holding tanks.

Type III System: An ISTS that uses soil to treat sewage but does not meet the tank, size or distribution requirements for a Type I system. Type III systems are designed for use on a lot that cannot accommodate a standard type I soil treatment and dispersal system.

Type IV System: An ISTS having an approved pretreatment device and incorporating pressure distribution and dosing.

Type V System: An ISTS designed by a professional engineer that does not meet the prescriptive designs for Type I-IV. Type V systems must meet the public health and safety standards of 7080.1500.

920-4-5: GENERAL PROVISIONS:

- A. Scope. This section regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the City shall be treated and dispersed by an approved Type I, Type II, Type III, Type IV or Type V SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.
- B. Jurisdiction. The jurisdiction of this section shall include all lands of the City.
- C. Administration:
 - 1. City Administration. The Building Official shall administer the SSTS program and all provisions of this section. At appropriate times, the City shall review and revise and update this section as necessary. The City shall employ qualified and appropriately certified professionals to administer and operate the SSTS program.
 - 2. State of Minnesota. Where a single SSTS or group of SSTS under single ownership within one-half mile of each other have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a State Disposal System permit from MPCA. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a State Disposal System permit is required. SSTS serving establishments or facilities licensed or otherwise regulated by the State shall conform to the requirements of this section.
 - 3. Validity. The validity of any part of this section shall not be affected by the invalidity of any other parts of this section where the part can be given effect irrespective of any invalid part or parts.
 - 4. Liability. Any liability or responsibility shall not be imposed upon the or agency or any of its officials, employees, or other contract agent, its employees, agents or servants thereof for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this rule by reason of standards, requirements, or inspections authorized hereunder.

920-4-6: GENERAL REQUIREMENTS:

A. Retroactivity:

1. All SSTS. Except as explicitly set forth in Section 920-4-6.A.2 of this chapter, all provisions of this chapter shall apply to any SSTS regardless of the date it was originally permitted.
2. Existing Permits. Unexpired permits issued prior to the effective date of this chapter shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership whichever is earlier.
3. SSTS on Lots Created After January 23, 1996. All lots created after January 23, 1996 must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, or at-grade systems as described in Minnesota Rules, Chapters 7080.2200 through 7080.2230 or site conditions described in 7081.0270, Subp. 3 through 7.
4. Existing SSTS without Permits Any existing SSTS with no permit of record that was installed prior to 1996 shall be allowed to continue operation until such time as the system is deemed to be "non-compliant" with any provision of this section.

B. Upgrade, Repair, Replacement, and Abandonment:

1. SSTS Capacity Expansions. Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this section at the time of the expansion.
2. Failure to Protect Groundwater. An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4.B shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within (18) months of receipt of a Notice of Noncompliance unless required sooner by other provisions of this section.
3. Imminent Threat to Public Health or Safety. An SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, Chapter 7080.1500, Subp. 4A shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Ordinance within 10 months of receipt of a Notice of Noncompliance unless required sooner by other provisions of this chapter.

4. Abandonment. Any SSTS, or any component thereof, which is no longer intended to be used must be abandoned in accordance with Minnesota Rules, Chapter 7080.2500.
- C. SSTS in Floodplains. SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain shall be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rules, Chapter 7080.2270 and all relevant local requirements are met.
- D. Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal Government to submit SSTS inventory information to the Environmental Protection Agency as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.
- E. SSTS Practitioner Licensing. No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules, Chapter 7083 except as exempted in 7083.0700.
- F. Prohibitions:
 1. Occupancy or Use of a Building without a Compliant SSTS. It is unlawful for any person to maintain, occupy, or use any building that is provided with a wastewater treatment system that does not comply with the provisions of this section.
 2. Sewage Discharge to Ground Surface or Surface Water. It is unlawful for any person to construct, maintain, or use any SSTS system that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.
 3. Sewage Discharge to a Well or Boring. It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rules, Chapter 4725.2050, or any other excavation in the ground.
 4. Discharge of Hazardous or Deleterious Materials. It is unlawful for any person to discharge into any treatment system any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

920-4-7: SSTS STANDARDS:

- A. Standards Adopted by Reference. The City hereby adopts by reference Minnesota Rules, Chapters 7080 and 7081 in their entirety as now constituted and from time to time amended. This adoption does not supersede the City's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.
- B. Amendments to the Adopted Standards:
 - 1. List of Adopted Standards. The following is a list of standards that are stricter than the minimums required under Minnesota Rules Chapters 7080 through 7082:
 - a. Certificate of Compliance required at time of property transfer. This certificate must be presented when filing the Certificate of Real Estate Value. (Section 920-4-10.B.1)
 - b. Certificate of Compliance required to obtain a building permit with the following exception: A new certificate of compliance will not be required if a certificate has been issued within the previous ten (10) years for the SSTS serving the property. (Section 920-4-10.B.2)
 - c. The City will not accept a five (5) foot separation between distribution media and seasonal high water or a limiting layer in lieu of pressure distribution or multiple trenches using serial distribution
 - 2. Determination of Hydraulic Loading Rate and SSTS Sizing. Either Table IX entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions" or Table IXa entitled "Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests" from Minnesota Rules, Chapter 7080.2150, Subp. 3(E) and herein adopted by reference shall be used to size SSTS infiltration areas.

