



City of Nowthen  
**PLANNING & ZONING COMMISSION MEETING**  
**TUESDAY, OCTOBER 24, 2023**  
**AGENDA AMENDED**  
**7 PM**

**Called to Order**

- Pledge of Allegiance
- Roll Call
- Approve/Amend tonight's meeting agenda of October 24, 2023
- Approve/Amend Meeting Minutes of September 26, 2023
- Approve/Amend Meeting Minutes of August 22, 2023

- 1. 7:00 PM: Public Hearing: Mackenzie Hills Preliminary Plat, PID 20-33-25-21-0006**  
Consider approval of a 3-lot single family residential subdivision located south of Bear Lake, with access from Engen Blvd.
- 2. 7:15 PM: Public Hearing: Nowthen Pastures 3-lot Preliminary Plat**  
Open the public hearing, take public comments and continue the hearing to the November 28, 2023 meeting, **PID: 08-33-25-41-0001**
- 3. 7:20 PM: Discussion, Continued: Subsurface Sewage Treatment System Ordinance**  
Consider changes to the City's septic system ordinance pertaining to maintenance and general updates to reflect the MN 7080 rules.

**Upcoming Projects:**

- a. Leistico Subdivision – Nowthen Pastures, 3 lots
- b. Assisted Living Facility – 7780 205<sup>th</sup> Avenue NW (6 residents)
- c. Krogstad IUP, home business – 19800 St. Francis Blvd.
- d. Engren IUP, home business – 19111 Cleary Rd.
- e. Complete updates to landscaping, fencing, screening ordinance
- f. Public Hearing for Septic System Ordinance?

**Motion to Adjourn**

**CITY OF NOWTHEN MEETING MINUTES**  
**PLANNING AND ZONING COMMISSION REGULAR MEETING**  
**AUGUST 22, 2023**

CALL TO ORDER

Chair Ames called the meeting to order at 7:02 pm.

Those assembled recited the pledge of allegiance.

Present: Ames, Carlson, Haapala, Jorgensen, Bies, Pearo, Lewis

Also Present: Liaison Mayor Pilon, Planner Stockman, Admin. Asst. Donna Ogdahl, and City Administrator Lehner

**MOTION BY CARLSON, SECOND BY HAAPALA TO APPROVE THE AGENDA FOR TONIGHT'S MEETING. MOTION CARRIED. FIVE (7) AYES.**

**MOTION BY HAAPALA, SECOND BY AMES TO APPROVE THE MEETING MINUTES OF MAY 23, 2023 after correcting the spelling of Haapala's name on page 2 and correcting those present on page 1 (Jorgensen listed twice). MOTION CARRIED. FIVE (7) AYES.**

ITEM 1. ELECTION OF PLANNING & ZONING COMMISSION VICE CHAIR. Six votes from previous meeting unchanged; Lewis voted in favor of Jorgensen; Jorgensen is elected Vice Chairman.

ITEM 2. DISCUSSION: 20840 ENGEN BLVD; CONSIDER TWO CONCEPTUAL SUBDIVISION PLANS FOR 35.47 ACRES LOCATED ON THE SOUTH SIDE OF BEAR LAKE. PIN 20-33-25-21-0005 and 17-33-25-34-0003.

Chair Ames asked Planner Stockman to present her report and she proceeded to talk about the differences between the two conceptual layouts. Dan, Jill and Jason Gustafson were present at the meeting and Dan talked a bit about splitting the land for family members and that no other homes will be built while he's alive. Ames asked about the length of the road versus the length of their existing driveway. The feasibility of installing a road was talked about briefly, but width and wetland impact are issues.

Gustafson stated that he prefers a shared driveway to enter behind (west of) the houses which are located on the north side of 205<sup>th</sup> Ave. Stockman stated that this is possible as long as both lots are capable of having their own driveways, so the spacing next to the wetland (setback and buffer) was defined.

The group agreed that road alignment in Proposal B which goes further into the site along the western border was not necessary due to the number of trees which would need to be removed and limited buildable areas on the west side of the lake (in the future). Gustafson stated he'd hire a surveyor and be back in a month or two with definitive plans.

***No official vote for conceptual plans, decision not binding but the group recommended Proposal A with three lots accessing from a single east-west street (future 205<sup>th</sup> Avenue) the western terminus of which should be moved north to be in line with the section/property line between 20465 and 20633 Tiger Street.***

**ITEM 3. DISCUSSION CONTINUED ON PROPOSED CHANGES TO THE CITY'S SEPTIC SYSTEM ORDINANCE TO REFLECT MN 7080 RULES**

Planner Stockman presented the updated version of the draft ordinance dated 8-14-23; required pumping every three years is required unless the system is inspected and sludge is measured, in this case the inspection is only valid for one year. Page 3 paragraph F2 to add a minimum of 5,000 SF for each primary and secondary septic site; page 4, item G3 updated to require two working day's notice prior to an inspection. Explanation on page 5 regarding what triggers changes to commercial/industrial uses and how the septic systems are sized: Chris Uebe shared with Stockman that the number of bathrooms, employees and changes in use which require more water usage are the biggest contributing factors. The 7080 rules contains specific references for uses and water usage. Also on page 5, soil testing is required for all septic sites, but if a site had been determined at a previous date and properly maintained (not compacted, disturbed, etc) it is a valid septic site. In cases of lot splits, an existing system is only considered a primary site if it's compliant; if not then two new sites must be designated. Page 6, a system that is not protective of ground water is not protective of public health and safety. A question about pumping fees on page 8 relative to compliance under 6.b.iv – if the building official or another qualified inspector is hired to inspect or pump a system when the owner refuses to do so, the fees will be owed by the property owner and eventually assessed to taxes if left unpaid. Question on page 11 about the 50 foot wetland setback, is this needed? Note change on page 12 relative to use of holding tanks as temporary solution to a failing system. Direction to talk to MNspect again regarding installation by homeowners and permits being issued to installers only (person doing the work). A list of minor repairs allowed without a permit were included. Stockman was directed to bring an updated version of the draft ordinance to the next meeting.

**MOTION BY JORGENSEN, SECOND BY HAAPALA TO ADJOURN. MOTION CARRIED. SEVEN AYES.**

The meeting was adjourned at 9:04PM.

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Chairman Dale Ames

Attest:

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City Administrator Scott Lehner

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**SEPTEMBER 26, 2023**

CALL TO ORDER

Chair Ames called the meeting to order at 7:01pm

Those assembled recited the pledge of allegiance.

Present: Chair Ames, Commissioners Carlson, Bies, Haapala, Jorgenson, Pearo

Absent: Commissioner Lewis.

Also Present: Liaison Pilon, Planner Stockman, City Administrator Lehner, Deputy Clerk Johnson

**MOTION BY COMMISSIONER PEARO, SECONDED BY BIES TO APPROVE THE AGENDA. SIX (6) AYES.  
MOTION CARRIED.**

1. 7:05 Public Hearing Open. Accessory Building Variance, 7700 188<sup>th</sup> Lane NW. Consider approval of a variance to allow placement of a 3,200 SF accessory building within the front yard of an existing developed residential property. 33-33-25-21-0011.

Planner Stockman presented the variance request, it does seem to be in the front yard – however, it is the side yard. The property owners have done a good job with the planning, and it will coordinate with the home.

7:08 Commissioner Lewis entered the meeting.

Planner Stockman verified the accessory building does not take up the second septic site. Her office recommends the approval of the variance request subject to the Findings and Recommendations. Planner Stockman verified all publications and notifications has been completed.

Chair Ames asked if any of the commissioners had any questions.

Chair Ames asked for any public comments.

The applicants did not want to speak as Planner Stockman did a good job explaining.

Chair Ames stated he had been to the property, there has been much work completed and will look very nice when it is done. Commissioner Bies also looked at the property and the variance request seems to fit just fine. Planner Stockman explained it does fit; this is a case of technicality in the way the ordinance is written.

Chair Ames called for public comment a second time.

7:14 p.m. Public Hearing Closed.



**MOTION BY COMMISSIONER HAAPALA, SECONDED BY JORGENSEN TO APPROVE THE FINDINGS & RECOMMENDATION ACCESSORY BUILDING VARIANCE WITH CONDITIONS 7 AYES. MOTION CARRIED.**

Planner Stockman let the property owners know to come to the city council meeting on October 10<sup>th</sup>, 2023 at 7:00 p.m. for the variance recommendation to be presented to the city council for final approval.

2. 7:15 Public Hearing Open. Front Porch Variance, 8766 Norris Lake Road. Consider approval of a variance to allow a covered porch addition to extend six (6) feet closer to Norris Lake Road. PID 08-33-25-32-0008.

Planner Stockman presented the details of the variance request, stating the home is “Legal – nonconforming”, 100 years old. The deck will face Norris Lake Road. Planner Stockman stated it is a reasonable request. The property owners have been making improvements such as repairing the foundation, grading to ease drainage issues, and siding. Her office recommends the approval of the variance request subject to the Findings and Recommendations. Planner Stockman verified all publications and notifications has been completed.

Chair Ames asked if any of the commissioners had any questions.

Chair Ames asked for any public comments.

The applicants did not want to speak as Planner Stockman did a good job explaining.

Chair Ames called for public comment a second time.

Chair Ames stated the property looks very nice and has had much work done to it.

7:22 p.m. Public Hearing Closed

**MOTION BY COMMISSIONER BIES, SECONDED BY PEARO TO APPROVE THE FINDINGS & RECOMMENDATION ACCESSORY BUILDING VARIANCE WITH CONDITIONS 7 AYES. MOTION CARRIED.**

Planner Stockman let the property owners know to come to the city council meeting on October 10<sup>th</sup>, 2023 at 7:00 p.m. for the variance recommendation to be presented to the city council for final approval.

3. Waiting 6 minutes for the next public hearing to start at 7:30. While waiting, Planner Stockman when through upcoming projects:

- Complete updates to landscaping, fencing, and screening ordinance.

- Lesitico Subdivision

- Gustafson Subdivision

- Krogstad, IUP, home business

- Amborn property – Assisted living and subdivide. – Regarding this possible request, Mayor Pilon stated if the city ordinance is changed, keep in mind, it changes the ordinance for all properties that meet the criteria and could affect the entire city with regards to assisted living.

7:31 p.m. Public Hearing Open. Interim Use Permit. 7411 181<sup>st</sup> Ave NW. Consider an Interim Use Permit Request to allow the outside storage of a landscape contractor's vehicles, materials, and equipment for a temporary period of time. PID 33-33-25-43-0011.

Planner Stockman presented the details of the IUP request. The long-time landowner leased/rented one (1) acre to this business to store his equipment. They did not seek permission prior to moving the excessive amount of equipment and multiple storage containers. The landowner believed it was ok to lease the property for storage. The lessee is willing to reduce the amount of land needed to .25 of an acre as many of the items will be auctioned off as soon as he receives titles to be able to sell this equipment. Many of the vehicles and trailers are unlicensed, which is a violation of city ordinance (as only two unlicensed items are allowed). The containers being there longer than six (6) months are also in violation of code.

Chair Ames asked for public comments: Planner Stockman read three (3) emails from residents regarding this property and IUP request.

Planner Stockman verified all mailings and publications have been completed.

Planner Stockman stated that this is not an open-ended IUP, on the fourth page and on has the recommended timelines.

The Lessee shared his information that this is temporary, and he is actively searching for land to store his equipment. He suggested he paint the containers green as the City of Blaine had him do that at a previous location. He can reduce the quantity of equipment by November 15<sup>th</sup> and the rest of it can be removed by spring of 2024.

Mayor Pilon suggested before continuing to go through the findings, that the residents that are at the meeting to speak are allowed to speak first.

Resident Carolyn Olson – 7361 181<sup>st</sup>, the resident to the west of the property spoke. She was visibly upset. Containers are not screens; they have been there all summer. Semi's come and go, they are noisy. The containers are by her bon fire area – the property is beautiful, it's her home, not a storage yard.

Tony Howard – 18288 Nowthen Blvd Property Owner. Purchased the property to the east. He is planning on building homes on this property. The homes will be set to enjoy the sunsets, they don't want to look at "junk". This man didn't ask for permission, there for he should take it off the property. It is clearly a violation of the city ordinance and should not be allowed.

Skip Harnell – 7263 181<sup>st</sup> - He asked a question how this all came about. Did the Lessee communicate with the city? Did he work through the city planner? The answer was no to each of those questions. Mr. Harnell stated that the lessee should go into a commercial area, not be allowed to stay in the residential area.

No other public comments.

Planner Stockman made it clear that the city attorney stated the city must allow the leasing, however, when the ordinance regarding leasing originated, the belief is it was for "buildings", not outdoor storage.

Mayor Pilon asked the Lessee if the containers are removed, where would the equipment inside be stored. The lessee stated outdoors.

Planner Stockman explained that any violations of the IUP would have to be handled by the landowner, not the lessee and did the landowner understand that? All fines associated with his violations would directly affect her.

Commissioner Pearo had multiple questions: what are the items not being used, how long do you expect litigation to go on, are shipping containers vented for storage of equipment with fuel? Why not store equipment at another working location. The lessee addressed these questions and others. The mayor asked how many of the seventeen (17) trucks were licensed and operable. The lessee stated most items are not in used, expected litigation to be complete in 2 years, he has no room at his other location and all of the truck are operable, but not licensed. He needs the titles from the attorney to license them. He does not have a list of items to be released and able to be sold from the attorney at this time.

Public Hearing Closed at 8:33 p.m.

Planner Stockman walked the commissioners through finds and recommendations.

#3 Added: 1 tractor, 1 utility trailer, 1 enclosed trailer, and 300 gallon tank.

#4 – A fence could be required to be installed and removed when equipment is removed.

The property owner provided a copy of the lease to Planner Stockman for review.

The location of the storage area to be moved to the north side of the property and to remain .25 acres.

Discussion regarding May 1<sup>st</sup>, 2024 being the deadline for all storage items to be removed. Will road restrictions or snow be an issue? Planner Stockman in April 2024, this could be addressed if needed.

Planner Stockman will give a copy of the findings to the property owner prior to the city council meeting on October 10<sup>th</sup>, 2024 at 7:00 p.m.

**MOTION BY CHAIR AMES, SECONDED BY HAAPALA TO APPROVE THE FINDINGS & RECOMMENDATIONS APPROVING AN INTERIUM USE PERMIT FOR OUTDOOR STORAGE AS AMENDED. 6 AYES, 1 NAY COMMISSIONER BIES. MOTION CARRIED.**

#4 Discussion, Continued: Subsurface Sewage Treatment System Ordinance. Consider changes to the City's septic ordinance pertaining to maintenance and general updates to reflect the MN 7080 rules.

THIS ITEM IS TABLED UNTIL THE OCTOBER 24<sup>TH</sup> MEETING DUE TO TIME.

**MOTION BY COMMISSIONER BIES, SECOND BY JORGENSEN TO ADJOURN.**

Meeting Adjourned at 9:08 p.m.

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Chairperson, Dale Ames

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City Administrator, Scott Lehner



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Anoka, MN 55303  
763.231.5840  
TPC@PlanningCo.com

## PLANNING REPORT

TO: Nowthen Mayor and City Council  
Nowthen Planning & Zoning Commission

FROM: Elizabeth Stockman

DATE: October 17, 2023

RE: Nowthen – Gustafson Preliminary Plat and CUP for Street Paving Deferral  
20330/20840 Engen Blvd (PID 20-33-25-21-0006)

FILE NO: 122.02 – 23.01

### BACKGROUND

Applications have been received at the City of Nowthen for a 3-lot Preliminary Plat titled Mackenzie Hills and a Conditional Use Permit (deferral of street paving requirements) on a 37.93 acre property located on Engen Boulevard. Conceptual layouts were discussed at the August 22, 2023 Planning and Zoning Commission meeting before proceeding to the Preliminary Plat stage. The property is guided Permanent Low Density Residential in the City's 2040 Land Use Plan and the property is zoned RRA, Rural Residential Agriculture.

- Exhibit A – Application for Preliminary Plat (60-day review period waived) 3 pages
- Exhibit B – Application for CUP/Street Paving Deferral & associated 60-day Extension (5 pages)
- Exhibit C – Site Location
- Exhibit D – Preliminary Plat and Civil Set (8 pages)
- Exhibit E – City Engineer's Review
- Exhibit F – Regional Road Layout
- Exhibit G – Findings of Fact

### REVIEW & ANALYSIS

**Zoning and Land Use Consistency.** The proposed subdivision is in conformance with the site's designation as Permanent Low Density Residential in the City's 2040 Land Use Plan and the property's zoning as RRA, Rural Residential Agriculture.

**Conditional Use Permit Criteria (Section 11-10-3.B).** The purpose of the project is to distribute land among family members. Jason Gustafson has been issued a building permit for a new residential home in the northwest portion of the site. Because no lots are to be sold, the applicants wish to take advantage of Subdivision Ordinance Section 10-3-3 which allows for the deferral of street paving requirements through approval of a Conditional Use Permit (CUP).

In permitting a new conditional use permit, the Planning Commission and/or City Council may impose, in addition to these standards and requirements specified by this Chapter, additional conditions which they consider necessary to protect the best interest of the surrounding area or the City as a whole. These conditions may include, but are not limited to, the following:

1. Limiting the height, size, or location of buildings.

Not applicable.

2. Controlling the location and number of vehicle access points.

A shared driveway will provide access to the site in the interim until such time as any lot within the plat is further subdivided. The parcels will be deed restricted to require construction of the street to city standards upon any future subdivision.

3. Providing for a sufficient number of off-street parking spaces.

Not applicable.

4. Limiting the number, size, location, or lighting of signs.

No signs are desired, except that an address placard with all three house numbers shall be placed at Engen Blvd. and also where individual driveways split from the shared driveway.

A sign at the terminus of the cul-de-sac shall be required notifying people of future extension over to Tiger Street.

5. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

*The City Council shall comment on the need for screening or may waive this requirement based on the limited impacts on adjacent properties.*

**Lot Size Requirements.** All parcels within the plat conform with the City's minimum lot size requirements of 2.5 acres or larger, overall five (5) acre density average. The total area of 37.93 acres divided by five (5) yields a maximum of seven (7) lots. All lots within the subdivision will be deed restricted as part of the Street Surfacing Deferral discussed herein.

All lots meet the required 300-foot lot width, 300-foot lot depth and average lot sizes exceed 5 acres. All lots have a minimum of 150 feet of frontage on a publicly dedicated road.

Lot 1, Block 1 = 6.83 ac

Lot 2, Block 1 = 16.76 ac

Lot 1, Block 2 = 11.89 ac

**Local Street Access.**

The Planning and Zoning Commission recommended that the applicants dedicate right-of-way for the alignment of the future extension of 205<sup>th</sup> Avenue, which has been appropriately shown at the 66-foot width. The western terminus aligns with the section line between properties 20465 and 20633 Tiger Street as was directed.

The proposed road ROW is achievable not only in the present time but in the future when the expected realignment of Engen Boulevard will occur as shown in the City Engineer's report. The new ROW provides needed frontage for the property owner at 20362 Engen Blvd.

**CUP for Street Surfacing Deferral & Shared Driveway Requirements.** The Gustafson's are proposing that the 66-foot right-of-way for the future local street (205<sup>th</sup> Avenue) shall be used for a shared driveway until such time as the City agrees by resolution to accept and maintain a road for public use within the dedicated right-of-way. Section 10-3-3.C.5 requires the following:

- a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
- b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
- c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval of the City Attorney and shall be recorded against all impacted properties.
- d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties

may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

**Driveway Construction Standards (Section 11-6-2.J.4):**

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code.
- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

Shared driveway agreements, including maintenance provisions, and deed restrictions filed against all parcels shall be a condition of approval and subject to review and endorsement of the City Attorney.

**Wetlands & Shoreland District Overlay Zone.** A wetland delineation has been approved for the site as of September 20, 2022. Drainage/utility easements and wetland buffers will be required around the wetlands as required under state law and wetland buffer signs shall be installed at reasonable intervals to be approved by the City Engineer.

The Shoreland Overlay District of Bear Lake shall be shown on the plat.

**Subsurface Sewage Treatment Systems.** The Minnesota Pollution Control Agency publishes and oversees rules related to Subsurface Sewage Treatment Systems and the land where they are located. Section 7082.0100 subpart 3.F. of the current septic code stipulates that an area needs to be designated for two Type I systems for each parcel created (minimum of 10,000 SF). Soil borings and the locations of the proposed primary and secondary septic system sites have been shown on the Preliminary Plat. Individual septic system design is required at the time of building permit application and lowest floor elevations for homes may require fill to create the necessary separation in certain instances.

Suitability of septic sites to be reviewed by the Building Official, MNspect.



**Building Permit.** Building permits shall be required for the new homes which requires submittal of a certificate of survey for individual lots, lowest floor elevations noted and custom grading/erosion control plans which are subject to review and approval of the City Engineer and City Planner.

**Grading and Drainage.** All grading, drainage, stormwater and erosion control issues shall be subject to review and approval by the City Engineer and subject to necessary revisions as outlined in the HAA Engineer's Report dated 10-17-23.

**Soil Borings Required.** As indicated in the City Engineer's report, soil borings are required in the location of the proposed road to determine the suitability of subgrade soils to support the proposed street. The soil borings shall be included in a geotechnical report which is certified by a licensed geotechnical engineer and shall include an estimated stabilometer R-value.

**Geotechnical Monitoring Required.** In accordance with City Code, all lots must have a minimum of twenty-three thousand (23,000) square feet of land area with a three (3) foot separation between the final surface elevation and mottled soil or highest known water table. The soil boring table shows that the depth of mottling ranges from 1.3 feet to 2.7 feet, therefore, none of the buildable area meets the 3 feet of separation as required by City Code. We would recommend that the Applicant engage a geotechnical engineer to perform field monitoring of the groundwater with piezometers as allowed by Section 10-3-5.B.5 of the City Code.

**Recording Documents Required.** A development agreement, shared driveway maintenance agreement, title commitment, consent to plat and possibly a subordination agreement or other documents shall be provided at the request of the City Attorney.

**Park and Trail Dedication Requirements.** The City's Park and Trail System Plan does not include any planned improvements or search areas in the vicinity of the Gustafson property. The plat shows three buildable lots. The pre-development lot count is two. It is recommended that Park and Trail Dedication fees be collected for one lot (\$2,500) and when/if the parcels are subdivided in the future, fees for those lots shall be collected at that time.

## **POSSIBLE MOTIONS**

Motion to **approve** the Preliminary Plat and CUP for deferral of street paving requirements, based on demonstration that the request is consistent with Comprehensive Plan and Zoning Ordinance regulations, and subject to the conditions (as may be amended) attached in the findings of fact.

Motion to **deny** one or more requests based on a finding that the request is inconsistent with the Comprehensive Plan or Zoning Ordinance.

