



Nowthen City Council Work Session
Monday, October 7, 2021 @ 6:00 PM

1. **6:00 PM:**
 - Call to Order
 - Pledge of Allegiance
 - Roll Call
 - Approve Agenda
2. **6:03 PM:** City Clerk Resignation
3. **6:30 PM:** Planning & Zoning:
 - a. Dryden, 6660 and 6700 Viking Boulevard
 - i. Dryden Acres Plat
 - ii. CUP for deferral of street paving requirements
 - iii. Variances for lot width and driveway setback to lot line
 - iv. Amended 2001 Conditional Use Permit – discuss updated conditions
 - b. Ward, 6789 Old Viking Blvd, Lot Split
 - c. Jones, 6167 Viking Blvd, Interim Use Permit
 - d. Ordinance 2021-04 Accessory Buildings – clarification, changes?
 - e. Ordinance 2021-05 Plumbing Code Incorporated
 - f. Planning Fees in Similar Communities
 - g. Process Diagram and Checklists
 - h. Public Hearing Process
 - i. Cote Invoice
4. **8:30 PM:** Adjourn

Liz Stockman

From: Lori Streich <lstreich@nowthenmn.net>
Sent: Thursday, September 30, 2021 5:16 PM
To: Jason Alders; Jeff Pilon (gmail); Joel Greenberg; Lynda Blake; Mary Rainville
Subject: City Clerk Resignation

Mayor Pilon,

Thank you for asking. The reason I did not attend the meeting is that my presence would not have mattered. I have spoken to Arvig on several occasions, and they have told me you have been working with them and holding meetings without anyone's knowledge, including the City Council. Much like you have done with the fire department, Bar None, and many other projects - you exclude me. I have no voice. You continually meet with contractors, vendors, and residents and do not communicate any of the information with staff and City Council.

You asked me to learn to use my "weasel words" when speaking to residents and continually talk negatively about city staff and contractors. I have lost trust in you.

You and Mary send an average of 50 to 80 emails per month demanding a response, which often requires staff to defend themselves and wastes our time. You both have been here for many years and still don't know the policies you adopted. As a professional, our morals and ethics do not align. Over time, you two have taken my passion for the job away.

During your last hiring process three years ago, you came to my house, sat in my kitchen with my husband and I, and convinced me to come back to Nowthen because it would be different. It is not different. I see much more now. For that reason, I am formally resigning from my position, effective immediately. Per city policy, I will remain in the office for thirty days. **My last day will be October 30th, 2021.** I will prepare the Deputy Clerk to take over in my absence.

During my time with the city, staff reorganized the city hall, streamlined processes, implemented a new finance system, a new website, and a more professional newsletter. We built a strong team inside the office and made excellent connections with the residents and vendors. We survived COVID, managed the busiest election of our time, maintained an AA+ bond rating, and carried out our mission through thick and thin for the benefit of the community, not ourselves. Although I love the work that I do, and the staff I support, I cannot work for you and Mary any longer. The City Clerk's position has been nothing but exhausting and came with very little support or praise over the years. I do not support the current leadership style under your command and can not give my precious time and talent to it.

Lori Streich
City Clerk/Treasurer
City of Nowthen
8188 199th Ave NW
Nowthen, MN 55330
(763) 274-1927

Please note our office hours:
Monday thru Thursday: 7:00 am – 5:30 pm
Fridays: Closed

Item 2

From: Jeff Pilon <jeffreypilon@gmail.com>
Sent: Wednesday, September 29, 2021 5:17 PM
To: Lori Streich <lstreich@nowthenmn.net>
Subject: County/Arvig meeting

Lori,

It has been discussed by the Council numerous times for multiple years, that internet service is one of the most critical issues expressed by the residents of Nowthen.

You have requested to be a part of meetings regarding internet service for Nowthen. When the city was invited to meet with Anoka County and Arvig representatives to discuss potential funding and service provision options for expanding high speed internet in our city, you agreed to be at the meeting, which was yesterday morning (Tuesday) 9/28 at 10 am. This meeting was discussed with the Council Monday night, and you did not indicate any conflict with your schedule at that time.

As the City Clerk/Treasurer for Nowthen, it would have been valuable to have you at the meeting. It was a very informative and productive meeting.

I would like to know:

- Why you decided not to participate in the meeting?
- Why you chose not to contact any of the participants before, during, or after the meeting to explain your absence?
- How are you planning on following up with the participants about the actions and opportunities discussed at this two-hour meeting?

Thank you,

Jeff

From: [Dan Hanson](#)
To: [Liz Stockman](#)
Cc: [Deb Dryden](#); "Info"
Subject: RE: Dryden Plat
Date: Monday, October 4, 2021 10:44:26 AM
Attachments: [image001.png](#)
[image002.png](#)
[DRYDEN ACRES SHEET 2.pdf](#)
[DRYDEN ACRES SHEET 1.pdf](#)

Liz,

See attached for updated Preliminary Plat. The work on the Final Plat cannot be submitted until the road issues are completed.

I will have the Final Plat ready and reviewed by the County Surveyor as soon as I have all updated documents.

Thank you,

Daniel S. Hanson

P.L.S. #52140

www.egrud.com

MAIN: (651) 361-8241

FAX: (651) 361-8701

ADDRESS:

6776 Lake Drive NE, Suite 110

Lino Lakes, MN 55014



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Item 3a(i-iii)

**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

CITY COUNCIL

FINDINGS & DECISION

PRELIMINARY PLAT – 3 lots and 1 outlot
CONDITIONAL USE PERMIT – Deferral of Street Paving
VARIANCES – Lot 3 lot width and driveway setback

APPLICANTS: Randy and Deb Dryden, 6660 and 6700 Viking Blvd.
(PID 27-33-25-12-0003, 27-33-25-12-0004 and 27-33-25-14-0003)

APPLICATION: Request for approval of a 4-lot Preliminary Plat, a CUP to allow deferral of street construction requirements, Variance from lot width requirements on Lot 3 and Variance for a zero lot line setback for an existing driveway on Lot 3.

CITY COUNCIL MEETING: October 12, 2021

FINDINGS: Based upon review of the application and evidence received, the City Council of the City of Nowthen now makes the following findings of fact:

1. The legal description of the property is: THE S1/2 OF NE1/4 OF SEC 27 TWP 33 RGE 25, EX N 120 FT OF W1/2 OF SW1/4 OF SD 1/4, SUBJ TO EASE OF REC
And
E1/2 OF E1/2 OF NW1/4 OF NE1/4 SEC 27-33-25; EX RD; SUBJ TO EASE OF REC
And
W1/2 OF E1/2 OF NW1/4 OF NE1/4 SEC 27-33-25; EX RD; SUBJ TO EASE OF REC;
2. The subject site is zoned RRA, Rural Residential Agriculture;
3. The applicant owns three (3) parcels encompassing 96.07 acres and containing two existing homes;
4. The applicants wish to split off and sell the house on Parcel 1, create one new buildable lot for themselves (Parcel 2) and split off +/-10-acres shown as Parcel 3 to sell to their son. Outlot A (previously Parcel 4) will remain as agricultural land;
5. Right-of-way is being dedicated for CSAH 22 (75 feet to centerline) and for a future local street along the property's western border;
6. The new local street requires a CUP to allow deferral of street paving construction requirements and 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:

- a. The property is residentially zoned.
- b. 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.
- c. 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.
- d. Right-of-way is dedicated for public use in accordance with the width requirements contained in Section 10-3-2.
- e. 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:
 - i. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
 - ii. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
 - iii. 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.
 - iv. 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.

7. 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;
8. 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;
9. The driveway standards of City Code Section 11-6-2.J.4 shall be required as outlined herein;
10. The Conditional Use Permit criteria from Section 11-10-3 of the Nowthen City Code have been considered and satisfactorily met;

- a. Limiting the height, size, or location of buildings.

Comment: The location of a single-family home on Lot 2, Block 1 is reasonable based on the lot meeting size and buildability requirements. Detailed review of specific house elevation and placement will occur at the time of building permit review.

- b. Controlling the location and number of vehicle access points.

Comment: Anoka County shall review and approve the shared driveway access onto Viking Blvd. and a shared driveway agreement will be required as outlined in subsequent sections of this report.

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

Comment: Not applicable.

- d. Limiting the number, size, location, or lighting of signs.

Comment: Not applicable, except that an address placard will be required where the driveway intersects with Viking Blvd. to indicate the house numbers of all parcels sharing the driveway.

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

Comment: A finding was made that this is not necessary.

11. The Variance criteria from Section 11-11 have been met:

- a. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Comment: The City Council must find that the proposed lot configuration represents a reasonable use of the property that will not have a negative influence upon the neighborhood in which it's located or cause hardship for future subdivisions.

- b. The application for Variance shall also demonstrate that the request satisfies the following criteria:

- i. That the Variance is consistent with the Comprehensive Plan.

Comment: The low-density residential use of the property is consistent with the City's Comprehensive Land Use Plan and the proposed use is permitted under the terms of the City Code.

- ii. That the Variance would be in harmony with the general purposes and intent of the City's Zoning Ordinance.

Comment: Other than the lot width for which the Variance is requested, Parcel 3 meets all lot size requirements and is a reasonably-shaped parcel which needs to incorporate the driveway and other existing elements.

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

Comment: The request for a Variance is based upon preexisting conditions where the existing house location and irregular lot configuration may justify deviation from the strict application of Zoning Ordinance regulations and be a reasonable alternative to providing public road access farther into the property for a single lot.

- iv. That the purpose of the Variance is not an exclusively economic consideration.

Comment: The applicant's request for a Variance is unrelated to economics.

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

Comment: Adjacent properties will not be negatively impacted by the deviation in lot width.

- vi. That the requested Variance is the minimum action required to eliminate the practical difficulty.

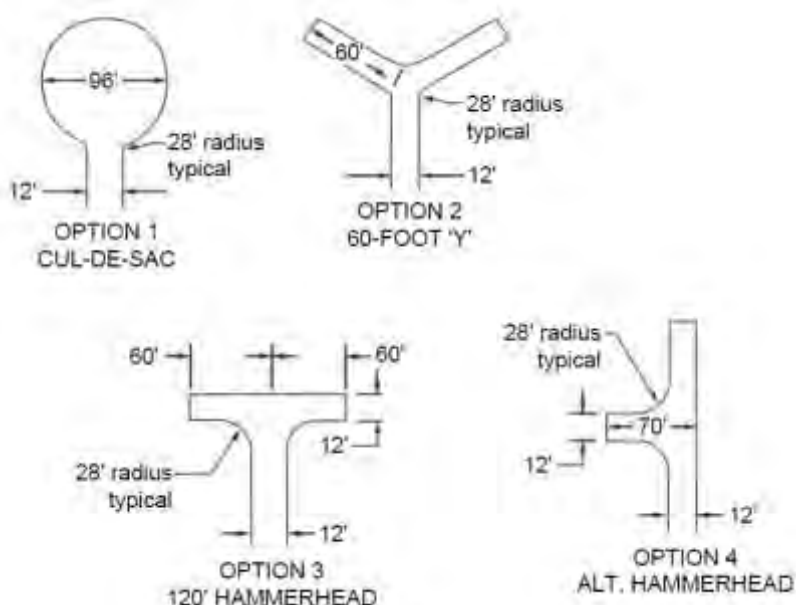
Comment: The City Council shall make a determination as to whether the request for a lot width Variance seems reasonable given the circumstances and physical configuration of the site.

- 12. The Planning Report dated September 20, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;
- 13. The Nowthen Planning and Zoning Commission held a public hearing at their regular meeting on September 28, 2021 preceded by a public notice and letters to affected property owners, to consider the Preliminary Plat, CUP for deferral of street paving and for the lot width Variance and recommended by a vote of 5-0 to approve the requests.
- 14. A public hearing was held at the October 12, 2021 City Council meeting to consider a second Variance on Lot 3 to allow the existing driveway with a zero (0) lot line setback.

DECISION: Based on the foregoing information and applicable ordinances, the City Council hereby approves **the Preliminary Plat of Dryden Acres, a Variance for 139 foot lot width on Lot 3, Variance for zero lot line driveway setback on Lot 3, and CUP for deferral of street construction** subject to the following conditions:

- 1. The subdivision and access to CSAH 22 shall require review and approval by Anoka County.

2. Doug and Norma Hough dedicate 33 feet to the City in the form of a Permanent Road, Utility and Drainage Easement, to be reviewed and approved by the City Engineer and recorded with Anoka County.
3. A Lot Split Agreement is drafted by the City Attorney, signed and recorded which prohibits any further subdivision of the lots contained in the Dryden 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, which shall be recorded against all properties within the plat.
4. Drainage/utility easements and buffers shall be shown around all wetlands as required under state law and wetland buffer signs shall be installed at locations shown on Exhibit _____. Wetland buffers as shown on the survey are established and maintained. No wetlands may be impacted during construction or grading activities. *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.*
 - a. 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.
5. The driveway requirements of Section 11-6-2.J.4 are met:
 - a. The driveway shall be a minimum of twelve (12) feet in width for single dwellings, or two dwellings which share a driveway, 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. The driveway shall be a minimum of twenty (20) feet in width for three or more dwellings sharing a driveway access.
 - c. A driveway turnaround shall be required for all properties which do not meet the standards established in Section 4e of this subsection:



- d. 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).
 - e. 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.
- 7. The existing driveway(s) on Lot 3 meet the turn-around requirements of Item 5c of this section. Site plans for construction of the home on Lot 2 shall include a means of turn-around for emergency vehicles as outlined herein.
- 8. Outlot A is exempt from park and trail dedication requirements; one park and trail dedication fee of \$2,500 PER LOT (for Lot 2) shall be paid prior to the City signing final documents, before recording.
- 9. No structures shall be permitted on Outlot A.
- 10. Screening is not necessary based on the separation of the two new lots from Viking Boulevard, distance from existing homes and limited impacts to adjacent properties.
- 11. Individual septic system design is required at the time of building permit application and may require fill to create the necessary separation.
- 12. Building permits shall be required for the new home(s) 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, Building Official and City Planner.
- 13. Prior to issuance of the certificate of occupancy for structures within the subdivision, a permanent address placard must be placed at the driveway entrance so that it's visible from the public road.
- 14. The applicant must have deeds drafted, for review by the City Engineer, that reflect the new legal descriptions and easement designations for road ROW which shall be submitted to the City of Nowthen for approval prior to recording at Anoka County.
- 15. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit. Said permit will be processed in the same manner as a new application.
- 16. The City Council may hold a public hearing to revoke a conditional use upon the happening of any of the following events, whichever occurs first:
 - 1. Upon violation of conditions under which the permit was issued;
 - 2. The use or operation is discontinued for a period of one (1) year;

17. If no other time is specified in the Conditional Use Permit, a conditional use approved by the City Council must be exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, or the City Council may hold a public hearing to revoke the conditional use unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administration may approve an extension which shall not exceed ninety (90) days whereafter consideration by the City Council may require reapplication and subsequent approval of a conditional use.
18. All costs associated with the review of the submitted surveys, plats, conditional use permits, variances 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 City Council of the City of Nowthen this 12th day of October 2021.

CITY OF NOWTHEN

By: _____
Mayor Jeff Pilon

Attest: _____
Lori Streich, City Clerk

**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

PLANNING & ZONING COMMISSION

FINDINGS & RECOMMENDATION

PRELIMINARY PLAT
CONDITIONAL USE PERMIT
VARIANCE

APPLICANTS: Randy and Deb Dryden, 6660 and 6700 Viking Blvd.
(PID 27-33-25-12-0003, 27-33-25-12-0004 and 27-33-25-14-0003)

APPLICATION: Request for approval of a 4-lot Preliminary Plat, a CUP to allow deferral of street construction requirements and Variance from lot width requirements.

PLANNING & ZONING COMMISSION MEETING: September 28, 2021

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:

1. The legal description of the property is: THE S1/2 OF NE1/4 OF SEC 27 TWP 33 RGE 25, EX N 120 FT OF W1/2 OF SW1/4 OF SD 1/4, SUBJ TO EASE OF REC
And
E1/2 OF E1/2 OF NW1/4 OF NE1/4 SEC 27-33-25; EX RD; SUBJ TO EASE OF REC
And
W1/2 OF E1/2 OF NW1/4 OF NE1/4 SEC 27-33-25; EX RD; SUBJ TO EASE OF REC;
2. The subject site is zoned RRA, Rural Residential Agriculture;
3. The applicant owns three (3) parcels encompassing 96.07 acres and containing two existing homes;
4. The applicants wish to split off and sell the house on Parcel 1, create one new buildable lot for themselves (Parcel 2) and split off +/-10-acres shown as Parcel 3 to sell to their son. Parcel 4 will remain as agricultural land;
5. Right-of-way is being dedicated for CSAH 22 (75 feet to centerline) and for a future local street along the property's western border;
6. The new local street requires a CUP to allow deferral of street paving construction requirements and 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:

- a. The property is residentially zoned.
- b. 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.
- c. 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.
- d. Right-of-way is dedicated for public use in accordance with the width requirements contained in Section 10-3-2.
- e. 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:
 - i. Construction Standards. The shared driveway is constructed to meet street base and subbase requirements required by Section 10-3-3.B.
 - ii. Emergency Access. The driveway access requirements of Section 11-6-2.J are met and shown on approved plans.
 - iii. 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.
 - iv. 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.

7. 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;
8. 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;
9. The driveway standards of City Code Section 11-6-2.J.4 shall be required as outlined herein;
10. The Conditional Use Permit criteria from Section 11-10-3 of the Nowthen City Code have been considered and satisfactorily met;

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

Comment: The location of a single-family home on Lot 2, Block 1 is reasonable based on the lot meeting size and buildability requirements. Detailed review of specific house elevation and placement will occur at the time of building permit review.

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

Comment: Anoka County shall review and approve the shared driveway access onto Viking Blvd. and a shared driveway agreement will be required as outlined in subsequent sections of this report.

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

Comment: Not applicable.

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

Comment: Not applicable, except that an address placard will be required where the driveway intersects with Viking Blvd. to indicate the house numbers of all parcels sharing the driveway.

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

Comment: A finding was made that this is not necessary.

11. The Variance criteria from Section 11-11 have been met:

- a. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter and include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Comment: The City Council must find that the proposed lot configuration represents a reasonable use of the property that will not have a negative influence upon the neighborhood in which it's located or cause hardship for future subdivisions.

- b. The application for Variance shall also demonstrate that the request satisfies the following criteria:

- i. That the Variance is consistent with the Comprehensive Plan.

Comment: The low-density residential use of the property is consistent with the City's

Comprehensive Land Use Plan and the proposed use is permitted under the terms of the City Code.

- ii. That the Variance would be in harmony with the general purposes and intent of the City's Zoning Ordinance.

Comment: Other than the lot width for which the Variance is requested, Parcel 3 meets all lot size requirements and is a reasonably-shaped parcel which needs to incorporate the driveway and other existing elements.

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

Comment: The request for a Variance is based upon preexisting conditions where the existing house location and irregular lot configuration may justify deviation from the strict application of Zoning Ordinance regulations and be a reasonable alternative to providing public road access farther into the property for a single lot.

- iv. That the purpose of the Variance is not an exclusively economic consideration.

Comment: The applicant's request for a Variance is unrelated to economics.

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

Comment: Adjacent properties will not be negatively impacted by the deviation in lot width.

- vi. That the requested Variance is the minimum action required to eliminate the practical difficulty.

Comment: The City Council shall make a determination as to whether the request for a lot width Variance seems reasonable given the circumstances and physical configuration of the site.

