



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 4271

A RESOLUTION GRANTING APPROVAL FOR SEWER CONNECTION FOR PROPERTY LOCATED AT 465-485 ORONO ORCHARD ROAD SOUTH

WHEREAS, Edward Hamm (hereinafter "applicant") is the owner of property in the City of Orono located at 465-485 Orono Orchard Road (hereinafter "the property") legally described as follows:

Exhibit A attached; and

WHEREAS, the property is approximately 18 acres in area and contains a principal residence structure containing 8 bedrooms and two individual guest house or caretaker house structures each containing 1 bedroom, which would normally require 3 individual septic systems and 3 alternate drainfield sites; and

WHEREAS, the existing septic systems serving the 3 dwelling units are interconnected and have exhibited intermittent failure for many years, and are also nonconforming due to lack of 3' separation from the zone of seasonal saturation; and

WHEREAS, a site evaluation has been completed by a licensed Site Evaluator and it has been determined that the property contains only two suitable drainfield sites instead of the six that would normally be required, and use of such sites would have the following negative impacts:

1. Use of the tested sites would require continued interconnection of septic systems serving three individual dwellings, and the associated complexities and problems inherent in such interconnections.
2. Use of the suitable primary septic site would require the removal of at least three mature pine trees and jeopardize other trees in the area; use of the alternate site would similarly result in the removal of younger trees which provide screening and would similarly jeopardize mature trees in the immediate area.



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 4271

3. Both tested sites would place a drainfield less than the City minimum requirement of 75' from the existing well.
4. The heavy clay soils on the site tend to create a somewhat higher risk of system failure than other soil types, posing a potential threat to public health, safety and welfare.
5. If the system failed, it would impact 3 separate dwellings, not just one; and

WHEREAS, the property is adjacent to the existing MUSA and is near existing municipal sewer lines which can feasibly be extended to serve the property; and

WHEREAS, the property substantially meets the criteria established by the City for use of the 50 'floating' sewer units approved by the Metropolitan Council for properties outside the MUSA boundary; and

WHEREAS, the applicant has indicated he will pay all costs associated with extension of the existing municipal sewer, connection charges, etc. and will agree to permanently limiting development of the 18-acre site to just 3 dwelling units, via deed covenants or other suitable instruments; and

WHEREAS, the Council finds that permanently limiting development of this 18-acre parcel to 3 dwelling units would be in keeping with the City's rural low-density philosophy as detailed in the Orono Community Management Plan, and would provide an ultimate level of development that is suitable for the site given the various site development constraints including wetlands, steep slopes, etc.; and

WHEREAS, the Council finds that, in combination, the factors and findings noted above establish that this is a unique situation as compared to others, and that there is a substantial basis to allow approval of the sewer connection subject to appropriate conditions.



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 4271

NOW, THEREFORE, BE IT RESOLVED that the City Council of Orono, Minnesota does hereby approve extension of municipal sewer to the property at 465-485 Orono Orchard Road subject to the following conditions:

1. Applicant shall pay all actual costs associated with extension of a municipal sewer line to the property boundary, upon billing of said costs to the applicant. The extension of municipal lines shall be completed by a contractor hired by the City based on a design to be completed by the City Engineer.
2. Additionally, applicant shall pay a connection charge for each of the three dwelling units based on the current connection charge for the 1980-1 Minnetonka Bluffs project, an amount equal to 3 x \$10,930 per the current City fee schedule or a total of \$32,790. The connection charge shall be due prior to issuance of a connection permit for each dwelling unit.
3. Additionally, 3 Sewer Availability Charge (SAC) units will be due at the time of issuance of a connection permit for each dwelling unit.
4. Applicant shall execute a deed covenant in a form acceptable to the City Attorney that permanently limits development of the property for residential uses to no more than three (3) dwelling units. The three existing dwelling units may be replaced if applicant chooses to do so, subject to all appropriate permits; and nothing in this approval shall prohibit the applicant from developing the property into three individual lots each containing one dwelling unit.
5. Applicant shall formally apply for and obtain a Guest House conditional use permit (CUP) for the two guest/caretaker units on the property, prior to connection of said units to the municipal sewer.
6. The undersigned applicant has read, understood and hereby agrees to the terms of this resolution and on behalf of himself, his heirs, successors and assigns, hereby agrees to the recording of this resolution in the chain of title of the property.



CITY of ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 4271

Adopted by the City Council of Orono, Minnesota on this 12th day of April, 1999.

ATTEST:

Linda S. Vee, City Clerk

Gabriel Jabbour, Mayor

(1) Property Owner

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 12th day of April, 1999 by Linda S. Vee and Gabriel Jabbour, City Clerk and Mayor respectively, of the City of orono, a Minnesota municipal corporation, on behalf of the municipal corporation.

NOTARY PUBLIC

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

On this _____ day of _____, 1999 before me a Notary Public within and for said county, personally appeared _____ known to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he(they) executed the same as his (their) free act and deed.

NOTARY PUBLIC