Motion to **table/continue** the public hearing until the following meeting.

c:     Scott Lehner, City Administrator  
       Natalie Johnson, Deputy Clerk  
       Shane Nelson, City Engineer  
       Dan and Jill Gustafson, Applicants  
       Aaron Briski, Carlson McCain



MAJOR SUBDIVISION  
(PRELIMINARY & FINAL PLAT)

8188 199TH AVENUE NW, NOWTHEN, MN 55330  
(763) 441-1347

RETURN TO: PERMITS@NOWTHENMN.NET

<input type="checkbox"/> <b>CONCEPT PLAN</b>  Base Fee: \$200 Escrow: \$1000  <input checked="" type="checkbox"/> <b>PRELIMINARY PLAT</b> <input type="checkbox"/> <b>FINAL PLAT</b>  Base Fee: \$200 + \$50/lot x 3 lots = \$ <u>350</u> Escrow: \$1,500 Public Hearing Fee: \$250 <b>Total Amount Due: \$ 2,100</b> Amt. Paid: <u>\$2500.00</u> CC/Check# <u>11330</u>	<p>***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> Date Application Received: <u>9/28/23</u> Date Application Complete: <u>9/28/23</u> <small>(60-day review period starts from this date)</small> Public Hearing Date: <u>10-24-23</u> City Council Approval/Denial Date: <u>11-14-23</u> 60-Day Review Period Ends: <u>waived by applic.</u> 60-Day Extension: <u>Yes</u> <u>No</u> Expires On: <u>NA</u> Received By: <u>Liz Starkman</u>
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**Additional Platting Fees:** Security Escrow: 150% of estimated construction costs  
 Engineering Escrow: 7% of initial security amount  
 Administrative Fee: 1% of total construction costs  
 Park Dedication Fee: \$2000/lot  
 Trail Dedication Fee: \$500/lot

**Property Information** Street Address: 20833 Engen Blvd. NW  
 Property Identification Number (PID#): 20-33-25-21-0006  
 Legal Description (Attach full description of Metes & Bounds if necessary):  
See attached

**Applicant Information**

Name: Dan Gustafson Business Name: \_\_\_\_\_  
 Mailing Address: 20840 Engen Blvd. NW  
 City: Elk River State: MN Zip Code: 55330  
 Home Phone: \_\_\_\_\_ Cell Phone: 6128502288 Work: \_\_\_\_\_  
 e-mail (home): dgustafson@gustafsongluek.com  
 e-mail (work): \_\_\_\_\_

**Property Owner Information** (If other than applicant):

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code : \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work: \_\_\_\_\_  
e-mail (home): \_\_\_\_\_  
e-mail (work): \_\_\_\_\_

**Description of Request** (attach additional sheets as necessary)

Existing Use of Property: Farmland/Agricultural  
\_\_\_\_\_  
Description of Proposed Use: Subdivide into 3 single-family acerage lots  
\_\_\_\_\_  
Lot Size: 38 Ac. Zoning: RRA  
Number of New Lots: 3 Number of Total Lots: 3  
Reason(s) to Approve Request: meets criteria outlined in Section 10-3-3.C of the city's subdivision ordinance  
\_\_\_\_\_

**Please describe any previous applications pertaining to the subject site:**

Project Name: Mackenzie Hills Date of Application: 7-14-23  
Nature of Previous Request : CUP request for deferral of street paving requirement  
\_\_\_\_\_

**Existing Building Sizes:**

RESIDENTIAL LOTS: House: \_\_\_\_\_SF Garage: \_\_\_\_\_SF (attached/detached?)  
COMMERCIAL/INDUSTRIAL LOTS: Main Building: \_\_\_\_\_Total Square Feet  
Office Area: \_\_\_\_\_SF; Warehouse/Storage: \_\_\_\_\_SF; Manufacturing: \_\_\_\_\_SF  
ALL LOTS:  
Accessory Buildings: (type/size) \_\_\_\_\_/\_\_\_\_\_SF: \_\_\_\_\_/\_\_\_\_\_SF  
\_\_\_\_\_/\_\_\_\_\_SF: \_\_\_\_\_/\_\_\_\_\_SF; \_\_\_\_\_/\_\_\_\_\_SF



I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

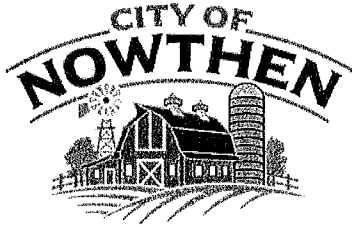
Signature of Applicant: [Signature] Date: 9/27/23  
Signature of Applicant: [Signature] Date: 9-27-23  
Signature of Property Owner: [Signature] Date: 9/27/23  
Signature of Property Owner: [Signature] Date: 9-27-23

**AGREEMENT TO PAY ALL APPLICATION FEES AND EXPENSES:**

We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ \_\_\_\_\_ as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. All fees and expenses are due whether the application is approved or denied.

I understand and agree that all City incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement including, but not limited to, attorney's fees are my responsibility as the property owner and will be promptly paid by myself upon billing by the City in the event the escrow fund is depleted. I further understand and agree that as the property owner I must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the City shall accrue interest at the rate of 6% per year. Further, if I fail to pay said amounts when due, then the City may certify such costs against any property owned by me within the City limits for collection with the real estate taxes and/or take necessary legal action to recover such costs and I agree that the City shall be entitled to attorney's fees and other costs incurred by the City as a result of such legal action. I knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Applicant: [Signature] Date: 9-27-23  
Property Owner: [Signature] Date: 9-27-23



CONDITIONAL & INTERIM USE PERMITS

8188 199TH AVENUE NW, NOWTHEN, MN 55330
(763) 441-1347

RETURN TO: INFO@NOWTHENMN.NET

Form containing permit type selection (Conditional Use Permit checked), fees (Total Amt. Due: \$1,496), and dates (Date Application Received: 7-14-23, etc.).

Property Information

Street Address: 20840 Engen Blvd
Property Identification Number (PIN#): 20-33-25-21-0006
Legal Description: see attached
Type of Business or Use Requested: deferral of street paving requirements
Zoning Designation: RRA, Rural Residential Agriculture

Applicant Information

Name(s): Daniel & Jill D. Gustafson
Business Name: N/A
Mailing Address: 20840 Engen Blvd NW
City: Nowthen State: MN Zip Code: 55330
Cell Phone: 612-850-2288 (Dan) Alternate Phone: 612-747-0140 (Jill)
e-mail: dgustafson@gustafsongluek.com

**Property Owner Information** (If other than applicant):

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

Mailing Address: same \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code : \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_

e-mail: \_\_\_\_\_

**Description of Request** (attach additional sheets as necessary)

Existing Use of Property: residential/agriculture

Description of Proposed Use: residential single family/agriculture , request for  
deferral of street paving requirements

Reason(s) to Approve Request: meets criteria outlined in Section 10-3-3.C of the  
City's subdivision ordinance

**Please describe any previous applications pertaining to the subject site:**

Project Name: NA Date of Application: \_\_\_\_\_

Nature of Previous Request : \_\_\_\_\_

**Existing Building Sizes:**

**RESIDENTIAL LOTS:** House (main floor/footprint of living area): \_\_\_\_\_ SF

Garage 1: \_\_\_\_\_ SF(attached/detached?) Garage 2: \_\_\_\_\_ SF(attached/detached?)

**COMMERCIAL/INDUSTRIAL LOTS:** Main Building(s): \_\_\_\_\_ SF \_\_\_\_\_ SF

Office Area: \_\_\_\_\_ SF; Warehouse/Storage: \_\_\_\_\_ SF; Manufacturing: \_\_\_\_\_ SF



**ALL LOTS:**

Accessory Buildings: (type/size) \_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF

\_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF; \_\_\_\_\_ / \_\_\_\_\_ SF

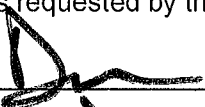

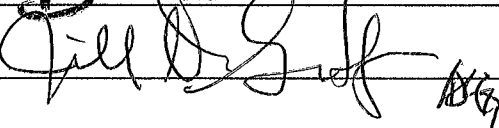
**APPLICATION FEES AND EXPENSES:** We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ 1 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. **All fees and expenses are due whether the application is approved or denied.**

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Property Owner:  Date: 7/14/23

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Signature of Applicant:  Date: 7/14/23  
Signature of Property Owner:  Date: 7/14/23  
Signature of Property Owner:  Date: 7/14/23  
Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_



**Legal Description – Gustafson Property – Mackenzie Hills**

S 600 FT OF SE1/4 OF SW1/4 OF SEC 17 TWP 33 RGE 25 TOG/W N 831.31 FT OF NE1/4 OF NW1/4 OF SEC 20 TWP 33 RGE 25, EX E 330 FT OF N 660 FT THEREOF, EX RD, SUBJ TO EASE OF REC



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

October 10, 2023

Dan and Jill Gustafson  
20840 Engen Blvd.  
Nowthen, MN 55330

RE: Nowthen – Gustafson Lot Split/CUP  
TPC FILE: 122.02 – 23.01

Dear Mr. and Mrs. Gustafson,

This office serves as the City Planner for the City of Nowthen. The City received an application on April 26, 2023 for a minor subdivision and an application on July 14, 2023 for a Conditional Use Permit to allow deferral of street paving. The City Council has 60 days in accordance with Minnesota Statute 15.99 to consider the application and take action to approve or deny the request. The Statute also allows the City to extend the review period an additional 60 days if needed to complete its investigation of the application and make a decision.

The City received an email on May 15, 2023 extending the review period indefinitely for the lot split, but the 60-day review period ended on October 11, 2023 for the Conditional Use Permit. This letter shall serve as notice that the City is extending the review period an additional 60 days in accordance with Minnesota Statutes 15.99. The deadline for City Council action on the request shall be **December 12, 2023**.

Thank you for your continued cooperation and please contact me for any assistance you require regarding the application or with any questions regarding this notice.

Sincerely,

A handwritten signature in black ink that reads 'Elizabeth Stockman'. The signature is written in a cursive, flowing style.

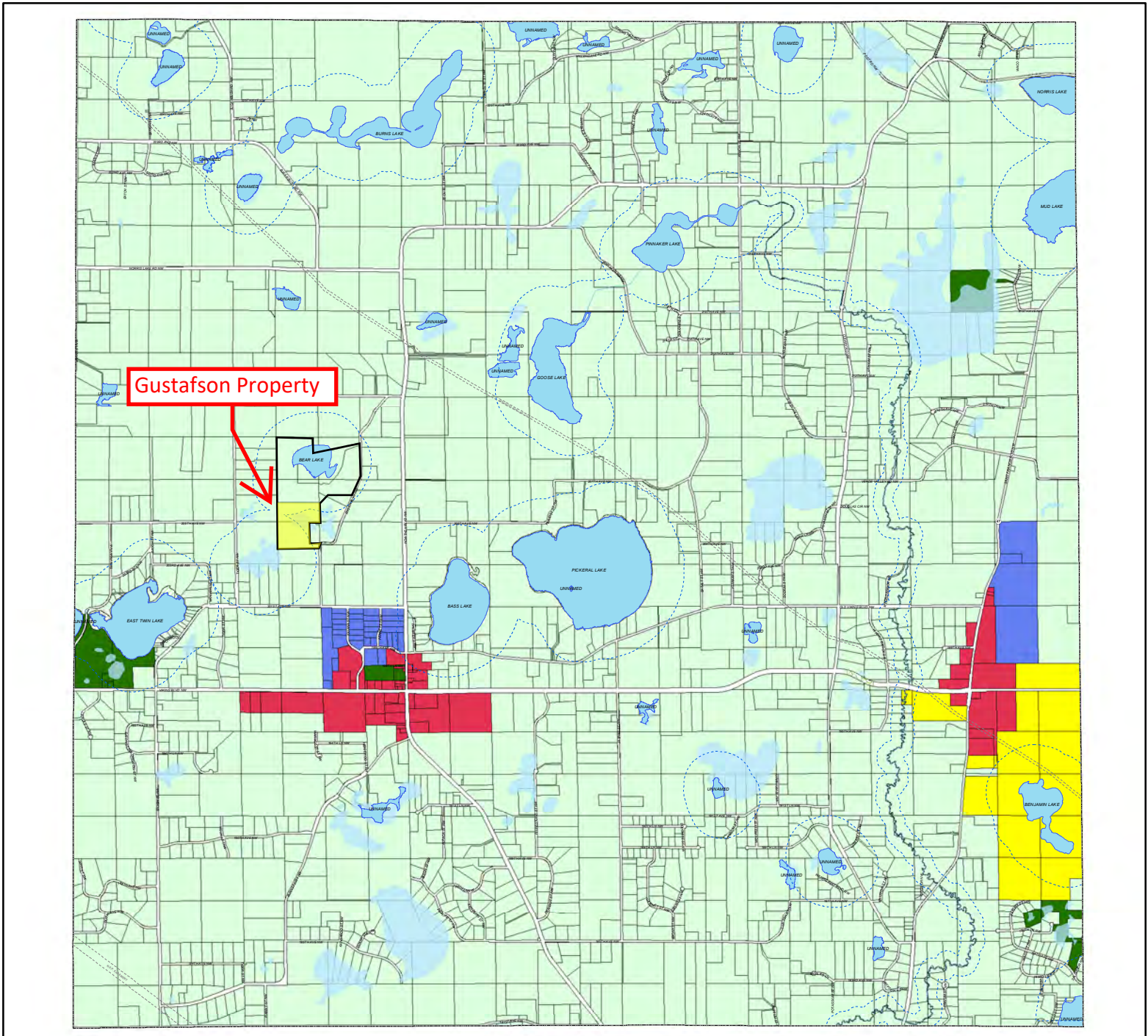
Elizabeth Stockman  
THE PLANNING COMPANY LLC

c. Scott Lehner, City Administrator  
Deputy Clerk Natalie Johnson

NOTICE: City files must be consulted to verify the zoning classification of property in addition to this map.

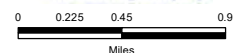
# CITY OF NOWTHEN

## Zoning Map



### ZONING

- C-1 - Commercial District (370 acres / 1.74%)
- I-1 - Industrial District (220 acres / 1.04%)
- CON - Conservancy District (156 acres / 0.74%)
- RRA - Rural Residential Agriculture (19,897 acres / 94.20%)
- RRT - Rural Residential Transition (478 acres / 2.26%)
- Shoreland Overlay District



SOURCES: CITY OF NOWTHEN, ANOKA COUNTY, MN DNR, HAA, TPC

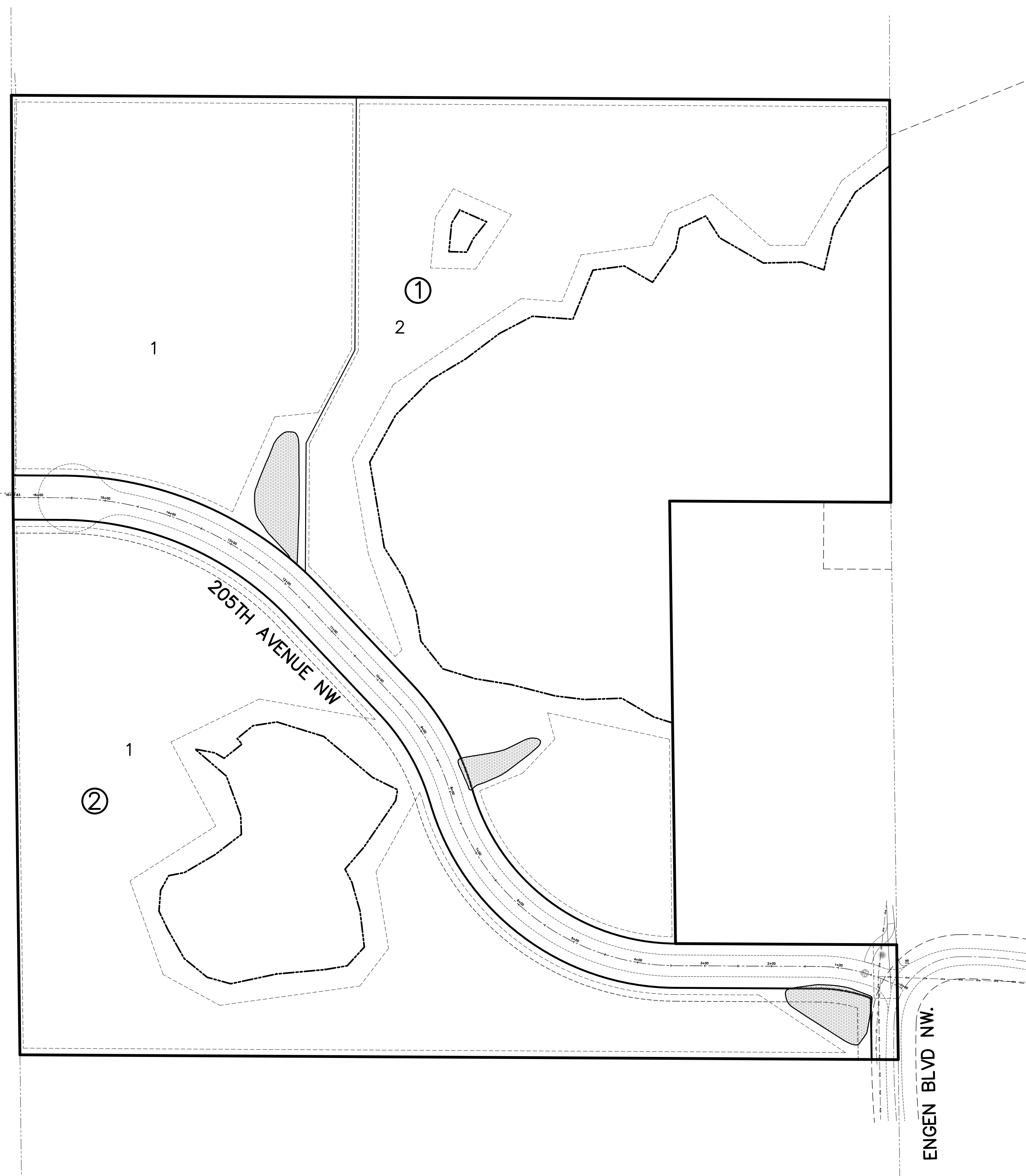
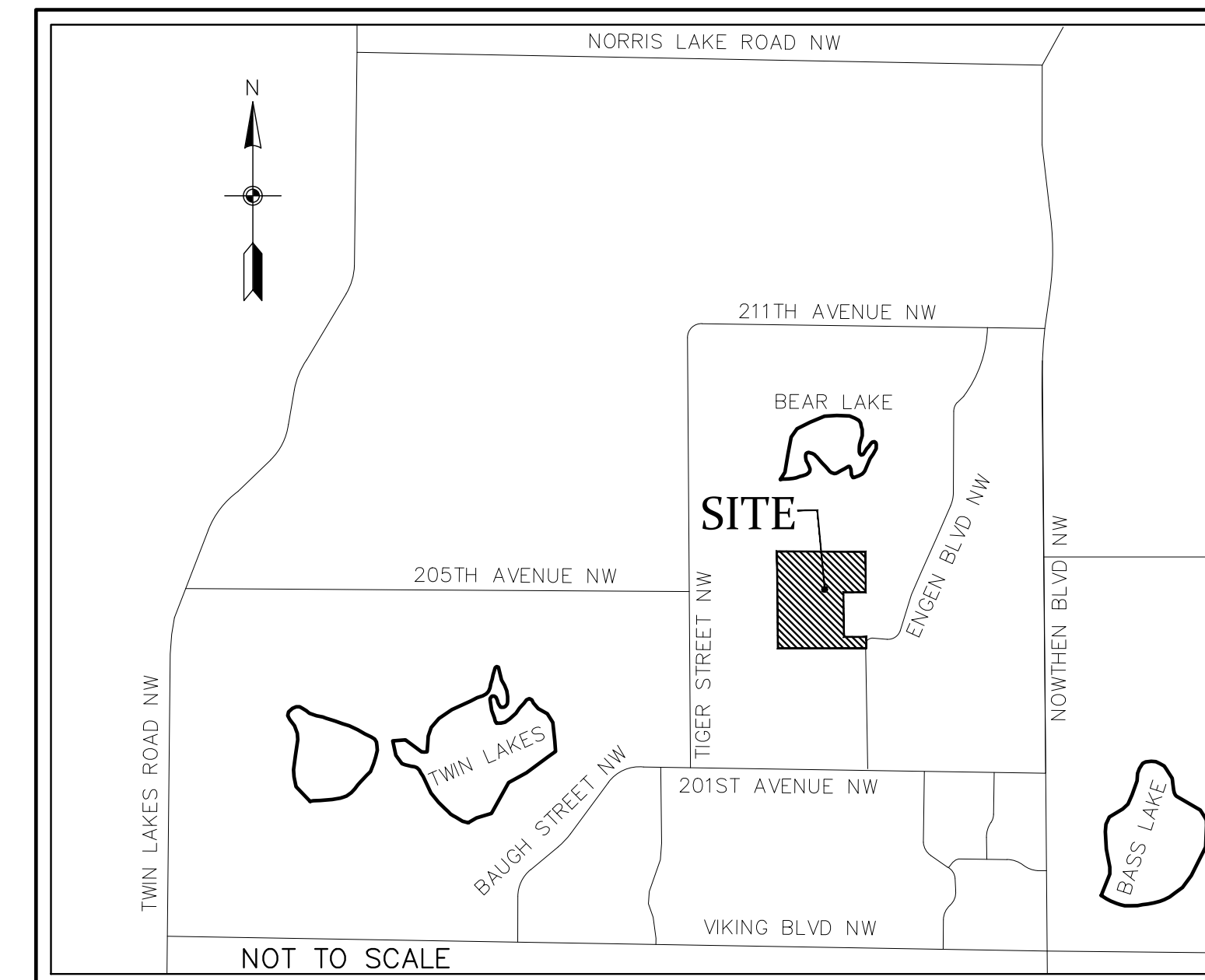
Adopted: Aug 11, 2020

K:\GIS\Projects\Municipal\NT901\2019\LandUse2040

# MACKENZIE HILLS

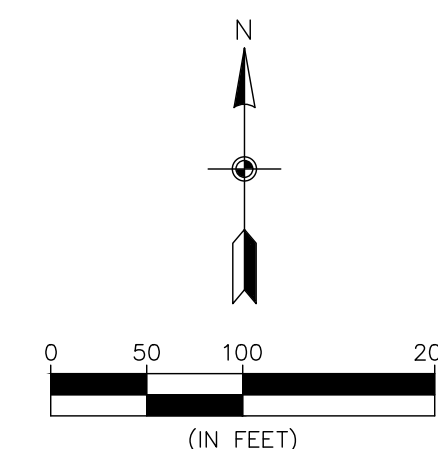
## NOWTHEN, MINNESOTA

### VICINITY MAP



### SHEET INDEX

- 1. COVER
- 2. PRELIMINARY PLAT/EXISTING CONDITIONS
- 3. PRELIMINARY SITE & UTILITY PLAN
- 4. GRADING INDEX
- 5-6. PRELIMINARY GRADING & EROSION CONTROL PLAN
- 7-8. DETAILS



### BENCHMARK

- 1. Anoka County Benchmark No. 2083  
Elev. = 942.48 ft. (NAVD88)
- 2. Anoka County Benchmark No. 3081  
Elev. = 936.25 ft. (NAVD88)

CALL BEFORE YOU DIG



811

Know what's below.  
Call before you dig.

The subsurface utility information shown on this plan is utility Quality Level D. This quality level was determined according to the guidelines of CI/ASCE 38-02, entitled "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data."



**3890 PHEASANT RIDGE DR NE**  
 SUITE 100  
 BLAINE, MN 55449  
 TEL 763.489.7900  
 FAX 763.489.7959  
 CARLSONMCCAIN.COM

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

Print Name: Aaron D. Briski, P.E.  
 Signature: *Aaron Briski*  
 Date: 9/27/23 License #: 57811

Drawn: NJP  
 Designed: ADB  
 Date: 9/27/23

Revisions:  
 1.

**JASON GUSTAFSON**  
 18236 Trott Brook Parkway  
 Elk River, MN 55330

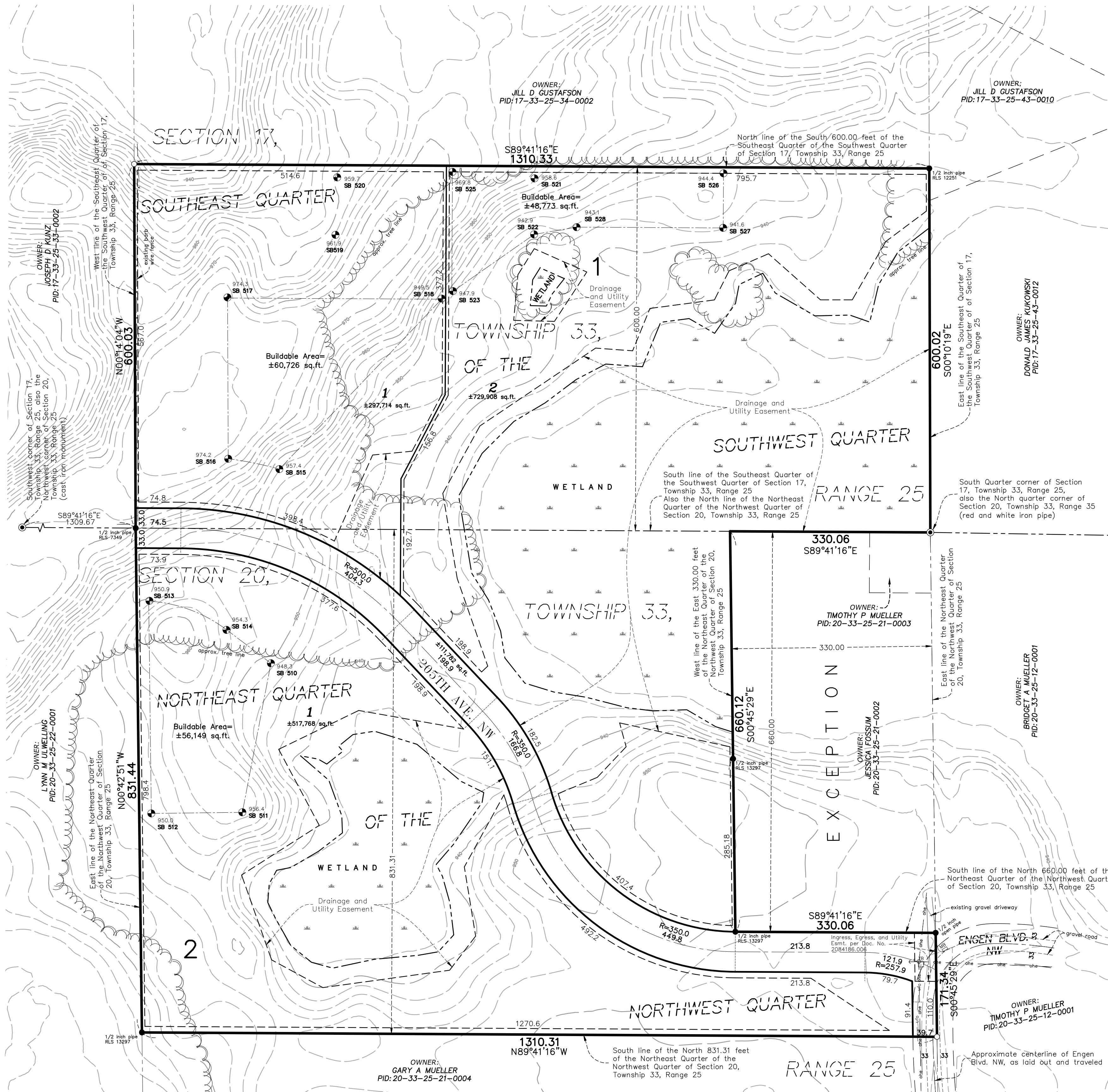
**MACKENZIE HILLS**  
 Nowthen, Minnesota

**COVER**

1 of 8



# MACKENZIE HILLS



**PARCEL DESCRIPTION:** (Per Schedule A of Title Commitment File No. T23-01006, with a commitment date of January 11, 2023 at 8:00 A.M., prepared by Registered Abstractors, Inc. as issuing agent for First American Title Insurance Company)

The South 600.00 feet of the Southeast Quarter of the Southwest Quarter of Section 17, Township 33, Range 25, Anoka County, Minnesota

AND

The North 831.31 feet of the Northeast Quarter of the Northwest Quarter of Section 20, Township 33, Range 25, Anoka County, Minnesota, except the East 330.00 feet of the North 660.00 feet of the Northeast Quarter of the Northwest Quarter of said Section 20.