12. The Planning Report dated September 20, 2021 prepared by the City Planner, The Planning Company LLC, is incorporated herein;

13. The Nowthen Planning and Zoning Commission held a public hearing at their regular meeting on September 28, 2021 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 ~~approves~~ approval of the Preliminary Plat of Dryden Acres, a Variance for lot width on Lot 3, Variance for driveway setback on Lot 3, and CUP for deferral of street construction subject to the following conditions:

1. The subdivision and access to CSAH 22 shall require review and approval by Anoka County.
2. Doug and Norma Hough dedicate 33 feet to the City in the form of a Permanent Road, Utility and Drainage Easement, to be reviewed and approved by the City Engineer and recorded with Anoka County.

3. A Lot Split Agreement is drafted by the City Attorney, signed and recorded which prohibits any further subdivision of the lots contained in the Dryden 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, which shall be recorded against all properties within the plat.
4. The wetland boundaries are amended to include the two changes shown in Exhibit H. Drainage/utility easements and buffers shall be shown around all wetlands as required under state law and wetland buffer signs shall be installed at intervals shown on the Preliminary Plat. Wetland buffers as shown on the survey are established and maintained. No wetlands may be impacted during construction or grading activities. *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.*

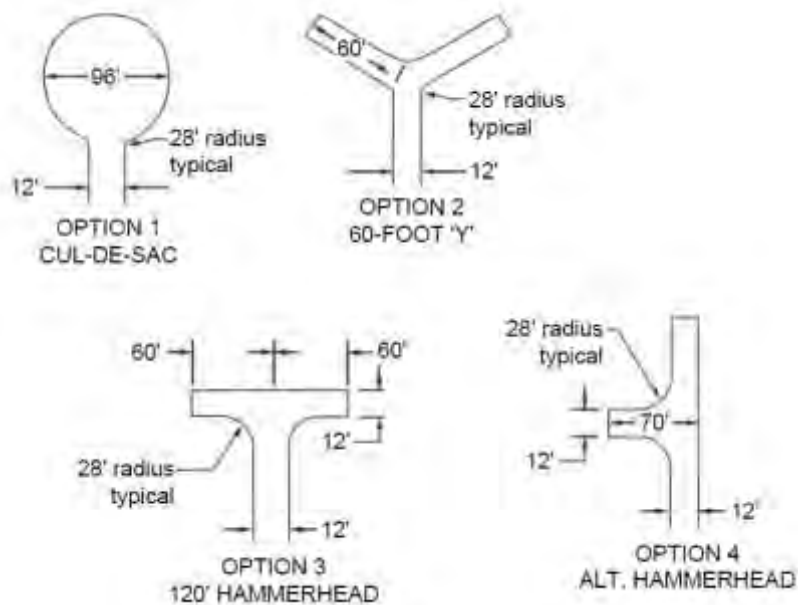
~~5. The requirements of Section 10-3-3.C are met:~~

- ~~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.~~

~~6.5.~~ 5. The driveway requirements of Section 11-6-2.J.4 are met:

- a. The driveway shall be a minimum of twelve (12) feet in width for single dwellings, or two dwellings which share a driveway, 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. The driveway shall be a minimum of twenty (20) feet in width for three or more dwellings sharing a driveway access.

- c. A driveway turnaround shall be required for all properties which do not meet the standards established in Section 4e of this subsection:



- d. 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).
- e. 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.

7. ~~The cul-de-sac on the south end of the ROW and the turn-around 'bulb' must be constructed to City standards to allow for emergency access.~~ existing driveway(s) on Lot 3 meet the turn-around requirements of Item 5c of this section. Site plans for construction of the home on Lot 2 shall include a means of turn-around for emergency vehicles as outlined herein.
8. ~~The landlocked parcel behind Lot 3 is eliminated or~~ Lot 4 is designated as ~~an~~ Outlot A which is exempt from park and trail dedication requirements. No structures shall be permitted on Outlot A.
9. ~~The south line of Lot 3 is amended to meet the required 15-foot setback from driveways or a~~ VA public hearing notice is posted for a second Variance is approved allowing the driveway as shown or at a lesser setback. to consider allowance of the existing driveway on Lot 3 with a zero (0) lot line setback. The public hearing shall be held at the October 12, 2021 City Council meeting.
10. ~~The City Council shall comment on the need for screening or may waive this requirement~~ Screening is not necessary based on the separation of the two new lots from Viking Boulevard, distance from existing homes and limited impacts ~~on~~ to adjacent properties.
11. Individual septic system design is required at the time of building permit application and may require fill to create the necessary separation.

12. Building permits shall be required for the new home(s) 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.
13. Prior to issuance of the certificate of occupancy for structures within the subdivision, a permanent address placard must be placed at the driveway entrance so that it's visible from the public road.
14. The applicant must have deeds drafted, for review by the City Engineer, that reflect the new legal descriptions and easement designations for road ROW which shall be submitted to the City of Nowthen for approval prior to recording at Anoka County.
15. The park and trail dedication fee of \$2,500 PER LOT (for Lot 2 ~~the two new lots~~) shall be paid prior to the City signing final documents, before recording. ~~Credit for one lot shall be given in future years when the Lot 4 is further divided. As an alternative, Lot 4 can be designated as an outlet, not subject to park/trail dedication or lot buildability.~~
16. The property owners work with the City to address the inconsistencies noted relative to the excavating business outdoor storage and the 2001 Conditional Use Permit conditions and an Amended CUP Application is submitted ~~on or before _____~~ for consideration at the October 12, 2021 City Council meeting, at which time a public hearing shall be held as required by City Code Section 11-10-2.D.
17. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit. Said permit will be processed in the same manner as a new application.
18. The City Council may hold a public hearing to revoke a conditional use upon the happening of any of the following events, whichever occurs first:
 1. Upon violation of conditions under which the permit was issued;
 2. The use or operation is discontinued for a period of one (1) year;
19. If no other time is specified in the Conditional Use Permit, a conditional use approved by the City Council must be exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, or the City Council may hold a public hearing to revoke the conditional use unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administration may approve an extension which shall not exceed ninety (90) days whereafter consideration by the City Council may require reapplication and subsequent approval of a conditional use.
20. All costs associated with the review of the submitted surveys, plats, Lot Split Agreement and any other costs generated by the City or its representatives are the responsibility of the applicants.

21. Any other conditions stipulated by the City Council.

MOTION BY: Rob Schiller

SECOND BY: Lars Carlson

ALL IN FAVOR: 5 (Pearo and Bies absent)

THOSE OPPOSED: 0

ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 28th day of September 2021.

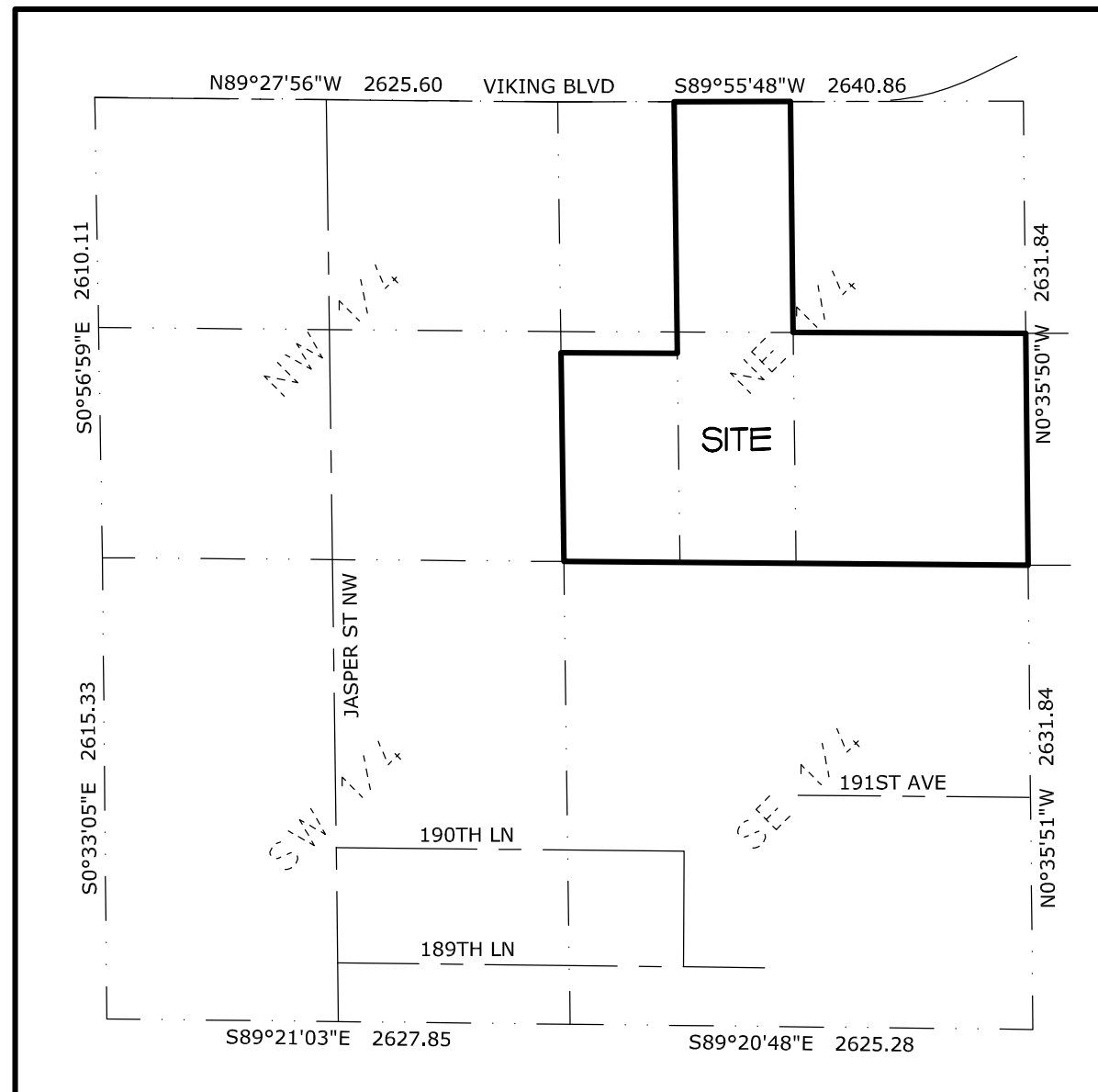
CITY OF NOWTHEN

By: _____
Chair Dale Ames

Attest: _____
Lori Streich, City Clerk

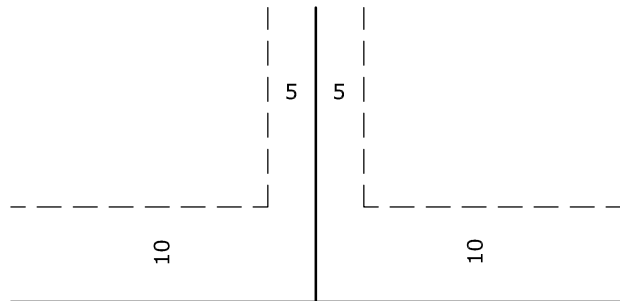
~for~ **DEB & RANDY DRYDEN**
~of~ **DRYDEN ACRES**

SEC. 27, TWP. 33, RNG. 25



ANOKA COUNTY, MINNESOTA
(NO SCALE)

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH TO RIGHT OF WAY LINES, AND
5 FEET IN WIDTH TO ADJOINING LOT LINES UNLESS
OTHERWISE SHOWN ON THIS PLAT.

The East Half of the Northwest Quarter of the Northeast Quarter, all in Section 27, Township 33, Range 25, Anoka County, Minnesota.

Abstract

The Southeast Quarter of the Northeast Quarter of Section 27, Township 33, Range 25; and the East One-Half of the Southwest Quarter of the Northeast Quarter of Section 27, Township 33, Range 25, Anoka County, Minnesota.

Torrens

The West One-Half of the Southwest One-Quarter of the Northeast Quarter of Section 27, Township 33, Range 25, Anoka County, Minnesota, EXCEPT the North 120 feet of the West Half of the Southwest quarter of the Northeast Quarter of Section 27, Township 33, Range 25.

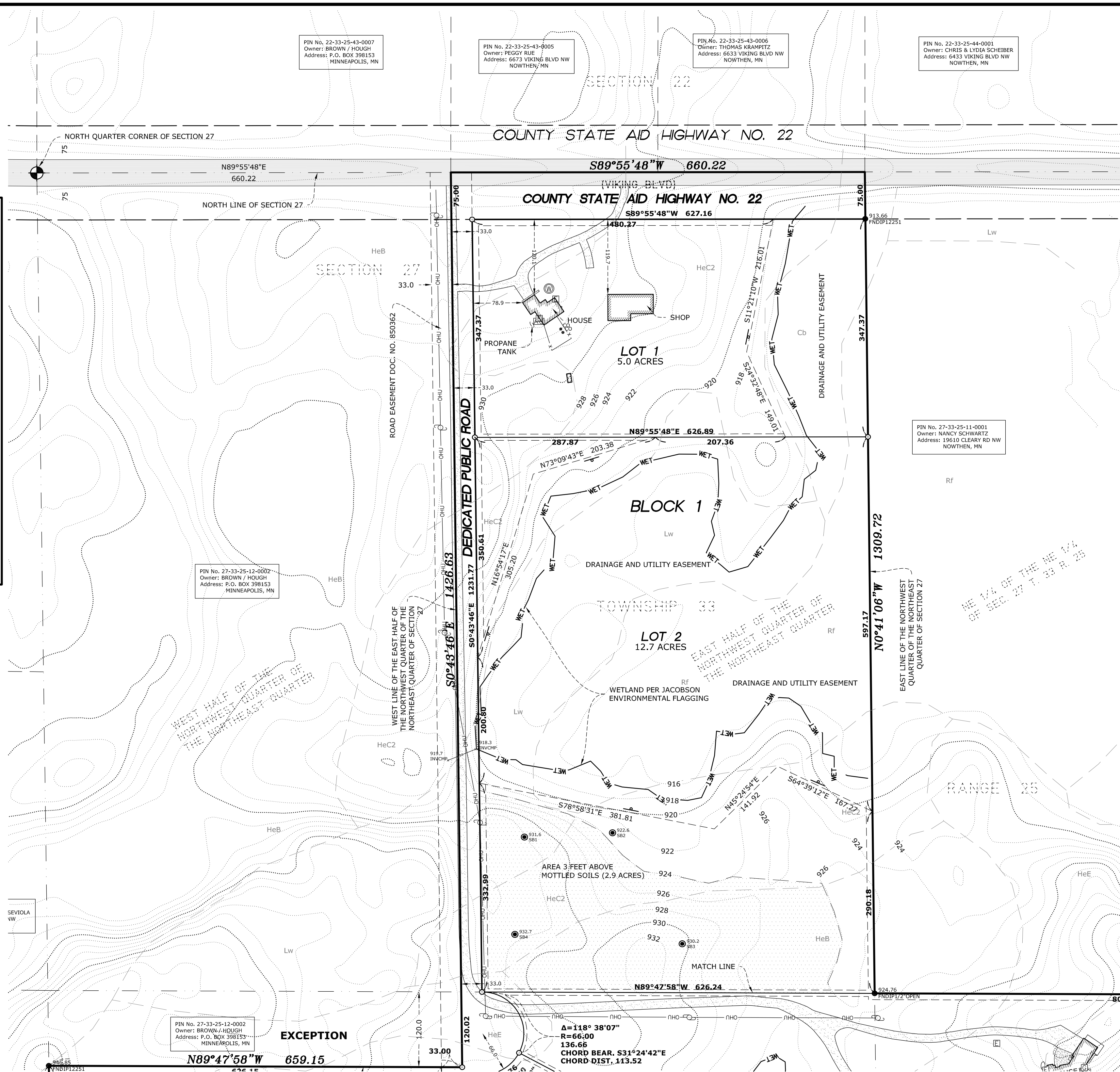
Torrens



E. G. RUD & SONS, INC.

Professional Land Surveyors

HeE	Heyder fine sandy loam, 12 to 18 percent slopes.
Lb	Lake Beaches
Lw	Loamy wet land
Mc	Marsh
Rf	Rifle mucky peat

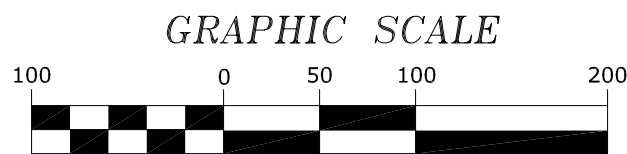


Cb	Cathro muck
HeB	Heyder fine sandy loam, 2 to 6 percent slopes, eroded
HeC2	Heyder fine sandy loam, 6 to 12 percent slopes, eroded
HeD	Heyder fine sandy loam, 12 to 18 percent slopes.
HeE	Heyder fine sandy loam, 12 to 18 percent slopes.
Lb	Lake Beaches
Lw	Loamy wet land
Mc	Marsh
Rf	Rifle mucky peat

TOTAL BOUNDARY AREA (3 PARCELS)	= 4,234,522 S.F. (97.21 ACRES)
PROPOSED LOTS:3	= 1,230,568 S.F. (28.25 ACRES)
PROPOSED OUTLOT:1	= 2,902,200 S.F. (66.63 ACRES)
PROPOSED ROAD RIGHT OF WAY	= 101,754 S.F. (2.34 ACRES)
SMALLEST PROPOSED LOT	= 5 ACRES

EXISTING ZONING: Rural Residential Agriculture (RRA)
PROPOSED ZONING: Rural Residential Agriculture (RRA)

NORTH



1 INCH = 100FEET

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 52140
- DENOTES ANOKA COUNTY CAST IRON MONUMENT
- DENOTES AIR CONDITIONING UNIT
- DENOTES ELECTRICAL BOX
- DENOTES GAS METER
- DENOTES POWER POLE
- DENOTES WELL
- DENOTES WETLAND BUFFER SIGN
- DENOTES TEST PIT BY TRADEWELL SOIL TESTING
- DENOTES LIDAR CONTOURS
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES GRAVEL SURFACE

1. Field survey was completed by E.G. Rud and Sons, Inc. on 07/16/21 & 09/02/21.
2. Fee ownership is vested in Deb & Randy Dryden
Parcel ID Number: 27-33-25-12-0003.
Parcel ID Number: 27-33-25-12-0004.

Fee ownership is vested in Cole Dryden
Parcel ID Number: 27-33-25-14-0003.
3. Address of the surveyed premises: 6660 & 6700 Viking Blvd NW, Nowthen, MN 55303
4. Bearings shown hereon are based on the Anoka County Coordinate System.
5. Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.), according to Flood Insurance Rate Map Community No. 270908 Panel No. 0155 Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015 and according to Flood Insurance Rate Map Community No. 270908 Panel No. 0158 Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015
6. All 4 lots contain at least 1.5 acres of contiguous land, as part of the lot, at the proposed building site, that meets standards as specified by the City as a residential building site.
7. Contours information is LIDAR from MnTOPO
8. Wetland information from sources specified on the drawing.
9. A wetland buffer of at least 30 feet is encompassed within the proposed drainage and utility easements.
10. The intent of this plat is to reconfigure the two parcels adjacent to Viking BLVD from a North-South Split to a an East-West split and to encompass the currently improved area of the South Half of the Northeast Quarter. Engineering plans are not part of this submittal as at this time no new construction of roads or buildings are planned on site.