3. Compliance Criteria for Existing SSTS. SSTS built before April 1, 1996, outside of areas designated as shoreland areas, wellhead protection areas, or SSTS providing sewage treatment for food, beverage, or lodging establishments must have at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock. SSTS built after March 31, 1996 or SSTS located in a Shoreland area, wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under 7080.1100, Subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock. Existing systems that have no more than a 15 percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this section. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. 7080.1500, Subp.4
4. Holding Tanks. A holding tank may be allowed for the following applications:
 - a. As a replacement for an existing failing SSTS if it is determined by a licensed designer and the Planning and Zoning Department that an SSTS permitted under this section cannot be feasibly installed;
 - b. As a sewage disposal system for an existing seasonal property;
 - c. As a receptacle for a flammable waste trap;
 - d. As a receptacle for other non-residential waste.
 - e. A holding tank will not be allowed for a new house, nor may an existing residence with a holding tank be expanded to include additional sleeping areas.
- C. Variances. A property owner may request a variance from the standards specified in this section pursuant to Chapter 6 of the Zoning Ordinance. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency pursuant to requirements of the State Agency.

920-4-8: SSTS PERMITTING:

- A. Permit Required. It is unlawful for any person to construct, install, modify, replace, or operate an SSTS without the appropriate permit from the Planning and Zoning Department. The issuing of any permit or variance under the provisions of this section shall not absolve the applicant of responsibility to obtain any other required permit.

B. Construction Permit:

1. Activities Requiring a Construction Permit. A construction permit is required for installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
2. Activities Not Requiring a Permit. A construction permit is not required for repair or replacement of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
3. Permit Application Requirements. Construction Permit applications shall be made on forms provided by the Planning and Zoning Department and signed by the applicant and/or an appropriately licensed practitioner and include the practitioner's license number and date of expiration. The applications shall include the documents listed in items a through e below:
 - a. Name, mailing address, telephone number, email address.
 - b. Property Identification Number and address or other description of property location.
 - c. Site Evaluation Report as described in Minnesota Rules, Chapter 7080.1730
 - d. Design Report as described in Minnesota Rules, Chapter 7080.2430.
 - e. Management Plan as described in Minnesota Rules, Chapter 7082.0600.
4. Application Review and Response. The Building Official shall review a permit application and supporting documents. Upon satisfaction that the proposed work will conform to the provisions of this section, the Building Official shall issue a written permit authorizing construction of the SSTS as designed. In the event the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for approval or denial. If the permit application is incomplete or does not meet the requirements of this section, the Planning and Zoning Department shall deny the application.
5. Appeal. The applicant may appeal the Building Official's decision to deny the construction permit in accordance with the City's established policies and appeal procedures as stated in the Chapter 7 of the Zoning Ordinance.

6. Permit Expiration. The construction permit is valid for a period of no more than one year from its date of issue. Satisfactory completion of construction shall be determined by receipt of final record drawings and a signed certification by a qualified employee of the Building Official that the construction or installation of the system was completed in reasonable conformance with the approved design documents.
7. Extensions and Renewals. The Building Official may grant an extension of the construction permit if the construction has commenced prior to the original expiration date of the permit.
8. Transferability. A construction permit shall not be transferred to a new owner. The new owner must apply for a new construction permit in accordance with this section.
9. Suspension or Revocation. The Building Official may suspend or revoke a construction permit issued under this section for any false statements, misrepresentations of facts on which the construction permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid construction permit is obtained.

B. Operating Permit:

1. SSTs Requiring an Operating Permit. An operating permit shall be required of all owners of new holding tanks, Type IV or Type V systems, MSTs or any other system deemed by the Building Official to require operational oversight. Sewage shall not be discharged to a holding tank or MST until the Building Official certifies that the MST or holding tank was installed in substantial conformance with the approved plans, receives the final record drawings of the MST, and a valid operating permit is issued to the owner, as specified in Minnesota Rules, Chapter 7080.0600, Subp.2.
2. Permit Application Requirements:
 - a. Application for an operating permit shall be made on a form provided by the Building Official including:
 - (1) Owner name, mailing address, telephone, email address;
 - (2) Construction Permit reference number and date of issue;
 - (3) Final record drawings of the treatment system;

- (4) Owners of holding tanks must submit a copy of a monitoring and disposal contract with a licensed maintenance business.
- b. **Monitoring and Disposal Contract.** Owners of holding tanks installed after the effective date of this ordinance shall provide to the Building Official a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7082.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subdivision 3, paragraph (b), clause (3).
3. **Building Official Response.** The Building Official shall review the record drawings, operation and maintenance manual, management plan, maintenance and servicing contract, and any other pertinent documents as appropriate for accuracy and completeness. If any deficiencies are identified, the operating permit shall be denied until the deficiencies are corrected to the satisfaction of the Planning and Zoning Department. If the submitted documents fulfill the requirements, the Planning and Zoning Department shall issue an operating permit.
4. **Permit Expiration and Renewal.** Operating permits shall be valid for the specific term stated on the permit as determined by the Building Official.
5. **Amendments to Existing Permits Allowed.** The City may amend an existing permit if an amendment is necessary to eliminate an imminent threat to public health or safety or at the request of the permit holder, if deemed appropriate by the Building Official.
6. **Suspension or Revocation:**
 - a. The Building Official may suspend or revoke any operating permit issued under this section for any false statements or misrepresentations of facts on which the operating permit was issued.
 - b. Notice of suspension or revocation and the reasons for such action shall be conveyed in writing to the owner.
 - c. If suspended or revoked, the Building Official may require that the treatment system be removed from service, operated as a holding tank, or abandoned in accordance with Subd. 4 Item 2D.
 - d. At the Building Official's discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

7. Compliance Monitoring:

- a. Performance monitoring of a SSTS shall be performed by a licensed inspection business or licensed service provider hired by the holder of the operating permit in accordance with the monitoring frequency and parameters stipulated in the permit.
- b. A monitoring report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Building Official on or before the compliance reporting date stipulated in the operating permit. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described below:
 - (1) Owner name, address, phone number, and email address.
 - (2) Operating permit number.
 - (3) Average daily flow since last compliance monitoring report.
 - (4) Description of type of maintenance and date performed.
 - (5) Description of samples taken (if required), analytical laboratory used, and results of analyses.
 - (6) Problems noted with the system and actions proposed or taken to correct them.
 - (7) Name, signature, and license number of the licensed professional who performed the work.