**GENERAL NOTES:**

- 1) Bearings shown are based on the South line of the SE 1/4 of the SW 1/4 of Section 17, Township 33, Range 25, Anoka County, Minnesota, which is assumed to bear S89°41'16"E.
- 2) Wetlands were delineated by Kjalhaug Environmental Services Company in 2022.
- 3) Soil borings were completed by Steinbrecher Companies Inc.
- 4) Above ground utilities have been field located as shown. All underground locations shown hereon are APPROXIMATE. Prior to any excavations or digging, contact Gopher State One Call for an on-site location (651-454-0002).
- 5) Existing topography shown hereon is a combination of field observations and Minnesota DNR Lidar mapping.

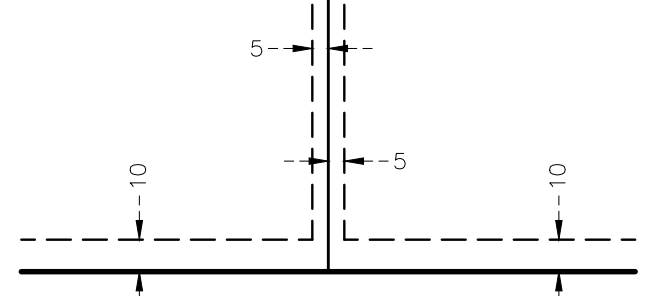
**SITE DATA**

TOTAL SITE AREA	±38.04 AC.	EXISTING ZONING	RRA
TOTAL ROW AREA	±2.57 AC.	MINIMUM RESIDENTIAL SETBACK DATA:	
TOTAL LOT AREA	±35.47 AC.	FRONT	120 FT. FROM CENTERLINE
TOTAL NUMBER OF LOTS	3	SIDE	20 FT.
GROSS DENSITY	0.08 LOTS/AC.	REAR SETBACK	35 FT.

**LEGEND**

- - Denotes Anoka County Section Monument, as noted
- - Denotes Found Iron Monument, as noted
- - Denotes set 5/8 inch by 14 inch Rebar marked with license number 40361
- × 0.000 - Denotes Existing Spot Elevation
- - Denotes Guy Wire
- - Denotes Utility Pole
- ⊙ - Denotes Soil Boring/Test Hole, by others
- - Denotes Mail Box
- ☎ - Denotes Telephone Box
- - Denotes Overhead Utility Line(s)
- - Denotes Existing Fence as noted
- - Denotes wetlands delineated by Kjalhaug Environmental Services in 2022
- - Denotes Existing 2 Ft. Contour

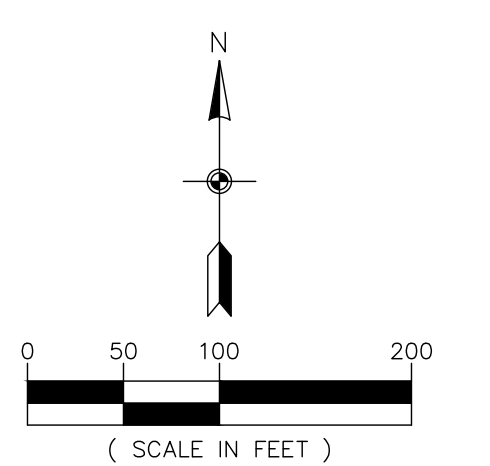
**PROPOSED DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:**



being 5 feet in width, and adjoining side lot lines, and 10 feet in width and adjoining right of way lines and rear lot lines unless otherwise shown on this plat.

**BENCHMARK**

1. Anoka County Benchmark No. 2083	Elev. = 942.49 ft. (NAVD88)
2. Anoka County Benchmark No. 3081	Elev. = 936.25 ft. (NAVD88)



**CARLSON McCAIN**  
ENGINEERING SURVEYING ENVIRONMENTAL  
3890 PHEASANT RIDGE DR NE SUITE 100 BLAINE, MN 55449 TEL 763.489.7900 FAX 763.489.7959 CARLSONMCCAIN.COM

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota

Print Name: Thomas R. Balluff, L.S.  
Signature: *Thomas R. Balluff*  
Date: 9/27/23 License #: 40361  
DRAWN BY: NJS  
ISSUE DATE: 9/27/23  
FILE NO.: 2642

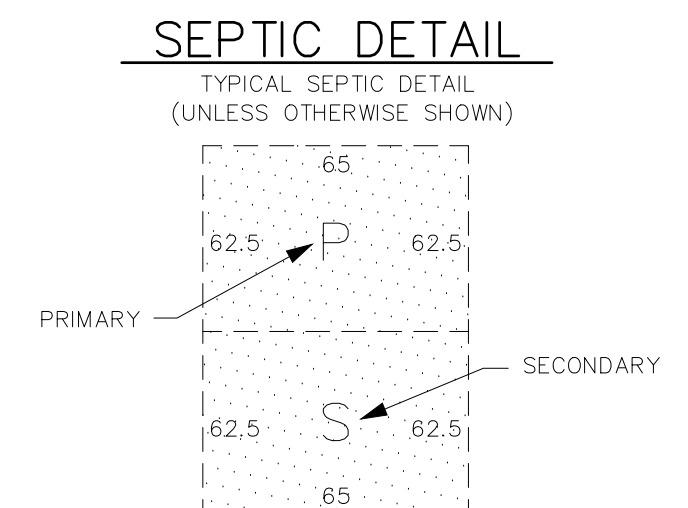
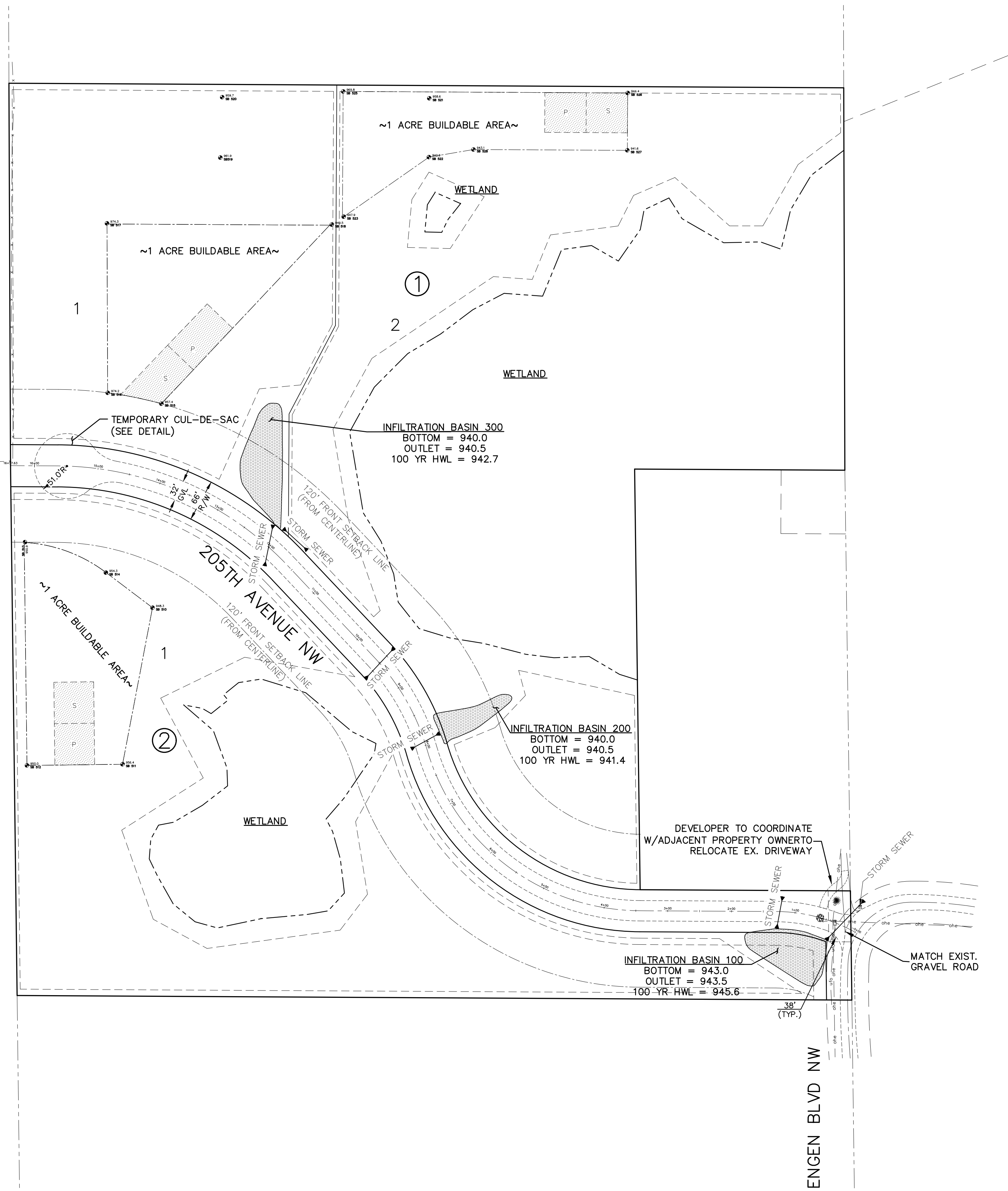
Revisions:  
**JASON GUSTAFSON**  
18236 Trott Brook Parkway NW  
Elk River, MN 55330

**MACKENZIE HILLS**  
Nowthen, Minnesota

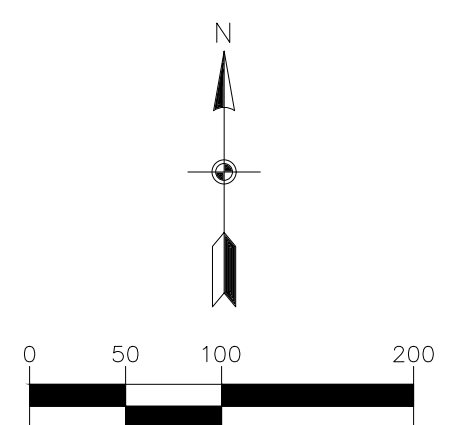
**PRELIMINARY PLAT - EXISTING CONDITIONS**

**SITE PLAN LEGEND**

	EXISTING	PROPOSED
LIGHT POLE		
SANITARY MANHOLE		
CLEANOUT		
MISCELLANEOUS SIGN		
EXISTING SPOT ELEVATION		
EXISTING TREE		
TELEVISION BOX		
FIRE HYDRANT		
GATE VALVE		
CURBSTOP		
ELECTRIC BOX		
GAS METER		
CATCH BASIN		
RAIN GUARDIAN		
ELECTRIC METER		
MAIL BOX		
TELEPHONE BOX		
UTILITY POLE		
FLARED END SECTION		
STORM MANHOLE		
SERVICE		
SOIL BORING/TEST HOLE		
RETAINING WALL		
PROPERTY LINE		
SETBACK LINE		
CURB		
WETLAND		
DITCH		
UNDERGROUND TELEPHONE		
UNDERGROUND ELECTRIC		
UNDERGROUND FIBER OPTIC		
UNDERGROUND GAS		
OVERHEAD ELECTRIC		
STORM SEWER		
FENCE		
EXISTING FENCE AS NOTED		
CONCRETE SURFACE		
BITUMINOUS SURFACE		
GRAVEL SURFACE		



NOTE: PROPOSED SEPTIC SITE CORNERS TO BE MARKED WITH STEEL FENCE POSTS & RIBBONED OFF PRIOR TO CONSTRUCTION



BENCHMARK	
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2.	Anoka County Benchmark No. 3081 Elev. = 936.25 ft. (NAVD88)

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 SUITE 100  
 BLAINE, MN 55449  
 TEL 763.489.7900  
 FAX 763.489.7959  
 CARLSONMCCAIN.COM

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

Print Name: Aaron D. Briski, P.E.  
 Signature: *Aaron Briski*  
 Date: 9/27/23 License #: 57811

Drawn: NJP  
 Designed: ADB  
 Date: 9/27/23

Revisions:  
 1.

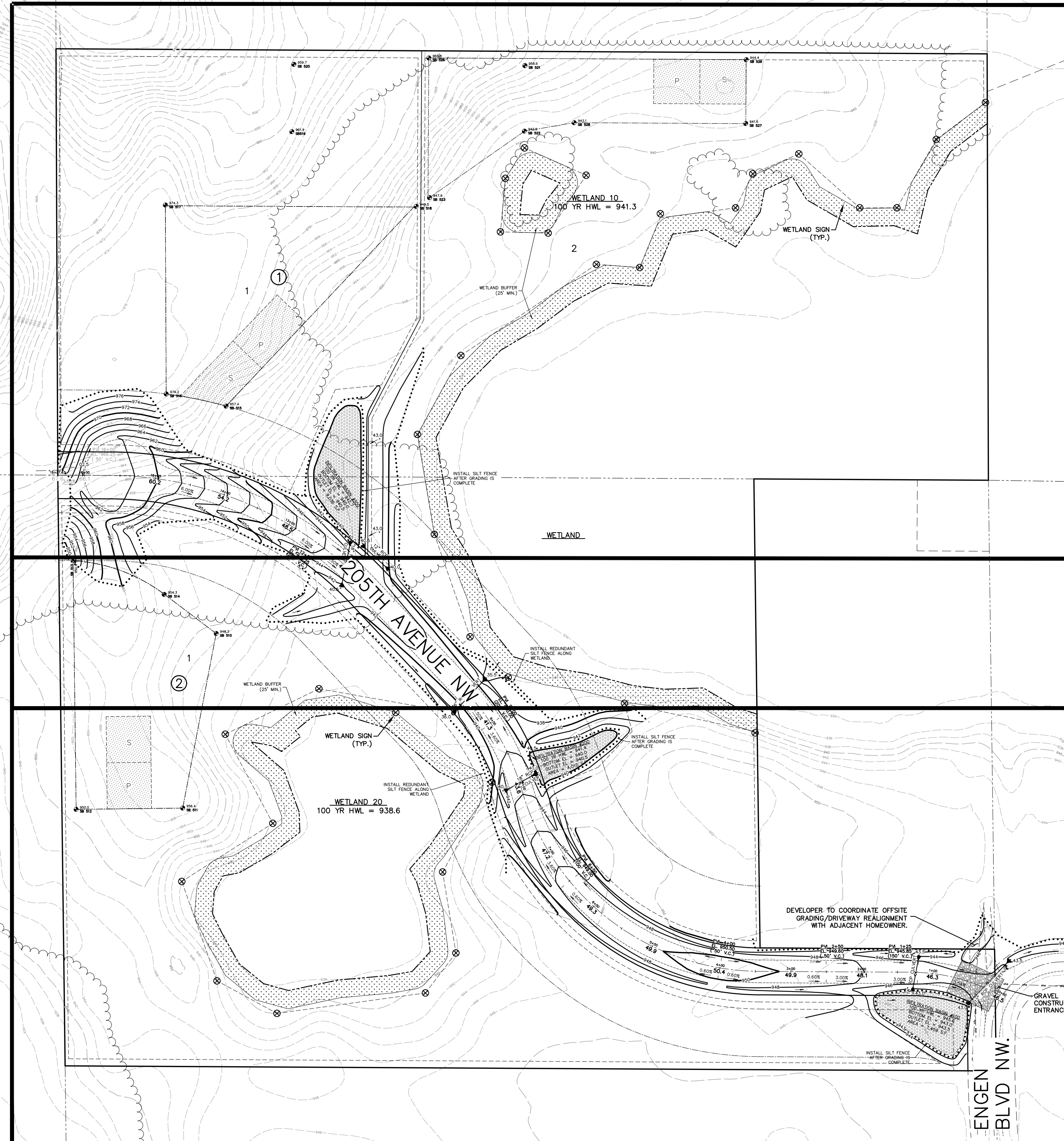
**JASON GUSTAFSON**  
 18236 Trott Brook Parkway  
 Elk River, MN 55330

**MACKENZIE HILLS**  
 Nowthen, Minnesota

**PRELIMINARY SITE & UTILITY PLAN**



# SHEET 6

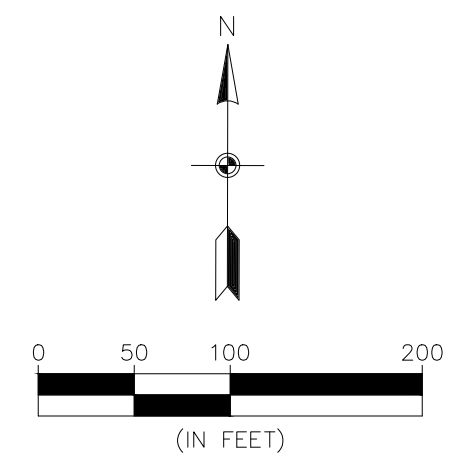


LEGEND	
EXISTING	PROPOSED
PROPERTY LINE	---
EASEMENT LINE	---
CURB LINE	---
BITUMINOUS	---
CONCRETE	---
SANITARY SEWER	---
STORM SEWER	---
WATER MAIN	---
OVERHEAD UTILITY	---
STORM CATCH BASIN	○
STORM MANHOLE	○
OUTLET CONTROL STRUCTURE	○
MANHOLE	○
HYDRANT	○
GATE VALVE	○
TELEVISION BOX	○
TELEPHONE BOX	○
UTILITY POLE	○
RETAINING WALL	---
FENCE	---
10' CONTOUR	---
2' CONTOUR	---
FEMA FLOOD PLAIN	---
WETLAND LINE	---
SPOT ELEVATION	00.0
EMERGENCY OVERFLOW	000.0
SILT FENCE	---
TREE FENCE	---
TREELINE	---
SOIL BORING	904.4 SB 215

### WETLAND SUMMARY

(THERE ARE NO PROPOSED WETLAND IMPACTS)

WETLAND BUFFER (25.0' MIN. WIDTH)	87,570 S.F.
WETLAND BUFFER SIGN	(87,570 S.F. REQUIRED)



### BENCHMARK

- Anoka County Benchmark No. 2083  
Elev. = 942.49 ft. (NAVD88)
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# SHEET 5

CALL BEFORE YOU DIG

Know what's below.  
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	<b>ENGINEERING SURVEYING ENVIRONMENTAL</b>	<b>3890 PHEASANT RIDGE DR NE SUITE 100 BLAINE, MN 55449 TEL 763.489.7900 FAX 763.489.7959 CARLSONMCCAIN.COM</b>	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	Print Name: Aaron D. Briski, P.E. Signature: <i>Aaron Briski</i> Date: 9/27/23 License #: 57811	Drawn: NJP Designed: ADB Date: 9/27/23	Revisions: 1.	<b>JASON GUSTAFSON</b> 18236 Trott Brook Parkway Elk River, MN 55330	<b>MACKENZIE HILLS</b> Nowthen, Minnesota	<b>GRADING INDEX</b>	4 of 8
	Save Date: 09/27/23 F:\j08\10401 - 10420\10416 - nowthen parcels\cad c3d\engineering\preliminary\10416_gr.dwg									

SEE SHEET 6

WETLAND

205TH AVENUE NW

WETLAND BUFFER (25' MIN.)

WETLAND SIGN (TYP.)

WETLAND 20  
100 YR HWL = 938.6

INSTALL REDUNDANT SILT FENCE ALONG WETLAND

INSTALL REDUNDANT SILT FENCE ALONG WETLAND

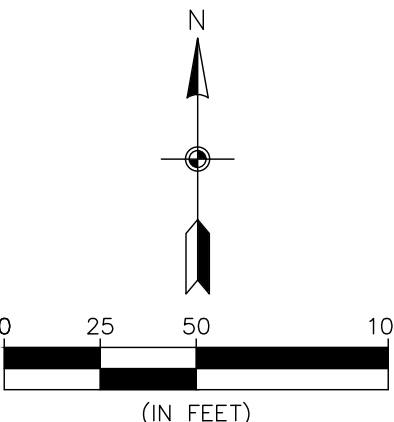
INSTALL SILT FENCE AFTER GRADING IS COMPLETE

DEVELOPER TO COORDINATE OFFSITE GRADING/DRIVEWAY REALIGNMENT WITH ADJACENT HOMEOWNER.

GRAVEL CONSTRUCTION ENTRANCE

INSTALL SILT FENCE AFTER GRADING IS COMPLETE

ENGEN BLVD NW



BENCHMARK

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Signature: *Aaron Briski*  
Date: 9/27/23 License #: 57811

Drawn: NJP  
Designed: ADB  
Date: 9/27/23

Revisions:

1.

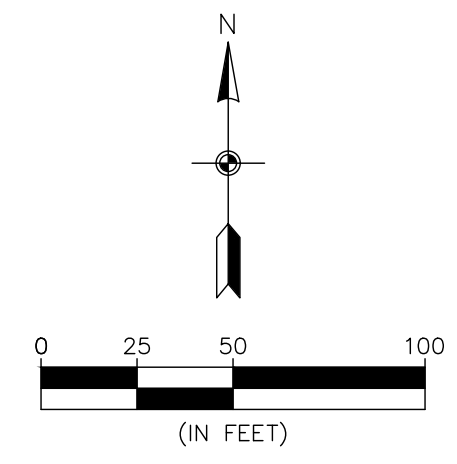
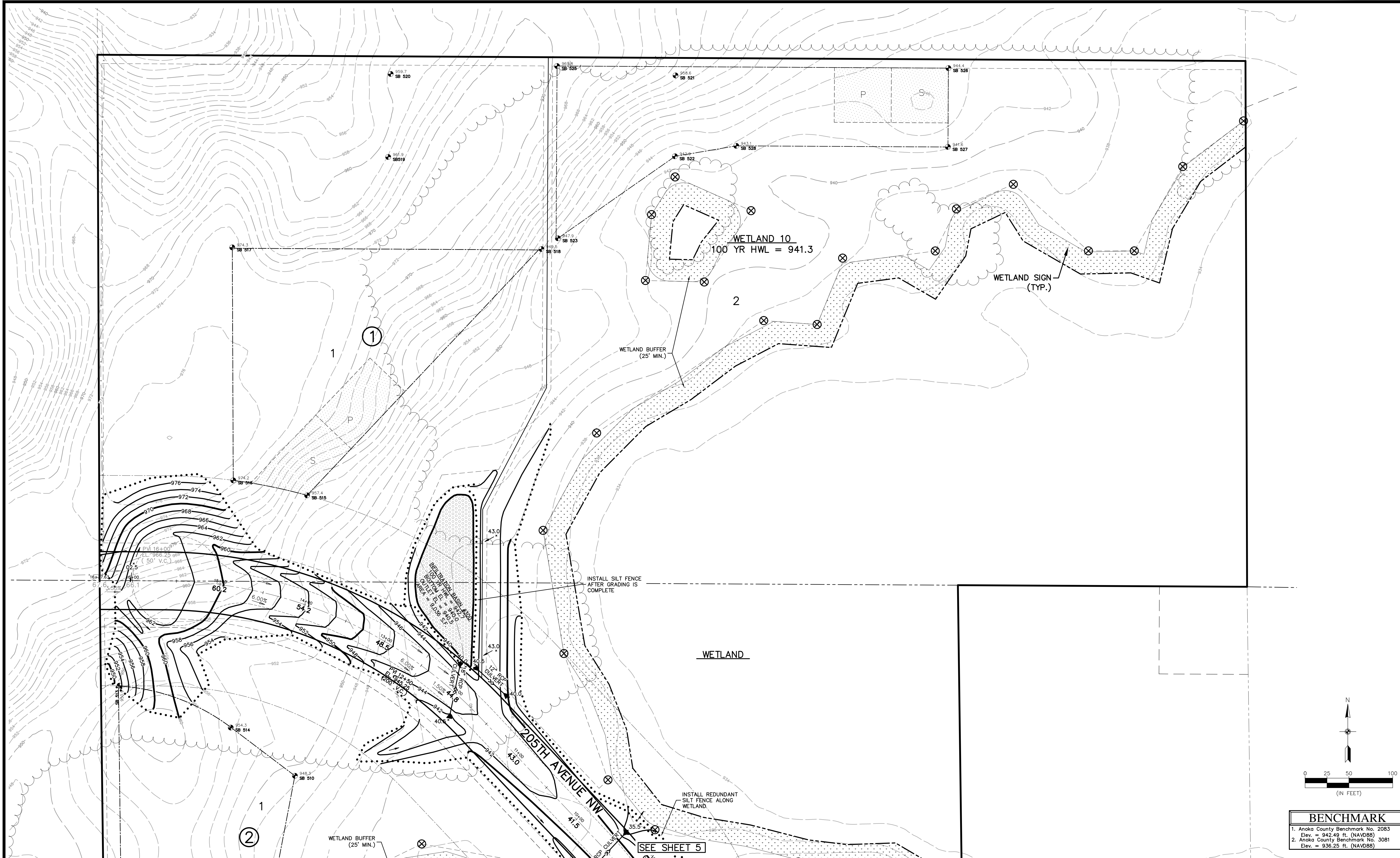
**JASON GUSTAFSON**  
18236 Trott Brook Parkway  
Elk River, MN 55330

**MACKENZIE HILLS**  
Nowthen, Minnesota

**PRELIMINARY GRADING  
& EROSION CONTROL PLAN**

5 of 8





BENCHMARK	
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**CARLSON McCAIN**  
ENGINEERING SURVEYING ENVIRONMENTAL

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Signature: *Aaron Briski*  
Date: 9/27/23 License #: 57811

Drawn: NJP  
Designed: ADB  
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Revisions:  
1.