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


DANIEL S. HANSON

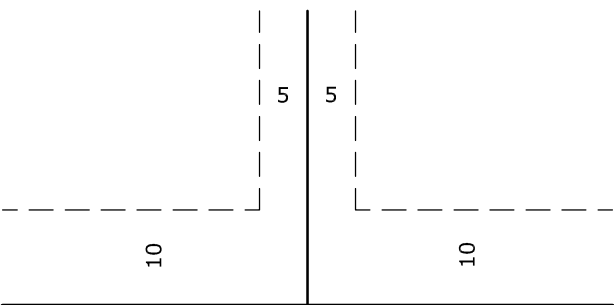
Date: 10-04-2021 License No. 52140

DRAWN BY: DSH		JOB NO: 21.0835PP		DATE: 08/30/21	
CHECK BY: JER		FIELD CREW: BH/MR			
1	9-9-2021	DRAINAGE AND UTILITY EASEMENT			DSH
2	10-4-2021	WETLAND SIGNS			DSH
3					
NO.	DATE	DESCRIPTION			BY

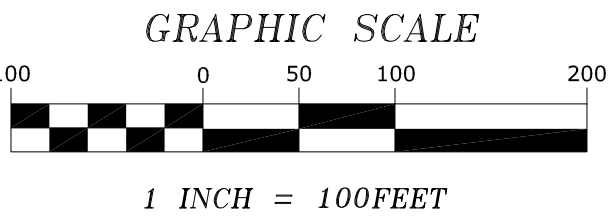
PRELIMINARY PLAT

~for~ DEB & RANDY DRYDEN
~of~ DRYDEN ACRES

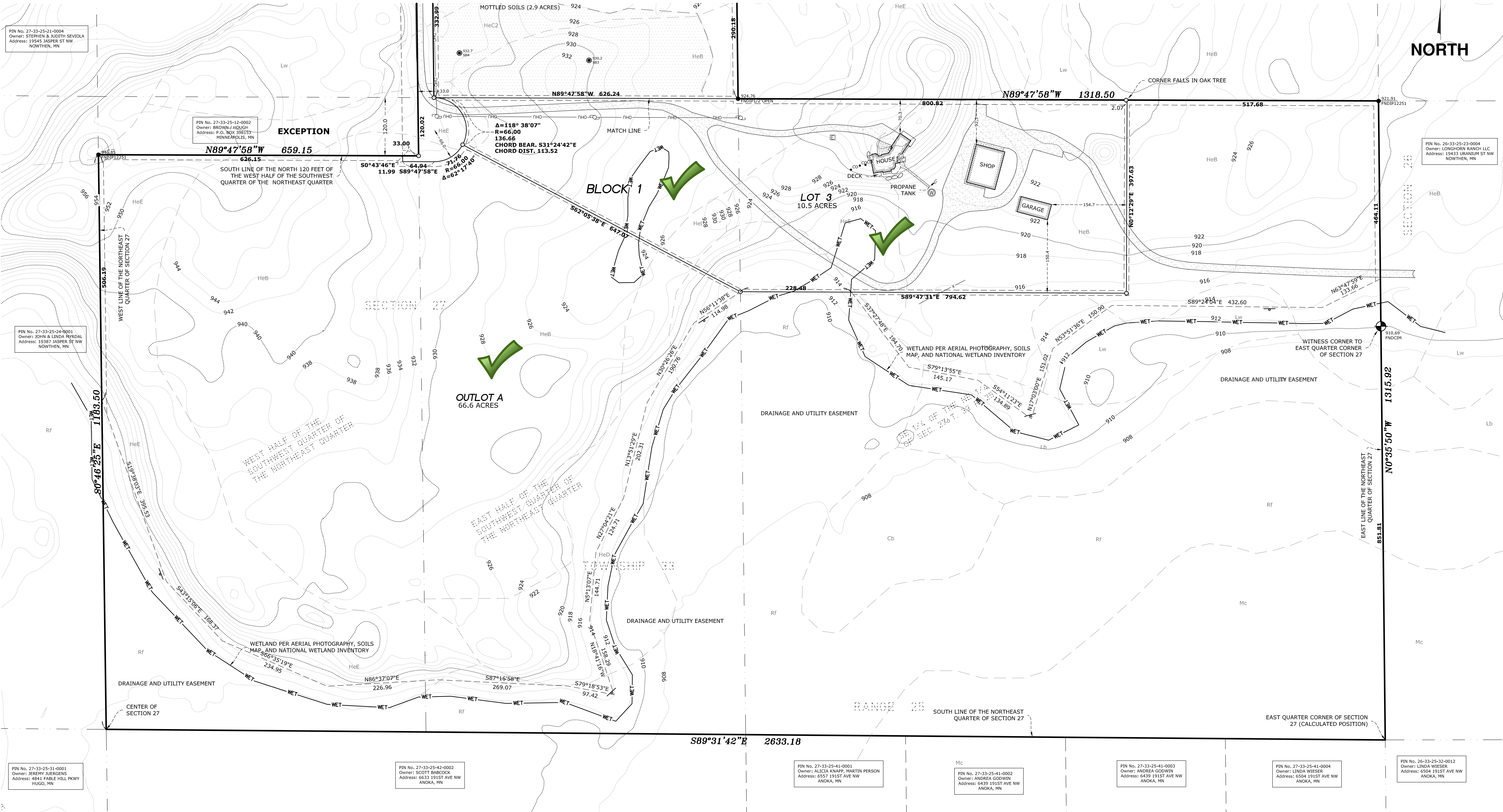
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH TO RIGHT OF WAY LINES, AND
5 FEET IN WIDTH TO ADJOINING LOT LINES UNLESS
OTHERWISE SHOWN ON THIS PLAT.



NORTH



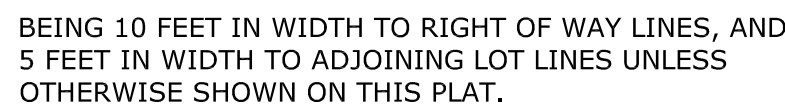
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CHECK BY:	JER	FIELD CREW:	BH/MR		
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3					
NO.	DATE	DESCRIPTION	BY		

~for~ **DEB & RANDY DRYDEN**
~of~ **DRYDEN ACRES**

SEC. 27, TWP. 33, RNG. 25



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



The East Half of the Northwest Quarter of the Northeast Quarter, all in Section 27, Township 33, Range 25, Anoka County, Minnesota.

Abstract

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Torrens

The West One-Half of the Southwest One-Quarter of the Northeast Quarter of Section 27, Township 33, Range 25, Anoka County, Minnesota, EXCEPT the North 120 feet of the West Half of the Southwest quarter of the Northeast Quarter of Section 27, Township 33, Range 25.

Torrens

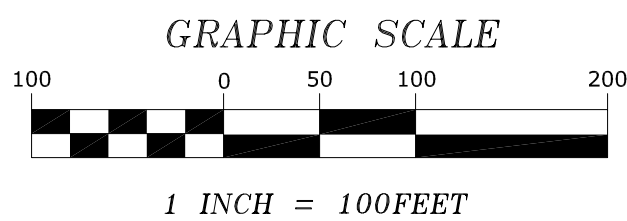


Cb	Cathro muck
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


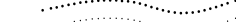
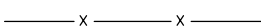



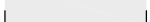

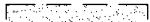
TOTAL BOUNDARY AREA (3 PARCELS)	= 4,234,522 S.F. (97.21 ACRES)
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PROPOSED ROAD RIGHT OF WAY	= 101,754 S.F. (2.34 ACRES)
SMALLEST PROPOSED LOT	= 5 ACRES

EXISTING ZONING: Rural Residential Agriculture (RRA)
PROPOSED ZONING: Rural Residential Agriculture (RRA)

NORTH



LEGEND

-  DENOTES IRON MONUMENT FOUND AS LABELED
 DENOTES IRON MONUMENT SET, MARKED RLS# 52140
 DENOTES ANOKA COUNTY CAST IRON MONUMENT
 DENOTES AIR CONDITIONING UNIT
 DENOTES ELECTRICAL BOX
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 DENOTES RETAINING WALL
 DENOTES OVERHEAD UTILITY
 DENOTES BITUMINOUS SURFACE
 DENOTES CONCRETE SURFACE
 DENOTES GRAVEL SURFACE
 DENOTES ADJACENT PARCEL OWNER INFORMATION
 (PER ANOKA COUNTY TAX INFORMATION)

NOTES

1. Field survey was completed by E.G. Rud and Sons, Inc. on 07/16/21 & 09/02/21.
2. Fee ownership is vested in Deb & Randy Dryden
Parcel ID Number: 27-33-25-12-0003.
Parcel ID Number: 27-33-25-12-0004.

Fee ownership is vested in Cole Dryden
Parcel ID Number: 27-33-25-14-0003.
3. Address of the surveyed premises: 6660 & 6700 Viking Blvd NW, Nowthen, MN 55303
4. Bearings shown hereon are based on the Anoka County Coordinate System.
5. Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.), according to Flood Insurance Rate Map Community No. 270908 Panel No. 0155 Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015 and according to Flood Insurance Rate Map Community No. 270908 Panel No. 0158 Suffix E by the Federal Emergency Management Agency, effective date December 16, 2015
6. All 4 lots contain at least 1.5 acres of contiguous land, as part of the lot, at the proposed building site, that meets standards as specified by the City as a residential building site.
7. Contours information is LIDAR from MnTOPO
8. Wetland information from sources specified on the drawing.
9. A wetland buffer of at least 30 feet is encompassed within the proposed drainage and utility easements.
10. The intent of this plat is to reconfigure the two parcels adjacent to Viking BLVD from a North-South Split to a an East-West split and to encompass the currently improved area of the South Half of the Northeast Quarter. Engineering plans are not part of this submittal as at this time no new construction of roads or buildings are planned on site.

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


DANIEL S. HANSON

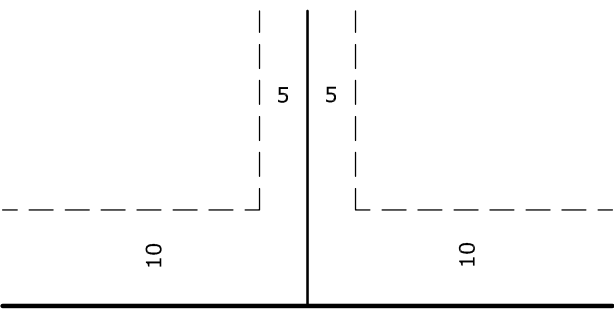
Date: 9-9-2021 License No. 52140

DRAWN BY: DSH		JOB NO: 21.0835PP	DATE: 08/30/21
CHECK BY: JER		FIELD CREW: BH/MR	
1	9-9-2021	DRAINAGE AND UTILITY EASEMENT	DSH
2			H
3			
NO.	DATE	DESCRIPTION	BY

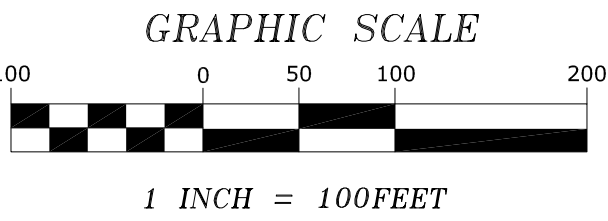
PRELIMINARY PLAT

~for~ DEB & RANDY DRYDEN
~of~ DRYDEN ACRES

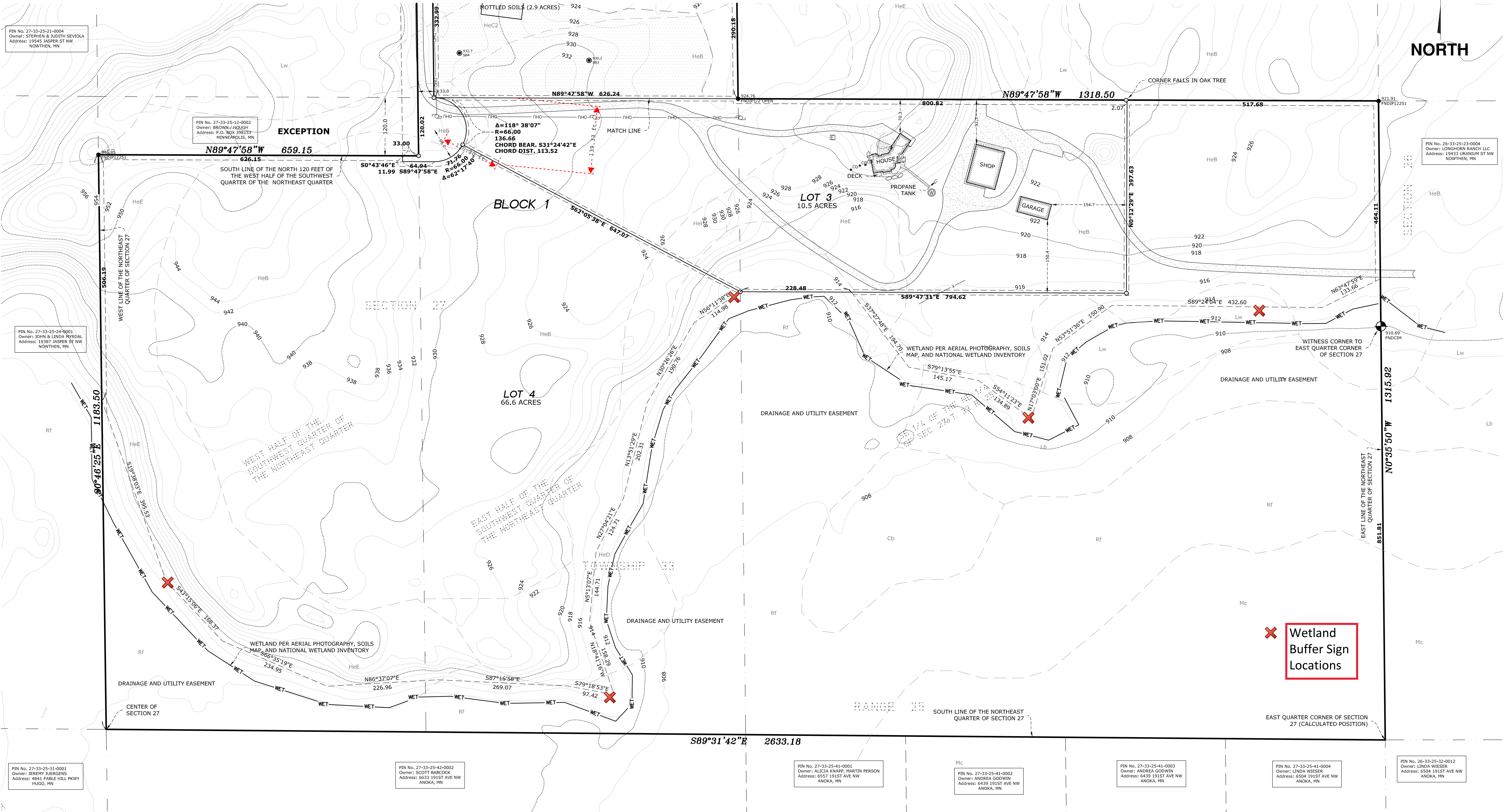
DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



BEING 10 FEET IN WIDTH TO RIGHT OF WAY LINES, AND
5 FEET IN WIDTH TO ADJOINING LOT LINES UNLESS
OTHERWISE SHOWN ON THIS PLAT.



NORTH



DRAWN BY:	DSH	JOB NO:	21.0835PF	DATE:	08/30/21
CHECK BY:	JER	FIELD CREW:	BH/MR		
1	9-9-2021	DRAINAGE AND UTILITY EASEMENT	DSH		
2					
3					
NO.	DATE	DESCRIPTION	BY		

Item 3a(iv) Dryden
Amended CUP for
excavating business
will be forthcoming
with full packet

**FINDINGS & DECISION
PRELIMINARY & FINAL PLAT**

APPLICANT: Matt Ward, 6789 Old Viking Blvd. NW (PID 22-33-25-13-0003)

APPLICATION: Request for approval of a two lot Preliminary Plat with direct street frontage on Basalt Street NW; request for approval of a two lot Final Plat.

CITY COUNCIL MEETING: October 12, 2021

FINDINGS: Based upon review of the application and evidence received, the City Council of the City of Nowthen now makes the following findings of fact:

1. The legal description of the subject property is E 524.84 FT OF THAT PRT OF GOVT LOT 3, SEC 22 TWP 33 RGE 25 LYG N OF S 436.40 FT OF SD GOVT LOT, EX RD, SUBJ TO EASE OF REC.
2. The subject site is guided by the Comprehensive Plan's permanent rural residential land uses through the year 2040. The proposed lot configuration is compatible with the surrounding area rural residential and large lot development.
3. The subject site is zoned RRA, Rural Residential Agriculture and all proposed lots exceed the 2.5 acre minimum lot size and five (5) acre overall average.
4. The property was split in prior years by the same owner which necessitates platting of the pending split per Section 10 of the City Code, Subdivision Ordinance.
5. The Ward property will result in two new parcels upon which residential structures will be built.
6. The two new lots front upon and gain access from Basalt Street, an existing local street; no public improvements are involved with this plat.
7. A park and trail dedication fee was paid for the existing 10 acre lot, thus one new park/trail fee will be required as part of this plat.
8. The Planning Report dated September 21, 2021, prepared by the City Planner, The Planning Company LLC., is incorporated herein.
9. The Nowthen Planning and Zoning Commission held a public hearing and considered the request at their regular meeting on September 28, 2021, preceded by a published and mailed notice. The Commission voted 5-0 in favor of the request with two members absent.

Item 3b

DECISION: Based on the foregoing information and applicable ordinances, the City Council of the City of Nowthen hereby **approves the Ward Acres Preliminary and Final Plat** subject to the following conditions:

1. Individual septic system design is required at the time of building permit application and may require fill to create the necessary separation.
2. Building permits shall be required for the new home(s) 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.
3. The applicant must have deeds drafted, for review by the City Engineer, that reflect the new legal descriptions and easement designations for road ROW which shall be submitted to the City of Nowthen for approval prior to recording at Anoka County.
4. The applicant is responsible for recording the necessary documents at Anoka County following approval by the City; all property taxes must be paid in full for the year.
5. The park and trail dedication fee of \$2,500 PER LOT (for one new lot) shall be paid prior to the City signing final documents, before recording.
6. All costs associated with the review of the submitted survey(s) and any other costs generated by the City or its representatives are the responsibility of the applicants, including legal, administrative, and professional costs incurred through consideration of the lot split request.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

THOSE OPPOSED:

ADOPTED by the City Council of the City of Nowthen this 12th day of October 2021 .

CITY OF NOWTHEN

By: _____
Mayor Jeff Pilon

Attest: _____
Lori Streich, City Clerk

FINDINGS & RECOMMENDATION
WARD PRELIMINARY PLAT

APPLICANT: Matt Ward, 6789 Old Viking Blvd. NW (PID 22-33-25-13-0003)

APPLICATION: Request for approval of a two lot Preliminary Plat with direct street frontage on Basalt Street NW.

PLANNING & ZONING COMMISSION MEETING: September 28, 2021

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:

1. The legal description of the subject property is E 524.84 FT OF THAT PRT OF GOVT LOT 3, SEC 22 TWP 33 RGE 25 LYG N OF S 436.40 FT OF SD GOVT LOT, EX RD, SUBJ TO EASE OF REC.
2. The subject site is guided by the Comprehensive Plan's permanent rural residential land uses through the year 2040. The proposed lot configuration is compatible with the surrounding area rural residential and large lot development.
3. The subject site is zoned RRA, Rural Residential Agriculture and all proposed lots exceed the 2.5 acre minimum lot size and five (5) acre overall average.
4. The Ward property will result in two new parcels upon which residential structures will be built.
5. The Planning Report dated September 21, 2021, prepared by the City Planner, The Planning Company LLC., is incorporated herein.
6. The Nowthen Planning and Zoning Commission held a public hearing and considered the request at their regular meeting on September 28, 2021, preceded by a published and mailed notice.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Planning & Zoning Commission of the City of Nowthen hereby recommends **approval of Ward Acres Preliminary Plat** subject to the following conditions:

1. Individual septic system design is required at the time of building permit application and may require fill to create the necessary separation.

2. Building permits shall be required for the new home(s) 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.
3. The applicant must have deeds drafted, for review by the City Engineer, that reflect the new legal descriptions and easement designations for road ROW which shall be submitted to the City of Nowthen for approval prior to recording at Anoka County.
4. The applicant is responsible for recording the necessary documents at Anoka County following approval by the City; all property taxes must be paid in full for the year.
5. The park and trail dedication fee of \$2,500 PER LOT (for one new lot) shall be paid prior to the City signing final documents, before recording.
6. All costs associated with the review of the submitted survey(s) and any other costs generated by the City or its representatives are the responsibility of the applicants, including legal, administrative, and professional costs incurred through consideration of the lot split request.
7. Any other conditions as required by the City Council.