C. System Abandonment:

1. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this ordinance shall be prohibited.
2. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500

920-4-9: MANAGEMENT PLANS:

- A. SSTS Requiring Management Plans. Management plans are required for all new or replacement SSTS. The management plan shall be submitted to the Planning and Zoning Department with the construction permit application for review and approval. The Planning and Zoning Department shall be notified of any system modifications made during construction and the management plan revised and resubmitted at the time of final construction certification.
- B. Required Contents of a Management Plan. Management plans must include all requirements contained in Minnesota Rules, Chapter 7082.0600, Subp.1(B)
- C. Requirements for Systems not operated under a Management Plan. Management plans SSTS that are not operated under a management plan or operating permit must have treatment tanks inspected at least every three (3) years and provide for the removal of solids if needed. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

920-4-10: COMPLIANCE MANAGEMENT:

- A. Public Education Outreach. Programs shall be provided by the Building Official and/or others to increase public awareness and knowledge of SSTS. Programs may include distribution of educational materials through various forms of media and SSTS workshops focusing on SSTS planning, construction, operation, maintenance, and management.
- B. Compliance Inspection Program:
 - 1. Building Official Responsibility. The Planning and Zoning Department, or its agents, shall periodically perform various SSTS compliance inspections to determine compliance with this section.
 - a. A "Certificate of Compliance" must be provided as evidence of meeting the requirements of this ordinance for the following reasons:
 - (1) For a property transfer, at the time a Certificate of Real Estate Value (CRV) is filed, unless:
 - (a) The tract of land is vacant (without buildings) or contains no buildings with plumbing fixtures connected to an SSTS;
 - (b) The sale of land is exempt from the requirements that a CRV be filed with the County Auditor, as per MN Statute Sec 272.115;

- (c) The dwelling unit's plumbing fixtures are connected to a City or MPCA approved shared community wastewater treatment system.
- (2) When a building permit is applied for unless:
 - (a) The dwelling unit's plumbing fixtures are connected to a City or MPCA approved shared community wastewater treatment system;
 - (b) The building permit application is for a re-roof or re-siding; or for a furnace, fireplace or other mechanical or plumbing repair or replacement;
 - (c) The building permit application is for handicapped accessibility improvement.
 - (d) For building permits only, a new certificate of compliance will not be required if a certificate has been issued within the previous 10 years for the SSTS serving the property.
- 3. Upon completion of any new or replacement SSTS, before the system is put into service.
- 4. For an evaluation, investigation, inspection, recommendation, or other process used to prepare a disclosure statement if conducted by a party who is not the SSTS owner. Such an inspection constitutes a compliance inspection and shall be conducted in accordance with Minnesota Rules, Chapter 7082.0700 using the SSTS inspection report forms provided by MPC.
- 5. For transactions occurring between the time period of December 1 through May 1, the buyer may be allowed to escrow funds to complete a compliance inspection, and if necessary, a sewer upgrade by no later than June 15. This will only be allowed if the buyer can obtain a signed letter of understanding prior to closing from the Building Official.
 - (a) All compliance inspections must be performed and signed by a licensed inspection business or qualified employee certified as an inspector.
 - (b) The Building Official shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTS system, not including a residence or private building.

- (c) The Building Official shall notify the owner of the intent to inspect the SSTS at least one day in advance of the intended inspection. No person shall hinder or otherwise interfere with the Planning and Zoning Department's employees in the performance of their duties and responsibilities pursuant to this ordinance. Refusal to allow reasonable access to the property by the Building Official shall be deemed a separate and distinct offense.

2. Existing Systems:

- a. Compliance inspections shall be required when any of the following conditions occur:
 - (1) When a construction permit is required to repair, modify, or upgrade an existing system;
 - (2) Any time there is an expansion or change of use of the building or property being served by an existing SSTS which may impact the performance of the system;
 - (3) At any time as required by this chapter or when the Building Official deems appropriate, such as upon receipt of a complaint or other notice of a system malfunction.
- b. Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA, or on other forms acceptable to the Planning and Zoning Department.
- c. The certificate of compliance must include a statement by a qualified employee or licensed inspection business, indicating whether the SSTS is in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Planning and Zoning Department if the required corrective action is not a minor repair.
- d. The certificate of compliance or notice of noncompliance must be submitted to the owner and the Building Official no later than 15 calendar days after the date the inspection was performed.

3. Dispute Resolution. If a documented discrepancy arises on the depth of periodically saturated soils between SSTS licensed businesses or between an SSTS licensed business and the City, the dispute resolution procedures outlined in Minnesota Rules Chapter 7082.0070, Subp 5 must be followed.

920-4-11: ENFORCEMENT:

A. Violations:

1. Cause to Issue a Notice of Violation. Any person, firm, agent, or corporation who violates any of the provisions of this chapter, including violations of conditions and safeguards, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota State Statutes.
2. Notice of Violation. The Building Official shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this section. The notice of violation shall contain:
 - a. A statement documenting the findings of fact determined through observations, inspections, or investigations;
 - b. A list of specific violation(s) of this chapter;
 - c. Specific requirements for correction or removal of the specified violation(s);
 - d. A mandatory time schedule for correction, removal and compliance with this chapter.
3. Stop Work Orders. Stop work orders may be issued when the Building Official has probable cause that an activity regulated by this or any other City ordinance is being or has been conducted without a permit or in violation of a permit. When work has been stopped by such an order, the work shall not resume until the reason for the work stoppage has been completely satisfied, any administrative fees paid, and the order lifted.