SEE SHEET 5

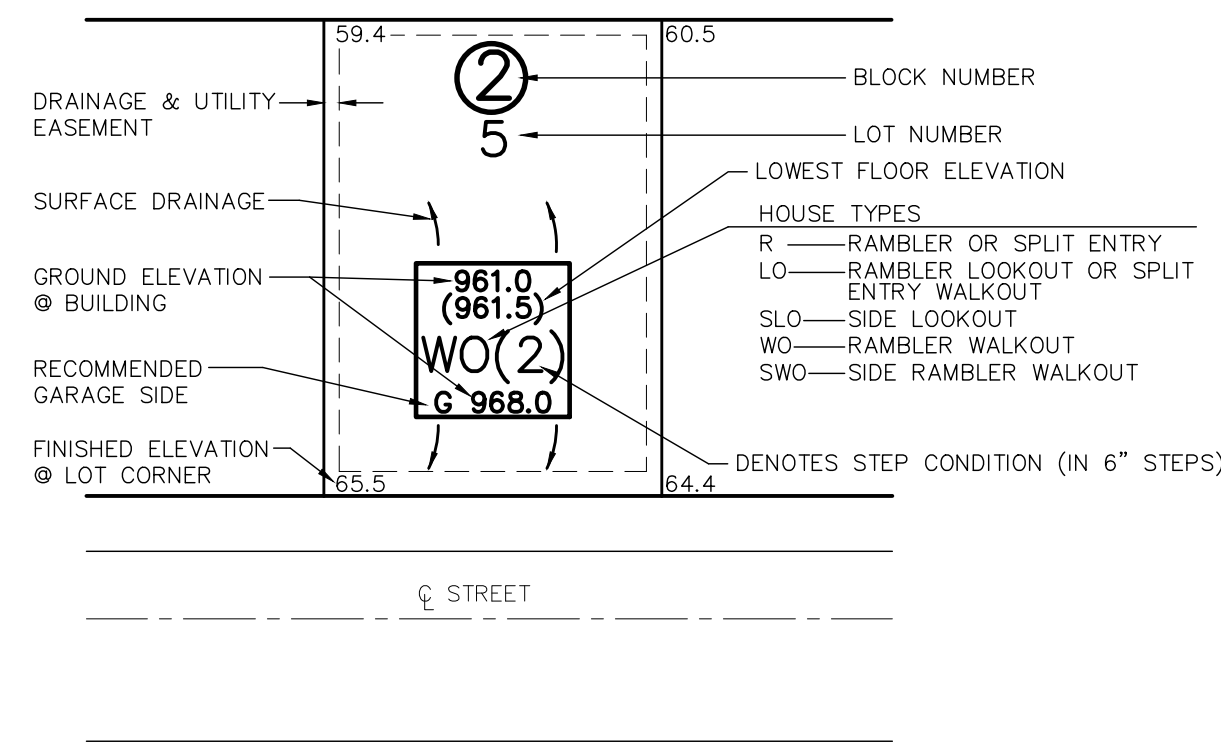
**JASON GUSTAFSON**  
18236 Trott Brook Parkway  
Elk River, MN 55330

**MACKENZIE HILLS**  
Nowthen, Minnesota

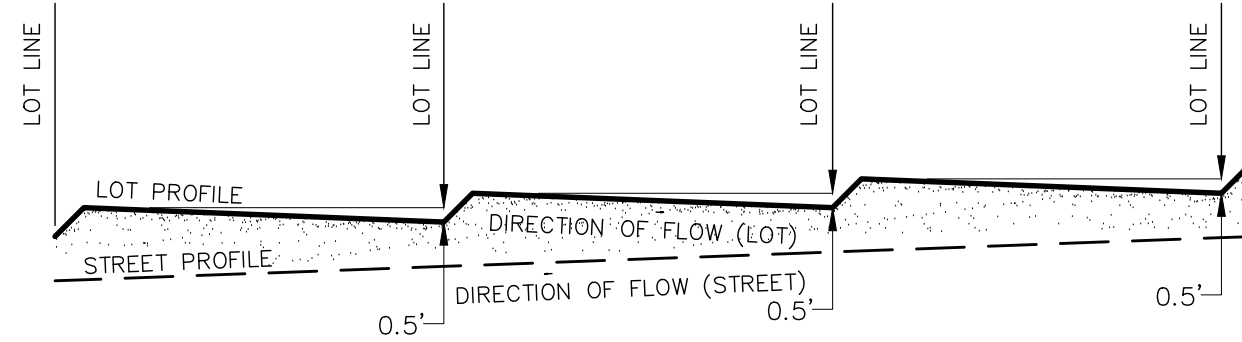
**PRELIMINARY GRADING & EROSION CONTROL PLAN**

6 of 8

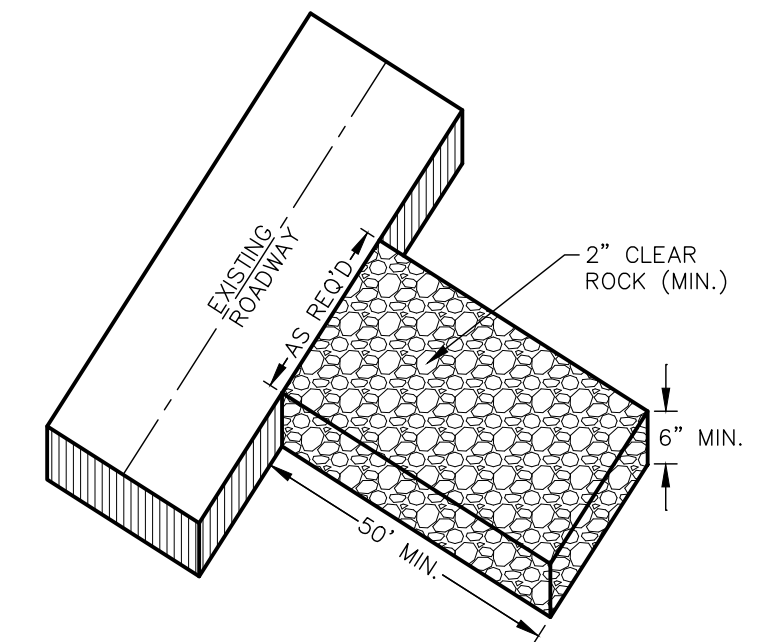
**GRADING PLAN LOT KEY**



**LOT BENCHING DETAIL**

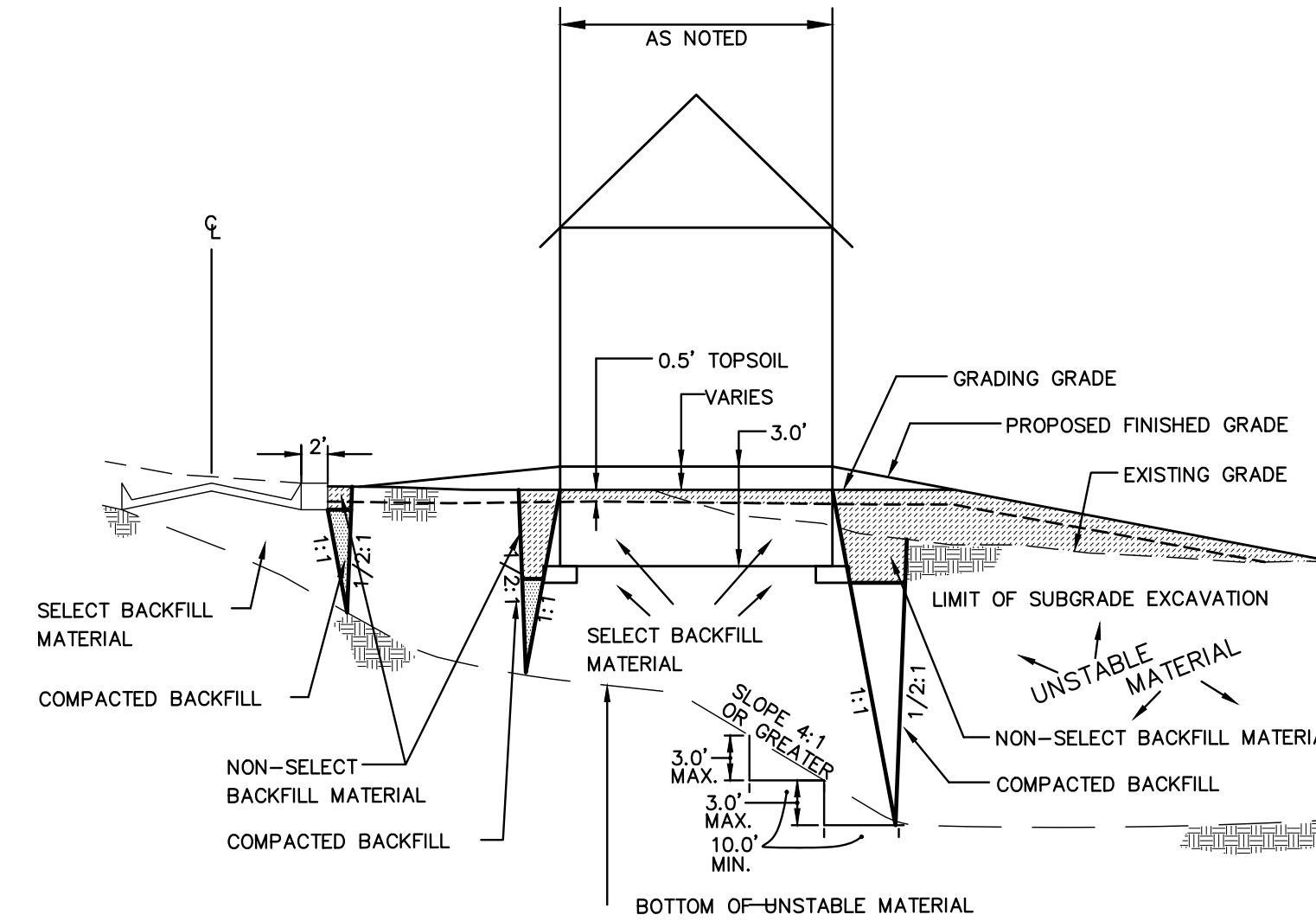


**ROCK CONSTRUCTION ENTRANCE**



Lot	Block	Boring Number	Boring Elevation	Boring Depth	Bottom Boring Elevation	Mottles Depth	Mottles Elevation	Water Depth
1	2	510	948.3	2.1	946.2	2.1	946.2	-
		511	956.4	1.8	954.6	1.8	954.6	-
		512	950.0	1.7	948.3	1.7	948.3	-
		513	950.9	2.0	948.9	2.0	948.9	-
		514	954.3	2.1	952.2	2.1	952.2	-
1	1	515	957.4	2.4	955.0	2.4	955.0	-
		516	974.2	2.3	971.9	-	-	-
		517	974.3	2.7	971.6	2.7	971.6	-
		518	949.5	1.2	948.3	1.2	948.3	-
2	1	521	958.6	2.6	956.0	2.6	956.0	-
		522	942.9	2.4	940.5	2.4	940.5	-
		523	947.9	1.3	946.6	1.3	946.6	-
		525	969.8	2.6	967.2	2.6	967.2	-
		526	944.4	2.4	942.0	2.4	942.0	-
		527	941.6	2.2	939.4	2.2	939.4	-
		528	943.1	2.4	940.7	2.4	940.7	-

**SUBGRADE CORRECTION**



**TURF ESTABLISHMENT**

TURF ESTABLISHMENT SHALL APPLY TO ALL DISTURBED AREAS AND SHALL BE ACCORDING TO MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION (2005) EXCEPT AS MODIFIED BELOW.

TURF ESTABLISHMENT SHALL OCCUR AS SOON AS POSSIBLE BUT IN NO CASE MORE THAN 7 DAYS.

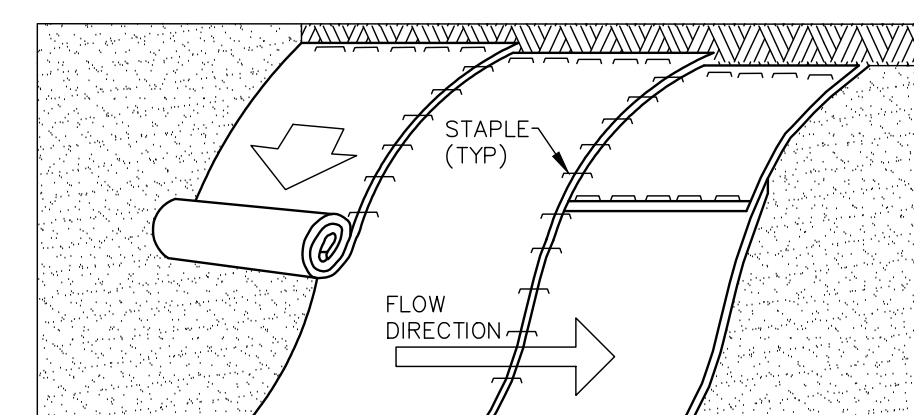
SEED: MNDOT MIXTURE 250 AT 70 POUNDS PER ACRE.

DORMANT SEED: SHALL BE APPLIED AT TWICE THE NORMAL RATE AFTER NOVEMBER 1ST.

MULCH: TYPE 1 AT 2 TONS PER ACRE (DISK ANCHORED).

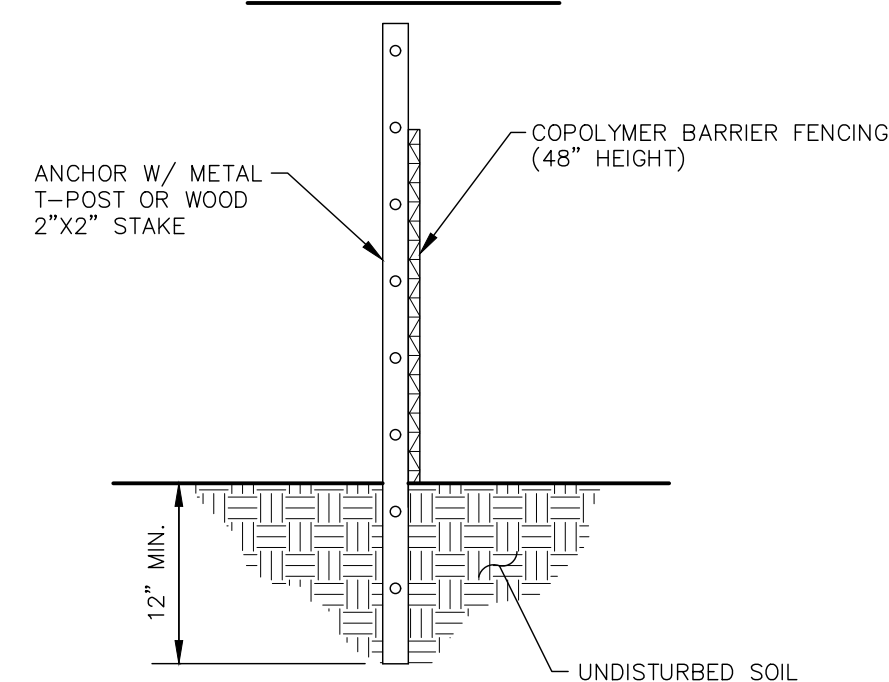
FERTILIZER: TYPE 24-12-24 AT 300 POUNDS PER ACRE.

**EROSION CONTROL BLANKET**



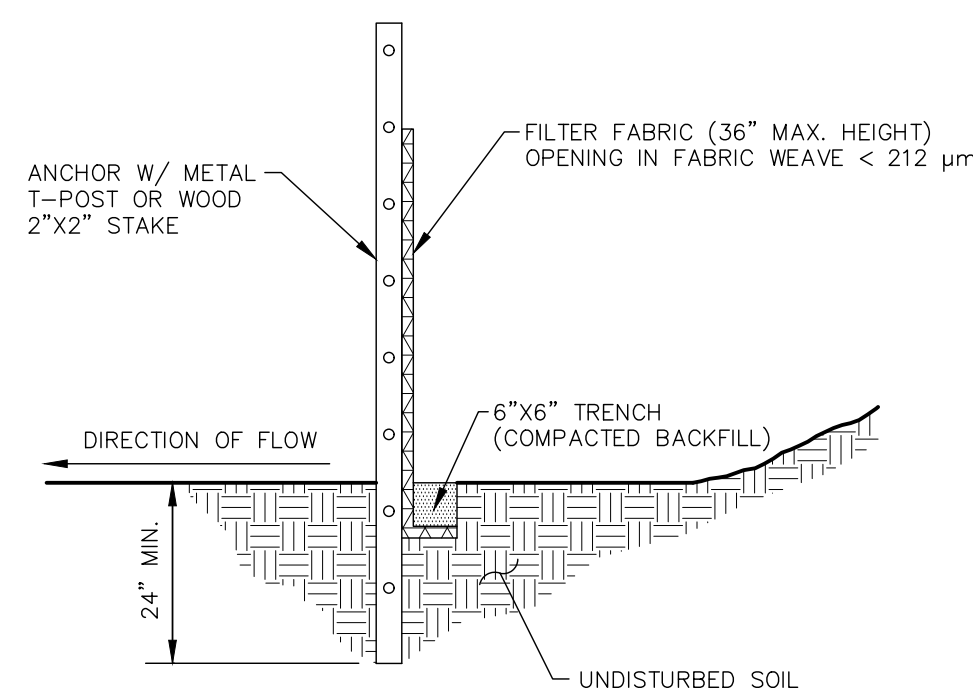
- NOTES:**
1. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING APPLICATION OF LIME, FERTILIZER AND/OR SEED.
  2. BEGIN AT THE TOP OF THE SLOPE (OR CHANNEL) BY ANCHORING THE BLANKET IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
  3. ROLL THE BLANKETS DOWN (STARTING DOWNSTREAM PROCEEDING UPSTREAM) HORIZONTALLY ACROSS THE SLOPE.
  4. THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH A MINIMUM 4" OVERLAP.
  5. WHEN BLANKETS MUST BE SPICED DOWN THE SLOPE, PLACE BLANKETS END OVER END (SHINGLE STYLE) WITH MINIMUM 6" OVERLAP. USE A DOUBLE ROW OF STAGGERED STAPLES 4" APART TO SECURE BLANKETS.
  6. IN HIGH FLOW CHANNEL APPLICATIONS, A STAPLE CHECK SLOT IS RECOMMENDED AT 30 TO 40 FOOT INTERVALS. USE A ROW OF STAPLES 4" APART OVER ENTIRE WIDTH OF THE CHANNEL. PLACE A SECOND ROW 4" BELOW THE FIRST ROW IN A STAGGERED PATTERN.
  7. THE TERMINAL ENDS OF THE BLANKETS MUST BE ANCHORED IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.

**TREE FENCE**



- NOTES:**
1. TREE FENCING SHALL BE PLACED A MINIMUM OF 1 FOOT PER CALIPER INCH OF TREE DIAMETER FROM TREE(S) THAT IS/ARE TO BE SAVED.
  2. ANCHOR POST MAY BE SPACED UP TO 10 FEET APART.
  3. SECURELY ATTACH TREE FENCE TO ANCHOR POSTS W/ MINIMUM OF TWO ATTACHMENTS PER POST.
  4. SEE MNDOT SPECIFICATION 2572.

**SILT FENCE**

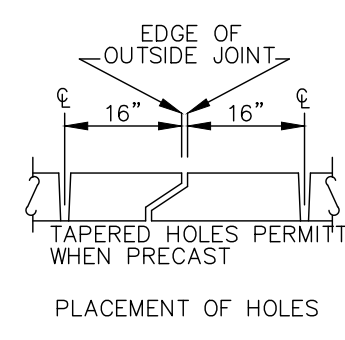
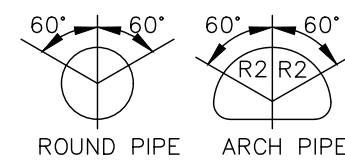
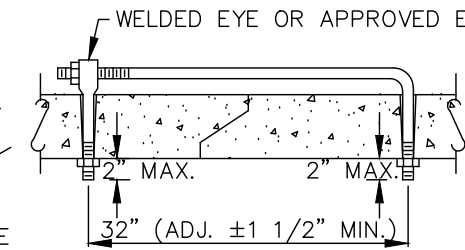
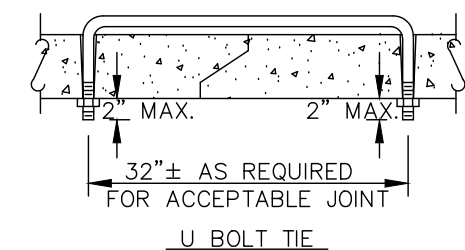
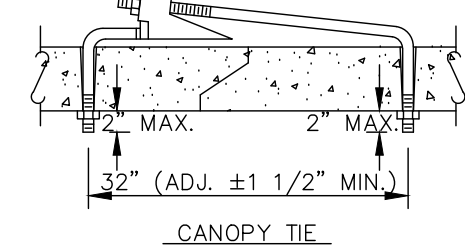


- NOTES:**
1. DIG A 6"x6" TRENCH ALONG THE INTENDED SILT FENCE LINE.
  2. DRIVE ALL ANCHOR POSTS INTO THE GROUND AT THE DOWNHILL SIDE OF THE TRENCH.
  3. POSTS SHALL BE SPACED A MAXIMUM OF 6 FEET APART.
  4. LAY OUT SILT FENCE ALONG THE UPHILL SIDE OF THE ANCHOR POSTS AND BACK FILL 6"x6" TRENCH.
  5. SECURELY ATTACH SILT FENCE TO ANCHOR POSTS W/ MINIMUM OF THREE ATTACHMENTS PER POST.
  6. SEE MNDOT SPECIFICATIONS 2573 & 3886.