MOTION BY: Dan Haapala

SECOND BY: Harold Jorgensen

ALL IN FAVOR: 5 (Pearo and Bies absent)

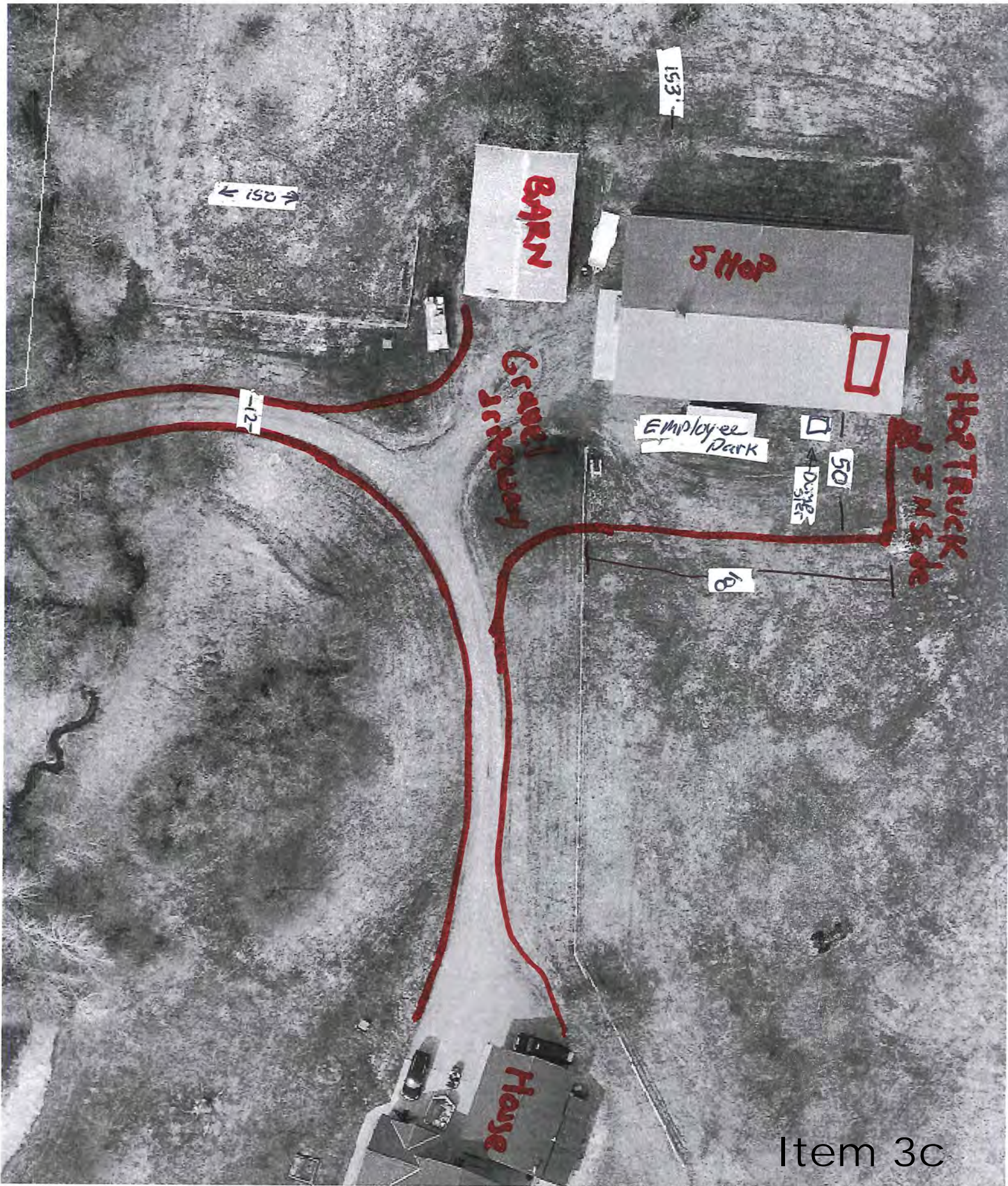
THOSE OPPOSED: 0

ADOPTED by the Planning and Zoning Commission of the City of Nowthen this 28th day of September 2021.

CITY OF NOWTHEN

By: _____
Chair Dale Ames

Attest: _____
Lori Streich, City Clerk



Item 3c

SITEPLAN - Douglas Jones 6167 Viking Blvd NW Northen
Revised 9-29-21

**FINDINGS & DECISION
INTERIM USE PERMIT**

APPLICANT: Douglas and Sharon Jones, 6167 Viking Boulevard

APPLICATION: Request for approval of an Interim Use Permit to allow an Extended Home Occupation to operate Primocraft Cabinetry Business; PID# 23-33-25-31-0009.

CITY COUNCIL MEETING: October 12, 2021

FINDINGS: Based upon review of the application and evidence received, the City Council of the City of Nowthen now makes the following findings of fact:

1. The legal description of the property is THE S 632 FT OF E1/2 OF NE1/4 OF SW1/4 OF SEC 23 TWP 33 RGE 25, TOG/W SE1/4 OF SD SW1/4, EX PRT PLATTED AS BETTINGER ADD, EX RD, SUBJ TO EASE OF REC
2. The subject site is guided by the Comprehensive Plan permanent rural residential land uses through the year 2040.
3. The subject site is zoned RRA, Rural Residential Agriculture.
4. The Jones property encompasses 20.55 acres and has direct access to Viking Boulevard, a paved roadway.
5. The Jones property contains two existing accessory buildings, the largest of which will house the woodworking operation, materials, tools and equipment to be contained in the 6,000 SF accessory building.
6. Most sales are accomplished online, as this is a specialized custom cabinetry business creating home wood bars which are shipped and installed in pieces.
7. The proposed Home Extended Business is subject to the regulations contained in Section 11-10-1 of the City Code:
 - a. Limiting the height, size, or location of buildings.
 - b. Controlling the location and number of vehicle access points.
 - c. Providing for a sufficient number of off-street parking spaces.
 - d. Limiting the number, size, location, or lighting of signs.
 - e. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

8. The proposed Home Extended Business is subject to the regulations as contained in Section 11-4-3.B of the City Code:
- a. Extended home occupations shall be carried on by one or more members of the property owner's family residing in the dwelling unit. If the extended home occupation is on property that is fully accessed by bituminous roads, up to two (2) full-time or (4) part-time on-site employees may be permitted on site.
 - b. Extended home occupations may be permitted within either the principal structure or within accessory structures. The number and sizing of accessory structures shall be as defined in Section 11-4-2 of this Chapter.
 - c. The leasing of space to another person or firm requires an Interim Use Permit and must be obtained by the property owner, not the lessee. The rental of space for the storage of boats, vehicles, etc. are considered as extended home occupations and are subject to the interim use provisions.
 - d. Retail sales related to extended home occupations shall be limited to minor products that are ancillary to a home occupation service. Such minor retail sales shall be similar to:
 - i. Hair care products ancillary to home beauty or hair care occupations;
 - ii. Spare or replacement parts ancillary to a small engine or a small machine (motorcycle, lawn mower, snow blower or snowmobile) repair occupation.
 - e. An extended home occupation may be identified by one sign, without lights or illumination and of maximum twelve (12) square foot size. All signs shall be subject to review by the Zoning Administrator. With the exception of any such permitted sign there shall be no exterior displays. No exterior indication of a home occupation or any variation from the residential character of the principal structure shall be permitted.
 - f. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. No hazardous or toxic chemical/wastes shall be generated, or discharged.
 - g. If the extended home occupation is located on and has access totally from bituminous surfaced streets, the use shall not create vehicular traffic that would cause unusual damage to the road or create excessive traffic volumes with the determination of unusual damage or excessive volume totally by the City Council on a specific cost permit basis.
 - h. Outside storage of materials and equipment used for extended home occupations may be permitted if such storage conforms to the setback, location and maximum size requirement for accessory structures. All outside storage shall be screened from view. If such storage is within one hundred (100) feet of the property line or one hundred twenty (120) feet from any current or potential abutting property residence, it shall be screened by opaque fencing.
9. The Planning Report dated September 20, 2021 prepared by the City Planner, The Planning Company LLC., is incorporated herein.
10. The Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regular meeting on September 28, 2021. The Commission voted 5-0 in favor of the request with two members absent.

DECISION: Based on the foregoing information and applicable ordinances, the City Council hereby approves the **Jones Interim Use Permit and Extended Home Occupation for Primocraft** subject to the following conditions:

1. Hours of operation are limited to Monday through Saturday 7:00 AM to 5:00 PM . Deliveries involving trucks larger than a Class 6 vehicle such as a UPS, FedEx or box truck shall be limited to the designated hours.
2. No more than two (2) full-time or (4) part-time on-site employees or subcontractors may be permitted on the property at any given time, excluding family members.
3. There shall be no outdoor storage on site with the exception of one (1) box truck, two (2) enclosed trailers, employee's vehicles and the refuse/recycling containers. The refuse/recycling containers must be fully screened from view of neighboring properties and the public street with opaque fencing.
4. Manufacturing, fabrication and operation of power equipment is to be conducted inside the pole shed. The overhead doors may be open during appropriate weather unless complaints are received by the City or adjacent land owners, at such time the overhead doors shall be closed and remain so.
5. No excessive or objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall be produced. No hazardous or toxic chemical/wastes shall be generated or discharged.
6. The proposed 2'x3' sign shall be in compliance with the following:
 - a. One (1) sign is allowed per lot, to be located 10 feet or more from lot lines.
 - b. The area of a sign may not exceed twelve (12) square feet each side in the case of free-standing signs.
 - c. The maximum height of the sign if free standing shall be (12) feet.
 - d. The sign shall not be illuminated.
7. There shall be no retail sales on the subject property and no regular retail traffic except for an occasional customer who may wish to meet with employees to plan or preview products.
8. The existing gravel driveway shall be improved to be no less than twelve (12) feet in width, as soon as possible, with overhead clearance of 13'6", an area for trucks to turn around and a parking area for employees or the occasional customer.
9. Any change or intensification of the property use, or activities not permitted by the Interim Use Permit issued shall require an amended IUP. The nature of the business and declaration of typical activities to be conducted on the property have been clearly indicated in the application, letter of intent and Planning Report dated September 20, 2021 prepared by the City Planner, The Planning Company LLC.

10. The property shall be periodically reviewed for compliance upon notification by the Zoning Administrator or Building Official or according to a review frequency as may be established by the City Council.
11. Termination of the IUP will occur at the time the property is sold outside of the family, upon violation of any condition, following discontinuation of the business or use for one (1) year, or a change in regulation by the City Council.
12. If an interim use approved by the City Council is not exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, it shall terminate unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administrator may approve an extension which shall not exceed ninety (90) days where after reapplication and approval of the interim use by the City Council will be required.
13. The applicants are responsible for all costs associated with the processing of this request.

MOTION BY:

SECOND BY:

ALL IN FAVOR:

OPPOSED:

ADOPTED by the City Council of the City of Nowthen this 12th day of October 2021.

CITY OF NOWTHEN

By: _____
Mayor Jeff Pilon

Attest: _____
Lori Streich, City Clerk

Jones Interim Use Permit
 6167 Viking Boulevard
 PID# 23-33-25-31-0009
 Public Hearing held September 28, 2021
 Approved by the City Council on October 12, 2021

I/We hereby understand and agree to the conditions of approval established by this Interim Use Permit.

Douglas D. Jones, Property Owner

Sharon D. S. Jones, Property Owner

[illegible]

The foregoing instrument was acknowledged before me this ____ day of _____ 2021, by Douglas D. Jones, property owner.

NOTARY PUBLIC

[illegible]

The foregoing instrument was acknowledged before me this _____ day of _____ 2021,
by Sharon D. S. Jones, property owner.

NOTARY PUBLIC

DRAFTED BY:

Elizabeth Stockman
The Planning Company LLC
3601 Thurston Avenue
Anoka, MN 55303
(651) 441-1347

**FINDINGS & RECOMMENDATION
INTERIM USE PERMIT**

APPLICANT: Douglas and Sharon Jones, 6167 Viking Boulevard

APPLICATION: Request for approval of an Interim Use Permit to allow an Extended Home Occupation to operate Primocraft Cabinetry Business; PID# 23-33-25-31-0009.

PLANNING & ZONING COMMISSION MEETING: September 28, 2021

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:

1. The legal description of the property is THE S 632 FT OF E1/2 OF NE1/4 OF SW1/4 OF SEC 23 TWP 33 RGE 25, TOG/W SE1/4 OF SD SW1/4, EX PRT PLATTED AS BETTINGER ADD, EX RD, SUBJ TO EASE OF REC
2. The subject site is guided by the Comprehensive Plan permanent rural residential land uses through the year 2040.
3. The subject site is zoned RRA, Rural Residential Agriculture.
4. The Jones property encompasses 20.55 acres and has direct access to Viking Boulevard, a paved roadway.
5. The Jones property contains two existing accessory buildings, the largest of which will house the woodworking operation, materials, tools and equipment to be contained in the 6,000 SF accessory building.
6. Most sales are accomplished online, as this is a specialized custom cabinetry business creating home wood bars which are shipped and installed in pieces.
7. The proposed Home Extended Business is subject to the regulations contained in Section 11-10-1 of the City Code:
 - a. Limiting the height, size, or location of buildings.
 - b. Controlling the location and number of vehicle access points.
 - c. Providing for a sufficient number of off-street parking spaces.
 - d. Limiting the number, size, location, or lighting of signs.
 - e. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

8. The proposed Home Extended Business is subject to the regulations as contained in Section 11-4-3.B of the City Code:
- a. Extended home occupations shall be carried on by one or more members of the property owner's family residing in the dwelling unit. If the extended home occupation is on property that is fully accessed by bituminous roads, up to two (2) full-time or (4) part-time on-site employees may be permitted on site.
 - b. Extended home occupations may be permitted within either the principal structure or within accessory structures. The number and sizing of accessory structures shall be as defined in Section 11-4-2 of this Chapter.
 - c. The leasing of space to another person or firm requires an Interim Use Permit and must be obtained by the property owner, not the lessee. The rental of space for the storage of boats, vehicles, etc. are considered as extended home occupations and are subject to the interim use provisions.
 - d. Retail sales related to extended home occupations shall be limited to minor products that are ancillary to a home occupation service. Such minor retail sales shall be similar to:
 - i. Hair care products ancillary to home beauty or hair care occupations;
 - ii. Spare or replacement parts ancillary to a small engine or a small machine (motorcycle, lawn mower, snow blower or snowmobile) repair occupation.
 - e. An extended home occupation may be identified by one sign, without lights or illumination and of maximum twelve (12) square foot size. All signs shall be subject to review by the Zoning Administrator. With the exception of any such permitted sign there shall be no exterior displays. No exterior indication of a home occupation or any variation from the residential character of the principal structure shall be permitted.
 - f. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. No hazardous or toxic chemical/wastes shall be generated, or discharged.
 - g. If the extended home occupation is located on and has access totally from bituminous surfaced streets, the use shall not create vehicular traffic that would cause unusual damage to the road or create excessive traffic volumes with the determination of unusual damage or excessive volume totally by the City Council on a specific cost permit basis.
 - h. Outside storage of materials and equipment used for extended home occupations may be permitted if such storage conforms to the setback, location and maximum size requirement for accessory structures. All outside storage shall be screened from view. If such storage is within one hundred (100) feet of the property line or one hundred twenty (120) feet from any current or potential abutting property residence, it shall be screened by opaque fencing.
9. The Planning Report dated September 20, 2021 prepared by the City Planner, The Planning Company LLC., is incorporated herein.
10. The Nowthen Planning and Zoning Commission held a public hearing, preceded by a published and mailed notice, and considered the request at their regular meeting on September 28, 2021.

RECOMMENDATION: Based on the foregoing information and applicable ordinances, the Nowthen Planning and Zoning Commission recommends approval of the **Jones Interim Use Permit and Extended Home Occupation for Primocraft** subject to the following conditions:

1. Hours of operation are limited to Monday through ~~Friday~~ Saturday 7:00 AM to 5:00 PM ~~and Saturday 7:00 AM to 5:00 PM?~~. Deliveries involving trucks larger than a Class 6 vehicle such as a UPS, FedEx or box truck shall be limited to the designated hours.
2. No more than two (2) full-time or (4) part-time on-site employees or subcontractors may be permitted on the property at any given time, excluding family members.
3. There shall be no outdoor storage on site with the exception of one (1) box truck, two (2) enclosed trailers, employee's vehicles and the refuse/recycling containers. The refuse/recycling containers ~~which~~ must be fully screened from view of neighboring properties and the public street with opaque fencing.
4. Manufacturing, fabrication and operation of power equipment is to be conducted inside the pole shed. The overhead doors may be open during appropriate weather unless complaints are received by the City or adjacent land owners, at such time the overhead doors shall be closed and remain so.
5. No excessive or objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall be produced. No hazardous or toxic chemical/wastes shall be generated or discharged.
6. The proposed 2'x3' sign shall be in compliance with the following:
 - a. One (1) sign is allowed per lot, to be located 10 feet or more from lot lines.
 - b. The area of a sign may not exceed twelve (12) square feet each side in the case of free-standing signs.
 - c. The maximum height of the sign if free standing shall be (12) feet.
 - d. The sign shall not be illuminated.
7. There shall be no retail sales on the subject property and no regular retail traffic except for an occasional customer who may wish to meet with employees to plan or preview products.
8. The existing gravel driveway shall be improved to be no less than twelve (12) feet in width, as soon as possible, with overhead clearance of 13'6", an area for trucks to turn around and a parking area for employees or the occasional customer.
- ~~9. The Planning and Zoning Commission shall make a recommendation regarding the need for additional screening and/or landscaping?~~
- ~~10:~~9. Any change or intensification of the property use, or activities not permitted by the Interim Use Permit issued shall require an amended IUP. The nature of the business and declaration of typical activities to be conducted on the property have been clearly indicated in the

application, letter of intent and Planning Report dated September 20, 2021 prepared by the City Planner, The Planning Company LLC.

~~11.~~10. The property shall be periodically reviewed for compliance upon notification by the Zoning Administrator or Building Official or according to a review frequency as may be established by the City Council.

~~12.~~11. Termination of the IUP will occur at the time the property is sold outside of the family, upon violation of any condition, following discontinuation of the business or use for one (1) year, or a change in regulation by the City Council.

~~13.~~12. If an interim use approved by the City Council is not exercised or put into effect within one (1) year of the date of approval, by fulfilling each and every condition attached thereto, it shall terminate unless a request is submitted to the City in writing no less than thirty (30) days prior to the deadline. The City Zoning Administrator may approve an extension which shall not exceed ninety (90) days where after reapplication and approval of the interim use by the City Council will be required.

~~14.~~13. The applicants are responsible for all costs associated with the processing of this request.

~~15.~~14. Any other conditions as stipulated by the City Council.

MOTION BY: Harold Jorgensen

SECOND BY: Dan Haapala

ALL IN FAVOR: 5 (Pearo and Bies absent)

OPPOSED: 0

ADOPTED by the Planning & Zoning Commission of the City of Nowthen this 28th day of September 2021.

CITY OF NOWTHEN

By: _____
Dale Ames, Commission Chair

Attest: _____
Lori Streich, City Clerk

Jones Interim Use Permit
 6167 Viking Boulevard
 PID# 23-33-25-31-0009
 Public Hearing held September 28, 2021
 Approved by the City Council on October 12, 2021

I/We hereby understand and agree to the conditions of approval established by this Interim Use Permit.