- B. Prosecution. In the event of a violation or threatened violation of this section, the City may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the City Attorney shall have authority to commence such civil action; the Building Official and City Attorney may take such actions as may be necessary to enforce the provisions of this chapter.

- C. **Costs and Reimbursements.** If the Building Official is required to remove or abate an imminent threat to public health or safety, the Building Official may recover all costs incurred in removal or abatement in a civil action, including legal fees. At the discretion of the City Council, the cost of an enforcement action under this ordinance may be assessed and charged against the real property on which the imminent threat to public health or safety was located. The City shall extend the cost as assessed and charged on the tax roll against said real property.

920-4-12: RECORD KEEPING. The City shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, certificates of compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses, and other records relevant to each system.

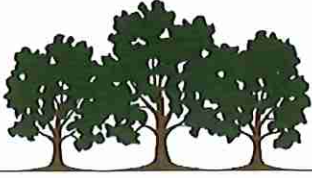
920-4-13: ANNUAL REPORT. The Building Official shall provide an annual report of SSTs permitting activities as required by MPCA for the previous calendar year.

920-4-14: FEES. From time to time, the City Council shall establish fees for activities undertaken by the Building Official pursuant to this chapter. Fees shall be due and payable at a time and in a manner to be determined by the Building Official.

920-4-15: INTERPRETATION. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

920-4-16: SEVERABILITY. If any section, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of law, the remainder of this section shall not be affected and shall remain in full force.

920-4-17: ABORGATION AND GREATER RESTRICTIONS. It is not intended by this section to repeal, abrogate, or impair any other existing City ordinance, easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.



CITY OF BALDWIN AGRICULTURAL BUILDING PERMIT EXEMPTION HANDOUT

(763) 389-8931

30239 128th Street, Baldwin, MN 55371

RETURN TO: city.clerk@baldwinmn.gov

Certification shall be completed and signed by property owner

This handout is designed to help determine whether a proposed building would be considered agricultural and exempt from building permit requirements. Please note: if the building is exempt from building permit, a Zoning Agricultural Exemption permit is required, and the structure must comply with City and County zoning ordinances related to agricultural buildings.

326B.121 STATE BUILDING CODE; APPLICATION AND ENFORCEMENT.

Subdivision 1. Application.

- (a) The State Building Code is the standard that applies statewide for the construction, reconstruction, alteration, repair, and use of buildings and other structures of the type governed by the code.
- (b) The State Building Code supersedes the building code of any municipality.
- (c) The State Building Code does not apply to agricultural buildings except:
 - (1) with respect to state inspections required or rulemaking authorized by sections 103F.141; 216C.19, subdivision 9; and 326B.36 (Electrical); and
 - (2) Translucent panels or other skylights without raised curbs shall be supported to have equivalent load-bearing capacity as the surrounding roof.

FACTS REGARDING AGRICULTURAL BUILDINGS:

What is an agricultural structure? MN Statutes 326B.103 defines an agricultural building as a structure on agricultural land; designed, constructed, and used to house farm implements, livestock, or agricultural products; and used by the owner, lessee, and sub-lessee of the building and members of their immediate families, their employees, and person engaged in the pickup or delivery of agricultural products. *See pages 4 and 5 definitions/descriptions.*

What if I want to stop farming and start using the building for car storage or a commercial business? MN Rules, Chapter 1300.0120 states: "An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure... or cause any such work to be done, shall first make application to the building official and obtain the required permit." In other words, a building permit would need to be obtained, and the building would need to be brought into compliance with the current building code. *If you anticipate a change of use, it is easier and often less expensive to go through the building permit process now.*

What if I want to store a vehicle in one corner of the building, but the rest of the building will meet the above requirements? To be considered an agricultural building, the building in its entirety must be for agricultural use.

Can I install a bathroom or heating in the agricultural structure? Yes. The Agricultural building does not require a plumbing or mechanical permit. Although these permits are not required, installations shall comply with State code requirements. A septic system permit is required if plumbing is installed.

Can I install electrical outlets/lights in the agricultural structure? Yes. Note, the MN State Electric Code does NOT exempt agricultural structures from requiring a permit and maintaining compliance with the Electric Code.

Does my proposed building meet the definition of an agricultural structure?

The following checklist provides guidance to determine whether a proposed project is considered an agricultural building, exempt from the State Building Code.

FOR THE BUILDING TO BE CONSIDERED AGRICULTURAL ALL BOXES MUST BE CHECKED YES

	YES	NO
The land use listed on your property taxes is classified as agricultural in the preceding year.		
The land is ten contiguous (touching) acres or more, excluding one acre homestead, used during the preceding year for agricultural purposes OR contiguous acreage used during the preceding year for an intensive livestock or poultry confinement operation, provided that land used only for pasturing or grazing does not qualify under this clause. OR The land is: 1) contiguous acreage that is less than ten acres in size and exclusively used in the preceding year for raising or cultivating agricultural products, or 2) contiguous acreage that contains a residence and is less than 11 acres in size, if the contiguous acreage exclusive of the house, garage, and surrounding one acre of land was used in the preceding year for one or more of the following three uses: (i) for an intensive grain drying or storage operation, or for intensive machinery or equipment storage activities used to support agricultural activities on other parcels of property operated by the same farming entity; (ii) as a nursery, provided that only those acres used intensively to produce nursery stock are considered agricultural land; or (iii) for intensive market farming. For purposes of this paragraph, "market farming" means the cultivation of one or more fruits or vegetables or production of animal or other agricultural products for sale to local markets by the farmer or an organization with which the farmer is affiliated.		
The building will be used only by the owner, lessee, and sub lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products. (That is, your neighbor or friend will not use the building, the building will not be open to the public, etc.)		
The building will be designed, constructed, and used to house farm implements, livestock, or agricultural products. OR The building will be used for "agricultural purposes" including raising, cultivating, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. (See MN Statute citations at the end of this handout for full definitions of "agricultural purposes" and "agricultural products.")		