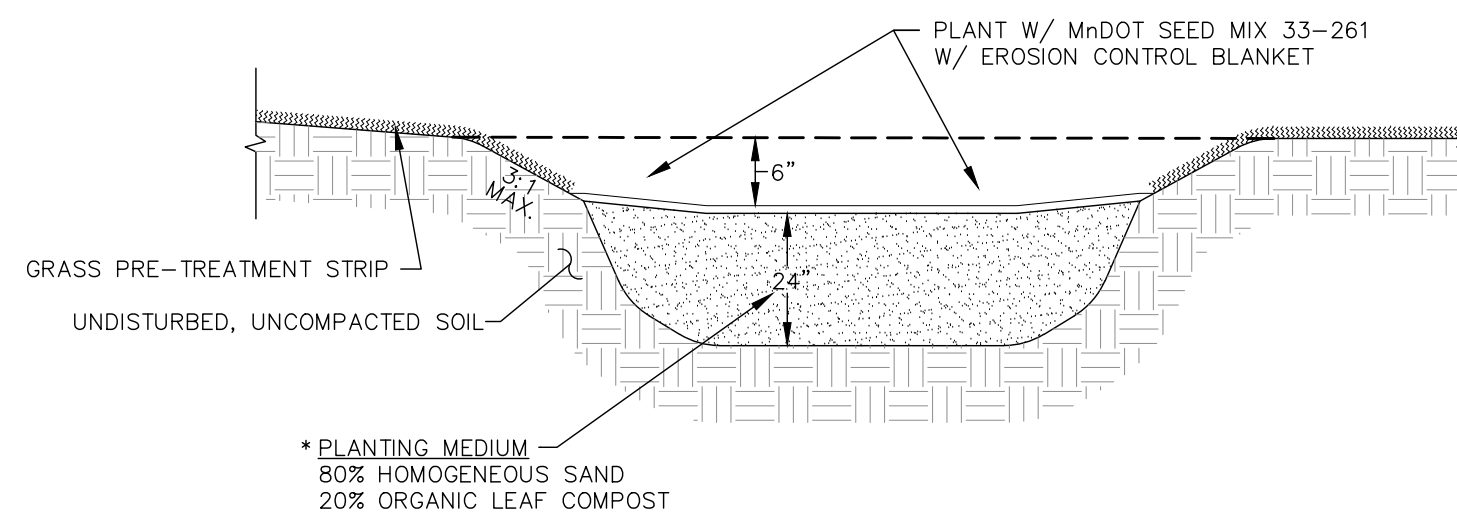
### CONCRETE PIPE JOINT TIES

PIPE SIZE	THREAD DIAMETER
12	
15	
18	5/8"
24	ROLLED THREADS (SEE NOTE 4)
27	
30	
36	
42	
48	3/4" CUT OR ROLLED
54	
60	
66	
72	
78	
84	
90	
96	1" CUT OR ROLLED
102	
108	
120	
132	

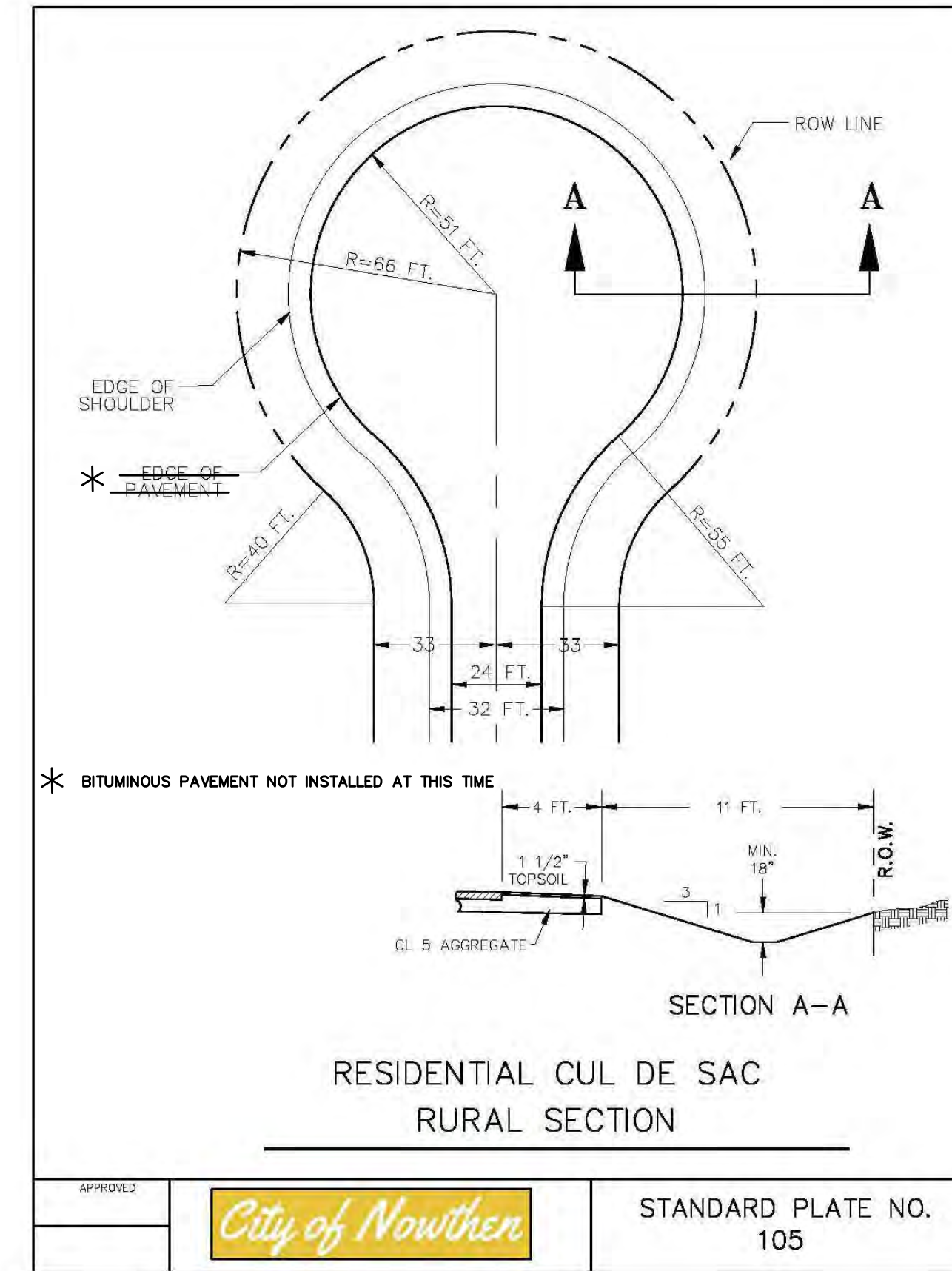


- NOTE:
- Holes shall be cast-in or drilled 16" from outside edge of joint.
  - Nuts and washers are not required on inside of pipe with 27" diameter or less.
  - Ties are not required for bell pipe 24" and smaller. On other sizes, tie may be inserted from inside.
  - Cut threads may be used if washer and nut are used.
  - Pipe sizes listed are inside diameter of round pipe or equivalent diameter of pipe arch.

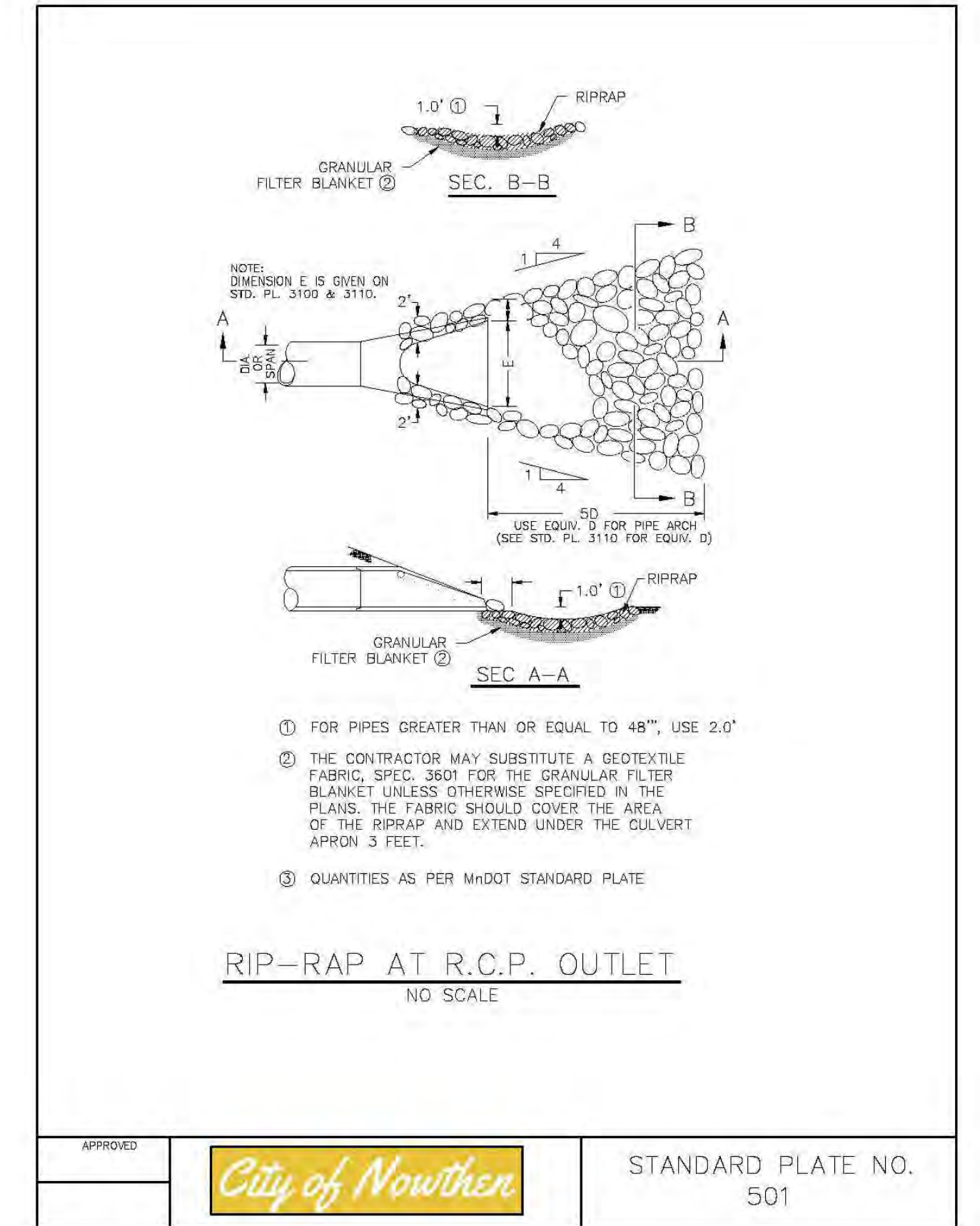
### INFILTRATION BASIN



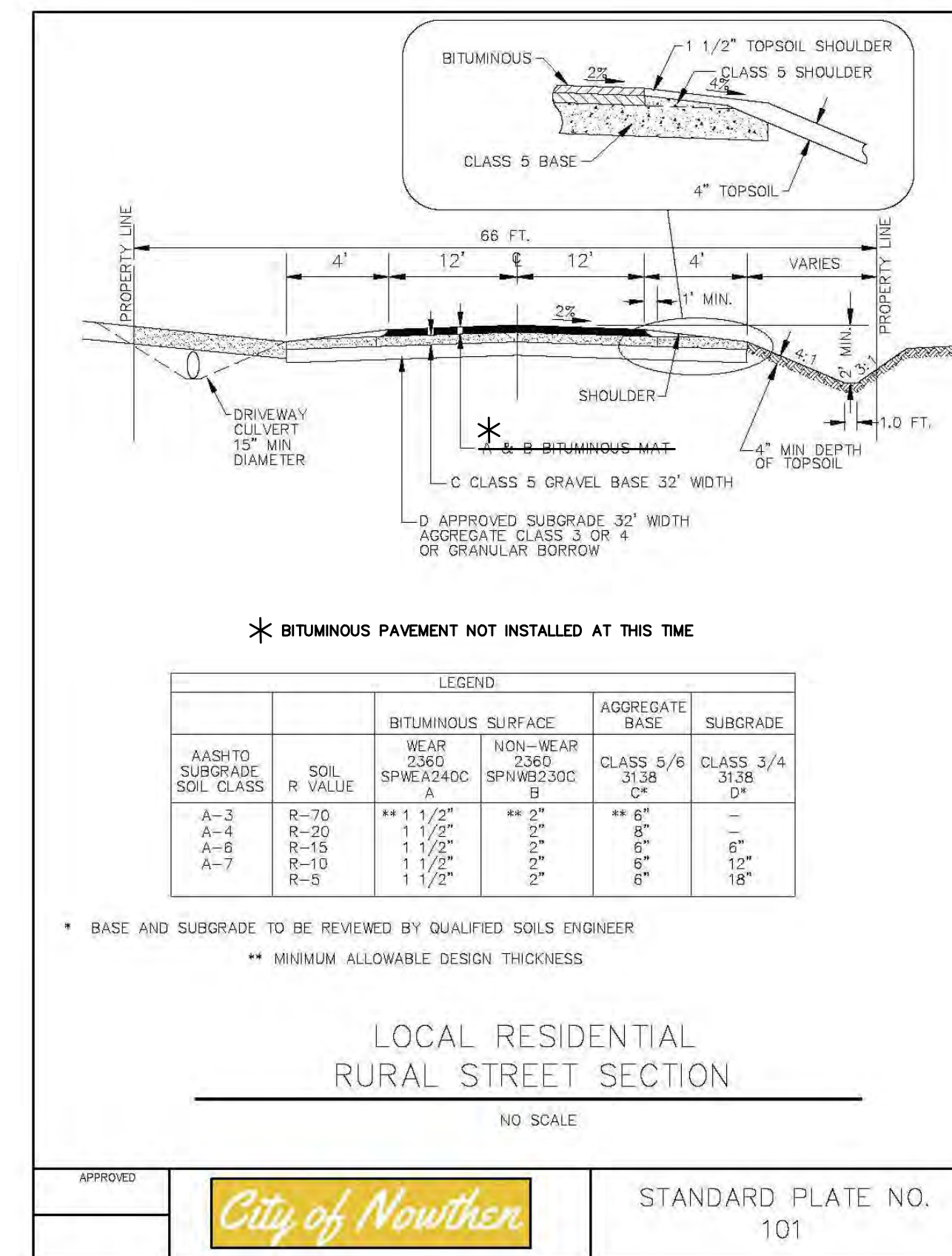
\* CONTRACTOR SHALL UTILIZE ONSITE SAND & TOPSOIL TO THE EXTENT POSSIBLE (VERIFY W/ GEOTECHNICAL ENGINEER PRIOR TO PLACEMENT.)



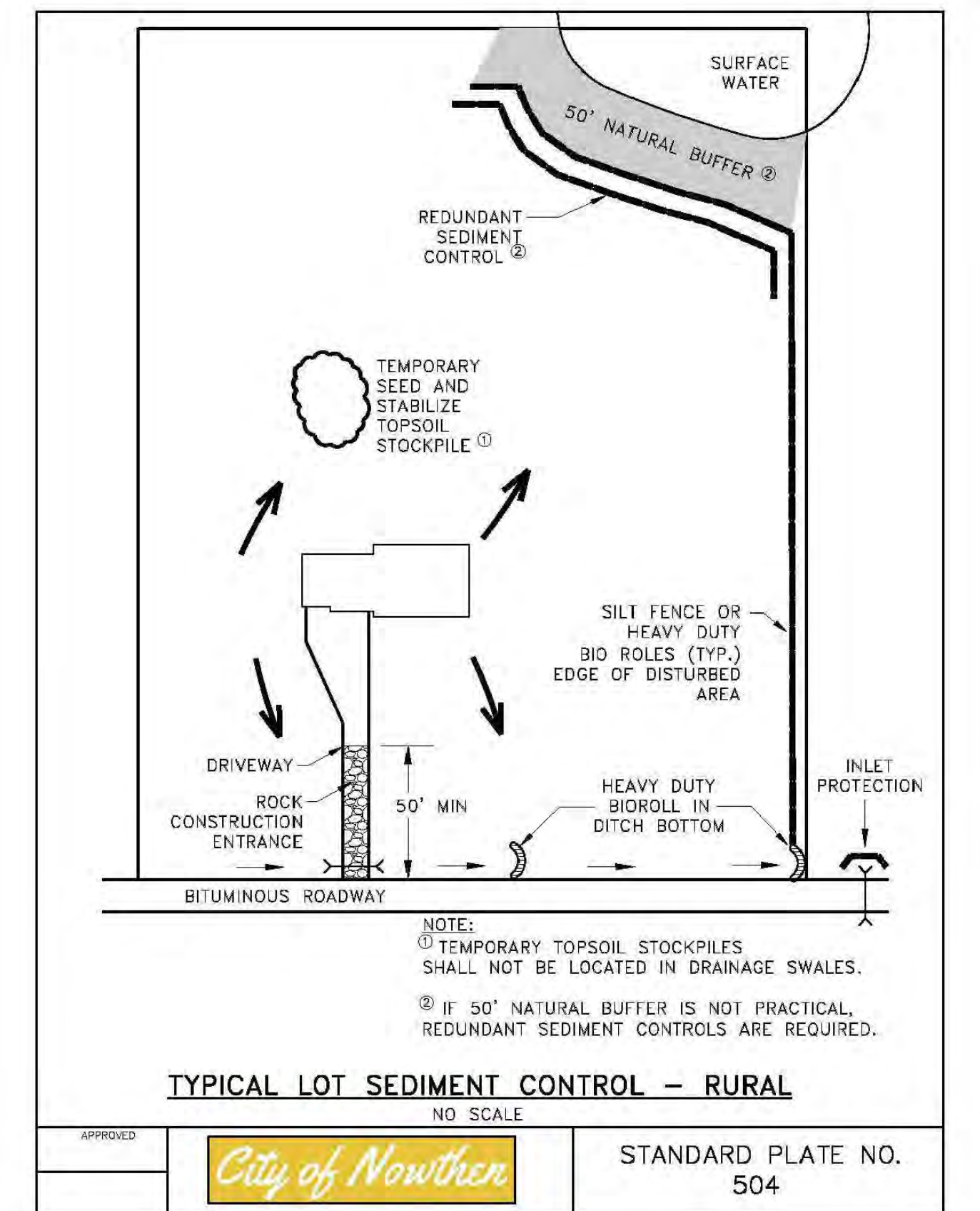
APPROVED: *City of Nowthen* STANDARD PLATE NO. 105



APPROVED: *City of Nowthen* STANDARD PLATE NO. 501



APPROVED: *City of Nowthen* STANDARD PLATE NO. 101



APPROVED: *City of Nowthen* STANDARD PLATE NO. 504

**CARLSON MCCAIN** ENGINEERING SURVEYING ENVIRONMENTAL  
 3890 PHEASANT RIDGE DR NE SUITE 100 BLAINE, MN 55449  
 TEL 763.489.7900 FAX 763.489.7959  
 CARLSONMCCAIN.COM

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  
 Print Name: Aaron D. Briski, P.E.  
 Signature: *Aaron Briski*  
 Date: 9/27/23 License #: 57811  
 Drawn: NJP  
 Designed: ADB  
 Date: 9/27/23

Revisions: 1.  
**JASON GUSTAFSON**  
 18236 Trott Brook Parkway  
 Elk River, MN 55330

**MACKENZIE HILLS**  
 Nowthen, Minnesota

**DETAILS**

8 of 8  
 #10416





**ENGINEERING REVIEW  
for City of Nowthen  
by  
Hakanson Anderson**

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**Submitted to: City of Nowthen**

**cc: Scott Lehner, City Administrator  
Liz Stockman, City Planner  
Bob Ruppe, City Attorney  
Jason Gustafson, Applicant  
Aaron Briski, Applicant's Engineer**

**Reviewed by: Shane Nelson, City Engineer**

**Date: October 17, 2023**

**Proposed**

**Project: Mackenzie Hills**

**Street Location: XXXX Engen Blvd**

**Applicant: Jason Gustafson**

**Owners of Record: Gustafson, Daniel Elvin**

**Jurisdictional Agencies: City of Nowthen, Anoka County, Upper Rum River  
(but not limited to) Watershed Management Organization**

**Permits Required: City Approval, NPDES Construction Permit, WCA -  
(but not limited to) Wetland Delineation Approval**

## **INFORMATION AVAILABLE**

Mackenzie Hills Preliminary Plans, dated September 27, 2023, prepared by Carlson McCain

Mackenzie Hills Stormwater Management Plan, dated September 27, 2023, prepared by Carlson McCain

20840 Engen Boulevard NW Wetland Delineation report, dated August 5, 2022, prepared by Kjolhaug Environmental Services Company, Inc.

## **SITE ACCESS / VEHICULAR TRAFFIC**

1. The project is proposed to receive access from Engen Boulevard. The proposed road to serve this property is located in an existing horizontal curve and the proposed intersection is not ideal. However, due to the shape of the property, this location is the only alternative for access. If the road is extended to the west in the future, or if the traffic significantly increases, the City may want to consider re-aligning Engen Avenue NW as depicted below in Figure 1.



Figure 1. Potential Future Realignment

2. Soil Borings are required (minimum of 3) in the location of the proposed road alignment to determine the suitability of the subgrade soils to support the proposed street. The soil borings shall be included in a geotechnical report which is certified by a licensed geotechnical engineer and shall include an estimated stabilometer R-value.

3. Please include a street sign on the west end of 205<sup>th</sup> Avenue NW with the message “TEMPORARY CUL-DE-SAC STREET MAY BE EXTENDED IN THE FUTURE” with the Final Plans.

### **PRELIMINARY PLAT**

1. In accordance with City Code, all lots must have a minimum of twenty-three thousand (23,000) square feet of land area with a three (3) foot separation between the final surface elevation and mottled soil or highest known water table. The soil boring table shows that the depth of mottling ranges from 1.3 feet to 2.7 feet, therefore, none of the buildable area meets the 3 feet of separation as required by City Code. We would recommend that the Applicant engage a geotechnical engineer to perform field monitoring of the groundwater with piezometers as allowed by Section 10-3-5.B.5 of the City Code.
2. The Shoreland Overlay district shall be depicted on the Preliminary Plat. Please revise.

### **GRADING AND EROSION CONTROL**

1. The High Water Level's (HWL's) of all wetlands shall be depicted on the Grading Plan.
2. The Applicant is advised that the City Code requires the lowest floor elevation of proposed homes to be a minimum of 12” above mottled soils. We would recommend that the Applicant consider identifying potential house pad locations such that a geotechnical engineer may analyze the ground water conditions as allowed by Section 10-3-5.B.5 of the City Code.
3. If field monitoring of the groundwater conditions by a licensed geotechnical engineer is not performed, the grading plan must be revised to depict a fill such that 23,000 square feet of land area has three (3) feet of separation from mottled soils.
4. Per City standards, please revise the road crossing culvert to a minimum size of 15 inch at station 0+20.

### **WETLANDS**

1. A wetland delineation report has been received and a Notice of Decision for the wetland boundary and types was issued on September 20, 2022.

2. It will be necessary to establish the wetland buffers with native grasses. The final plans shall include an establishment plan specifying an accepted MnDOT BWSE, NRCS, or SWCD seed mix that is appropriate for the area.
3. Wetland buffer monumentation shall be installed to URRWMO standards. The wetland buffer sign locations as depicted on the preliminary plans are acceptable.

## **STORMWATER**

1. The stormwater model does not agree with the Drainage Area Maps. For example. The Drainage Area Map includes a subcatchment 2S and pond 2P, however, the stormwater model does not. Please revise such that the Drainage Area Maps and the Stormwater Models agree for both existing and proposed conditions.
2. The large wetland on the east side of 205<sup>th</sup> Avenue and the contributing drainage area must be included in the model such that the HWL can be determined.
3. The runoff rates to the NW are proposed to slightly increase, which is not allowable. Please revise such that rates do not increase.
4. Double ring infiltrometer testing is required at the locations of the proposed infiltration basins. Please provide.

## **SEPTIC SITES**

1. Suitability of septic sites to be reviewed by Building Official.

## **WATER SUPPLY**

1. Individual wells are proposed to provide water supply to the proposed lots. Wells must meet requirements of the Minnesota Department of Health and applicable state laws and regulations.

## **OTHER ITEMS**

1. Please provide a geotechnical report which is certified by geotechnical engineer which includes soil borings, an estimated r-value, and double ring infiltrometer test results. Please also consider field monitoring of groundwater as discussed above.
2. Final Plans shall be in accordance with the approved City of Nowthen standards details and Engineering Manual.

3. This project disturbs more than 1 acre and will require a NPDES Construction Stormwater Permit from the Minnesota Pollution Control Agency. A Stormwater Pollution Prevention Plan (SWPPP) will be required with the Final Plans.
4. Zoning review is to be completed by the City Planner and provided under separate cover.

## **RECOMMENDATION**

Overall, the general development pattern and lot layout seems conducive to the property. We recommend approval contingent upon the above comments being addressed.