Douglas D. Jones, Property Owner

Sharon D. S. Jones, Property Owner

[illegible]

The foregoing instrument was acknowledged before me this ____ day of _____ 2021, by Douglas D. Jones, property owner.

NOTARY PUBLIC

[illegible]

The foregoing instrument was acknowledged before me this _____ day of _____ 2021,
by Sharon D. S. Jones, property owner.

NOTARY PUBLIC

DRAFTED BY:

Elizabeth Stockman
The Planning Company LLC
3601 Thurston Avenue
Anoka, MN 55303
(651) 441-1347

DRAFT 9/7/21

CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA

ORDINANCE NO. 2021-04

AN ORDINANCE AMENDING CHAPTER 11 OF THE CITY CODE REGARDING ACCESSORY
STRUCTURES WITHIN THE FRONT YARD

The City Council for the City of Nowthen hereby ordains:

SECTION 1. City Code Section 11-4-2, Accessory Structures, is hereby amended to read as follows:

11-4-2: ACCESSORY STRUCTURES:

A. Detached accessory structures shall be located in ~~the~~ side or rear yards.

1. Accessory structures ~~They~~ shall comply with all setback requirements of the principal structure.

2. ~~They~~ Accessory structures shall not be located nearer the front lot line than the principal structure or three hundred (300) feet setback from the centerline of local, collector or arterial streets.

~~2.3.~~ If the pPrincipal sStructure is closer to the front lot line or a public road than the required setback, any ~~additional~~ accessory structure shall ~~comply with the setback requirements for the~~ be setback a distance equal to or behind the principal structure, ~~except that~~ provided no accessory structure is permitted closer than thirty-five (35) feet from the front property line or side property line (in the case of corner lots) or 70 feet from the street centerline, whichever is greater.

4. ~~O~~ne (1) accessory structure may be located in the front yard (OR side yard in the case of corner lots, but not both), closer to the front OR side lot line than the principal structure, provided: ~~it meets the following criteria:~~

a. The structure is not closer than thirty-five (35) feet from the front property line (or side property line in the case of corner lots) or 70 feet from the street centerline, whichever is greater.

~~1. The accessory structure shall comply with the minimum setback requirements for the principal structure.~~

Item 3d

~~2.~~ b. The overall floor area of the accessory structure ~~may~~ shall not exceed eight hundred (800) square feet, with sidewall height not to exceed ten (10) feet.

c. ~~3.~~ The exterior color and materials, such as ~~roofingshingles~~, siding, roof pitch, door/window style, wainscot, trim and other design elements ~~and trim~~ of the accessory structure must ~~be similar in color and materials to match~~ match the principal structure, ~~as well as the roof pitch and other design elements.~~

d. Pole style accessory buildings with sheet metal siding shall not be permitted unless the principal structure incorporates this style/material.

~~4.~~ e. The building may not be located more than sixty (60) feet from the principal structure, nor directly in front of it. ????

B. An Accessory Structure shall not be constructed on any lot prior to the ~~principle~~ principal structure. Color and design ~~is to~~ shall compliment the ~~principle~~ principal structure, and unpainted galvanized metal shall not be used. A minimum 3/12-roof pitch is required. Elliptical roof shapes are only permitted for agricultural uses (as defined in this Chapter).

C. Number of Accessory Structures:

1. On lots ten (10) acres or more, there is no limit to the number or maximum square footage of accessory structures.
2. On lots of five (5) acres but less than ten (10), a maximum of three (3) accessory structures are allowed, with a total floor area not to exceed six thousand four hundred (6,400) square feet in size, and maximum height of thirty (30) feet.
3. On lots two and one half (2.5) acres but less than five (5) acres, a maximum of two (2) accessory structures are allowed, with a total floor area not to exceed three thousand two hundred (3,200) square feet in size and a maximum height of twenty-five (25) feet.
4. On lots less than two and one half (2.5) acres, a maximum of one (1) accessory structure is allowed, with a total floor area not to exceed two thousand four hundred (2,400) square feet in size and a maximum height of twenty-five (25) feet.

5. On lots in Planned Unit Developments a maximum of one (1) accessory structure is allowed with a total floor area not to exceed one thousand six hundred (1,600) square feet in size and twenty-five (25) feet in height.
 6. One (1) additional garden shed/playhouse type structure, not exceeding one hundred twenty (120) square feet is permitted.
- D. If property is split with existing buildings, the size of any parcel must be large enough to accommodate the number and square footage of accessory structures ~~as stated previously in~~ permitted by this Section. (Ordinance #3, adopted November 9, 2010)

SECTION 4. This Ordinance shall be effective immediately upon its passage and publication.

Passed and adopted this 14th day of September 2021 by the City Council of the City of Nowthen.

Jeff Pilon, Mayor

ATTEST:

Lori Streich, City Clerk



REQUEST FOR COUNCIL ACTION

Submission Date:	Department:	Requested Council Meeting Date:	Submitted By:										
TITLE OF ISSUE:													
BACKGROUND AND SUPPLEMENTAL INFORMATION:													
SOURCE OF FUNDING:													
REQUESTED COUNCIL ACTION:													
For Clerk's Use: Motion By: _____ Second By: _____ Vote Record: Aye Nay ____ ____ Alders ____ ____ Blake ____ ____ Greenberg ____ ____ Pilon ____ ____ Rainville		SUPPORTED DOCUMENTS ATTACHED <table style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td style="border: none;">Resolution</td> <td style="border: none;">Ordinance</td> <td style="border: none;">Contract</td> <td style="border: none;">Minutes</td> <td style="border: none;">Plan Map</td> </tr> <tr> <td style="border: 1px solid black; width: 20%; height: 30px;"></td> <td style="border: 1px solid black; width: 20%; height: 30px;"></td> <td style="border: 1px solid black; width: 20%; height: 30px;"></td> <td style="border: 1px solid black; width: 20%; height: 30px;"></td> <td style="border: 1px solid black; width: 20%; height: 30px;"></td> </tr> </table> Other (specify) _____ _____ _____		Resolution	Ordinance	Contract	Minutes	Plan Map					
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Administration Department Use: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 50px; height: 30px;"></td> <td style="padding-left: 10px;">Consent</td> </tr> <tr> <td style="border: 1px solid black; width: 50px; height: 30px;"></td> <td style="padding-left: 10px;">Regular</td> </tr> </table>			Consent		Regular	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 50px; height: 30px;"></td> <td style="padding-left: 10px;">Refer to: _____</td> </tr> <tr> <td style="border: 1px solid black; width: 50px; height: 30px;"></td> <td style="padding-left: 10px;">Tabled Until: _____</td> </tr> <tr> <td style="border: 1px solid black; width: 50px; height: 30px;"></td> <td style="padding-left: 10px;">Other: _____</td> </tr> </table>			Refer to: _____		Tabled Until: _____		Other: _____
	Consent												
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	Other: _____												

**CITY OF NOWTHEN
ANOKA COUNTY, MINNESOTA**

ORDINANCE NO. 2021-05

AN ORDINANCE AMENDING SECTION 9-1-1 OF THE NOWTHEN CITY CODE TO INCORPORATE BY REFERENCE THE STATE PLUMBING CODE WHICH ALLOWS FOR PLAN REVIEWS, INSPECTIONS, TESTING AND PERMITS BY APPROPRIATELY LICENSED INDIVIDUALS, OTHER THAN STRICTLY STATE INSPECTORS, WHICH MAY INCLUDE THE CITY'S CONTRACTED BUILDING OFFICIAL.

The City Council for the City of Nowthen hereby ordains:

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

9-1-1: BUILDING CODE:

- A. The Minnesota State Building Code, established pursuant to Minnesota Statutes 326B.101, including all of the amendments, rules and regulations established, adopted, and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Division is hereby adopted by reference as to the building code for this jurisdiction, excepting of the optional chapters unless specifically adopted in Section 9-1-1.B of this Chapter. The code is hereby incorporated in this Section as if fully set out herein.
- B. The Minnesota State Building Code, established pursuant to Minnesota Statutes 326B.101 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this Municipality:
 - 1. ~~Reserved~~
MN Plumbing Code Section 1300.0215, subparts 1-6, allowing commercial plumbing projects to be submitted, reviewed, approved and inspected by the Municipality.
 - i. **Exceptions.** Pursuant to Minn. Stat. § 326B.43, subd. 2(n), plumbing plans and specifications for the following projects must be submitted to the Minnesota Department of Labor and Industry for a full plan review:
 - a. State-licensed facilities as defined in Minn. Stat. § 326B.103, subd. 13;

b. Public buildings as defined in Minn. Stat. § 326B.103, subd. 11; and

c. Projects of a special nature for which department review is requested by either the municipality or the state.

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

Passed and adopted this 12th day of October 2021 by the City Council of the City of Nowthen.

Jeff Pilon, Mayor

ATTEST:

Lori Streich, City Clerk

1300.0215 PLUMBING.**Subpart 1. Inspections, testing, and permits.**

A. For purposes of this part, "administrative authority" is defined in part 4714.0203.

B. Except as provided in item C, new plumbing systems or parts of existing plumbing systems that have been altered, extended, or repaired shall be tested and approved by the administrative authority before the plumbing system is put into use. The administrative authority shall perform the final inspection and witness the test. The administrative authority shall approve the plumbing system if the system complies with the requirements of this code, any permit requirements, and the requirements of any plan approved pursuant to subpart 6. Plumbing system tests shall comply with chapter 4714.

C. Unless the plumbing work poses an unsanitary or hazardous condition, the administrative authority is authorized to waive the permit, inspection, and testing requirements for the following plumbing work performed in one- and two-family dwellings:

(1) the reconnection of an existing water supply line to a replacement appliance that does not involve the replacement or alteration of the existing water supply line;

(2) replacement of the internal working components of existing water closets, faucets, or valves;

(3) replacement of sink faucets when the work does not include alterations to the existing plumbing piping system; or

(4) replacement or resetting of water closets when the work does not include alterations to the existing plumbing piping systems.

D. The administrative authority is permitted to waive testing requirements for plumbing work that does not include any addition to or replacement, alteration, or relocation of any water supply, drainage, or vent piping, if it does not create a hazardous or unsanitary condition.

Subp. 2. [Repealed, 39 SR 91]

Subp. 3. Covering of work. No building drainage or plumbing system or part thereof shall be covered until it has been inspected, tested, and approved as herein prescribed.

If any building drainage or plumbing system or part thereof is covered before being regularly inspected, tested, and approved, as herein prescribed, it shall be uncovered upon the direction of the proper administrative authority.

Subp. 4. **Building sewer.** The building sewer shall be inspected by the proper administrative authority to ensure compliance with the provisions of the code.

Subp. 5. **Certificate of approval.** Upon the satisfactory completion and final inspection of the plumbing system, a certificate of approval shall be issued by the proper administrative authority.

Subp. 6. **Plans and specifications.** Prior to the installation by any person, corporation, or public agency, of a system of plumbing that serves the public or that serves any considerable number of persons, or any plumbing system that shall affect the public health in any manner, complete plans and specifications, together with any additional information that the commissioner of labor and industry may require, shall be submitted and approved by the commissioner. The appraisal of the commissioner shall reflect the degree to which these plans and specifications affect the public health and conform to the provisions of the Minnesota Plumbing Code. No construction shall proceed except in accordance with approved plans and specifications. Any material alteration or extension of the existing system shall be subject to these same requirements. This rule shall not apply to cities of the first class, except those plumbing installations in state-licensed health care facilities or in buildings in these cities owned by the state government.

Except as approved in chapter 4714, there shall be no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use. There shall be no apparatus through which unsafe water may be discharged or drawn into a safe water supply system.

Statutory Authority: *MS s 14.388; 16B.59 to 16B.75; 326.37 to 326.45; 326B.02; 326B.101 to 326B.194; 326B.43 to 326B.49*

History: *17 SR 1279; 23 SR 686; L 2007 c 140 art 4 s 61; art 6 s 15; art 13 s 4; L 2008 c 337 s 64; 36 SR 1289; 39 SR 91; 40 SR 71*

Published Electronically: *April 1, 2016*

CHAPTER 4714
MINNESOTA PLUMBING BOARD
PLUMBING CODE

NOTE: In this chapter, the changes adopted at 45 SR 1007 on March 22, 2021, are effective December 27, 2021.

- 4714.0050 TITLE; INCORPORATION BY REFERENCE.
- 4714.0100 BASIC PLUMBING PRINCIPLES.
- 4714.0101 CONFORMANCE WITH CODE.
- 4714.0203 TERMS DEFINED BEGINNING WITH A.
- 4714.0204 TERMS DEFINED BEGINNING WITH B.
- 4714.0205 TERMS DEFINED BEGINNING WITH C.
- 4714.0206 TERMS DEFINED BEGINNING WITH D.
- 4714.0207 TERMS DEFINED BEGINNING WITH E.
- 4714.0210 TERMS DEFINED BEGINNING WITH H.
- 4714.0214 TERMS DEFINED BEGINNING WITH L.
- 4714.0218 TERMS DEFINED BEGINNING WITH P.
- 4714.0220 TERMS DEFINED BEGINNING WITH R.
- 4714.0221 TERMS DEFINED BEGINNING WITH S.
- 4714.0225 TERMS DEFINED BEGINNING WITH W.
- 4714.0301 SECTION 301.0 GENERAL.
- 4714.0307 LOCATION.
- 4714.0311 INDEPENDENT SYSTEMS.
- 4714.0312 PROTECTION OF PIPING, MATERIALS, AND STRUCTURES.
- 4714.0313 HANGERS AND SUPPORTS.
- 4714.0315 JOINTS AND CONNECTIONS.
- 4714.0317 FOOD-HANDLING ESTABLISHMENTS.
- 4714.0319 MEDICAL GAS AND VACUUM SYSTEMS.
- 4714.0405 PROHIBITED FIXTURES.
- 4714.0407 LAVATORIES.
- 4714.0408 SHOWERS.
- 4714.0409 BATHTUBS AND WHIRLPOOL BATHTUBS.
- 4714.0410 BIDETS.
- 4714.0412 URINALS.
- 4714.0414 DISHWASHING MACHINES.
- 4714.0415 DRINKING FOUNTAINS.
- 4714.0416 EMERGENCY EYEWASH AND SHOWER EQUIPMENT.
- 4714.0417 FAUCETS AND FIXTURE FITTINGS.
- 4714.0418 FLOOR DRAINS.

Plumbing Plan Review Agreement Application

Under Minnesota Statutes, section [326B.43, subd. 2](#), the commissioner of the Department of Labor and Industry (DLI) may enter into an agreement with a municipality, in which the municipality agrees to perform plan review and specifications of plumbing systems in their jurisdiction subject to statutory requirements. Certain types of plans must still be submitted to DLI.

To request a formal plumbing plan review agreement, this application and all requested documents must be completed and submitted to: Judy.Tacheny@state.mn.us. Incomplete application will be rejected.

1. MUNICIPALITY INFORMATION			
MUNICIPALITY NAME Nowthen			DATE
ADDRESS 8188 199th Ave NW			EMAIL lstreich@nowthenmn.net
CITY Nowthen	STATE MN	ZIP CODE 55330	PHONE 763-441-1347
BUILDING OFFICIAL NAME Scott Qualle			
MAILING ADDRESS 235 First Street W			PHONE 952-442-7520
CITY Waconia	STATE MN	ZIP CODE 55387	E-MAIL scott@mnspect.com
APPROVED PLUMBING PLAN REVIEWER(S). If reviewer is contracted through a private company, check here <input checked="" type="checkbox"/> and submit contract for review.			
NAME Dale Engelmann	LICENSE # PM062282	E-MAIL/PHONE dale@mnspect.com	
NAME	LICENSE #	E-MAIL/PHONE	
2. REQUIRED DOCUMENTS THAT MUST BE ADOPTED BY ORDINANCES			
Submit copies of following relevant ordinances:			
<ol style="list-style-type: none"> The ordinance in which the municipality adopts the Minnesota Plumbing Code. (Adoption of the Minnesota State Building Code by ordinance includes adoption of the Minnesota Plumbing Code, Chapter 4714.) The ordinance that requires plumbing plans and specifications to be submitted, reviewed, and approved by the municipality. The ordinance must clearly state exceptions for projects listed in Minnesota Statutes, section 326B.43 subd. 2(n) as listed below as those must be submitted to DLI for plan review. Plumbing plans and specifications for the following projects shall be submitted to DLI for plan review. <ol style="list-style-type: none"> State-licensed facilities (as defined in section 326B.103, subd. 13). Public buildings (as defined in section 326B.103, subd. 11). Projects of a special nature for which department review is requested by either the municipality or the state. The ordinance that authorizes the municipality to perform plumbing inspections required by the Minnesota Plumbing Code. (Plumbing inspections, testing, and permits are subject to Minn. Rules, part 1300.0215, subparts 1 through 5.) The ordinance that authorizes the municipality to administer and enforce the Minnesota Plumbing Code in accordance with Minnesota Statutes, section 326B.121. (Enforcing the Minnesota State Building Code by ordinance automatically includes and requires enforcement of the Minnesota Plumbing Code.) 			
Copies of the above required ordinances must be submitted with this application to be considered.			

3. AGREEMENT


Upon approval of the application by the commissioner, the municipality agrees (see Minn. Stat. § 326B.43, subd. 2):

1. To review plumbing plans and specifications for all construction for which requires review and approval of plumbing plans and specifications per Minnesota Rules, part 1300.0215, subpart 6, except all plumbing plans and specifications for the following types of projects (state) within the municipality must be forwarded to the DLI for review:
 - a) State-licensed facilities (See Minn.Stat. § 326b.103, subd. 13);
 - b) public buildings (See Minn.Stat. § 326b.103, subd. 11); and
 - c) projects of a special nature for which department review is requested by either the municipality or the state. (E.g., Dialysis facilities are an example of projects of a special nature that is reviewed by the state.)

Where the municipality forwards to the state for plan review, the municipality shall not collect any fee for plan review, and the commissioner shall collect all applicable fees for plan review.

2. The plan review will:
 - a) Reflect the degree to which the plans and specifications affect the public health and conform to the provisions of the plumbing code;
 - b) ensure that there is no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use; and
 - c) ensure that there is no apparatus through which unsafe water may be discharged or drawn into a safe water supply system.
3. Individuals who perform the plumbing plan reviews for the municipality have passed a competency assessment reviewing plans and specification, are approved by the commissioner and are:
 - a) Licensed master plumbers;
 - b) licensed professional engineers; or
 - c) individuals who are working under the supervision of a licensed professional engineer or licensed master plumber and who are licensed master or journeyman plumbers or hold a postsecondary degree in engineering.
4. To perform all inspections for projects in which they plan review. Individuals who conduct the plumbing inspections for the municipality are licensed master or journeyman plumbers, or inspectors meeting the competency requirements established in rules adopted under section 326B.135, except for individuals who conduct plumbing inspections for the DLI (state) projects listed in item 1 above must be licensed plumbers.
5. Individuals who conduct inspections and the plumbing plan reviews for the municipality shall not have any conflict of interest in conducting the inspections and the plan reviews.
6. To enforce in its entirety the plumbing code on all projects.
7. To keep official records of all documents received, including plans, specifications, surveys, and plot plans, and of all plan reviews, permits and certificates issued, reports of inspections, and notices issued in connection with plumbing inspections and the review of plumbing plans. These records shall be maintained in the official records of the municipality for the period required for the retention of public records under Minnesota Statutes, section 138.17, and shall make these records readily available for review at the request of the commissioner.
8. That the municipality does not have in effect the plumbing code or any of ordinances described in Section 2 above at any time after the agreement has been approved, the municipality will notify the commissioner in writing in advance or within 10 days of the changes if advance notice is not possible.
9. If the commissioner determines that the municipality is not properly administering and enforcing the plumbing code or is otherwise not complying with the agreement the commissioner may terminate the agreement in accordance with Minnesota Statutes, section 326B.43, subd. 2(l).
10. Not to revoke, suspend, or place restrictions on any plumbing license issued by the state.