If the answers to ALL of the above questions were YES, read and sign the Exemption on the following page, and submit the completed certificate form along with any zoning/agricultural applications as required.

If any of the answers above are NO, the building is not exempt.

Apply for a New Accessory Structure or Pole Building permit and any additional trade permits through the City Building Official.

CITY OF BALDWIN, MINNESOTA

AGRICULTURAL BUILDING PERMIT EXEMPTION CERTIFICATION AND APPLICATION

AGRICULTURAL BUILDING SITE INFORMATION			
City	Parcel ID#		
Site Address	City	State	Zip
Description of Proposed Ag Building	Intended Use		

I HEREBY ACKNOWLEDGE:

1. The building will not be used for any purpose other than Agricultural Purposes, as defined by MN Statute 326B.103 (designed, constructed, and used to house farm implements, livestock, or agricultural products) on land as defined in MN Statute 273.13 subd. 23.
2. The public is not allowed to enter, occupy, or otherwise inhabit the building.
3. The building may not contain or provide any type of living space within the building
4. If a change of use is intended, the building will be required to:
 - a) comply, in every aspect, with the then current building code, and will require a Change of Use building with all required construction documents submitted and appropriate permit fees paid;
 - b) be designed by a Minnesota Licensed Design Professional;
 - c) have all structural components exposed for inspection as required by the building official (the cost for which will be borne exclusively by the property owner at the time of use change);
 - d) allow and successfully pass all required building inspections mandated by the MN State Building Code and Building Official; and receive a valid Certificate of Occupancy, if applicable, for the use.
5. If it is discovered that a change of use has occurred in the building without first completing Item #4 above, the building will be posted with a "DO NOT OCCUPY" order. In order to lift the DO NOT OCCUPY order, the requirements of Item #4 above must be completed and a special investigation fee equal to the amount of the permit fee will be assessed. In addition, is possible that the City will pursue criminal prosecution for violations of the MN State Building Code.
6. The applicant/owner shall comply with all applicable federal, state, county, city and other local agency ordinances, rules, regulations and permits applicable to the construction and grading activity.
7. By signing this document, I grant permission to the City of Baldwin Zoning Administrator or Building Official to enter the property to verify compliance with the above requirements. Such inspection shall be at reasonable times but may be without prior notice.

I have read the above seven requirements and acknowledge the use of this building is subject to these requirements.

PROPERTY OWNER INFORMATION			
Name			
Address	City	State	Zip

By signing this document, you are acknowledging that you have read and understood the restrictions enumerated in this document, that you will abide by them, and that you understand that if violations occur, you will be subject to any and all permit requirements and penalties allowed by law. THIS FORM MUST BE SIGNED BY THE LANDOWNER.

Property Owner Signature

Date

Property Owner Signature

Date

MN Statute 273.13 Subd. 23

<https://www.revisor.mn.gov/statutes/2010/cite/273.13/subd/273.13.23#stat.273.13.23>

e) **Agricultural Land** as used in this section means:

- (1) Contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes; or
- (2) Contiguous acreage used during the preceding year for an intensive livestock or poultry confinement operation, provided that land used only for pasturing or grazing does not qualify under this clause.

Agricultural Purposes as used in this section means the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. For a property to be classified as agricultural based only on the drying or storage of agricultural products, the products being dried or stored must have been produced by the same farm entity as the entity operating the drying or storage facility. "Agricultural purposes" also includes enrollment in the Reinvest in Minnesota program under sections 103F.501 to 103F.535 or the federal Conservation Reserve Program as contained in Public Law 99-198 or a similar state or federal conservation program if the property was classified as agricultural (i) under this subdivision for taxes payable in 2003 because of its enrollment in a qualifying program and the land remains enrolled or (ii) in the year prior to its enrollment. Agricultural classification shall not be based upon the market value of any residential structures on the parcel or contiguous parcels under the same ownership.

Contiguous acreage for purposes of this paragraph, means all of, or a contiguous portion of, a tax parcel as described in section 272.193, or all of, or a contiguous portion of, a set of contiguous tax parcels under that section that are owned by the same person.

Agricultural land under this section also includes:

- (1) contiguous acreage that is less than ten acres in size and exclusively used in the preceding year for raising or cultivating agricultural products; or
- (2) contiguous acreage that contains a residence and is less than 11 acres in size, if the contiguous acreage exclusive of the house, garage, and surrounding one acre of land was used in the preceding year for one or more of the following three uses:
 - (i) for an intensive grain drying or storage operation, or for intensive machinery or equipment storage activities used to support agricultural activities on other parcels of property operated by the same farming entity;
 - (ii) as a nursery, provided that only those acres used intensively to produce nursery stock are considered agricultural land; or
 - (iii) for intensive market farming; for purposes of this paragraph, "market farming" means the cultivation of one or more fruits or vegetables or production of animal or other agricultural products for sale to local markets by the farmer or an organization with which the farmer is affiliated.

Contiguous acreage, for purposes of this paragraph, means all of a tax parcel as described in section 272.193, or all of a set of contiguous tax parcels under that section that are owned by the same person.

Land shall be classified as agricultural even if all or a portion of the agricultural use of that property is the leasing to, or use by, another person for agricultural purposes. Classification under this subdivision is not determinative for qualifying under section 273.111.