**Bear Lake Regional Road Configuration Concept**  
**July 2023**





**CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA**

**PLANNING & ZONING COMMISSION**

**FINDINGS & RECOMMENDATION  
PRELIMINARY PLAT  
CONDITIONAL USE PERMIT  
Street Construction Deferral**

**APPLICANTS:**

Dan and Jill Gustafson  
20840 Engen Boulevard  
Nowthen, MN 55330  
(PID **20-33-25-21-0006**)

**APPLICATION:** Request for approval of a 3-lot Preliminary Plat and a CUP to allow deferral of street construction requirements

**PLANNING & ZONING COMMISSION MEETING:** October 24, 2023

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

Whereas, the legal description of the property is: S 600 FT OF SE1/4 OF SW1/4 OF SEC 17 TWP 33 RGE 25 TOG/W N 831.31 FT OF NE1/4 OF NW1/4 OF SEC 20 TWP 33 RGE 25, EX E 330 FT OF N 660 FT THEREOF, EX RD, SUBJ TO EASE OF REC

Whereas, the subject site is zoned RRA, Rural Residential Agriculture;

Whereas, the applicant owns one (1) parcel encompassing 35.47 acres;

Whereas, the applicant wishes to subdivide three (3) new lots upon which new homes will be built for family members;

Whereas, the property abuts Engen Boulevard and is not required to dedicate additional ROW;

Whereas, the subdivision includes the provision of new local street ROW (+/- 1,400 foot cul-de-sac) and associated CUP to allow deferral of street paving construction requirements;

Whereas, adherence with Section 10-3-3.C of the City Code is required:

Street surfacing requirements may be deferred for local streets through approval of a Conditional Use Permit by the City Council, subject to the following:

1. The property is residentially zoned.
2. The division involves no more than three (3) buildable lots which front upon and gain direct driveway access to the right-of-way required in Section 10-3-3.C.4 below, excluding outlots that may be reserved for future development.
3. Divisions containing an existing principal residential structure which relies upon direct lot frontage or driveway access to the right-of-way required in Section 10-3-3.C.4 below, to meet all applicable City, County or State regulations, shall be considered one (1) of the three (3) lots.
4. Right-of-way is dedicated for public use in accordance with the width requirements contained in Section 10-3-2.
5. The right-of-way shall be considered a shared driveway until such time as the City agrees by resolution to accept and maintain the dedicated right-of-way as a public street, provided:
  - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
  - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
  - c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval of the City Attorney and shall be recorded against all impacted properties.
  - d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared

driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.

Whereas, a private shared driveway will be allowed on an interim basis until such time as a public road is constructed and accepted by the City under Section 10-3-3.C of the City Code;

Whereas, the applicant agrees that no future divisions will be permitted without the written approval of the Nowthen City Council until such time as a public street is constructed and accepted by the City;

Whereas, the following driveway standards of City Code Section 11-6-2.J.4 shall be required:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of the International Fire Code. A twenty (20) foot wide access drive shall be required for shared driveways which serve three (3) or more properties/homes.
- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
- c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.

Whereas, the Conditional Use Permit criteria from Section 11-10-3 of the Nowthen City Code have been considered and satisfactorily met;

Whereas, the Planning Report dated October 17, 2023 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

Whereas, the Engineering Memo dated October 17, 2023 prepared by the City Engineer Hakanson Anderson Assoc. is incorporated herein;

Whereas, the Nowthen Planning and Zoning Commission held a public hearing at their regular meeting on October 24, 2023 preceded by a public notice and letters to affected property owners.

**RECOMMENDATION:** Based on the foregoing information and applicable ordinances, the Planning and Zoning Commission recommends that **the Preliminary Plat of Mackenzie Hills and a CUP for deferral of street construction be APPROVED** subject to the following conditions:

1. A Development Agreement is drafted by the City Attorney, signed and recorded which prohibits any further subdivision of the lots contained in the Mackenzie Hills Subdivision until such time as the public street is built to the full width of proposed parcels and accepted by the City. Applicants shall comply with the terms and conditions contained in the Lot Split Agreement.
2. No wetlands may be impacted during construction of the homes or private driveway(s). Buffers require that unmowed areas adjacent to wetlands are maintained with non-invasive vegetation for the purpose of filtering pollutants before they enter the wetland, reducing erosion, and minimizing human impacts.
3. The Shoreland Overlay District of Bear Lake shall be shown on the plat.
4. Shared driveway agreements, including maintenance provisions, and deed restrictions filed against all parcels shall be a condition of approval and subject to review and endorsement of the City Attorney.
5. The requirements of Section 10-3-3.C are met:
  - a. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
  - b. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
  - c. Maintenance of Shared Driveway. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves, their successors and assigns, that maintenance of the shared driveway shall be the sole responsibility of property owners fronting on the dedicated right-of-way and/or gaining access from the shared driveway unless otherwise agreed to in writing by the City. A shared driveway maintenance agreement shall be required, is subject to review and approval of the City Attorney and shall be recorded against all impacted properties.
  - d. Deed Restriction Required. Until such time as the shared driveway is constructed to City road bituminous standards and accepted by the City as a public road, property owners shall agree on behalf of themselves their successors and assigns, that no additional property subject to the shared driveway agreement shall be further subdivided or platted without the City's express written consent. Further, the property owners shall acknowledge on behalf of themselves, their successors and assigns, that the properties may be subject to a future assessment pursuant to Minnesota Statute Chapter 429 or other relevant statute for the future improvement of the shared driveway, as constructed to City bituminous road standards, once the right-of-way is accepted by the City. The deed restriction is subject to review and approval of the City Attorney and shall be recorded against all properties impacted.
6. The driveway requirements of Section 11-6-2.J.4 are met:

Effective Jun 19, 2020, all new principal uses shall be required to provide driveway access that complies with the following:

- a. The driveway shall be a minimum of twelve (12) feet in width and shall be designed to accommodate the maneuvering and turnaround of emergency vehicles and fire apparatus in accordance with Section 503 of

the International Fire Code. A twenty (20) foot wide access drive shall be required for shared driveways which serve three (3) or more properties/homes.

- b. Overhead clearance shall be no less than 13 feet, 6 inches for the passage of fire vehicles beneath trees, power lines, property entrances, and any other building overhangs, appurtenances, or site features between the public road and principal structure(s).
  - c. The distance as measured from the driveway or public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access.
10. Individual septic system design is required at the time of building permit application and shall be reviewed and approved by MNspect.
  11. All grading, drainage, stormwater and erosion control issues shall be subject to review and approval by the City Engineer and subject to necessary revisions as outlined in the HAA Engineer's Report dated 10-17-23.
  12. As indicated in the City Engineer's report, soil borings are required in the location of the proposed road to determine the suitability of subgrade soils to support the proposed street. The soil borings shall be included in a geotechnical report which is certified by a licensed geotechnical engineer and shall include an estimated stabilometer R-value.
  13. The Applicants engage a geotechnical engineer to perform field monitoring of the groundwater with piezometers as allowed by Section 10-3-5.B.5 of the City Code to determine required areas of 23,000 SF with three (3) feet of separation or otherwise create the separation required by the City Code through fill/revised grading plan.
  14. Building permits shall be required for the new homes which requires submittal of a certificate of survey for individual lots, lowest floor elevations noted and custom grading/erosion control plans which are subject to review and approval of the City Engineer and City Planner.
  15. Prior to issuance of the certificate of occupancy for structures within the subdivision, a permanent address placard must be placed at the shared driveway entrance at Engen Boulevard so that it's visible from the public road as well as at the point where individual driveways split off from the shared driveway.
  16. A sign shall be required at the terminus of the cul-de-sac shall be required notifying people of future extension over to Tiger Street.
  17. Any additional screening or landscaping?
  18. The park and trail dedication fee of \$2,500 PER LOT (for the one new lot) shall be paid prior to the City signing final documents, before recording.
  19. All costs associated with the review of the submitted plat, Development Agreement and any other costs generated by the City or its representatives are the responsibility of the applicants.

**MOTION BY:**

**SECOND BY:**

**ALL IN FAVOR:**

**THOSE OPPOSED:**

**ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 24<sup>th</sup> day of October 2023.**

**CITY OF NOWTHEN**

By: \_\_\_\_\_  
Chair Dale Ames

Attest: \_\_\_\_\_  
Scott Lehner, City Administrator

# Item 2



## Elizabeth Stockman

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**From:** Sue Leistico <sleistico@outlook.com>  
**Sent:** Monday, October 16, 2023 9:50 AM  
**To:** Elizabeth Stockman; Shane Nelson; Scott Lehner; Natalie Johnson  
**Subject:** RE: Leistico Civil Plans

Liz,

Please continue the public hearing until November to allow us more time to think about whether this is something that makes financial sense. We still don't have the information we need to make a final decision at this time. Just for background for all, we started this process under the assumption that we would NOT have to do the stormwater work for the build out of only 3 lots, but with the recent realization that is not the case, we are faced with a dilemma.

@Shane Nelson – please do not spend any more time on this for now, but we fully acknowledge we need to pay for time spent.

@Elizabeth Stockman – if we are going to do a formal withdrawal prior to the November meeting, what is the deadline for that?

Thank you,  
Sue

**From:** Elizabeth Stockman <liz.stockman@planningco.com>  
**Sent:** Thursday, October 12, 2023 12:12 PM  
**To:** Sue Leistico <sleistico@outlook.com>; Shane Nelson <ShaneN@HAA-inc.com>; Scott Lehner <slehner@nowthenmn.net>; Natalie Johnson <Natalie@nowthenmn.net>  
**Subject:** Re: Leistico Civil Plans

Ok Sue. I'm not sure if Shane has started his review already. If he has, you will need to cover those costs anything else done thus far. I have posted the public hearing. I need to know by Monday morning what you plan to do. You could authorize me to continue the public hearing until November while you think about it, or I will need a formal withdrawal of the application by Monday morning.

Let me know if you have any other questions.

Liz

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**From:** Sue Leistico <sleistico@outlook.com>  
**Sent:** Thursday, October 12, 2023 8:32:40 AM  
**To:** Elizabeth Stockman <liz.stockman@planningco.com>  
**Subject:** RE: Leistico Civil Plans

Hi Liz – I still have not gotten a high-level estimate from our engineer, so just giving you a heads up that we may not want to move forward with the October meeting. And, depending on costs, we may defer indefinitely. I will confirm back with you next week.

Thank you,  
Sue

**From:** Elizabeth Stockman <[liz.stockman@planningco.com](mailto:liz.stockman@planningco.com)>

**Sent:** Wednesday, October 4, 2023 9:14 AM

**To:** Sue Leistico <[sleistico@outlook.com](mailto:sleistico@outlook.com)>

**Subject:** RE: Leistico Civil Plans

OH my gosh. I am so sorry. It's been a real doozy of a month, so I apologize for the delay in getting back to you. Thanks for your concern!

I have the applications. Regarding stormwater control, it's more about the total impervious surface area being created than it is about major or minor subdivision naming. Impervious areas include the gravel 'road', buildings, driveways, patios, sheds, etc. which add up. State law says that the ponds need to filter the water before it runs into the natural wetlands and the site all drains to the northwest (obviously toward the natural wetlands). I assume the expensive part is the piping shown? Have you asked your engineer about options? My specialty is not stormwater design, but feel free to reach out to Shane Nelson ([shanen@haa-inc.com](mailto:shanen@haa-inc.com)) with questions also.

Let me know if you need anything else.

Liz



**MAJOR SUBDIVISION  
(PRELIMINARY & FINAL PLAT)**

**8188 199TH AVENUE NW, NOWTHEN, MN 55330  
(763) 441-1347**

**RETURN TO: [PERMITS@NOWTHENMN.NET](mailto:PERMITS@NOWTHENMN.NET)**

<input type="checkbox"/> <b>CONCEPT PLAN</b>  Base Fee: \$200 Escrow: \$1000  <input checked="" type="checkbox"/> <b>PRELIMINARY PLAT</b> <input type="checkbox"/> <b>FINAL PLAT</b>  Base Fee: \$200 + \$50/lot x <u>3</u> lots = \$ <u>150</u> Escrow: \$1,500 Public Hearing Fee: \$250 <b>Total Amount Due: \$ <u>2,100</u></b> Amt. Paid: <u>\$2,100.00</u> CC/Check# <u>1003</u>	<p align="center">***FOR OFFICE USE ONLY *** FOR OFFICE USE ONLY***</p> Date Application Received: <u>8/10/23</u> Date Application Complete: <u>9-22-23</u> <small>(60-day review period starts from this date)</small> Public Hearing Date: <u>10-24-23</u> City Council Approval/Denial Date: _____ 60-Day Review Period Ends: <u>11-22-23</u> 60-Day Extension: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Expires On: <u>12-17-23</u> Received By: <u>Liz Stockman</u>
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**Additional Platting Fees:** Security Escrow: 150% of estimated construction costs  
 Engineering Escrow: 7% of initial security amount  
 Administrative Fee: 1% of total construction costs  
 Park Dedication Fee: \$2000/lot  
 Trail Dedication Fee: \$500/lot

**Property Information** Street Address: SW Quadrant of Nowthen Blvd. (CR 5) and Norris Lk. Rd. (CR 24)

Property Identification Number (PID#): 08-33-25-41-0001

Legal Description (Attach full description of Metes & Bounds if necessary):

see attached

**Applicant Information**

Name: Dennis & Susan Leistico Business Name: Leistico Farms, LLC

Mailing Address: 21453 Nowthen Blvd NW

City: Nowthen State: MN Zip Code: 55330

Home Phone: \_\_\_\_\_ Cell Phone: 612-812-2397 (Dennis) Work: 612-868-7057 (Sue)

e-mail (home): sleistico@outlook.com

e-mail (work): same

**Property Owner Information** (If other than applicant):

Name: same as above Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code : \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work: \_\_\_\_\_

e-mail (home): \_\_\_\_\_

e-mail (work): \_\_\_\_\_

**Description of Request** (attach additional sheets as necessary)

Existing Use of Property: Agriculture

Description of Proposed Use: 3 new single family lots

Lot Size: Lot 1 = 5.3 ac; Lot 2 = 5.3 ac; Lot 3 = 11.4 ac; Outlot A = .5 ac; Outlot B = 12.0 ac  
Zoning: \_\_\_\_\_

Number of New Lots: 3 Number of Total Lots: 3

Reason(s) to Approve Request: We are looking to retain as much farmland as possible, but need to recoup some of the cost of the land purchase. Our plan/hope is to continue to keep things as country and rural as possible

**Please describe any previous applications pertaining to the subject site:**

Project Name: None Date of Application: \_\_\_\_\_

Nature of Previous Request : \_\_\_\_\_

**Existing Building Sizes:** None

RESIDENTIAL LOTS: House: \_\_\_\_\_ SF Garage: \_\_\_\_\_ SF (attached/detached?)

COMMERCIAL/INDUSTRIAL LOTS: Main Building: \_\_\_\_\_ Total Square Feet

Office Area: \_\_\_\_\_ SF; Warehouse/Storage: \_\_\_\_\_ SF; Manufacturing: \_\_\_\_\_ SF

**ALL LOTS:**

Accessory Buildings: (type/size) \_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF

\_\_\_\_\_ / \_\_\_\_\_ SF: \_\_\_\_\_ / \_\_\_\_\_ SF; \_\_\_\_\_ / \_\_\_\_\_ SF



I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements and are complete to the best of my knowledge.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes 15.99 at such time as it is determined to be complete. Pursuant to Minnesota Statutes 15.99, the City will notify the applicant within fifteen (15) days from the filing date of any incomplete or other information necessary to complete the application. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Property Owner:  [Signature] Date: 8-16-23

Signature of Property Owner:  [Signature] Date: 8-16-23

**AGREEMENT TO PAY ALL APPLICATION FEES AND EXPENSES:**

We the applicant and undersigned property owner agree to provide to the City, in cash or certified check, for deposit in an escrow fund, the amount of \$ 1,500.00 as partial payment for all fees and estimated future City administrative, planning, legal and engineering fees incurred in processing this request. If the escrow amount is depleted, I agree to furnish additional monies as requested by the City within 10 days of such request. I understand that any amounts not utilized from this escrow fund shall be returned to me, without interest, when all financial obligations to the City have been satisfied. All fees and expenses are due whether the application is approved or denied.

I understand and agree that all City incurred professional fees and expenses associated with the processing of this request and enforcing the terms of this agreement including, but not limited to, attorney's fees are my responsibility as the property owner and will be promptly paid by myself upon billing by the City in the event the escrow fund is depleted. I further understand and agree that as the property owner I must make said payment within 10 days of the date of the invoice. Bills not paid within the 10 days of request for payment by the City shall accrue interest at the rate of 6% per year. Further, if I fail to pay said amounts when due, then the City may certify such costs against any property owned by me within the City limits for collection with the real estate taxes and/or take necessary legal action to recover such costs and I agree that the City shall be entitled to attorney's fees and other costs incurred by the City as a result of such legal action. I knowingly and voluntarily waive all rights to appeal said certification of such expenses against my property under any applicable Minnesota Statutes.

Property owner +  
Applicant:  [Signature] Date: 8-16-23

Property Owner:  [Signature] Date: 8-16-23

Legal Description to accompany plat application for Dennis & Susan Leistico

THAT PRT OF NE1/4 OF SE1/4 OF SEC 8 TWP 33 RGE 25 LYG N & W OF THE FOL  
DESC LINE: COM AT A PT IN C/L OF CSAH NO 5 760 FT N MEAS ALG C/L OF SD RD  
OF S LINE OF SW1/4 OF SEC 9, TH W PRL/W S LINE OF SD SW1/4 OF SEC 9 &  
SE1/4 OF SEC 8 225 FT, TH N PRL/W E LINE OF SD SE1/4 200 FT, TH W & PRL/W S  
LINE OF SD SE1/4 OF SEC 8 238 FT, TH N PRL/ W E LINE OF SD SE1/4 410 FT, TH E  
PRL/W S LINE OF SD SE1/4 TO C/L OF SD CSAH NO 5 & THERE TERM, EX RD, SUBJ  
TO EASE OF REC



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

October 17, 2023

Dennis and Sue Leistico  
21453 Nowthen Blvd.  
Nowthen, MN 55330

RE: Nowthen – Leistico Preliminary Plat 'Nowthen Pastures' & CUP  
TPC FILE: 122.02

Dear Mr. and Mrs. Leistico,

This office serves as the City Planner for the City of Nowthen. The City received an application on August 18, 2023 for a 3-lot Preliminary Plat and for a Conditional Use Permit to allow deferral of street paving. The City Council has 60 days in accordance with Minnesota Statute 15.99 to consider the application and take action to approve or deny the request. The Statute also allows the City to extend the review period an additional 60 days if needed to complete its investigation of the application and make a decision.

You requested that consideration of the Preliminary Plat be extended through the November Planning and Zoning Commission meeting, per your email dated 10-16-23.

This letter shall serve as notice that the City is extending the review period an additional 60 days in accordance with Minnesota Statutes 15.99. The deadline for City Council action on the request shall be **December 17, 2023**.

Thank you for your continued cooperation and please contact me for any assistance you require regarding the application or with any questions regarding this notice.

Sincerely,

A handwritten signature in black ink that reads 'E. Stockman'. The signature is written in a cursive style and is positioned above the printed name of the signatory.

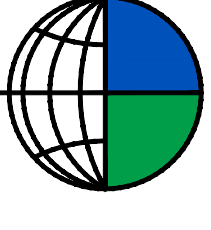
Elizabeth Stockman  
THE PLANNING COMPANY LLC

c. Scott Lehner, City Administrator  
Natalie Johnson, Deputy Clerk



LEISTICO FARMS, LLC  
 NOWTHEN PASTURES  
 City of Nowthen, Anoka County, MN

EXISTING CONDITIONS



**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 ENVIRONMENTAL SERVICES  
 CIVIL ENGINEERING

13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8822 FAX: 763-262-8844

**NOT FOR CONSTRUCTION**

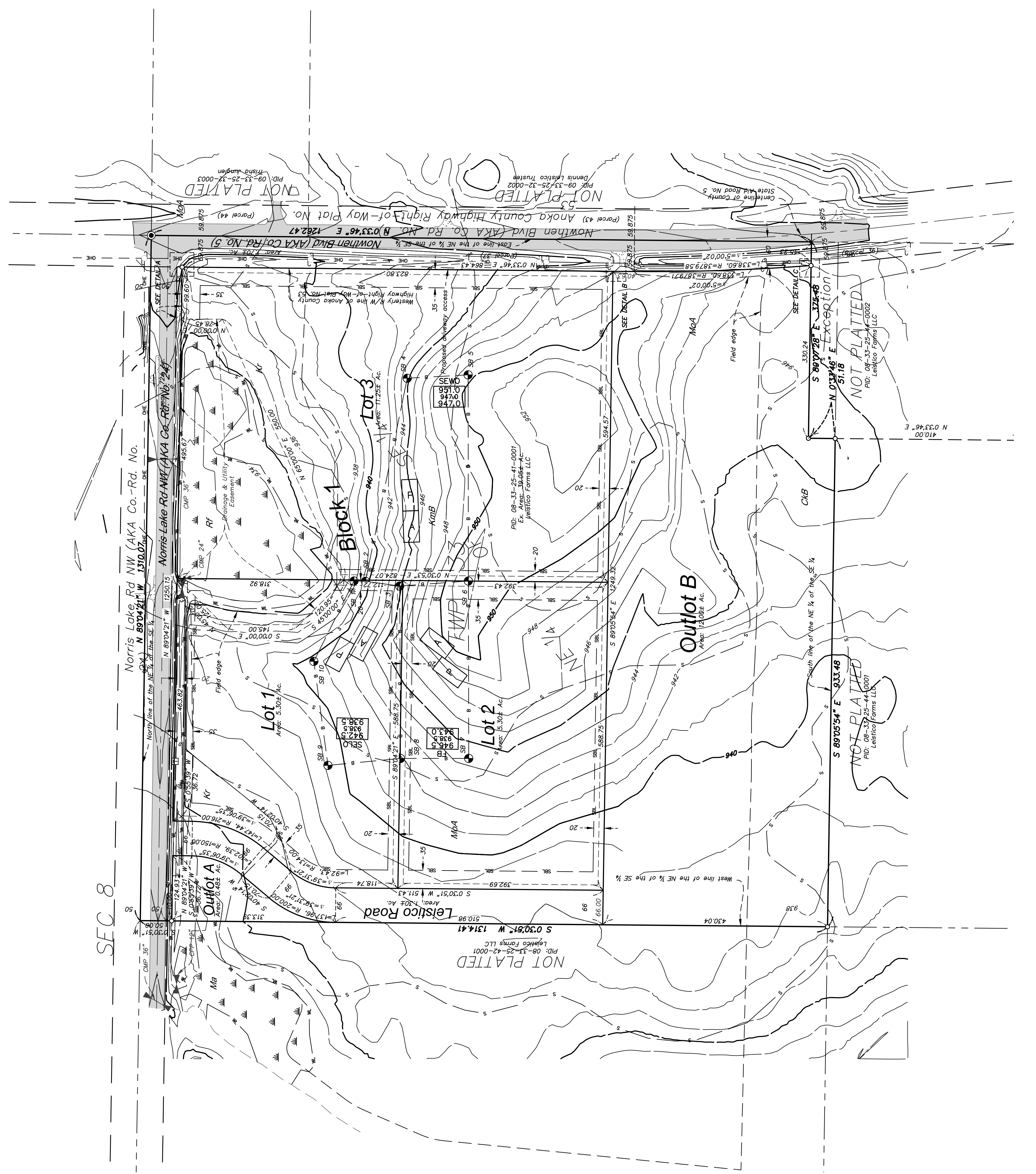
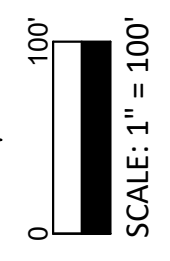
DATE:	9/19/2023
DESIGN BY:	DML
DRAWN BY:	DML
CHECKED BY:	CJD
DWG FILE:	EXISTING
FILE NO.:	23-0195.00

REV NO.	DATE	DESCRIPTION

**PLAN REFERENCE**

- NOWTHEN PASTURES ANOKA COUNTY, MN PREPARED BY BOGART, PEDERSON & ASSOCIATES, INC. DATED 9/19/2023

- LEGEND:**
- Denotes power pole
  - Denotes city wire
  - Denotes telephone pedestal
  - Denotes soil boring
  - Denotes culvert
  - Denotes wellhead
  - Denotes bituminous surface
  - Denotes gravel surface
  - Denotes overhead electric
  - Denotes right of way
  - Denotes major contour
  - Denotes minor contour
  - Denotes existing adjoiners
  - Denotes wellhead
  - Denotes building setback line
  - Denotes field edge
  - Denotes soil type boundary
  - Denotes buildability area
  - Denotes soil classification type
  - Denotes proposed Primary & Alternate septic sites





REV	NO.	DATE	DESCRIPTION

DATE: 9/19/2023  
 DESIGN BY: DML  
 DRAWN BY: DML  
 CHECKED BY: CJD  
 DWG FILE: SITE BASE  
 FILE NO.: 23-0195.00

NOT FOR CONSTRUCTION

**BOGART, PEDERSON & ASSOCIATES, INC.**  
 LAND SURVEYING  
 ENVIRONMENTAL SERVICES  
 13076 FIRST STREET, BECKER, MN 55308-9322  
 TEL: 763-262-8822 FAX: 763-262-8844

**LEISTICO FARMS, LLC**  
 NOWTHEN PASTURES  
 City of Nowthen, Anoka County, MN

**SITE PLAN**  
 1122-17-23

SHEET NO. **C1**

**LEGEND:**

- PROPOSED ASPHALT PAVEMENT
- PROPOSED GRAVEL SURFACING
- PROPOSED CONCRETE PAVEMENT
- PROPOSED TURF ESTABLISHMENT

SCALE: 1" = 80'

PROPOSED SIGN

**SITE PLAN NOTES:**

1. PAINTED PAVEMENT MARKING DIMENSIONS ARE SHOWN TO FACE OF CURB. ALL OTHER DIMENSIONS ARE SHOWN TO BACK OF CURB.
2. ALL CONCRETE RAMPS, SIDEWALKS AND ACCESSIBLE HANDICAPPED PARKING STALLS TO CONFORM TO CURRENT A.D.A. REQUIREMENTS.
3. CONTRACTOR SHALL FIELD VERIFY HORIZONTAL AND VERTICAL LOCATION OF EXISTING UTILITIES PRIOR TO START OF CONSTRUCTION.
4. CONTRACTOR SHALL INSTALL EROSION CONTROL MEASURES PRIOR TO THE START OF CONSTRUCTION.
5. CONSTRUCTION SHALL BE IN ACCORDANCE WITH APPLICABLE CITY, COUNTY AND STATE REGULATIONS.
6. SITE SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PLANS APPROVED BY THE CITY.
7. LANDSCAPING AND TURF ESTABLISHMENT PER LANDSCAPE PLANS & SPECIFICATIONS.
8. ALL DISTURBED AREAS OUTSIDE THE BUILDING PAD WHICH ARE NOT DESIGNATED TO BE PAVED OR RECEIVE A GLENE SHALL RECEIVE AT LEAST 6" OF TOPSOIL AND SHALL BE SEEDED OR SODDED. REFER TO THE EROSION CONTROL PLAN FOR SOD AND SEED LOCATIONS. ALL OTHER AREAS DISTURBED BY CONSTRUCTION NOT SPECIFICALLY IDENTIFIED TO RECEIVE A CERTAIN SEED MIX SHALL BE MIXED WITH SEED MIX 25-431.
9. WHERE NEW SOD MEETS EXISTING SOD, EXISTING SOD EDGE SHALL BE CUT TO ALLOW FOR A CONSISTENT, UNIFORM STRAIGHT EDGE. JAGGED OR UNEVEN EDGES WILL NOT BE ACCEPTABLE. REMOVE TOPSOIL AT JOINT BETWEEN EXISTING AND NEW AS REQUIRED TO ALLOW NEW SOD SURFACE TO BE FLUSH WITH EXISTING.