Agreement Acknowledgement:

Scott Qualle		
NAME	DATE	MUNICIPAL BUILDING OFFICIAL SIGNATURE
NAME	DATE	CITY ADMINISTER OR CITY CLERK SIGNATURE

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354.
PPRA 2/23/2021



October __, 2021

Mike Westemeier
Plumbing & Engineering Unit Construction Codes & Licensing Division
Minnesota Department of Labor & Industry
443 Lafayette Road North
St. Paul, MN 55155

Dear Mr. Westemeier:

This letter is intended to respond to your request for evidence and assurances from the City of Nowthen regarding our request for approval to require and perform plumbing plan review.

We have enclosed a copy of Ordinance ____, Chapter ____ from the City of Nowthen indicating that the plumbing code has been adopted.

The City of Nowthen hereby agrees to enforce the provisions of the Minnesota Plumbing Code, Minnesota Rules, Chapter 4714 in its entirety on all projects, including requiring submittal of plans and specifications for proposed installations of a system of plumbing that serves the public or that serves a considerable number of persons, or any plumbing system that shall affect the public health in any manner. This also includes field inspection of underground, rough-in, and final plumbing, as well as requiring tests of all installations for compliance with the requirement of the Minnesota Plumbing Code.

1. MNSPECT, LLC, our contracted building official, will be performing the plumbing plan review. It is our understanding that Dale Engelmann, a master plumber employed by MNSPECT, LLC, has met your requirements for performing this work, and that others from the firm may be approved by your office in the future. We assure you that any individual approved by the state to perform such work shall not be allowed to engage in any activities that might represent a conflict of interest.
2. We agree to enforce in its entirety the plumbing code on all projects.
3. We agree to keep official records of all documents received, including plans, specifications, surveys, and plot plans, and all plan reviews, permits, and certificates issued, reports of inspections, and notices issued in connection with plumbing inspections and the review of plumbing plans. These records shall be maintained in the official records of the municipality for the period required for the retention of public records under Minnesota Statutes, 138.17, and

shall make these records readily available for review at the request of the commissioner.

4. We understand that this agreement is a privilege, and as such, understand that if the performance that is expected is not satisfactory, could result in modification or revocation of this agreement.
5. We understand that failure to enforce these provisions could result in the termination of the agreement to allow plumbing plan review to be conducted by the City.

Thank you for your participation in this approval process. We look forward to a successful relationship with your department as the future unfolds.

Sincerely,

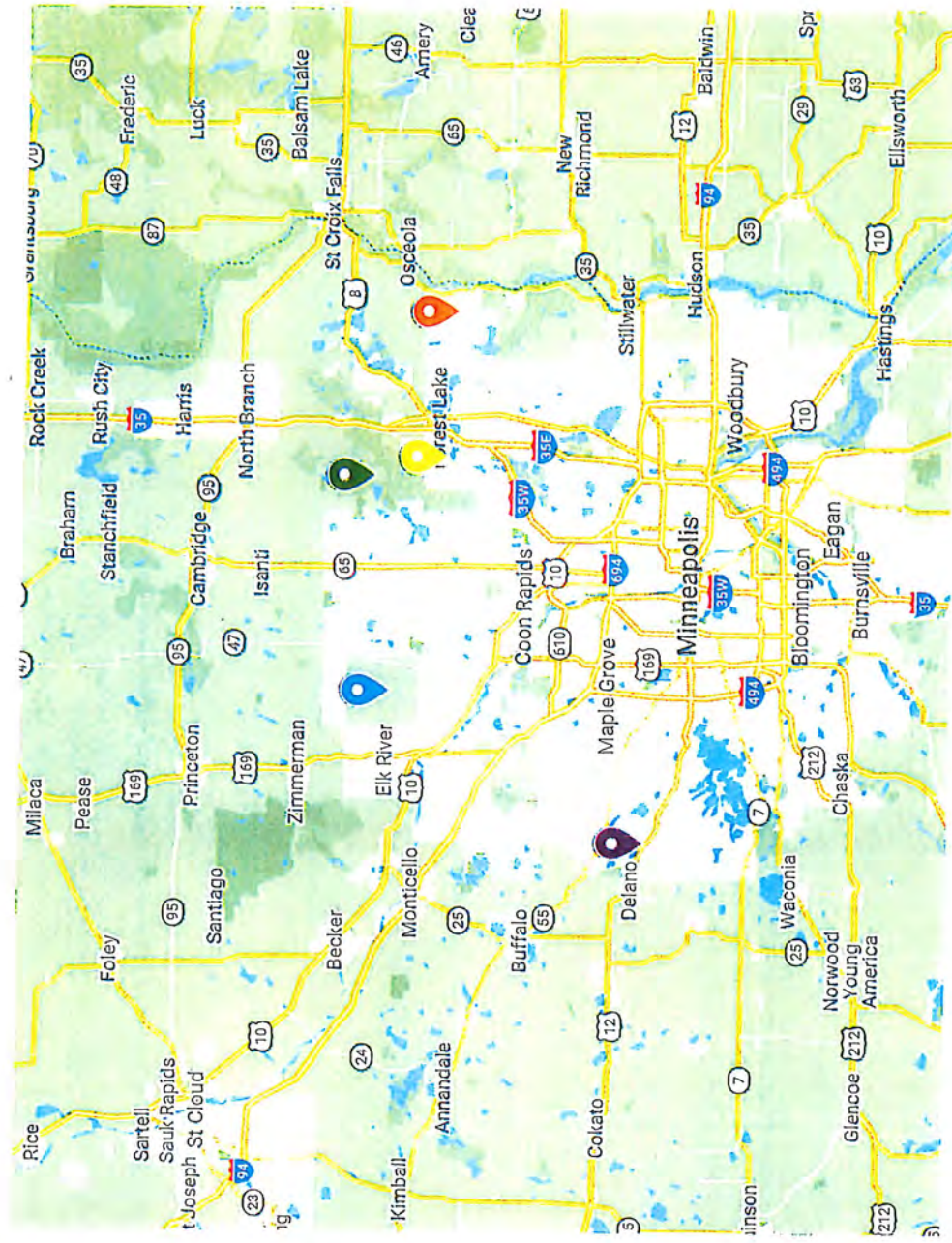
Lori Streich
City Clerk

Scott Qualle
MNSpect

	(partial) 2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
City TA (ordinance, zoning, comp plan work)	\$ 3,204.00	\$ 6,763.84	\$ 10,559.80	\$ 10,536.96	\$ 3,784.40	\$ 1,900.00	\$ 13,100.50	\$ 6,662.60	\$ 16,768.33	\$ 8,010.00
Private TA (all private projects like IUPs, plats)		\$ 20,338.43	\$ 21,757.60	\$ 17,322.09	\$ 35,827.89	\$ 16,975.15	\$ 25,438.05	\$ 28,197.90	\$ 18,602.40	\$ 32,491.50
Zoning Admin. (pass through, bldg. permits)		\$ 3,905.30	\$ 8,111.72	\$ 3,501.15	\$ 11,606.68	\$ 7,111.66	\$ 12,752.23	\$ 5,216.24	\$ 5,667.76	\$ 10,190.08
Zoning Admin. (general, city cost)		\$ 6,146.09	\$ 12,456.04	\$ 22,912.28	\$ 15,970.10	\$ 14,907.03	\$ 9,601.95	\$ 11,141.40	\$ 12,909.12	\$ 5,711.28
Code Maintenance/Code Enforcement	\$ 4,876.00	\$ -	\$ 80.00	\$ 760.00	\$ -	\$ -	\$ 639.33	\$ 2,600.22	\$ 2,452.00	\$ 4,290.00
Meetings	\$ 1,000.00	\$ 3,750.00	\$ 5,000.00	\$ 6,625.00	\$ 6,250.00	\$ 4,500.00	\$ 5,750.00	\$ 5,100.00	\$ 6,010.00	\$ 6,250.00
Year-End Total	\$ 9,080.00	\$ 40,903.66	\$ 57,965.16	\$ 61,657.48	\$ 73,439.07	\$ 45,393.84	\$ 67,282.06	\$ 58,918.36	\$ 62,409.61	\$ 66,942.86
City Responsibility (excludes pass-thru fees)	\$ 9,080.00	\$ 16,659.93	\$ 28,095.84	\$ 40,834.24	\$ 26,004.50	\$ 21,307.03	\$ 29,091.78	\$ 25,504.22	\$ 38,139.45	\$ 24,261.28

	IUPs and CUPs			Variances			Plats			Concept Plans			Minor Subdiv.			Admin. Lot Split			Vacation (easement)			Rezoning		
	Number	Average Cost	High - Low Range	Number	Average Cost	High - Low Range	Number	Average Cost	High - Low Range	Number	Average Cost	High - Low Range	Number	Average Cost	High - Low Range	Number	Average Cost	High - Low Range	Number	Average Cost	High - Low Range	Number	Average Cost	High - Low Range
2021 (complete projects thru 6/30/21)	4	\$1,953	\$1,248-\$3,372	1	\$1,492		0			2	\$1,014	\$840-\$1,188	2	\$1,840	\$1,100-\$2,580	1	\$420	\$420	0			0		
2020	5	\$1,548	\$936-\$2,088	4	\$1,207	\$972-\$1,872	1	Breyens Bend \$4,212		2	\$1,060	\$800-\$1,320	1	\$1,556		2	\$591	\$258-\$924	1	*\$766	\$508-\$1,056	0		
2019	4	\$1,848	\$1,008-\$2,712	1	\$1,164		1	Leistico \$3,480		1	\$1,100		1	\$4,220		2	\$419	\$270-\$568	0			1	\$1,724	
2018	5	\$1,529	\$1,008 - 2,172	1	\$2,112		1	Woodduck Ponds \$2,644		6	\$648	\$252-\$1,056	5	\$2,234	\$1,260-\$4,248	0			0			1	\$1,404	
Overall Average		\$1,720			\$1,494			\$3,445			\$956			\$2,463			\$477			\$766			\$1,564	
		(14.3 hrs)			(12.5 hrs)			(28.7 hrs)			(8 hrs)			(20.5 hrs)			(4 hrs)			(6.4 hrs)			(13 hrs)	
																		Easement Vacation by Year*	Property Owner	TPC Billing				
																		2013	Canner, 5494 Verde Valley	\$818				
																		2013	Hybben, 7687 188 th Lane	\$1,056				
																		2014	Swanson, 205 th Avenue	\$508				
																		2015	Stadfelt, 8283 211 th Ave	\$742				
																		2020	Hazeman, 19350 Jasper	\$708				

Comparable Cities



Cities chosen based on population, change in population from 2010 to 2021 (change %), and density of residents per square mile

City of Nowthen Zoning Fee Comparison July 2021

	2021 Pop.	2010 Census	Change % Density per sq mile	Contract Planner or Staff	Minor Subdiv.			Plat			Conditional Use Permit (CUP) or Interim Use Permit (IUP)			Variance			Right-of-Way (ROW)			Wetland Delineation			Notes
					Fee	Escrow	Other/Checklist	Fee	Escrow	Other/Checklist	Fee	Escrow	Other/Checklist	Fee	Escrow	Other/Checklist	Fee	Escrow	Other	Fee	Escrow	Other	
NOWTHEN	4,785	4,446	7.62% 21	Contract	\$200 + \$50/lot fee	\$1,000	Park Dedication: \$2000/lot Trail Fee: \$500/lot Checklist	Prelim & Final: \$200 + \$50/lot fee	\$1,500	Public Hearing: \$250 Security Escrow: 150% of estim. const. costs Engineering Escrow: 7% of initial security amount Administration: 1% of total const. cost	CUP & IUP \$200	CUP & IUP \$1,000	Public Hearing: \$250 Recording: \$46/lot	\$200	\$1,000	Public Hearing: \$250 Recording: \$46/lot	see other		ROW \$150 one time regist. fee, \$150 for 0-1,000 linear ft, \$30 ea. add. linear ft		\$2,000		
SCANDIA	4,222	3,939	7.18% 18	Contract	\$100	\$1,000	Park Dedication: \$3,000 each parcel	Prelim: \$250 Final: \$200	Prelim: \$1,500 Final: \$1,000	Park Dedication: \$3,000 each parcel	CUP: \$200 - \$750 IUP: \$200	CUP: \$1,500 - \$3,000 IUP: \$1,000		\$200	\$800		\$350	\$1,000		\$100	\$800		Services performed by city peronnel will be billed at 1 1/2 times the actual payroll hourly rate; consultant rates are at the current hourly rate.
INDEPENDENCE	3,801	3,523	7.89% 17	Contract	\$1,250	\$750	Park Dedication: \$3,500/lot up to 4.99 acres plus \$750/acre over 5 acres	Prelim & Final: \$1750	\$1,500 plus \$250/lot	Park Dedication: \$3,500/lot up to 4.99 acres plus \$750/acre over 5 acres	Resid: \$1,250 Comm: \$1,750	Resid: \$750 Comm: \$1,500		Simple: \$1,250 Complex: \$1,750	Simple: \$750 Complex: \$1,500		\$1,250	\$750		\$300	\$700		Staff time in excess of application fees is \$100/hour for professional staff and \$50/hour for clerical; after-the-fact permits are double.
COLUMBUS	4,208	3,917	7.43% 14	Both, Contract Planner handles larger projects	\$100	\$2,000 plus assoc. cost	Lot line adjustment, all others pay plat fee	\$100	\$2,000	\$200 hearing, plus any assoc. costs	CUP & IUP \$200	CUP & IUP \$1,500	plus any assoc. costs	\$150	\$500	plus any assoc. costs	\$57	plus any assoc. costs		Not Identified			Associated costs include attorney, engineer and planner; residential park fee is \$1,525/lot and commercial park fee is \$762.50/lot
Linwood was added because, has similar population and growth rate. Noted: density of population is greater than others mostly due to total size of township and many lakes (homes surrounding lakeshore)																							
LINWOOD TOWNSHIP	5,442 (2019)	5,123	6.22% 154	In process of hiring a contract planner				Prelim: \$350 plus \$100 per proposed lot Final: \$100	Prelim. (as determined by Zoning Admin., \$1,500 min. fee	Checklist	\$350	Escrow may be required	Checklist	\$350	Escrow if applicable	Checklist	\$200						Have been losing money on flat fee process so plan to change to a pass-through fee system; processing is getting more and more complex so need a professional planner.
Data collected from city websites, city office staff, United States Census Bureau, and https://worldpopulationreview.com/states/cities/minnesota																							



DEVELOPMENT REVIEW PROCESS & RESPONSIBILITY MATRIX

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

STEPS	REVIEW STAGES	PROPERTY OWNER/APPLICANT	CITY PLANNER	CITY ENGINEER	CITY ADMINISTRATIVE STAFF	OTHER
1	Pre-Application Meeting (optional but recommended)	Bring ideas, maps, sketches or surveys that you have available. Meet with staff to review engineering requirements, zoning & subdivision ordinance criteria and feasibility.	Coordinates all pre-application meetings for all types of projects	Involved as needed, in major street, grading projects or plats	Sits in on meetings to stay informed about project	Anoka County for access, right-of-way, impacts along county roads and ditches MNDOT for any access or impacts/development along Highway 47 The City's wetland specialist coordinates review of all wetland delineations, impacts, driveway crossings, etc. DNR for any protected waters
2	Plan Preparation Site plans, surveys, wetland delineations, soil borings, lot buildability	Review submittal checklists, hire contractors to prepare plans and perform required work				
3	Application(s) submitted (60-day review period starts, if application is complete)	Application submitted with required fees and escrow amounts, all plans must be received at the time of application.	Planner reviews submission for completeness within 15 days	Engineer reviews street, grading or plat projects for completeness	Accepts application, fees and escrow money	
4	60-Day Review Period Begins Any incomplete information delays start of 60-day review period	Submit revised or additional information at the request of city staff/consultants.	Incomplete letter sent to applicant if necessary			
5	Meeting Agenda & Public Hearing Scheduled (if required)		Project placed on next available Planning and Zoning Commission Meeting Agenda			

STEPS	REVIEW STAGES	PROPERTY OWNER/APPLICANT	CITY PLANNER	CITY ENGINEER	CITY ADMINISTRATIVE STAFF	OTHER
6	Public Hearing Notice		Send ordinance sections to staff for which public hearing is req'd		Send public hearing notice to newspaper and letters sent to surrounding adjacent and affected properties.	City Attorney involvement may be required for review of legal documents, preparation of development agreements, shared driveway agreements, dedication of easements, or as deemed necessary by city staff
7	Land Use Signs Placed at Property (for required public hearings only)				Direct public works to place land use signs on property	
8	Formal review of plans and reports or memos prepared		Planner reviews and documents all zoning and subdivision requirements and outlines conditions of approval	Engineer reviews street, grading or plat projects and all legal boundary descriptions. Is infrastructure such as roads, drainage and	Staff prepares packets for posting online and	
9	Planning and Zoning (PZ) Commission Meeting or Public Hearing 4 th Tuesday of the month	Applicant attends the meeting or hearing and may be required to attend additional meetings if the project is tabled or continued to the next month.	PZ recommends approval or denial, project moves on to City Council for final decision			
			PZ recommends that the project is tabled or public hearing continued to the next PZ meeting, giving time for submission of revised or new information/plans as requested			
10	City Council (CC) Meeting 2 nd Tuesday of the month	Applicant attends the meeting or hearing and may be required to attend additional meetings if the project is tabled or continued to the next month.	CC decision to approve or deny project, move to Step 11			
			CC decision to table the project or continue the discussion for submission of requested plan changes/information until the next month's meeting			
11	Legal Documents Finalized	Deeds reviewed and notarized, findings of fact signed, mylars prepared, development agreements signed				City Attorney as needed

12	Recording of Documents	Property taxes must be paid in full for the year. Deeds, surveys, plats, easements, development agreements, findings of fact, etc. are all recorded at Anoka County				Anoka County Government Center
13	Schedule Closings	Following the recording of all documents , the sale/transfer of land may occur or applicant may proceed with building plans				
14	Building Permit Review	Submission of architectural and structural plans to permits@nowthenmn.net	Review and approval of site and building plans to ensure compliance with the City Code			Review and approval of building and structural plans
15	Driveway Permit Application (if necessary)	If the property fronts on a City street, complete a Driveway Permit Application and submit with the Building Permit; mark the proposed location in the field. If the driveway fronts on an Anoka County or State road, access permits should be obtained through those agencies.				
16	Building Permit Issued	Pay building permit fees and submit fees/escrow for Grading, Erosion Control and Landscaping Agreement				On-going inspections by building official
17	Construction Process					
18	Certificate of Occupancy	Work with your contractor and MNspect to ensure all building and safety codes have been met.				Final Building Inspection
19	Final grading and establishment of turf, return of escrow	Schedule a final site inspection with the City Planner or City Engineer	The City Planner or City Engineer will verify that all criteria have been met on the Construction Site Checklist.			



2021-2022 APPLICATION SCHEDULE

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

This schedule is provided as a guide for submission of complete applications to the City. Please verify dates with City staff, as the schedule is subject to change. Decision to publish a notice of public hearing will be determined by City staff based on an application being complete and compliant with applicable development regulations.