The property classification under this section supersedes, for property tax purposes only, any locally administered agricultural policies or land use restrictions that define minimum or maximum farm acreage.

Agricultural Products as used in this subdivision includes production for sale of: 1)

- (1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;
- (2) fish bred for sale and consumption if the fish breeding occurs on land zoned for agricultural use;
- (3) the commercial boarding of horses, which may include related horse training and riding instruction, if the boarding is done on property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products as defined in clause (1);
- (4) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;
- (5) game birds and waterfowl bred and raised
 - (i) on a game farm licensed under section 97A.105, provided that the annual licensing report to the Department of Natural Resources, which must be submitted annually by March 30 to the assessor, indicates that at least 500 birds were raised or used for breeding stock on the property during the preceding year and that the owner provides a copy of the owner's most recent schedule F; or
 - (ii) for use on a shooting preserve licensed under section 97A.115;
- (6) insects primarily bred to be used as food for animals;
- (7) trees, grown for sale as a crop, including short rotation woody crops, and not sold for timber, lumber, wood, or wood products; and
- (8) maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under chapter 28A as a food processor.

If a parcel used for agricultural purposes is also used for commercial or industrial purposes, including but not limited to:

- (1) wholesale and retail sales;
- (2) processing of raw agricultural products or other goods;
- (3) warehousing or storage of processed goods; and
- (4) office facilities for the support of the activities enumerated in clauses (1), (2), and (3), The assessor shall classify the part of the parcel used for agricultural purposes as class 1b, 2a, or 2b, whichever is appropriate, and the remainder in the class appropriate to its use. The grading, sorting, and packaging of raw agricultural products for first sale is considered an agricultural purpose. A greenhouse or other building where horticultural or nursery products are grown that is also used for the conduct of retail sales must be classified as agricultural if it is primarily used for the growing of horticultural or nursery products from seed, cuttings, or roots and occasionally as a showroom for the retail sale of those products. Use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

ORDINANCE NO.: 2025-XX

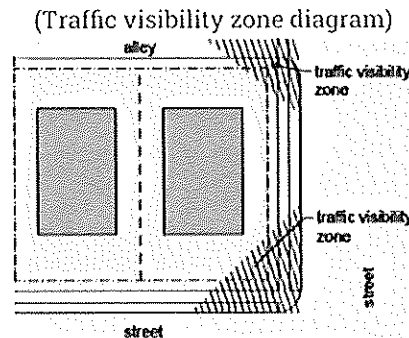
CITY OF BALDWIN
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE ZONING ORDINANCE
REGARDING FENCES.

THE BALDWIN CITY COUNCIL ORDAINS:

Section 1. Chapter 16 of Ordinance 900 (Zoning Ordinance – General Performance Standards) is hereby amended to include the following provisions with subsequent sections renumbered accordingly:

900-16-8: TRAFFIC VISIBILITY: Visibility from any street or driveway shall be unobstructed above a height of two feet and less than eight feet, except for fences allowed by Section 900-19-4 of this ordinance, measured from where both street or driveway centerlines intersect within the triangle described as beginning at the intersection of the projected edge of shoulders for rural section streets or curb line of two intersecting streets or drives, then 50 feet along one curb line, then diagonally to a point 50 feet from the point of beginning along the other curb line.



Section 2. Chapter 19 of Ordinance 900 (Zoning Ordinance – Landscaping, Screening, and Fences) is hereby amended to include the following provisions with subsequent sections renumbered accordingly:

900-19-4: FENCES:

A. Approval Required:

1. An administrative permit approved by the zoning administrator in accordance with section 900-8-3 of this ordinance shall be required for construction of any fence less than seven feet in height within a front yard or as a property line fence.

2. A building permit approved by the building official shall be required for construction of any fence seven feet in height or greater.
3. The approvals required under this subsection shall not apply to fences to be constructed for agricultural purposes as defined by this ordinance.

B. Information Submission:

1. Each application shall include a site plan drawn to scale showing the location of:
 - a. Existing buildings(s), structures(s), and other improvements within the lot.
 - b. The location of the fencing proposed to be erected, altered, or relocated.
2. The owner of the property on which a fence exists or is proposed to be constructed shall be responsible for verifying the property lines by:
 - a. Locating the property monuments; or
 - b. If the property lines cannot be located:
 - (1) The zoning administrator or the building official may require the owner of property upon which a fence now exists, or may require any property owner proposing to construct a fence, to establish the boundary lines of the property by a Certificate of Survey thereof to be made by a registered land surveyor; or
 - (2) The owner of property upon which a fence now exists, or the property owner on which the fence is to be constructed, and the owner(s) of the adjoining properties enter into an agreement regarding the location of the fence to be recorded with the titles of the respective properties.

C. All fences within the city shall be located in accordance with the following provisions

1. All fences shall be located entirely upon the property of the person constructing or causing the construction of such fence.
2. No fences shall be placed on or extend into the public rights-of-way.
3. Fences abutting a public right-of-way shall be setback a minimum of 10 feet from the lot line.
4. Fences shall not be allowed within drainage and utility easements except as approved by the city engineer subject to the following conditions:
 - a. The fence or a portion thereof may be removed by the city at any time for the purpose of utilizing the easement, and such action shall be at the property owner's expense.

- b. For encroachment into a drainage and utility easement allowed by the city engineer, except for standard drainage and utility easements required at the perimeter of a lot by the Subdivision Ordinance, the property owner shall execute an encroachment agreement that is to be recorded by the city at Sherburne County with the title of the property.