**SITE PLAN INFORMATION:**

**PARCEL AREA:**  
 • 34.88 ACRES ±

**EXISTING ZONING:**  
 • RRA - RURAL RESIDENTIAL AGRICULTURE

**PRINCIPAL STRUCTURE SETBACKS:**  
 • FRONT: 120' (FROM CENTERLINE OF ANY ROAD) 150' (FROM CENTERLINE OF COLLECTOR/ARTERIAL)  
 • SIDE: 20' (FROM ANY LOT LINE) 35' (FROM CENTERLINE OF ANY ROAD) 150' (FROM CENTERLINE OF COLLECTOR/ARTERIAL)  
 • REAR: 35' (FROM ANY LOT LINE)

**SITE DATA**

EXISTING	PROPOSED
PAVEMENT AREA	0 SF
LANDSCAPING AREA	20,877 SF
BUILDING AREA	36,000 SF
WETLAND AREA	100,646 SF
POND AREA	33,589 SF
TOTAL AREA	1,576,283 SF
	1,516,868 SF



CALL 48 HOURS BEFORE DIGGING:  
**GOPHER STATE ONE CALL**  
 TWIN CITY AREA 651-454-0002  
 MINNESOTA TOLL FREE 1-800-252-1166



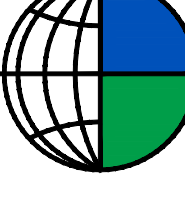
C2

SHEET NO.

LEISTICO FARMS, LLC  
NOWTHEN PASTURES

City of Nowthen, Anoka County, MN

GRADING PLAN



**BOGART, PEDERSON & ASSOCIATES, INC.**  
LAND SURVEYING  
ENVIRONMENTAL ENGINEERING  
13076 FIRST STREET, BECKER, MN 55306-9322  
TEL: 763-262-8822 FAX: 763-262-8844

NOT FOR CONSTRUCTION

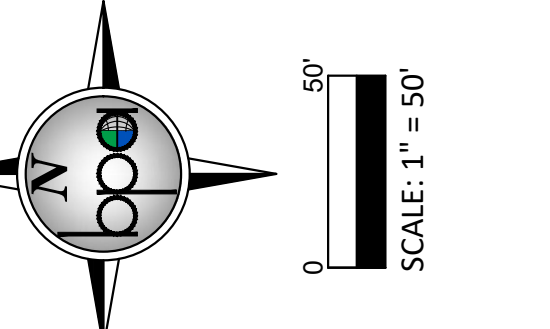
DATE: 9/19/2023  
DESIGN BY: DML  
DRAWN BY: DML  
CHECKED BY: CJD  
DWG FILE: GRADING  
FILE NO.: 23-0195.00

REVISIONS:

REV NO.	DATE	DESCRIPTION

**LEGEND:**

- X 980.50 TC NEW TOP-BACK OF CURB ELEVATION
- X 980.50 FL NEW FLOW LINE OF CURB ELEVATION
- X 980.50 SW NEW SIDEWALK ELEVATION
- X 980.50 TP NEW TOP OF PAVEMENT ELEVATION
- X 980.50 TG NEW TOP OF GRAVEL ELEVATION
- X 980.50 FG NEW FINISHED GRADE ELEVATION
- X 980.50 EX EXISTING ELEVATION
- 984 PROPOSED CONTOUR
- ← PROPOSED SLOPE
- ← EMERGENCY OVERFLOW
- EOF

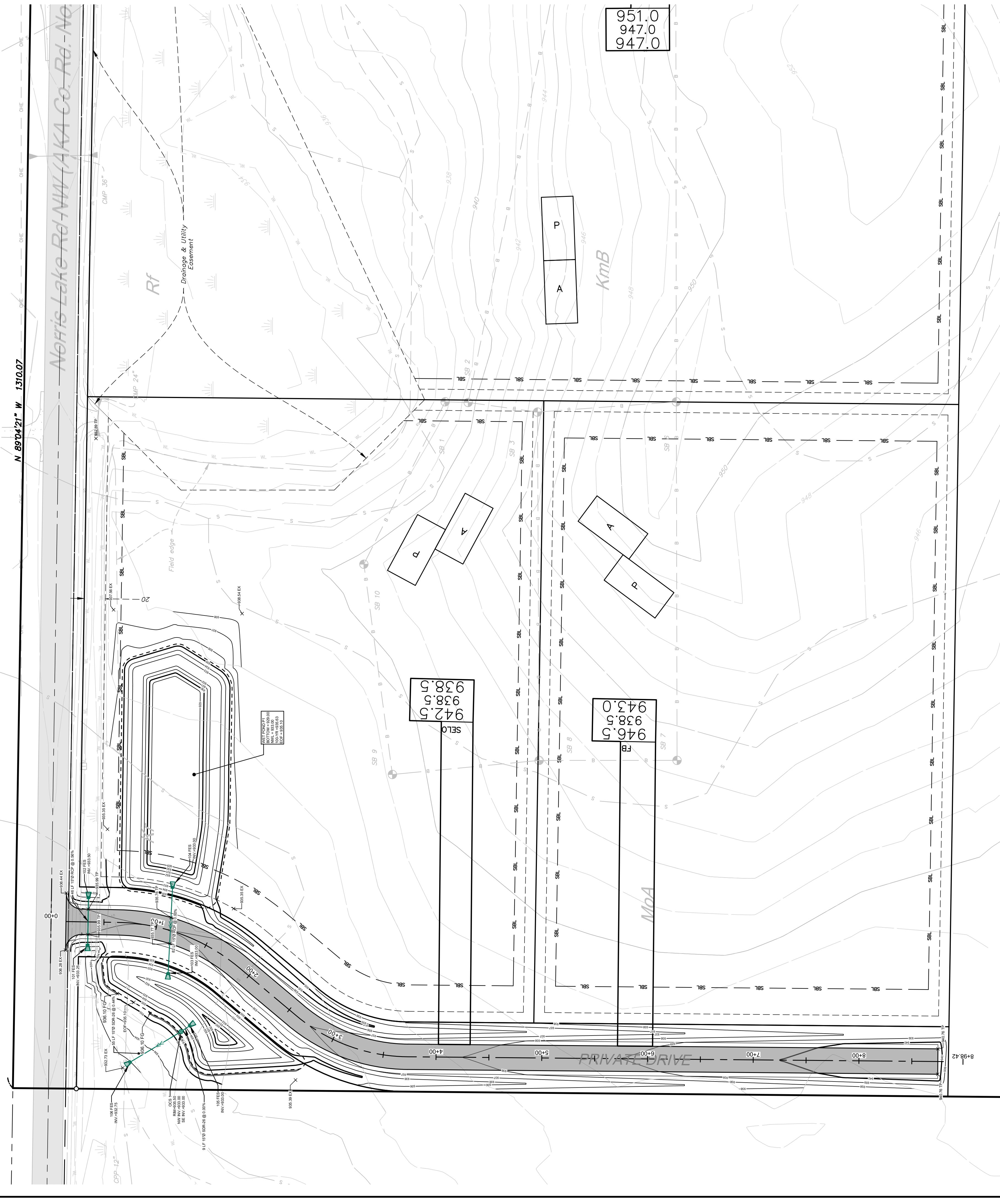


**GRADING GENERAL NOTES:**

- THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS IN THE FIELD REPRESENTED WITHIN THE PLANS AS SHOWN AND ALERT THE ENGINEER BEFORE BIDDING THE PROJECT AND BEGINNING CONSTRUCTION.
- CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY THE OWNER OF ANY CHANGES. CONTACT LOCAL UTILITY COMPANIES FOR EXACT LOCATIONS PRIOR TO BIDDING THE PROJECT AND COMMENCING WORK.
- CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT SILT AND DEBRIS RUN-OFF DURING GRADING OPERATIONS (I.E. SILT FENCE, STRAW BALES, ETC.).
- CONTRACTOR SHALL VERIFY CRITICAL ELEVATIONS TO ENSURE CONFORMANCE WITH GRADING PLAN, PARTICULARLY WITH EXISTING STRUCTURES AND/OR PAVEMENTS TO REMAIN. MEET EXISTING GRADES ALONG STREETS, PROPERTY LINES, AND DRIVEWAY ENTRANCES. RESTORE ALL PAVEMENTS THAT REMAIN TO THEIR ORIGINAL IF NOT BETTER CONDITION. NOTIFY OWNER OF ANY CONFLICTS PRIOR TO BIDDING THE PROJECT.
- TURE ESTABLISHMENT AREAS SHALL RECEIVE MINIMUM OF 4" DEPTH AS MEASURED IN PLACE OF TOPSOIL. TOPSOIL WILL BE FURNISHED AND INSTALLED BY THE CONTRACTOR. ALL GRADED SLOPES GREATER THAN OR EQUAL TO 5:1 SHALL BE HYDROSEEDED, EROSION CONTROL BLANKETED, OR MULCHED TO HELP STABILIZE THE SLOPES BY GENERAL CONTRACTOR.
- PROPOSED SPOT ELEVATIONS ARE TO THE TOP OF CURB UNLESS NOTED OTHERWISE. ELEVATION OF FLOW LINE IS 6" BELOW TOP OF CURB UNLESS OTHERWISE SHOWN.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING QUANTITIES OF CUT, FILL AND WASTE MATERIALS TO BE HANDLED, AND FOR AMOUNT OF GRADING TO BE DONE IN ORDER TO COMPLETELY PERFORM ALL WORK INDICATED ON THE DRAWINGS. IMPORT SUITABLE MATERIAL AND EXPORT UNSUITABLE / EXCESS / WASTE MATERIAL AS REQUIRED. ALL COSTS ASSOCIATED WITH IMPORTING AND EXPORTING MATERIALS SHALL BE INCIDENTAL TO THE CONTRACT.
- IT IS INTENDED THAT EARTHWORK (CUT VS. FILL) BALANCE ON SITE. THE CONTRACTOR SHALL SUBMIT THE QUANTITY OF MATERIAL AND AMOUNT OF ANTICIPATED GRADE ADJUSTMENT FOR REVIEW BY THE ENGINEER A MINIMUM OF FOUR WEEKDAYS PRIOR TO MAKING ADJUSTMENTS. ALL GRADE ADJUSTMENTS MUST BE APPROVED BY THE ENGINEER. NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR WORK ASSOCIATED WITH GRADING ADJUSTMENTS, INCLUDING, BUT NOT LIMITED TO: EARTHWORK OPERATIONS, STORM SEWER PIPING AND STRUCTURE ADJUSTMENTS, CONSTRUCTION SURVEYING FOR ADJUSTING FEATURE LOCATIONS ACCORDINGLY, SILT FENCE, ETC.
- FAILURE OF TURF DEVELOPMENT: IN THE EVENT THE CONTRACTOR FAILS TO PROVIDE AN ACCEPTABLE TURF, THE CONTRACTOR SHALL RE-SEED OR RE-SOD ALL APPLICABLE AREAS. AT NO ADDITIONAL COST TO THE OWNER, TO THE SATISFACTION OF THE ENGINEER.
- ANY MANHOLE, CATCH BASIN, STORM SEWER, SANITARY SEWER, DRANTILE, OR OTHER POTENTIAL SOURCE FOR CONTAMINATION SHALL BE INSTALLED AT LEAST 10 FEET HORIZONTALLY FROM ANY WATERMAIN PER MINNESOTA PLUMBING CODE. THIS ISOLATION DISTANCE SHALL BE MEASURED FROM THE OUTER EDGE OF THE PIPE TO THE OUTER EDGE OF THE CONTAMINATION SOURCE (OUTER EDGE OF STRUCTURES OR PIPING OR SIMILAR).
- CONTRACTOR SHALL MAINTAIN DRAINAGE FROM EXISTING BUILDING AT ALL TIMES. PROVIDE TEMPORARY STORM SEWER (INCLUDING, BUT NOT LIMITED TO, CATCH BASINS, MANHOLES, PIPING, ETC.) AS REQUIRED. EXISTING STORM SEWER SHALL NOT BE REMOVED UNTIL TEMPORARY OR PERMANENT STORM SEWER IS INSTALLED AND FUNCTIONAL. COORDINATE ALL REMOVALS WITH APPROPRIATE TRADES (SITE UTILITY CONTRACTOR, MECHANICAL CONTRACTOR, ETC.) AS REQUIRED.

**UTILITY GENERAL NOTES:**

- CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL UTILITY RELOCATIONS.
- CONTRACTOR SHALL LOCATE AND VERIFY ALL UTILITIES WHICH MAY AFFECT THIS WORK AND NOTIFY OWNER OF ANY CHANGES. CONTACT LOCAL UTILITY COMPANIES FOR EXACT LOCATIONS PRIOR TO BIDDING THE PROJECT AND COMMENCING WORK.
- CONTRACTOR SHALL VERIFY CRITICAL ELEVATIONS TO ENSURE CONFORMANCE WITH GRADING PLAN AND EXISTING UTILITIES, PARTICULARLY WITH EXISTING STRUCTURES AND/OR PAVEMENTS TO REMAIN.
- THE CONTRACTOR SHALL NOTE ANY DISCREPANCIES BETWEEN EXISTING CONDITIONS AS SHOWN ON THE FIELD AS REPRESENTED BY THE PLANS AND ALERT THE ENGINEER BEFORE BIDDING THE PROJECT AND BEGINNING CONSTRUCTION.
- ALL CROSSING ELEVATIONS OF NEW UTILITIES & SIZES OF THE EXISTING UTILITIES ARE BASED ON ASSUMED ELEVATIONS AND SIZES PROVIDED BY THE SURVEY.
- CONTRACTOR SHALL PROVIDE TRAFFIC CONTROL PLAN FOR PAVEMENT REMOVAL, UTILITY INSTALLATION, AND REPLACEMENT AS NEEDED.
- CONTRACTOR SHALL CONFIRM FINAL ROOF DRAIN LOCATIONS WITH ARCHITECTURAL DRAWINGS.
- ALL STORM SEWER PIPE OVER 18" IN DIAMETER SHALL BE RCP, CLASS III (MIN.), WITH FLEXIBLE WATER-TIGHT JOINTS IN ACCORDANCE WITH ASTM C-361 OR PVC PIPE (ASTM D3034, SDR 35) INSTALLED IN ACCORDANCE WITH ASTM D2321, UNLESS OTHERWISE NOTED.
- FLEXIBLE JOINTS AT STORM SEWER PIPE CONNECTIONS TO STRUCTURES:
- 9.1. IN ACCORDANCE WITH MINNESOTA PLUMBING CODE, PROVIDE FLEXIBLE JOINTS AT ALL PIPE CONNECTIONS TO ALL STORM SEWER STRUCTURES.
- 9.2. ACCEPTABLE MANUFACTURERS / PRODUCTS:
- 9.3. FERRO-CO "CONCRETE MANHOLE ADAPTORS" OR "LARGE DIAMETER WATERSTOPS"
- 9.4. PRESS-SEAL, WATERSTOP GROUTING RINGS" OR APPROVED EQUAL.





# Item 3

CITY OF NOWTHEN  
ANOKA COUNTY, MINNESOTA

ORDINANCE NO. 2023-05

AN ORDINANCE AMENDING CHAPTERS 9 SECTION 3 OF THE CITY CODE  
TO UPDATE INDIVIDUAL SEWAGE TREATMENT SYSTEM STANDARDS

The City Council for the City of Nowthen hereby ordains:

**SECTION 1.** City Code Section 9-3 is hereby amended to read as follows:

**INDIVIDUAL SEWAGE AND WASTEWATER TREATMENT**

Section:

- 9-3-1 Purpose, Applicability, and Authority
- 9-3-2 General Provisions
- 9-3-3 Standards Adopted
- 9-3-4 Permits
- 9-3-5 Violations and Penalties

**9-3-1 PURPOSE, APPLICABILITY, AND AUTHORITY:**

- A. Purpose. It is the purpose and intent of this Section to establish standards for the design, location, construction, operation, and maintenance of Subsurface Sewage Treatment Systems (SSTS).
- B. Applicability. This Section shall apply to those sites or facilities which are licensed, permitted, or otherwise regulated by the City Code of Ordinances. The sewer provisions of this Section shall also apply to any premises in the City of Nowthen (referred to herein as "City") that are not served by a sewage treatment system permitted by the Minnesota Pollution Control Agency.
- C. Authority. This Section is adopted pursuant to the authorization and requirements contained in Minnesota Statutes §145A.05, 115.55 and Minnesota Administrative Rules Chapter 7082.

**9-3-2 DEFINITIONS**

A. The following definitions shall apply in the interpretation and enforcement of this Section:

**Building Drain:** The building drain is that part of the lowest piping of the drainage system which receives sewage discharge inside the walls of the building and conveys it to the building sewer beginning at least one foot outside the building footings.

**Building Sewer:** The building sewer is that part of the drainage system which extends from the end of the building drain and conveys its discharge to an individual sewage treatment system.

**Subsurface Sewage Treatment System (SSTS):** An individual sewage treatment system is the smallest type of a subsurface sewage treatment system, or part thereof, serving a dwelling or other establishment or group thereof which utilizes subsurface soil treatment and disposal. Unless otherwise indicated, the word "system" as it appears in this Section means "individual sewage treatment system."

**Lot/Parcel:** (existing zoning ordinance definition) A parcel or tract of land intended as a unit for transfer of ownership or for development having frontage along an improved public road, which must be of sufficient area and dimension to meet minimum zoning requirements for width and area. For parcels which are platted or abut streets which are platted, the gross area of the lot shall be measured within the lot lines. In any platted area, minor subdivision, or metes and bounds division, "new lots" shall mean the total number of lots shown.

Lot: Relative to adopted Subsurface Sewage Treatment System (SSTS) regulations, a lot means a parcel of land recorded in the office of the county recorder which has been created and conveyed using a specific legal description for a building site to be served by a SSTS. Parcels or lots which are incapable of supporting a building site via the provision/designation of two Type I SSTS areas shall not be considered lots under the City's SSTS rules.

Midsized subsurface sewage treatment system or MSTs: Midsized subsurface sewage treatment system or MSTs means a subsurface sewage treatment system, or part thereof, as set forth in Minnesota Statutes, sections 115.03 and 115.55, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade and that is designed to receive sewage design flow of greater than 5,000 gallons per day to 10,000 gallons per day. MSTs also includes sewage collection systems and associated tanks that discharge into MSTs treatment or dispersal components. MSTs does not include those components defined as plumbing under the Minnesota Plumbing Code, chapter 4714, except for a building sewer connected to a subsurface sewage treatment system.

**Septage/Sewage:** Sewage is any water-carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural or commercial establishment or any dwelling or any other structure. Domestic waste includes but is not limited to liquid waste produced by bathing, laundry, culinary operations and liquid wastes from toilets and floor drains and specifically excludes animal waste and commercial process water.

SWF: Systems in shoreland areas or wellhead protection areas or systems serving food, beverage, or lodging establishments, means the following three categories or systems: (A) SSTS constructed in shoreland areas where land adjacent to public waters has been designated and delineated as shoreland in Section 11-3-10.D of this Chapter; (B) SSTS constructed in wellhead protection areas regulated under MN Statute, Chapter 103I; and (C) SSTS serving food, beverage, and lodging establishments that are required to obtain a licenses under MN Statutes, section 157.16, subdivision 1, and includes manufactured home parks and recreational camping areas licensed according to MN Statutes, Chapter 327.

### **9-3-3 GENERAL PROVISIONS:**

- A. Treatment Required. All sewage generated in unsewered areas shall be treated and dispersed by an approved SSTS or a system permitted by the Minnesota Pollution Control Agency.
- B. Administrative Policy and Procedures. The provisions of the Nowthen City Code, Chapter 1, Section 4 apply to the administration and enforcement of SSTS, unless otherwise expressly provided for in this Section.
- C. Administration. This Section shall be administered by the City Building Official.
- D. Compliance. No person shall cause or permit the location, construction, alteration, extension, conversion, operation, or maintenance of a subsurface sewage treatment system, except in full compliance with the provisions of this Section.
- E. Conditions. Violation of any condition imposed by the City on a license, permit, or variance, shall be deemed a violation of this Section and subject to the penalty provisions set forth in this Chapter.
- F. Site Evaluation, System Design, Construction, Inspection, and Servicing.
  - 1. Site evaluation, and system design, construction, inspection and system servicing shall be performed by Minnesota Pollution Control Agency licensed SSTS businesses or qualified employees of local governments or persons exempt from licensing in MN Statute 7083.0700. For lots platted after April 1, 1996, ~~a design shall evaluate and locate space for a second soil treatment area.~~ all lots shall contain a minimum of two (2) soil treatment

and dispersal areas that support Type I systems and which adequately support the use of the on-site structures.

2. At the time of subdivision, development or redevelopment, the developer of each lot shall identify two (2) sites encompassing a minimum of five thousand (5,000) square feet each, for the purpose of sewage treatment and dispersal. These sites shall be protected from all future encroachment by any improvements, construction or other activities that may result in compaction or disturbance of soil on the site, other than installation of a sewage treatment system.
3. If a homeowner or developer wishes to commence construction, building additions, accessory buildings, pools, driveways, parking areas or other improvements in an area which partially or fully encompasses the previously identified sewage treatment area(s), the homeowner/developer shall be required to prove that space on the property exists to accommodate relocation of one septic dispersal and treatment site (or both in the case of undeveloped property or where a functional and compliant SSTS does not currently exist). The developer shall submit to the City the required soil borings and all supporting information which supports relocation of the treatment area(s). This shall include a site survey or site plan, drawn to scale, as part of the building permit submittal and City review process.
4. SSTS for accessory buildings are handled like any other building; they either need to connect to the main SSTS for the principal structure or they need to have their own Type I system.