Important Contacts:

Lori Streich	City Clerk (763) 441-1347	lstreich@nowthenmn.net
Lisa Lorensen	Administrative Asst. (763) 441-1347	info@nowthenmn.net
MNspect	Building Official (952) 442-7520	permits@nowthenmn.net
Elizabeth Stockman	City Planner (651) 303-3670	liz.stockman@planningco.com

APPLICATION SUBMISSION DEADLINES & MEETING SCHEDULES				
All meetings start at 7:00PM and are located at 19800 Nowthen Boulevard				
Month	Pre-Application Staff Meetings	Application Submission Date*	Planning & Zoning Commission (4 th Tuesday)	Earliest Possible City Council (2 nd Tuesday)
August 2021	Staff meetings are recommended and can be arranged on an as-needed basis with one or more City staff members, as may be relevant to individual projects. This may include, but is not limited to, the City Clerk, Zoning Administrator, City Planner, Building Official, City Engineer, and/or City Attorney.	July 20	August 24	September 14
September 2021		August 17	September 28	October 12
October 2021		September 21	October 26	November 9 (elections Nov. 2)
November 2021		October 19	November 23	December 14
December 2021		December 21	January 25 (No December mtg.)	February 8
January 2022				
February 2022		January 18	February 22	March 8
March 2022		February 15	March 22	April 12
April 2022		March 15	April 26	May 10
May 2022		April 19	May 24	June 14
June 2022		May 17	June 28	July 12
July 2022		June 21	July 26	August 9
August 2022		July 19	August 23	September 13
September 2022		August 16	September 27	October 11
October 2022		September 20	October 25	November 8 (election day)

*Applications are due the **3rd Tuesday of the month** and can be submitted **Monday-Thursday 7:00 AM to 5:30 PM**. Applications are subject to verification that all required information has been provided before being scheduled on the Planning and Zoning Commission agenda. **Please note:** There may be times, after the initial review of submitted plans, when unique or unforeseen situations require that additional information be requested by City staff and/or additional time is needed to review the application and move it forward.



MINOR SUBDIVISION CHECKLIST

CITY OFFICES: 8188 199TH AVENUE NW, NOWTHEN 55330 763-441-1347

Zoning Admin: Liz Stockman 651-303-3670 liz.stockman@planningco.com

City Engineer: Shane Nelson 763-852-0479 shanen@haa-inc.com

**LOT SPLIT
(3 LOTS OR LESS)**

**LOT LINE
ADJUSTMENT**

1. CONFORMANCE WITH APPROVED LAND USE PLANS, POLICIES AND ZONING

- ☐ The proposed use must be consistent with the *2040 Comprehensive Land Use Plan* or a Comprehensive Plan Amendment will be required which is a separate application to be approved prior to subdivision consideration.
- ☐ The proposed use must be consistent with the City's *Zoning Map and Zoning Ordinance* regulations for the district within which it is proposed. The use must be listed as a permitted, conditional use or interim use within the zoning district, or a Zoning Amendment will be required which is a separate application to be approved prior to subdivision consideration.
- ☐ Review the appropriate sections of the City's Code (Subdivision & Zoning Ordinances).
- ☐ Review the City's Engineering Manual relative to development and street construction stds.
- ☐ Consistency with the Upper Rum River Watershed Management Organization Watershed Management Plan and the City of Nowthen Stormwater Management Plan regarding wetlands, drainage, groundwater, stormwater, erosion control & the protection of all water resources.
- ☐ Consistency with City, Anoka County or MNDOT plans relative to adjacent roadways, including the City's 2013 Frontage Road Plan which is part of the Comprehensive Plan.
- ☐ Discuss possible separate applications which may be required to accommodate special situations or uses: ☐ Rezoning ☐ Variance ☐ Interim/Conditional Use Permit ☐ Amendment

2. SUBMISSION REQUIREMENTS – ALL APPLICATIONS

All of the information listed below is required to be submitted with the official application form and fees unless specifically excluded by the Zoning Administrator. The decision on whether an application is complete for review will be made by the Zoning Administrator within fifteen (15) days from the date of submission. If an application is found to be incomplete, the applicant will be notified in writing by the Zoning Administrator stating that the application is incomplete and the necessary information that must be provided before the City will process the application. Failure to provide all necessary information required or requested by the City may be cause for the application to be denied.

- ☐ Submission of a complete *Application*, on the official Application Form provided by the City or available on the City of Nowthen website, on or before the Application Deadline (first Tuesday of the month; see *Application Schedule*).
- ☐ Review *Development Review Process and Responsibilities* of Applicant/Property Owner

- ☐ Payment of fees and required escrow amount (see *Minor Subdivision Application*)
- ☐ Signed **Consultant Review Fee Acknowledgement**
- ☐ **Wetland Delineation Application** & Additional Escrow for all properties which contain wetlands. If wetland impacts are present/proposed, the application may be delayed to ensure compliance with wetland sequencing (avoidance), de minimus exemption, or replacement under MN Rule 8420.0520.
- ☐ Property taxes (for the year) must be paid in order for a division to be recorded at Anoka County.
- ☐ Property owner signature on the application form is required; recent acquisitions may require proof of title or copy of a purchase agreement if not evident on the Anoka County website. Property owners must co-sign the application; even though applicants may be responsible for all processing and review fees (a separate agreement among involved parties), the property owner is the responsible party and will be assessed for any outstanding bills.

3. LOT SPLIT (3 OR FEWER LOTS) & LOT LINE ADJUSTMENTS

Two (2) full size PAPER copies and ELECTRONIC files of detailed written materials, plans and specifications to include the following information:

- ☐ A **Certificate of Survey** is required, prepared and signed by a licensed land surveyor in MN.
- ☐ Scale and north arrow
- ☐ Existing property boundaries with dimensions and acreage
- ☐ Proposed property boundaries with dimensions and acreage
- ☐ Existing and proposed streets (66 feet of dedicated public right-of-way required, see below)
- ☐ Existing buildings, sheds, accessory structures, driveways, culverts, other improvements
- ☐ Proposed building pad locations, with lowest floor and opening elevations indicated
- ☐ Lowest floor minimum one (1) foot above mottled soils.
- ☐ Lowest opening 1.5 feet (18 inches) above highest known water level.
- ☐ Two percent (2%) slope/positive drainage away from house.
- ☐ Lot buildability exhibit using shading to depict one (1) acre with one (1) foot of separation and 23,000 SF with three (3) feet of separation to highest known water elevation.
- ☐ Easements of record and proposed easements (road, grading/drainage, access easements), including copies of recorded documents from Anoka County.
- ☐ Topography, other significant environmental features.
- ☐ Wetlands, ditches, ponds, rivers, creeks, lakes or other water bodies on the subject property or which lie close to the property border (see delineation requirement above).
- ☐ Wetland buffers depicted on survey complete with buffer establishment plan, if necessary, based on the wetland types: high priority – 25 ft, moderate priority – 20 ft, minor priority – 15 ft.

- ☐ 100-year high water levels for all water bodies; if unknown, spot elevations shall be shot by the surveyor along wetlands and other depression/stormwater collection areas
- ☐ Ordinary High Water Level (OHWL) for all water bodies within or adjacent to the subdivision, including spot/overflow elevations of adjacent water bodies, roads, driveways and culverts.
- ☐ All encroachments (fences, driveways, structures or other unlawful interference on the land)
- ☐ Existing and proposed legal descriptions shown on the survey and in Word (.doc) format
- ☐ Utilities – existing septic tanks, lines and drainfields, wells, power lines, underground pipes, etc.
- ☐ New parcels being created must show Lot Buildability (the site's capability to accommodate a primary and backup septic system); see Section 10-3-5 of the City Code. Grading and fill may be used to create the final elevation which shall be shown on the survey.
- ☐ Soil borings for primary and backup septic sites and in planned building areas; soil boring locations shall be numbered and shown on the survey.
- ☐ Lots containing existing accessory structures: The size of any parcel must be large enough to accommodate the number and square footage of accessory structures as required under Section 11-4-2 of the City Code. Variances will not be granted, so in some cases, sheds must be removed to meet the number or square footage requirements.

4. ADMINISTRATIVE LOT SPLITS

- ☐ Administrative Lot Splits may be approved by the Zoning Administrator on a case-by-case basis if the property is residentially zoned, does not involve more than two lots or the need for public streets (new or extended); application requirements are the same as outlined herein.

5. MINIMUM LOT SIZE AND ACCESS REQUIREMENTS

- ☐ Five (5) acre minimum lot size
- ☐ All new lots shall have a minimum of 300 feet in width as measured at the building setback line and minimum lot depth of 300 feet.
- ☐ The minimum frontage on a public street is 150 feet, except in the case of cul-de-sacs 75 feet is permitted.
- ☐ Structure Setbacks:
 Front: 120 feet from centerline of local roads, 150 feet from centerline of county or state roads
 Side: 20 feet, except on a corner the front setbacks apply
 Rear: 35 feet, except when abutting a public road the front setbacks apply
 Wetlands: Minimum 30-50 feet from wetland boundary and outside of all drainage and utility easements and wetland buffers.
- ☐ 35% impervious surface area maximum, includes all hard cover and gravel surfacing
- ☐ Driveway standards of Section 11-6-2.J requires all lots to meet minimum standards for emergency vehicle access including a twelve (12) foot driveway width for 1 or 2 residences and 3+ residences requires a twenty (20) foot width; all sites require 13.5 feet of overhead clearance.

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.

- ☐ All new driveways shall be located fifteen (15) feet from lot lines. Any driveways serving multiple principal uses or properties must have a shared driveway agreement approved by the City Attorney.
- ☐ A primary and backup septic system drainfield site is required per Section 10-3-6 of the City Code; they must be protected with snow fence during construction.
- ☐ **Public street access is required** for all new lots. Access via existing or new driveway easements is prohibited. Flag lots may be allowed in very rare circumstances and through approval of a Conditional Use Permit (CUP) where the extension of through streets is not possible.
- ☐ Local streets shall contain 66 feet of right-of-way dedicated to the City of Nowthen in the form of a permanent roadway easement. Paving of all new roads is required (24-foot top), unless the division qualifies for deferral of paving standards (CUP) under Section 10-3-3.C.
- ☐ If parcels abut Anoka County or MNDOT roads, approval from those jurisdictions is required and additional right-of-way may need to be dedicated in the form of a permanent roadway easements.
- ☐ **Park and Trail Dedication Fees:** \$2,000 park fee/buildable lot and \$500 trail fee/buildable lot. The park and trail dedication requirement shall be applied to all subdivision of land regardless of the type of proposed development and the number of lots created and shall be paid to the City prior to recording.

6. GRADING, DRAINAGE, EROSION CONTROL & LANDSCAPING REQUIREMENTS

- ☐ Review the **Construction Site Checklist** and prepare/maintain the construction site according to the outlined standards.
- ☐ Review and sign the **Grading, Erosion Control and Landscaping** escrow agreement.
- ☐ **Grading, Erosion Control and Landscaping Fee and Escrow** amount have been submitted to the City of Nowthen.
- ☐ Review the Lot Sediment Control Diagrams (Std. Plates 504 and 505) which graphically depict the erosion control requirements that shall be contained on all submitted site plans/surveys.

7. ANTICIPATED SCHEDULE

- ☐ Application and Plan Submittal Date:
- ☐ Planning & Zoning Commission Meeting Date:
- ☐ City Council Meeting Date:



CONSULTANT FEES CHECKLIST & ACCEPTANCE STATEMENT

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

RETURN TO: PERMITS@NOWTHENMN.NET

REAL ESTATE DEVELOPMENT OR CONSTRUCTION CONSULTANT FEES CHECKLIST AND ACCEPTANCE STATEMENT

Starting Aug. 1, 2019, Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. An application is not complete until all four requirements of the statute in the checklist below are met.

Minnesota Statute § 471.462 does not apply unless (1) the application is for a permit, license, or other approval related to real estate development or construction, and (2) the applicant requests that the city provide a nonbinding estimate of consultant fees to be charged to the applicant. When applicable, the application is not complete until the following four requirements are met:

- ☐ The city has provided the estimate of consultant fees to the applicant. The estimate of consultant fees must be based on information available to the city at that time.
- ☐ The city has received, from the applicant, all the required application fees.
- ☐ The city has received a signed acceptance of the fee estimate from the applicant.
- ☐ The city has received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application.

Minnesota Statute § 15.99 requires that cities must approve or deny written land use applications within 60 days (the "60-Day Rule"). An application is not complete for purposes of the 60-Day Rule until all four requirements of Minnesota Statute § 471.462 are met.

PROJECT: _____

PROPERTY ADDRESS: _____

PID NUMBER: _____

NAME & ADDRESS OF APPLICANT:

CITY OF NOWTHEN

SIGNED ACCEPTANCE AND NON-RELIANCE STATEMENT

I, on behalf of _____, understand that in connection with an
(property owner's name or SELF if owner)

application for _____, I/_____
(application type, ie. Lot Split, Concept Plan, etc.) (person signing this document)

requested the City of Nowthen provide a written, nonbinding estimate of the Consultant fees to be charged, relating to the application.

Based on the information available to the City, the City estimated it would charge \$_____
(City Planner will provide estimate)

in Consultant fees. I acknowledge that I have received the written estimate of Consultant fees and accept the fee estimate.

Furthermore, I acknowledge that I, on behalf of _____, have not relied
(property owner's name or SELF if owner)

on the City's estimate of Consultant fees in my decision to proceed with the final application for

_____.
(application type, ie. Lot Split, Concept Plan, etc.)

APPLICANT:

DATED:

TITLE:

ON BEHALF OF:

THE CITY OF NOWTHEN

RECEIVED BY:

DATED:

CITY OF NOWTHEN ESTIMATED ZONING APPLICATION FEES & CONSULTANT RATES

1. **Subdivision**
 - a. **Lot Split or Reconfiguration**
 - 1) Application \$200.00
 - 2) Escrow \$1,000.00
 - 3) Recording \$46.00/lot description
 - b. **Minor Subdivision** (1-3 lots)
 - 1) Application \$200.00 + \$50.00 per lot
 - 2) Escrow \$1,000.00
 - 3) Recording \$46.00/lot description
 - c. **Platting** (4 of more lots)
 - 1) Application \$200.00 + \$50.00 per lot
 - 2) Escrow \$1,500.00
 - 3) Public Hearing \$250.00
 - 4) Security Escrow 150% of estimated construction cost
 - 5) Engineering Escrow 7% of initial security amount
 - 6) Administration 1% of total construction cost
 - 7) Park Dedication and Administration Fees, Security Escrow, and Engineering Escrow must be paid prior to the mylars or deeds being stamped by the City Clerk
 - d. **Park Dedication** \$2,000.00 per lot
 - e. **Trail Fee** \$500.00 per lot
2. **Comprehensive Plan/Zoning Ordinance Amendment**
 - a. Application \$200.00
 - b. Escrow \$1,000.00
 - c. Public Hearing \$250.00
 - d. Recording \$46.00 per lot
3. **Conditional Use Permit/Interim Use Permit/Variance**
 - a. Application \$200.00
 - b. Escrow \$1,000.00
 - c. Public Hearing \$250.00
 - d. Recording \$46.00 per lot
4. **Site Plan/Concept Plan**
 - a. Application \$200.00
 - b. Escrow \$1,000.00
5. **Grading Plan Review/Grading Permit**
 - a. Application \$200.00
 - b. Escrow \$1,000.00
 - c. Security Amount for All Non-Residential Grading Projects 150%
Security is equal to 150% of estimated project cost, based upon written bid(s) received from one or more contractors. (Ord. 2019-01, Approved March 12, 2019)
6. **Excavation and Mining Permit**
 - a. Application \$250.00
 - b. Escrow \$1,500.00
 - c. Public Hearing \$250.00
 - d. Material Removal \$0.07/cubic yard
 - e. Annual Renewal \$100.00
7. **Easement Vacation**
 - a. Application \$200.00
 - b. Escrow \$300.00
 - c. Public Hearing \$250.00
 - d. Recording \$46.00 per lot

8. **Wetland Delineation Review**
 - a. Engineering Review Escrow \$2,000.00
9. **Right-of-Way Management**
 - a. Registration (One Time Charge) \$150.00
 - b. 0-1,000 linear feet \$150.00
 - c. Each additional 1,000 linear feet \$30.00

10. **Professional Fees and Escrow Amounts**

The City Council shall establish fees by Ordinance as necessary for the administration of land use requests. The City Council may periodically review and revise all or portions of the fee schedule. The acceptance of all land use applications and issuance of permits shall not occur until a complete application has been filed and the appropriate fee has been paid. Land use applications must be accompanied by a fee and a non-interest-bearing escrow deposit. The escrow deposit is required to cover all costs incurred for staff and consultants; time directly related to processing applications, preparation of studies, and any other cost incurred with processing zoning applications. **All fees and expenses are due whether the application is approved or denied, and regardless of the estimated or accepted escrow amount.**

a. **Responsibility for Fees and Costs**

The property owner of the property subject to the land use application shall be responsible for all costs incurred by the City of Nowthen in processing said land use application and enforcing the terms of any agreements relating to the land use application including, but not limited to, **Attorney's fees (\$210.00/hour), Engineering fees (\$113.00/hour), or Planning fees (\$120.00/hour)**. The costs generally include, but are not limited to, professional consulting services retained by the City of Nowthen, copying charges, city staff time to review and process application, hearing notice publications, postage for mailed notices, and any other costs necessary to process the application.

b. **Escrow**

When a land use application has been submitted, the property owner shall deposit funds in an escrow account with the City (which may from time to time be changed to an amount determined by the Zoning Administrator to be necessary to cover such costs prior to commencement of the review stage of the application). The property owner shall reimburse the escrow account for any deficits caused if the amount actually expended by or billed to the City by the Consultants exceeds the fund balance. **If the escrow amount is depleted, the applicant and/or property owner shall furnish additional monies as requested by the City within thirty (30) days of such request.** The City shall refund any amount deposited in the escrow account not expended, within thirty (30) calendar days after final action on the application. The City shall not pay interest on such escrow fund deposits.

c. **Certification of Unpaid Costs and Expenses**

All unpaid expenses incurred by the City under the City Code not covered by the escrow will be charged against the parcel subject to the land use application and will be the responsibility of the property owner pursuant to MN Statute Chapter 462, MN Statute §462.353, MN Statute §415.01 and MN Statute §366.012 and any other relevant statutes. The property owner shall be invoiced for the City's costs to where property tax statements are sent by the County. The invoice shall be paid within 30 days of the date of the invoice. Invoices not paid within 30 days of request for payment by the City shall accrue interest at the rate of 6% per year. Should property owner not reimburse the City within said time, the City shall be authorized to certify said unreimbursed costs plus interest to the County Auditor for payment with the property owner's property taxes and said certified amounts shall constitute a lien against the property which shall be collected and enforced in the same manner as general property taxes pursuant to MN Statute §366.012. This cost recovery plus interest shall be in addition to any penalty or legal or equitable remedy the City may seek or receive for the violation of the City Code.

d. **Special Assessment**

The City may approve a special assessment for the installation of required municipal improvements which the property owner specifically agrees to be assessed for 100% of the project costs and waives any and all appeal rights under MN Statutes 429.081 or any other relevant statute. Said special assessment agreement shall be subject to the review and approval of the City Attorney. (Ordinance 2013-05, adopted April 9, 2013; Ordinance 2014-02, adopted February 11, 2014; Ordinance 2018-05, adopted November 13, 2018)

As representatives of the City, Consultants make every effort to keep costs to a minimum while ensuring that all submitted applications, building and development plans are in compliance with City-adopted policies, regulations, and ordinances. Applicants, Property Owners, and Contractors can help to keep costs down by submitting complete applications, providing clear and detailed plans prepared by professional Surveyors, Architects, and Engineers.

Situations which tend to increase building/development fees or overall costs associated with the submission, processing, review, and decision(s) related to the request:

- Plans lacking the necessary/required information or incomplete submittals
- Deviating from staff recommendation based on the City's Comprehensive Planning policies or City Code requirements
- Plan/design revisions that require additional staff meetings or follow-up staff review
- Continuation or tabling of items at Planning and Zoning Commission or City Council meetings (additional meetings)
- Scheduling a special meeting (\$500)

City staff will be happy to assist you with your questions.

City of Nowthen
8188 199th Avenue NW
Nowthen, MN 55330
Phone: (763) 441-1347
Fax: (763) 441-7013
info@nowthenmn.net

We are available the following hours of operation:
Monday-Thursday: 7:00AM-5:30PM
Friday: Closed

City Planner:

Elizabeth Stockman
The Planning Company LLC
Phone: (651) 303-3670
liz.stockman@planningco.com

City Engineer:

Shane Nelson
Hakanson Anderson
(763) 852-0479
shanen@haa-inc.com



SITE AND BUILDING PLAN REVIEW

RESIDENTIAL SINGLE-FAMILY CONSTRUCTION (RRA, RURAL RESIDENTIAL AGRICULTURE, ZONING)

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

PROPERTY ADDRESS: 5499 192 nd Circle		PID #: Lot 2, Block 2 Breyen's Bend	
OWNER: NIH Homes		DATE: 9/30/21	BY: ES
STRUCTURE SETBACKS	REQUIRED	PROPOSED	COMPLIANCE?
Front Yard - Local Street	100 feet from centerline (CL)	120'	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Front Yard – Cty./State Road	150 feet from centerline	NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard – Interior	20 feet	89' east	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard – Local Street	100 feet from centerline	155' west (Fluorine St)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Side Yard – Cty./State Road	150 feet from centerline	NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Rear Yard – Interior	35 feet	150'	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Read Yard – Abuts Street	120-150 feet from CL	NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Irregularly-Shaped Lots and Flag Lots: This front yard setback applies to lots which have front lot lines that are not synonymous with the street right-of-way line. The more restrictive setback applies when considering distance of the structure from the public right-of-way.	Structure setbacks shall be a minimum of thirty-five (35) feet from front and rear lot lines.	NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Wetlands: A minimum setback of 30 feet and maximum setback of 50 feet is required from all structures to wetlands, depending upon the type/quality of the wetland(s).		39 feet from DU easement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Shorelands of Lakes & Streams: 150 feet from Ordinary High Water Level		NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Ditches: 20 feet (unless it is classified as a wetland, then wetland setbacks apply)		NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Easements: No structures may be located within drainage, utility, access or lot line easements.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
SEPTIC SYSTEM & WELL SETBACKS:	REQUIRED	PROPOSED	COMPLIANCE?
Well setbacks from permanent structure: A building, deck, or other permanent structure, except a well house, must not be built to enclose a well or boring. The well shall be accessible at all times.	3 feet must be maintained between a well or boring and the farthest exterior projection of a building, including the walls, roofs, decks, overhangs, and other permanent structures.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Well setback from a pipe with flammable or volatile gas, an electric line, or a liquid propane tank.	10 feet; exceptions include a standard electrical service line, cable, fiberoptic, or other low voltage electric line with a voltage less than 50 volts.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Septic tank and treatment area setbacks from property lines:	10 feet, outside of street right-of-way or easement		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Treatment area setback from deep well (50+ feet)	50 feet		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Treatment area setback from shallow well (<50 ft)	100 feet	NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tank and treatment area setbacks from ordinary high water mark of lakes and streams	50 feet	NA	<input type="checkbox"/> Yes <input type="checkbox"/> No
Tank or treatment area setback from any buried pipe distributing water under pressure.	10 feet		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DRIVEWAY & ACCESS:	REQUIRED	PROPOSED	COMPLIANCE?
Driveway Permit Required: A driveway permit is submitted to the City and approved by the Maintenance Supervisor.	The culvert location, length and diameter shall be shown on the site survey.	Min 24' long, 15 inch diameter culvert, or as approved by Maint. Supvsr.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Driveway Access Points: Local Roads: Limited to 1 or 2 depending upon road classification and lot width. County and State roads require separate access permits from either Anoka County or MNDOT (access permits available online).	Lot widths greater than 125 feet may be allowed a 2 nd driveway subject to submission of a Driveway Permit and approval by the City Maintenance Supervisor.	one	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Driveway Length: Driveways 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.	The distance measured from the public street to all sides of the principal structure(s) must be within 250 feet to allow fire hose access, or the lot shall comply with emergency vehicle and access requirements of Section 11-6-2.J.4 of the City Code (area for turnaround of large vehicles).		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Driveway Width:	30 feet maximum width at the street and within the public right-of-way; 12 feet minimum except where three (3) or more homes/parcels share an access, the minimum is 20 feet.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Driveway Setback: Driveways may not be located within easements or cross wetlands without formal delineation, approval from the City's wetland specialist and exemption from wetland avoidance rules.	15 feet from side lot line or as otherwise required by the city driveway permit or state/county access permits.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Driveway Clearance:	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, etc.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Driveway Surfacing:	Materials suitable to control dust and drainage (Class 5, recycled asphalt/aggregate, or better)		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
BUILDING LIMITATIONS:	REQUIRED	PROPOSED	COMPLIANCE?
Lowest Floor Elevation/ Lowest Opening Elevation: Compliance with plat or as otherwise approved by the City Engineer.	904/914	912/915.2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Building Height: Building height is measured to the midpoint of the highest peak of a pitched or hip roof and uppermost point of all other roof types.	30 feet	28.8 ft.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Minimum Foundation Size:	1,200 SF above grade on the main level for multi-level or split-level homes and 1,800 SF for single level homes, excluding any garage area.	1,226 SF two story	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Attached Garage Size:	Limited to 100% of the first or main floor area of the home	957 SF	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
SITE LIMITATIONS:	REQUIRED	PROPOSED	COMPLIANCE?
Impervious Surface Limit: All hard surfaces including structures, walls, patios, walks, paved and gravel driveways, and other surfaces not pervious to the flow of stormwater.	35% of total lot area		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Width:	300 feet		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lot Depth:	300 feet		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Street Frontage on Public Street is Required:	150 feet minimum; 75 feet is permitted on a cul-de-sac		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Note: Some lots of record may be non-conforming in terms of size or means of access and may still be considered buildable parcels; talk to the City Zoning Administrator with any questions.			
CONDITIONS OF APPROVAL:			
<ul style="list-style-type: none"> The culvert and rock construction entrance must be installed prior to beginning construction. Accessory buildings require a separate building permit, may not be constructed before the house or other principal building on the property and are limited to 3,200 SF total. When the house is being framed, the building permit may be issued for the shed. A twenty (20) foot wetland buffer is maintained at all times as a natural, unmowed area around all wetlands. An Erosion and Landscaping Escrow Agreement is signed by the property owner and the required fee and escrow amount is provided to the City at the time of Building Permit issuance. Trash and discarded construction materials from work areas are contained on site within dumpsters which shall not be overflowing nor allowing materials to blow onto adjacent properties or the public street. 			

Notice of Public Hearing Checklist

Conditional Use Permit (CUP), Interim Use Permit (IUP), & Variance



- ✓ Email *Notice of Public Hearing* to ECM @ publicnotice@apgecm.com (Anoka County Union Herald & Star News) no later than the Tuesday that falls two (2) weeks prior to Planning and Zoning Commission Meeting, by end of business day. All applications for actions requiring public hearings shall be published in the official newspaper at least ten (10) days prior to the public hearing
- ✓ Create a Map, applying a search distance of 1,600 feet (confirming with City Clerk that number of addresses found in search is sufficient), and Mailing Labels for subject property on GIS for Anoka County
- ✓ Create a Letter for Mailing of *Notice of Public Hearing*
 - 1. If the public hearing is controversial or expected to attract a large number of residents, discuss with the City Planner the possibility of providing additional written or graphic details which explain or clarify the request.
- ✓ Mail Copies of *Notice of Public Hearing* to surrounding Property Owners, at distance of no less than 1,600 linear feet, greater if appropriate, at the discretion of the City Clerk. Include map showing location of the subject property. *Notice of Public Hearing* should be mailed to surrounding property owners as soon as possible. However, no later than the date the notice is sent to the newspaper.
 - 1. Email *Notice of Public Hearing* to Planning and Zoning Chairman & Commission Members, Mayor & City Council Members, City Planner, City Clerk, & Deputy Clerk (Deputy Clerk will post on City of Nowthen Website), include Map & Copy of Mailing Labels (with resident's names)
 - 2. Place digital copy from email in (Public/Public Hearings) folder for Deputy Clerk
- ✓ Blue Land Use signs to be posted by Public Works staff on subject property as soon as possible, but no later than the date the notice is listed in the newspaper.
 - 1. Provide address(es) for sign location to Public Works
- ✓ *Notice of Public Hearing* to be posted on the City Website at the time that the notice is sent to the surrounding Property Owners or sooner
 - 1. Posted on the City website under Meetings-Public Hearing
- ✓ *Notice of Public Hearing* to be posted on the bulletin board at The City Office
- ✓ Have Public Works remove the Blue Land Use sign from subject property after approval/denial by The City Council or Applicant's withdrawal of their application

Item 3h

Lori Streich

From: Jeff Pilon <jeffreypilon@gmail.com>
Sent: Wednesday, September 29, 2021 9:08 PM
To: Lori Streich
Subject: Fwd: James Cote Invoice
Attachments: 2021-09-23 Cote Invoice.pdf

Lori,

Please add this to the Thursday Oct 7th work session so the Council can address this matter.

Thank you,

Jeff

----- Forwarded message -----

From: Lisa Lorensen <llorensen@nowthenmn.net>
Date: Tue, Sep 28, 2021, 5:46 PM
Subject: James Cote Invoice
To: Lori Streich <lstreich@nowthenmn.net>, Jason Alders <jasonalders03@gmail.com>, Jeff Pilon (gmail) <jeffreypilon@gmail.com>, Joel Greenberg <joelgreenberg67@gmail.com>, Lynda Blake <lyndablakemn@gmail.com>, Mary Rainville <maryrainv@gmail.com>
Cc: Liz Stockman <Liz.stockman@planningco.com>

Mayor & Council Members,

Please find attached a new invoice for James Cote. We received charges from Hakanson Anderson for the Cote's property on July 27, 2021.

I would like to send this invoice to James & Kristen Cote but, considering the past disputes with them I thought it wise to let you know about the charges.

I would appreciate input on whether or not you feel it is necessary to go forward with mailing the attached invoice.

Please note that all invoices now state, rather clearly on the top:

"This statement may not include charges for which the City of Nowthen has yet to be billed for by the Contractors and/or work yet to be completed".

At the time when they paid The City of Nowthen (June 3, 2021) we had not received the invoices from Hakanson yet. I feel that this will be a common occurrence moving forward as it is very common to receive invoices from all our

Contractors after we have billed the property owner. This is happening as a result of making an effort to keep the billing current. Also, attempting to inform the property owner of what expenses have been accrued during the zoning application process.

Appreciate your feedback.

Have a great day,

Lisa Lorensen

Administrative Assistant



TO: James Cote
21330 Cleary Rd NW
Nowthen, MN 55303

STATEMENT

Date: September 23, 2021
Site Address: 8800 201st Ave NW
Application Type: Wetland Delineation,
Conditional Use Permit, &
Lot Split or Reconfiguration

BALANCE DUE UPON RECEIPT

Mail Payment to: City of Nowthen
8188 199th Ave NW
Nowthen, MN 55330

This statement may not include charges for which the City of Nowthen has yet to be billed for by the Contractors and/or work yet to be completed.

DATE	CONTRACTOR	DESCRIPTION	Debit	Credit	BALANCE
09-03-2020		Wetland Delineation Application Payment, Check #4029		2,000.00	2,000.00
02-01-2021		Conditional Use Permit (CUP) Application Payment, Check #4061		1,480.00	3,480.00
		CUP Base Fee	200.00		3,280.00
		CUP Public Hearing Fee	250.00		3,030.00
		CUP Recording Fee	30.00		3,000.00
10-06-2020	The Planning Company, LLC Invoice #6396	09-25-2020 Meeting at TPC offices to review lot split concept & wetland delineation, discuss lot split potential; talk w/City Engineer about flag lot in relation to future frontage road for industrial uses. 10-01-2020 Talk w/City Engineer re: proposed subdivision concept, road configuration in relation to future street layout.	216.00		2,784.00
10-28-2020	Hakanson Anderson Invoice #44909	09-21-2020 Notice of Application for 201 st Ave Property	87.00		2,697.00
11-18-2020	Hakanson Anderson Invoice #45109	10-02-2020 201 st Ave Wetland TEP Meeting & Mileage 10-23-2020 Notice of Decision for Wetland Boundary for 201 st Property	272.50		2,424.50
02-01-2021		Lot Split or Lot Configuration Application Payment, Check #4062		1,200.00	3,624.50
		Lot Split or Lot Configuration Base Fee	200.00		3,424.50
02-02-2021	The Planning Company, LLC Invoice #6605	01-29-2021 Phone call w/applicants, email & conversation w/Becky Wozney at ACSWCD	108.00		3,316.50
03-02-2021	The Planning Company, LLC Invoice #6683	09-02-2020 Call from & email to/from Ms. Cote re: wetland delineation process/escrow & review county letter regarding access. 09-18-2020 Email from Ms. Cote re: survey drawings expected 9/28 & setting up meeting, TPC request for lot split options, phone call to Ms. Cote & send flag lot regulations via email. 10-14-2020 Email from Ms. Cote w/update regarding septic designer doing boring the end of October when corn is off, reply w/deadline info about missing Nov date, be pushed to Jan PZ meeting, provide lot buildability examples. 11-11-2020 Assist Ms. Lendt & Ms. Cote w/ billing questions (NO CHARGE \$36). 12-23-2020 Submit CUP & lot split applications for preliminary review w/survey, w/borings, & final delineation info. 01-29-2021 Call from Westwood 02-01-2021 Review submitted applications, discussion w/Ms. Lendt & Ms. Cote re: applicant versus owner, discuss wetland impacts & culvert sizing w/Shane Nelson.	1,704.00		1,612.50

		02-08-2021 Attend special meeting w/applicants, Mayor Pilon, & Councilmember Alders; prepare public hearing notice. 02-09-2021 Public hearing notice prepared. 02-09-2021 TEP meeting re: impacts, de minimum application (NO CHARGE \$120.00). 02-17-2021 Prepare planning report, exhibits, PZ findings, & PDF for packet. 02-23-2021 Discuss outstanding wetland & ditch w/Shane Nelson & Kaci Fisher. 02-26-2021 Finalize PZ findings & prepare draft CC findings.			
03-22-2021	Hakanson Anderson Invoice #45652	02-01-2021 Communications & Preliminary Review 02-11-2021 Communication w/Westwood, Provide County 22 Plans 02-16-2021 Review Certificate of Survey for Lot Split, Review Lot Area Exhibit, Draft Memo	706.25		906.25
04-04-2021	The Planning Company, LLC Invoice #6766	03-01-2021 Email to Ms. Cote re: CC meeting, answer barndominium question & review email from Anoka County re: ROW dedication, email to CC regarding delayed consideration. 03-31-2021 Email to Ms. Cote regarding lot split consideration on the May agenda, call from Jeff Pilon & Ms. Streich, review email chain.	108.00		798.25
05-12-2021	Couri & Ruppe, P.L.L.P	04-13-2021 Telephone Conference w/Liz re: drainage easement	43.75		754.50
05-31-2021	Hakanson Anderson Invoice #46068	04-07-2021 Review Revised Plans, Prepare Review Memo No. 2	282.50		472.00
06-02-2021	The Planning Company, LLC Invoice #6880	04-06-2021 Emails to/from Ms.Cote, Mayor Pilon, & Ms. Streich re: City Council meeting & plan review 04-13-2021 Emails to/from Scott Berry w/questions about specific conditions in the CC findings, clarify via email & phone conversation, call Atty. Ruppe to discuss drainage easement (dropping & utility); update CC findings for meeting 05-13-2021 Emails 5/10-5/13 review & respond to all correspondence re: deeds, next steps, process for recording, etc.	444.00		28.00
06-03-2021	Hakanson Anderson Emailed Invoice	05-28-2021 Review of Legal Descriptions, Deeds, & Easement 06-01-2021 Review of Legal Descriptions, Deeds, & Easement	226.00		(198.00)
06-03-2021		Credit Card Payment, CC#0182		198.00	
06-28-2021	Hakanson Anderson Invoice #46235	05-10-2021 Review Legals-Barry A. Wagner 05-11-2021 Review Legals and Exhibits, Write Memo	56.50 226.00		282.50
			BALANCE DUE:		\$282.50



3601 Thurston Avenue
Suite 101
Anoka, MN 55303

City of Nowthen
8188 199th Avenue NW
Elk River, MN 55330

Invoice number 46235
Date 06/28/2021

Project NT2500-2021 2021 MISCELLANEOUS
SITE REVIEW FOR CITY OF NOWTHEN

Professional Services Provided Through 05/31/2021

BRAND NAME STORAGE PHASE 2 & 3

Professional Fees

Shane M. Nelson
REVIEW GRADING AGREEMENT
CALCULATE GRADING SURETY AMOUNT

Date	Hours	Rate	Billed Amount
05/11/2021	2.00	113.00	226.00
PROFESSIONAL FEES SUBTOTAL			226.00
BRAND NAME STORAGE PHASE 2 & 3 SUBTOTAL			226.00

COTE LOT SPLIT

Professional Fees

Barry A. Wagner
REVIEW LEGALS
Barry A. Wagner
REVIEW LEGALS AND EXHIBITS, WRITE MEMO
Barry A. Wagner
REVIEW EASEMENT LEGALS

Date	Hours	Rate	Billed Amount
05/10/2021	0.50	113.00	56.50
05/11/2021	2.00	113.00	226.00
05/28/2021	1.00	113.00	113.00
PROFESSIONAL FEES SUBTOTAL			395.50
COTE LOT SPLIT SUBTOTAL			395.50

MINI STORAGE

Professional Fees

Barry A. Wagner
REVIEW LEGALS
Barry A. Wagner
REVIEW LEGALS AND EXHIBITS, WRITE MEMO
Barry A. Wagner
REVIEW LEGAL DESCRIPTIONS

Date	Hours	Rate	Billed Amount
05/12/2021	1.00	113.00	113.00
05/13/2021	2.00	113.00	226.00
05/21/2021	1.00	113.00	113.00
PROFESSIONAL FEES SUBTOTAL			452.00
MINI STORAGE SUBTOTAL			452.00



3601 Thurston Avenue
Suite 101
Anoka, MN 55303

City of Nowthen
8188 199th Avenue NW
Elk River, MN 55330

Invoice number 46406
Date 07/27/2021

Project NT2500-2021 2021 MISCELLANEOUS
SITE REVIEW FOR CITY OF NOWTHEN

Professional Services Provided Through 06/30/2021

BRAND NAME STORAGE PHASE 2 & 3

Professional Fees

	Date	Hours	Rate	Billed Amount
Barry A. Wagner WRITE REVIEW MEMO	06/01/2021	1.00	113.00	113.00
Matt Danzl WCA REVIEW AND NOD ISSUANCE	06/10/2021	1.50	95.00	142.50
Shane M. Nelson REVIEW PHASE 2 BOND	06/15/2021	0.50	113.00	56.50
PROFESSIONAL FEES SUBTOTAL				312.00
BRAND NAME STORAGE PHASE 2 & 3 SUBTOTAL				312.00

BUILDING PERMIT REVIEWS

Professional Fees

	Date	Hours	Rate	Billed Amount
Matt Danzl 6612 189TH LANE REVIEW	06/14/2021	0.50	95.00	47.50
PROFESSIONAL FEES SUBTOTAL				47.50
BUILDING PERMIT REVIEWS SUBTOTAL				47.50

COTE LOT SPLIT

Professional Fees

	Date	Hours	Rate	Billed Amount
Barry A. Wagner REVIEW DOCUMENTS, WRITE MEMO	06/01/2021	1.00	113.00	113.00
PROFESSIONAL FEES SUBTOTAL				113.00
COTE LOT SPLIT SUBTOTAL				113.00

KONTZ TRUST SITE

Professional Fees

	Date	Hours	Rate	Billed Amount
Matt Danzl EMAIL TO CITY AND APPLICANT	06/29/2021	0.25	95.00	23.75
PROFESSIONAL FEES SUBTOTAL				23.75