D. Construction Standards:

1. All man-made fences shall be constructed of materials comparable in grade and quality to the following:
 - a. Brick, stone, or rock face block.
 - b. Metal rod or chain link.
 - c. Wood, provided the surfaces are finished for exterior use, or wood of proven durability is used, such as cedar, redwood, white oak, or treated wood.
 - d. Metal; not including galvanized or unfinished steel or aluminum.
 - e. Vinyl.
2. Use of barbed wire or charging by electrical systems shall only be allowed:
 - a. For agricultural purposes as defined by this ordinance.
 - b. For the keeping of farm animals on residential properties as allowed by this ordinance.
 - c. Within commercial and industrial districts for security purposes when installed at a minimum height of seven feet above grade.
3. Height: The allowed height of a fence measured from the highest projection of a fence structure or support post to the adjacent finished grade shall be:
 - a. Rural Districts: 7 feet
 - b. Commercial and Industrial Districts: 12 feet
4. Fences located within a required yard abutting a local street right-of-way as designated by the comprehensive plan shall exceed five feet in height and be not less than 75 percent open.
5. A Fence on riparian lots within the Shoreland Overlay District constructed within the shoreland impact zone shall not exceed four feet in height and shall be not less than 75 percent open.

6. All fences shall not obstruct natural stormwater runoff and drainage.
 7. All fences shall be provided with a gate which affords reasonable and convenient access for public safety and allows maintenance of portion of the lot, including boulevards, outside of the area enclosed by the fence.
 8. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property.
 9. Both sides of any fence shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
- E. Special Purpose Fences: Fences for special purposes and fences differing in construction as required by this section may be permitted by the City by issuance of an interim use permit in accordance with section 900-5-3 of this ordinance upon a finding by the City Council that the fence is necessary to protect, buffer, or improve the premises for which such fence is intended.

Section 3. 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 _____, 2025.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

RESOLUTION NO: 25-XX

CITY OF BALDWIN
COUNTY OF SHERBURNE, MINNESOTA

ESTABLISHMENT AND REVISION OF PLANNING COMMISSION BYLAWS.

WHEREAS, an advisory Planning Commission was established by the Baldwin Town Board by Ordinance ____ adopted on March 11, 2011; and,

WHEREAS, the Planning Commission is to render assistance to the City Council in an advisory capacity in all such matters including, but not limited to:

- To prepare and maintain as current a Comprehensive Plan for meeting present requirements and such future needs as may be foreseen, based on demographic and statistical trends and data available.
- To establish principles and policies for guiding action affecting development in the City and its environs.
- To prepare and recommend to the City Council ordinances, regulations, and other controls or processes to promote orderly and economically sound development consistent with the Comprehensive Plan.
- To determine whether specific proposed developments conform to the goals, policies, and requirements for the Comprehensive Plan and City ordinances.
- To keep the City Council and the general public informed and advised as to all planning and development matters.

WHEREAS, the Planning Commission is governed by bylaws that were last amended by the Town Board on _____; and,

WHEREAS, the City Council does hereby amend and establish the following bylaws for the Planning Commission:

A. AUTHORIZATION:

1. The authorization for the establishment of this Planning Commission is as set forth by Minnesota Statute Chapter §462, as may be amended.
2. The Powers and duties delegated to the Planning Commission by the City Council are provided for by Ordinance No.200.

B. COMPOSITION:

1. Members of the Planning Commission shall be appointed by majority vote of the City Council.
2. Membership shall consist of seven property owners who are residents of the City.
3. The seven commissioner positions shall be identified by the letters A, B, C, D, E, F, and G to serve the terms as outlined below:
 - a. The terms of positions A, B, and G shall expire on April 1 of years having a remainder of two when divided by three (2024, 2027, 2030, etc.).
 - b. The terms of positions C and D shall expire on April 1 of years evenly divisible by three (2025, 2028, 2031, etc.).
 - c. The terms of positions E and F shall expire on April 1 of years having a remainder of one when divided by three (2023, 2026, 2029, etc.).
 - d. An appointment to fill a vacancy shall be only for the un-expired portion of the term.
4. Vacancies:
 1. A Commissioner intending to resign from the Planning Commission shall provide written notice to the City Clerk as soon as practical.
 2. The resignation shall be placed on the next agenda of the City Council to be accepted and to declare a vacancy.
 3. The City Council, upon recommendation of the Planning Commission, shall determine the process to consider an appointment to fill a vacancy.
 4. Applicants to fill a vacancy shall be interviewed by the Planning Commission, unless otherwise determined by the City Council.
 5. The Planning Commission shall interview the applicants to fill a vacancy and make recommendations as to appointment by majority vote of the members present.
5. The City Council shall have the authority to remove any member of the Planning Commission by a majority vote for valid cause, including but not limited to the following:
 - a. Missing three (3) or more consecutive meetings without just cause or notification to the Planning Commission Chair or City Clerk;
 - b. Neglect of duties of the office;
 - c. Failure to disclose a conflict of interest;

- d. Misrepresentation of the organization; and
 - e. Conviction of a felony or other illegal activities.
- 6. One City Council member shall be appointed as liaison to the Planning Commission to act in an ex-officio capacity.
 - 7. The City Council may also appoint alternate member(s) to a term determined by the City Council from time to time, as they deem necessary, to act as a replacement at any meeting in the event of the absence, for whatever reason, of any regularly appointed member of the Planning Commission.
 - 8. The Zoning Administrator shall serve as the City staff liaison to the Planning Commission.

C. OFFICERS:

- 1. The officers of the Planning Commission shall consist of a Chair and Vice-Chair.
- 2. The Chair shall preside at all meetings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers.
- 3. In the absence of the Chair, the order of succession for conduct of a meeting of the Planning Commission shall be the Vice-Chair, the most recent past Chair, and then the most senior member thereafter.
- 4. The secretary for the Planning Commission shall be the City Clerk or their designee and shall:
 - a. Keep the minutes and records of the Commission;
 - b. Prepare the agenda of regular and special meetings at the direction of the Chair;
 - c. Provide notice of all meetings to Commission members,
 - d. Attend to correspondence of the Commission; and
 - e. Other such duties as are normally carried out by a secretary.