G. Inspection.

1. No part of an individual sewage treatment system shall be covered until it has been inspected and approved by the City. If any part of the system is covered before being inspected and approved as herein provided, it shall be uncovered upon the direction of the City ~~Building Official~~Septic System Inspector.
2. The City shall require such inspections as are necessary to determine compliance with this Section, outlined as follows:
  - a. Ground scarification for both at-grade and mound systems;
  - b. Installation of rock and pipes;
  - c. Installation of septic tank, manhole covers, risers, and inspection pipes;
  - d. After the SSTS is covered and final graded;



e. Other inspections or reinspections as deemed necessary.-

3. It shall be the responsibility of the permittee to notify the City that the system is ready for inspection a minimum of two (2) working days prior to the inspection. If the integrity of the system is threatened by adverse weather, if left open, and the City Building Official is unable to conduct an inspection, the permittee may, after receiving permission from the City, document compliance with this Section by photographic means that show said compliance and submit that evidence to the City Building Official prior to final approval being sought.
- ~~2.~~
- ~~3.4.~~ If upon inspection the Building Official discovers that any part of the system is not constructed in accordance with the minimum standards provided in this part of this Section, he shall give the applicant written notification describing the defects. The applicant shall pay an additional fee as set forth by Section 1-2-2 of the City Code for each reinspection that is necessary. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.
5. The licensed installer shall provide an "as built" drawing on the form supplied by the Building Official or other City staff.

H. Compliance Inspection Required. SSTS compliance inspection is required:

1. For a new or replacement SSTS, the Building Official will issue a letter stating that the system was installed in accordance with the approved plans after the final inspection has passed.
2. When altering or adding onto an existing structure ~~to add a bedroom~~, a septic system ~~may need to~~ shall be expanded or upgraded in the following situations:
  - a. ~~To accommodate the additional square footage or number of the addition of one or more~~ bedrooms;
  - a.b. A change in use which increases water usage of any land use category (ie: addition of a home business/connection to shop or pole shed, addition of a supplementary kitchen, etc).
  - ~~2.~~ c. For non-residential uses, any addition or expansion, change in type of business, operation, addition of employees, etc.—MN Statutes 7081.0130 provides guidance on sizing for other establishments.



3. When a parcel having an existing system undergoes development, subdivision, reconfiguration or split.

a. Any parcel, with an existing home or septic system, that is being subdivided (reduced or increased in size) must maintain two (2) SSTS sites encompassing a minimum of 5,000 square feet each for the existing lot and each new lot.

b. Soil work is required to identify septic sites unless identified previously and documented with the City. This requires a minimum of three (3) borings for each septic site.

c. If the existing system is compliant, after having been inspected by a licensed septic system inspector or qualified inspector employed by the City, said site may be counted as the primary site (one of the two required SSTS sites) and satisfies the soil work for that site.

d. If the existing system is non-compliant, two 5,000 square foot septic sites shall be designated on the parcel containing the existing home as well as on each new lot.

4. Point-of-Sale. When property ownership is being transferred from one person(s) to another person(s).

5. Frequent Pumping. The application for a third pumping permit within a twelve (12) month period is indicative of a failing Subsurface Sewage Treatment System and requires an inspection of the system.

6. Any change in use of a structure or facility served by a subsurface sewage treatment system.

7. When deemed necessary by the City to ascertain the compliance of an existing system when reports of code violations, system leaks or imminent threats are reported.

I. ~~Imminent Public Health and Safety Threat; Failing System; and Surface Discharge~~Compliance Criteria for Existing Systems.

1. ~~A subsurface sewage treatment system which poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the City and be brought into compliance with this Section within forty five (45) days or in accordance with a schedule established by the City, not exceeding six (6) months except as may be dependent upon weather conditions and with the Building Official's approval. The SSTS must~~



be protective of public health and safety. A system that is not protective of ground water does not have the required two (2) to three (3) feet of separation but is not considered an imminent threat to public health or safety. At a minimum, a system that is an imminent threat to public health or safety is a system with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; systems that cause a reoccurring sewage backup into a dwelling or other establishment; systems with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance hole covers. A determination of protectiveness for other conditions must be made by a qualified inspector employed by the City or licensed inspection business.

4.a. A subsurface sewage treatment system which poses an imminent threat to public health and safety shall immediately abate the threat according to instructions by the City and be brought into compliance with this Section within forty-five (45) days or in accordance with a schedule established by the City, not exceeding six (6) months except as may be dependent upon weather conditions and with the Building Official's approval.

~~2. A failing system, an SSTS that is not protective of groundwater shall be brought into compliance within twenty four (24) months after receiving notice from the City. The SSTS must be protective of groundwater. A system that is not protective is considered non-compliant, a system failing to protect groundwater. At a minimum, a system that is failing to protect groundwater is a system that is a seepage pit, cesspool, drywell, leaching pit, or other pit; a system with less than the required vertical separation distance described in Sections 4 and 5 below; and a system not abandoned in accordance with MN Statute 7080.2500. A determination of the threat to groundwater quality for other conditions must be made by a qualified employee or licensed inspection business.~~

~~2.a. A non-compliant system, a SSTS that is not protective of groundwater shall be brought into compliance within ten (10) months after receiving notice from the City.~~

~~33. The SSTS must be operated, meet performance standards, and be managed according to its operating permit.~~

4. A new or replacement SSTS built after March 31, 1996, or in an SWF area, must have at least a three-foot vertical separation or a vertical separation in compliance with MN Statute 7080.2350, subp. 2, Table XI.

a. Vertical Separation Reduction. A fifteen (15) percent reduction of vertical separation (separation distance no less than 30.6 inches) may be



determined to be compliant for existing systems to account for settling of sand or soil, normal variation of measurements, and interpretations of the limiting layer conditions.

b. Soil Loading Rates. The absorption area and mound absorption ratio must be sized according to Table IX (detailed soil descriptions) or IXa (percolation tests) contained in MN Statute 7080.2150, subp. 3.

5. A SSTS built before April 1, 1996, in areas that are not SWF areas, must have at least two feet of vertical separation.

6. The vertical separation measurement must be measured outside the area of system influence in an area of similar soil.

7. An SSTS discharging raw or partially treated wastewater to ground surface or surface water is prohibited unless permitted under the National Pollution Discharge Elimination System.

J. Conflict Resolution. For SSTS systems regulated under this Section, conflicts and other technical disputes over new construction, replacement ~~systems, and~~ existing systems relative to periodically saturated soils will be managed in accordance with the MN Statutes 7082.0700 Subpart 5. Upon resolution of a dispute, amendments to initial disputed documents containing the resolution shall be made and submitted to the local unit of government and all other parties involved.

K. Septic Tank Maintenance (MN Statutes 7080.2450).

1. ~~All~~The owner(s) of a sewage tank, or tanks, within the City shall regularly, but not less frequently than every three (3) years; ~~-(unless otherwise approved by the City due to limited use),~~ have the system pumped by a licensed pumper and provide a copy of the pumping permit to the City. If the system is pumped, measurement of accumulations of sludge and scum is not needed.

2. Alternately, a property owner shall have the accumulations of scum and sludge measured by a licensed septic system pumper/maintenance contractor and provide the measurements/documentation to the City's Septic System Inspector for review.

a. Noncompliance with the MN Statutes 7080.xxxx Subpart X with regard to the maximum accumulation of solids shall require pumping.

~~2.~~ b. Measurement of the accumulation of sludge and scum is valid for a period of one (1) year, provided the necessary documentation has been submitted to the City. Annual reinspection is required.

3. The owner shall remove and sanitarily dispose of septage whenever the top of the sludge layer is less than twelve (12) inches below the bottom of the



outlet baffle or the bottom of the scum layer is less than three (3) inches above the bottom of the outlet baffle. Removal of septage shall include complete removal of scum and sludge.

4. If necessary, risers shall be installed to bring the manhole cover ~~to within twelve (12) inches of the~~ even with the ground surface.
5. Maintenance activities require reporting on forms provided by the City. Pumpers are to obtain pumping permits from the City prior to pumping, and are to leave a completed copy of the pumping permit with the property owner, and forward one copy back to the City for its records.
6. Fees shall be paid in accordance with the City's fee schedule adopted annually as part of Section 1-2-2.

7. Compliance Required.

a. **Reminder Postcards.** The City shall mail a reminder postcard on May 1<sup>st</sup> of every year to all residents who are due to have their septic systems pumped.

b. Inspection by City. If any property owner fails to file the required pumping or compliance reports every three (3) years, or files incomplete reports, the Zoning Administrator shall proceed as follows, within XX days of the reminder postcard being sent:

i. Initiate the Administrative Enforcement Process as regulated by Section 1-5 of the City Code by notifying the property owner via regular or certified mail that a complete pumping/maintenance report shall be filed with the City within thirty (30) days from the date of the Administrative Notice; (time period two weeks to be the same as other Notices?)

ii. In the event the owner fails to file a complete report with the City within the thirty (30) day period, the City shall issue an Administrative Citation according to the fee schedule adopted by the City, allowing an additional fourteen (14) days to file the required pumping reports and pay the Citation;

iii. The City shall issue additional Citations every fourteen (days) until compliance is attained;

iv. The City may opt to have the Building Official or other qualified Inspector perform an inspection of the Subsurface Sewage Treatment System in lieu of, or in addition to, the Citation and file the report on behalf of the owner. The time and expense required to conduct such inspection shall be the property owner's responsibility.

v. Any Citations or invoices for inspection services remaining unpaid shall be assessed to the property taxes in the form of a special assessment.

6.

L. ~~Non-Compliant Systems. Existing systems which are non-compliant, but not an imminent health or safety threat, failing, or discharging to surface, may continue to be used so long as the property use is not changed or expanded. If the property use changes or is expanded, thereby requiring a building permit or special use permit by the City, the non-conforming elements of the existing system must be brought into compliance.~~ Existing Systems - Certificates of Compliance and Noncompliance. A SSTS in compliance with applicable requirements must be issued a certificate of compliance and systems found not in compliance must be issued a notice of noncompliance.

1. A SSTS not in compliance with this Section shall be considered a threat to public health under MN Statutes 145A and must be repaired or replaced within ten (10) months.

2. Systems out of compliance with other applicable requirements must be repaired or replaced according to MN Statutes 7080.1500 Subpart 4.

3. Systems issued a notice of noncompliance for operational or monitoring deficiencies must immediately be maintained, monitored, or managed according to the operating permit.

4. Existing SSTS must be checked for tank integrity, soil separation, and hydraulic and operational performance during the inspection.

5. The certificate of compliance or notice of noncompliance for existing systems must be submitted to the City, the owner or owner's agent no later than fifteen (15) days after any compliance inspection.

M. ~~Non-Complying Work~~ New & Replacement Systems – Non-Compliance: New individual sewage treatment system construction that is non-compliant, or other work on a replacement system that is non-compliant, must be brought into compliance with this Section in accordance with a schedule established by the City ~~which schedule will not exceeding~~ seven (7) days unless the City finds extenuating circumstances.

1. The certificate of compliance for new construction and replacement must include the vertical separation distance report and the management plan.

2. All certificates of compliance and notices of noncompliance for new construction and replacement must include property and property owner

outlet baffle or the bottom of the scum layer is less than three (3) inches above the bottom of the outlet baffle. Removal of septage shall include complete removal of scum and sludge.

4. If necessary, risers shall be installed to bring the manhole cover ~~to within twelve (12) inches of the~~ even with the ground surface.
5. Maintenance activities require reporting on forms provided by the City. Pumpers are to obtain pumping permits from the City prior to pumping, and are to leave a completed copy of the pumping permit with the property owner, and forward one copy back to the City for its records.
6. Fees shall be paid in accordance with the City's fee schedule adopted annually as part of Section 1-2-2.

7. Compliance Required.

a. **Reminder Postcards.** The City shall mail a reminder postcard on May 1<sup>st</sup> of every year to all residents who are due to have their septic systems pumped.

b. Inspection by City. If any property owner fails to file the required pumping or compliance reports every three (3) years, or files incomplete reports, the Zoning Administrator shall proceed as follows, within XX days of the reminder postcard being sent:

i. Initiate the Administrative Enforcement Process as regulated by Section 1-5 of the City Code by notifying the property owner via regular or certified mail that a complete pumping/maintenance report shall be filed with the City within thirty (30) days from the date of the Administrative Notice; (time period two weeks to be the same as other Notices?)

ii. In the event the owner fails to file a complete report with the City within the thirty (30) day period, the City shall issue an Administrative Citation according to the fee schedule adopted by the City, allowing an additional fourteen (14) days to file the required pumping reports and pay the Citation;

iii. The City shall issue additional Citations every fourteen (days) until compliance is attained;

iv. The City may opt to have the Building Official or other qualified Inspector perform an inspection of the Subsurface Sewage Treatment System in lieu of, or in addition to, the Citation and file the report on behalf of the owner. The time and expense required to conduct such inspection shall be the property owner's responsibility.

v. Any Citations or invoices for inspection services remaining unpaid shall be assessed to the property taxes in the form of a special assessment.

6.

L. ~~Non-Compliant Systems. Existing systems which are non-compliant, but not an imminent health or safety threat, failing, or discharging to surface, may continue to be used so long as the property use is not changed or expanded. If the property use changes or is expanded, thereby requiring a building permit or special use permit by the City, the non-conforming elements of the existing system must be brought into compliance.~~ Existing Systems - Certificates of Compliance and Noncompliance. A SSTS in compliance with applicable requirements must be issued a certificate of compliance and systems found not in compliance must be issued a notice of noncompliance.

1. A SSTS not in compliance with this Section shall be considered a threat to public health under MN Statutes 145A and must be repaired or replaced within ten (10) months.

2. Systems out of compliance with other applicable requirements must be repaired or replaced according to MN Statutes 7080.1500 Subpart 4.

3. Systems issued a notice of noncompliance for operational or monitoring deficiencies must immediately be maintained, monitored, or managed according to the operating permit.

4. Existing SSTS must be checked for tank integrity, soil separation, and hydraulic and operational performance during the inspection.

5. The certificate of compliance or notice of noncompliance for existing systems must be submitted to the City, the owner or owner's agent no later than fifteen (15) days after any compliance inspection.

M. ~~Non-Complying Work~~ New & Replacement Systems – Non-Compliance: New individual sewage treatment system construction that is non-compliant, or other work on a replacement system that is non-compliant, must be brought into compliance with this Section in accordance with a schedule established by the City ~~which schedule will not exceeding~~ seven (7) days unless the City finds extenuating circumstances.

1. The certificate of compliance for new construction and replacement must include the vertical separation distance report and the management plan.

2. All certificates of compliance and notices of noncompliance for new construction and replacement must include property and property owner



identification, date of inspection, system components, system location (dimensioned or drawn to scale), well setback distance, field check of soil conditions, SWF, and designations as applicable.

3. A certificate of compliance or notice of noncompliance for new construction and replacement must be submitted to the City, the owner or owner's agent no later than fifteen (15) days after any compliance inspection.
4. A certificate of compliance or notice of noncompliance must include a certified statement from the qualified employee who conducted the compliance inspection and indicate whether the SSTS is in compliance with this Chapter.
5. If a compliance inspection for new construction or replacement indicates that the system is not in compliance with applicable requirements, the notice must contain a statement to this effect and specify the reason for noncompliance.
6. Certificates of compliance for new construction or a replacement system remain valid for five (5) years from the date of issuance unless the City finds evidence of noncompliance.

N. Change In Use. A Certificate of Compliance may be voided if, subsequent to the issuance of the certificate, the use of the premises or condition of the system has changed or been altered.

~~O. Setback Reduction. Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system on an existing developed parcel of real property, the City may reduce property line and/or building setbacks provided said reduction does not endanger or unreasonably infringe on adjacent properties and with written agreement of adjacent property owners.~~

PO. Floodplain. An SSTS shall not be located in a floodway or floodplain. Location within the flood fringe is permitted provided that the design complies with this Section and all of the rules and statutes incorporated by reference. All soil treatment systems located in areas subject to excessive run-on must have a diversion constructed upslope from the system.

QP. 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.

#### **9-3-4 STANDARDS ADOPTED**

A. Minnesota Rules Adopted. ~~Minnesota Rules~~[Mn Statutes](#), Chapters 7080 and ~~7081~~[through 7082](#), that are in effect on the date of passage of this Section, relating to subsurface sewage treatment systems, are hereby adopted by reference and made a part of this Section as if fully set forth herein.

B. ~~Rules Amended. The rules, adopted in Section 9-3-3(A) are amended as follows~~[Setbacks Required](#):

~~1. Compliance Inspection – 15 Percent Vertical Separation Reduction. MR 7080.1500 Subp. 4D is amended to allow 15 percent reduction of vertical separation (separation distance no less than 30.6 inches) may be determined to be compliant for existing systems to account for settling and variable interpretation of soil characteristics.~~

~~2.~~—The following setbacks apply within the City of Nowthen:

~~Table 1~~—Minimum Setback Distances (Feet)

Feature	Sewage Treatment	
	Tank	Area
Water supply well less than fifty (50) ft. deep and not encountering at least ten (10) ft. of impervious materials:	50	100
Any other water supply well or buried water suction pipe:	50	50
Buildings <a href="#">requiring a building permit</a> <del>occupied</del> <a href="#">and in-ground pools</a> :	10	20
Buried pipe distributing water under pressure:	10	10
Property Lines:	10	10
The ordinary high water mark of lakes and streams:	<b>150</b>	<b>150</b>
	<a href="#">(Natural Environmt)</a>	<a href="#">(Natural Environmt)</a>
	<a href="#">100</a>	<a href="#">100</a>
	<a href="#">(Recreational Dev)</a>	<a href="#">(Recreational Dev)</a>
<del>_____</del> <b>Wetlands*</b> :	<b>50</b>	<b>50</b>

[\\*Measured to the distribution area; berming/backslope of the mound is fine within the setback.](#)

~~3. No experimental or alternative systems shall be allowed unless the City Council has reviewed and approved an application to permit an alternative system. The applicant must provide sufficient materials as required by the City Council to show that such an alternative system is consistent with the spirit and intent of this Section and Minnesota Rules Chapter 7080 and will not create a threat to the public health, safety and welfare of the residents of the City. *Note: There is no such thing as an experimental or alternative system per MNSpect.*~~

1. Setback Reduction. Where conditions prevent the construction, alteration, and/or repair of an individual sewage treatment system on an existing developed parcel of real property, the City Building Official, in consultation with the Zoning Administrator, may administratively vary from (reduce) property line and/or building setbacks provided said reduction does not endanger or unreasonably infringe within drainage and utility easements and upon adjacent properties and with written agreement of adjacent property owners to the proposed deviation.

2. Variances. If the City finds that by reason of exceptional circumstances, the strict enforcement of any provisions of this Chapter would cause practical difficulties or that strict conformity with the standards would be unreasonable, impractical, or not feasible under the circumstances, the City Council may permit modifications to this Section for individual cases based on conditions it may prescribe for prevention, control or abatement of pollution, not excluding other exceptions which may require City approval under MN Statutes adopted by reference herein.

The City will only grant Variances for existing lots of record which, at a minimum, meet non-conforming lot regulations of Section 11-4-1 of this Chapter and for replacement systems necessary to serve existing structures. The application and processing procedures of Section 11-11-1 and 2 of this Chapter shall be followed.

4C. No more than one (1) principal use, dwelling, commercial, institutional, or industrial unit shall be connected to the same sewage treatment system unless a multiple connection was specified in the application submitted, approved by the City Council, and provided for in the permit issued for the system.

ED. Holding Tanks. Holding tanks may be allowed for the following applications:

1. ; aAs a temporary replacement to a failing existing system
2. ; aAn SSTS that poses an imminent threat to public health and safety
3. ; or for aAn existing lot in which a SSTS cannot feasibly be installed and the City finds extenuating circumstances.

4. Holding tanks require an operating permit/-[monitoring and disposal contract signed by the owner and a licensed maintenance business unless the owner is a farmer exempt from licensing under Minnesota Statutes 115.56, subd. 2\(b\), clause \(3\).](#) The homeowner is responsible for ensuring that the contract guarantees the removal of the tank contents before overflow or any discharge.

~~which defines routine pumping and maintenance procedures to be approved by the City Building Official.~~

~~DE.~~ System Abandonment. An SSTS, or component thereof, that is no longer intended to be used must be abandoned in accordance with the adopted standards of this Section. Replacement systems which result in discontinued use of any or all components of an existing system shall initiate the requirement of pumping permits and/or abandonment procedures as may be required by the City Building Official.

### 9-3-5 PERMITS

A. Permit Required. ~~No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any subsurface sewage treatment system without first obtaining a permit for such work from the City Building Official. No person shall construct, alter, extend, convert, or modify any structure which is or will utilize subsurface sewage treatment system without first obtaining a permit.~~

MNSpect recommendation: Consider prohibiting homeowners from installing pressurized Type I, Type III and Type IV systems. Type 1 gravity trench system is the ONLY system type that can be installed by a resident.

1. No new construction shall be allowed by the City until the permit required for the subsurface sewage treatment system has been issued.

2. No additions, enlargements, improvements, remodeling or alterations that include the addition of one or more bedrooms shall be allowed until the subsurface sewage treatment system has been determined to be both adequate and conforming or a permit for a new treatment system has first been issued. A Certificate of Compliance (COC) or a Certificate of Noncompliance (NON) shall be provided for the City's records prior to issuance of a building permit.

3. No person shall cause or allow the location, construction, alteration, extension, conversion, or modification of any subsurface sewage treatment system without first obtaining a permit for such work from the [City's Septic System Inspector](#).



- 4.4. All work performed on an SSTS shall be done by an appropriately licensed business, qualified employees or persons exempt from licensing as specified in [MN Statute Minnesota Rules 7083.0700](#). Permit applications shall be submitted by the person doing the individual subsurface sewage treatment system construction on forms provided by the City and accompanied by required site and design data, and permit fees.
5. Permits shall only be issued to the person doing the individual sewage treatment system construction.
6. Permit applications for new and replacement SSTS shall include a management plan for the owner that includes a schedule for septic tank maintenance [in compliance with this Section](#).
7. A permit is not required for minor repairs, [including but not limited to baffles, maintenance hole covers, extensions, pumps, inspection pipes, drop boxes and other minor repairs as may be approved by the City's Septic System Inspector](#), ~~or replacement of damaged or deteriorated components that do not alter the original function, change the treatment capacity, change the location of system components or otherwise change the original system's design, layout, or function.~~
8. [Property owner installations of a SSTS to treat wastewater solely from their own dwelling or a seasonal dwelling may install their own system without a license providing the following conditions are met:](#)
- a. [The system must be designed by an individual licensed in accordance with Minnesota Rules, Chapter 7083.0700, Subp. B.](#)
  - b. [Homeowner exemption will be limited to Type I gravity trench systems only.](#)
  - b.c. ~~OPTION: Homeowner exemption will be limited to Type I systems, meaning an SSTS that follows a standard trench, bed, at-grade, or mound system design in accordance with MPCA rules.~~
  - d. [The property owner must possess an approved Building Permit issued by the City and schedule a pre-construction inspection with the City prior to installation.](#)
  - e. [A licensed designer, installer, or inspector provides oversight during installation and shall provide a written affidavit that they witnessed and confirmed the following activities:](#)
    - i. [The minimum vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock exists.](#)

ii. The inground dispersal system is excavated or interface soil is prepared for an above ground system.

iii. The plastic limit of soil is determined.

iv. The pumping levels in the pump chamber are set.

~~i. The as-built form is prepared, and all other required supporting documents.~~

f. The permit fee shall be double that established by resolution under the City's Fee Schedule.

- B. Operating Permit. An operating permit shall be required of all owners of new holding tanks, Type IV and V systems; MSTs and other SSTs that the City has determined requires operational oversight.
1. Application. Application for an operating permit shall be made on a form provided by the City.
  2. Holding Tanks. The owner of holding tanks installed after the effective date of this Chapter shall provide the City with a copy of a contract with a licensed sewage maintenance business for monitoring and removal of holding tank contents.

### **9-3-6 VIOLATIONS AND PENALTIES**

- A. Misdemeanor. Any person who fails to comply with the provisions of this Chapter may be charged with a misdemeanor and upon conviction thereof, shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- B. Injunctive Relief. In the event of a violation or a threat of violation of this Section, the City may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations; and the City Attorney may institute a civil action.
- C. Civil Action. In the event of a violation of this Section, the City may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations, or threatened violations, and the City Attorney may institute such action.

**SECTION 2.** This Ordinance shall be effective immediately upon its passage and publication.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2023 by the City Council of the City of Nowthen.

\_\_\_\_\_  
Jeff Pilon, Mayor

ATTEST:

\_\_\_\_\_  
Scott Lehner, City Administrator

**Discuss Implementation Options:**

1. Publish updated ordinance in newspaper
2. Educate residents; newsletter article at a minimum, post ordinance on website
3. Educate pumping companies; letter to all pumpers serving the City
4. Grace Period for compliance; one year typical/recommended
  - a. During grace period, City could waive pumping fee to assist in getting as many systems pumped (and data base populated) as possible
5. Specify compliance date, after which Administrative Citation Process will apply:
  - a. Pumping Notice (Not required—reminder postcard is the first 'letter')
  - b. Administrative Notice
  - c. Administrative Citation
6. Send pumping notices annually on May 1<sup>st</sup> (after road restrictions are off)
7. Keep a data base of all properties in the city that currently contain a septic system or at one time contained a septic system.