D. ORGANIZATION:

- 1. The first meeting held each calendar year shall include commission organization to elect a Chair and Vice-chair as an agenda item.
 - a. Nominations for Chair and Vice-Chair shall be made by Commissioners.

- b. A candidate nominated and seconded for an officer position receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for a term of one year.
 - c. Officer vacancies shall be filled immediately by the election procedure established by this section.
- 2. The Planning Commission shall at the first meeting held each calendar year adopt a schedule of meetings to be held at least monthly on the fourth Wednesday.

E. MEETINGS:

- 1. Schedule:
 - a. Regular Meetings: The Planning Commission shall hold a meeting on the fourth Wednesday of each month for the purpose of conducting public hearings, reviewing zoning or subdivision applications, or other business as appropriate.
 - b. Special Meetings:
 - (1) The Planning Commission shall hold a meeting on the third Wednesday of each month to discuss topics related to the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, development best practices, or other land use related issues as appropriate for the Planning Commission to consider and make recommendations upon.
 - (2) Additional special meetings may be called:
 - (a) By the Chair.
 - (b) By a majority of members of the Planning Commission.
 - (c) The secretary shall notify all members of the Planning Commission not less than four days in advance of such special meeting.
- 2. A quorum of the Planning Commission necessary to hold a meeting and conduct business shall be four members.
- 3. All meetings, or portions of meetings, at which official action is taken are subject to the Open Meeting Law and shall be open to the public.
- 4. Each member, with the exception of the City Council liaison, shall be entitled to one vote.
- 5. Voting shall be by voice call unless requested otherwise; a record of the roll call vote shall be kept as a part of the minutes.

F. ORDER OF BUSINESS:

1. Unless otherwise amended, the order of business for the agenda at regular Planning Commission meetings shall be:
 - a. Call to Order:
 - (1) Pledge of Allegiance.
 - (2) Roll call.
 - (3) Planning Commission claim forms.
 - b. Approval of the Agenda.
 - c. Approval of Minutes.
 - d. Public Hearings.
 - e. New Business.
 - f. Old Business.
 - g. City Council Liaison Update.
 - h. Commissioner Update/Comments/Questions.
 - i. City Staff Update.
 - j. Miscellaneous Information and Communications.
 - k. Adjourn.
2. Agendas for special meetings shall be as established by the secretary in consultation with City staff and the Chair.
3. A motion from a Commission member shall be made, seconded, and carried in order to amend an agenda.

G. HEARINGS:

1. In addition to those required by law, the Planning Commission may hold public hearings when it decides that such hearings will be in the public interest.
2. Notice of all public hearings shall be as provided for by Minnesota Statutes as applicable for the matter under consideration.
3. The following procedure shall be used for each public hearing agenda item:
 - a. The Chair is to announce the application.

- b. City staff will present the Planning Report.
 - c. The applicant will be given an opportunity by the Chair to describe the request, make additional statements, and state if they agree with the recommendations of City staff.
 - d. The Chair will open the public hearing and invite comments and questions from the audience:
 - (1) Speakers shall state their name and address to be recorded in the meeting minutes.
 - (2) Comments and questions shall be directed to the Chair.
 - (3) Individual comments or questions shall be limited to 5 minutes or less.
 - (4) The Chair may request that only new information be presented.
 - e. The Chair will ask for any additional public comments and, if hearing none, will ask for a motion to close the public hearing.
 - f. The Chair may ask the applicant and/or City staff to respond to comments or questions received during the public hearing.
 - g. The Planning Commission will discuss the application and ask questions of the applicant and/or City staff.
 - h. The Chair will ask for a motion for a recommendation to the City Council as to the whether the application be approved or denied, including any recommended stipulations; the Planning Commission may also table consideration of an application.
 - i. The Chair will announce the date the application is likely to be considered by the City Council.
4. A record shall be kept of those speaking before the Planning Commission at all public hearings.

H. **AMENDMENTS.** These bylaws may be amended by a majority vote of the appointed members of the Planning Commission and approval of the City Council.

(remainder of page intentionally blank signatures follows)

NOW THEREFORE BE IT RESOLVED by the Baldwin City Council that the by-laws set forth herein are adopted.

ADOPTED by the Baldwin City Council this ____ day of _____, 2025.

MOTION BY:

SECONDED BY:

IN FAVOR:

OPPOSED:

CITY OF BALDWIN

Jay Swanson, Mayor

ATTEST:

Joan Heinen, City Clerk/Treasurer

PLANNING COMMISSIONER INTERVIEW QUESTIONS

Name: _____

1. Why are you interested in serving on this Commission?

2. What is your own personal vision for Baldwin in terms of growth and development?

3. Are there opportunities or issues are you most interested in having the Planning Commission consider if appointed?

4. What background most qualifies you for the Planning Commission and do you have specific experience in the fields of land use planning, civil engineering, law, development and/or construction?

5. Are you aware of any current or potential conflicts of interest you might have as a member of the Planning Commission?

6. Describe your understanding of the authority, duties, and responsibilities of the Commission or as a Commissioner.

7. Do you believe that the recommendations of the Planning Commission are to be based firmly in the Comprehensive Plan and City ordinances or are there opportunities for flexibility in their decisions?
8. Planning Commission meetings are currently scheduled for the 3rd and 4th Wednesday of each month at 7:00 p.m. Will you meet this time commitment for Planning Commission meetings?
9. Do you have any other comments you wish to provide to us?
10. Planning Commission follow up questions.
11. Notes: