City of Afton

PLANNING COMMISSION AGENDA

February 2, 2015
7:00 pm

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**
   - Barbara Ronningen (Chair)
   - Sally Doherty
   - Kitty Kilmer
   - Kris Kopitzke
   - Mark Nelson
   - Judy Seeberger
   - Adam Smerud
   - Lucia Wroblewski
   - Scott Patten

4. **APPROVAL OF AGENDA**

5. **APPROVAL OF MINUTES**
   a. January 5, 2015 Meeting Minutes

6. **REPORTS AND PRESENTATIONS**
   None

7. **PUBLIC HEARINGS**
   None

8. **NEW BUSINESS**
   None

9. **OLD BUSINESS**
   a. David Herreid Withdrawal of Variance Application at 16530 Swede Hill Drive
   b. Residential Solar Array Ordinance
   c. Manning Avenue Corridor Overlay District
   d. Regulations Regarding Contiguous Substandard Lots Under Common Ownership
   e. Regulations Regarding Accessory Buildings on Parcels Greater than 20 Acres
   f. Draft City Council Minutes - Update on City Council Actions

10. **ADJOURN**

This agenda is not exclusive. Other business may be discussed as deemed necessary.

A quorum of the City Council or Other Commissions may be present to receive information.

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
January 5, 2015, 7:00 PM

1. **CALL TO ORDER** –Chair Barbara Ronningen called the meeting to order at 7:00 p.m.

2. **PLEDGE OF ALLEGIANCE** – was recited.

3. **OATH OF OFFICE** – Moorse administered Oaths of Office to newly appointed Planning Commission Members Lucia Wroblewski (Ward 2-term expires in Feb 2018) and Scott Patten (Ward 3-partial term expires in Feb 2017).

4. **ROLL CALL** - Present: Doherty, Kilmer, M.Nelson, Smerud, Kopitzke, Ronningen and Seeberger. New Commission members: Scott Patten and Lucia Wroblewski. Excused Absence: Smerud. **Quorum present.**

ALSO IN ATTENDANCE – Liaison to the PC, Council Member Peg Nolz; City Administrator Ron Moorse; and, Deputy Clerk Kim Swanson Linner.

5. **APPROVAL OF AGENDA** –

Motion/Second: Nelson/Kopitzke. To approve the January 5, 2015 Planning Commission agenda as presented. Motion carried 8-0-0.

6. **APPROVAL OF MINUTES** –

a. December 1, 2014 Planning Commission Meeting Minutes –

Motion/Second: Kopitzke/Nelson. To approve the December 1, 2014 Planning Commission minutes as presented. Motion carried 3-0-5 (Abstained-Doherty, Ronningen, Seeberger, Patten, Wroblewski).

7. **REPORTS AND PRESENTATIONS** – none.

8. **PUBLIC HEARINGS** -

a. Lakeview Investment #1 Preliminary Plat Application at 14833 50th Street – Chair Ronningen opened the Public Hearing at 7:06 p.m.

Administrator Moorse summarized the application process to date, that the Sketch Plan presentation to the Planning Commission was completed and that the Lakeview Investment #1 is now in the Preliminary Plat stage of the application for the "Trading Post Trail Preserve" subdivision of the subject property at 14833 50th Street (at the southeast corner of Trading Post Trail). Engineering memos from the City Engineer and the developer's engineer, Plowe Engineering, regarding the application were on file.

The planning consultant report from Dan Licht was presented by Scott Richards, from The Planning Company (TPC), indicating that subdivision application is in compliance with Afton's Comprehensive Plan and zoning ordinances.

Public Comment:

Ingrid Schroder, 5337 Trading Post Trail S, owner of the adjoining parcel to the south of the proposed subdivision, was concerned that the subdivision adhere to property lines.

Ronningen responded that the subdivision required a survey be done.

Kopitzke offered that property records at Washington County might be able to offer property line information confirming that the survey data matches what they consider to be their property lines.

Bob Chezik, 5311 Osgood Avenue S, an owner on the cul-de-sac that will be extended to serve two lots of the subdivision, was concerned about watershed and drainage issues from the property now and the subdivision in the future. He reported on the significant drainage from last summer's rainfall events which caused depths of two to six inches of runoff to cross Osgood Avenue. He indicated that the retention pond installed in 2014 does not appear to hold the amount of water from those rainfall events and wonders if it is properly sized and if it in fact is working. He requested that the engineers and watershed revisit the size and function of the designed drainage and retention pond.

Administrator Moorse indicated that the drainage and retention pond mitigation work was done by the South Washington Watershed District (SWWD). Both the City Engineer and the SWWD need to ultimately approve the Drainage Plan.

Developer representative, Ray Pruban, indicated that the engineers and the watershed district are aware of the concerns and they are working together to make sure the drainage plan adequately addresses the needs.

Motion/Second: Doherty/Wroblewski. To close the Public Hearing at 7:22 p.m. Motion carried 8-0-0.

Commission Discussion:

Ronningen noted that the application indicated the subdivision consists of three existing parcels. She asked for clarification. *The three parcels consist of the original home parcel at 14833 50th Street S, the large "C" shaped parcel around 14833 and an outlot at the end of the existing cul-de-sac on Osgood Avenue S.*

Nelson noted that the 18" storm sewer was calculated to accommodate less than a 4.17 inch rain (10 year event) for the rain events. *The developer stated the retention pond design will be updated, as it has been determined it is not large enough for the drainage; the changes will be reviewed by the City Engineer and the SWWD.*

Patten asked why a cash park dedication was decided.

Ronningen informed that the Comprehensive Plan does not indicate a park proposed in the area, so the city decided on a cash Park Dedication Fee.

Patten asked about soil boring numbers missing from the provided data. *The developer stated that several soil borings were done and that the soil borings provided were indicative of where buildings or septic systems would be located.*

Doherty asked about the distance between proposed driveways. *It was noted that this is Rural Residential so a 300 foot distance between driveways is not required and that sight lines on roads with slopes may be more important than having driveways located across from one another.*

Ronningen asked if easements are done at the Final Plat stage. *Yes.*

Doherty asked if the two alternatives shown for septic system locations meet all required setbacks. *Yes.*

Ronningen commented that the Tree Preservation Plan was confusing, as it states that areas with large tree stands will also be getting "selective cutting of trees six inches in diameter or larger within the areas of the building pad, septic drainfield, driveway, storm water basins and pipe trenches and construction of Osgood Avenue," which seemed to be an extensive amount of tree cutting. *The developer stated a Tree Preservation Plan was submitted and the plan is to cut the minimum number of trees required..*

Council Liaison to the PC Nolz commented that the city subdivision ordinance, Section12-1328 titled "Data required for preliminary plat" under C. Design features, Item (4) states that the "location of house and detached accessory building on each lot" shall be shown. She noted that the lots did not have proposed locations for detached accessory buildings shown. Each lot needs to have an area shown that meets setbacks and complies with the zoning code and does not interfere with the house and septic system locations.

Motion/Second: Seeberger/Ronningen. To recommend approval to the City Council for the Lakeview Investment #1 Preliminary Plat application for "Trading Post Trail Preserve" at 14833 50th Street with:

Conditions:

#1 through #11 of the TPC Preliminary Plat Report dated 30 December 2014;

Amending Condition #1 to state the "minimum setbacks shall apply to all lots within preliminary plat;"

Adding Condition #12, "To show the location of a detached accessory building on each lot that meets setbacks and complies with the zoning code and does not interfere with the house and two septic system locations."

Motion carried 7-1-0 (Nay-Patten).

b. David Herreid Variance Application at 16530 Swede Hill Drive – Chair Ronningen opened the Public Hearing at 7:47 p.m.

Administrator Moorse explained that the property at 16530 Swede Hill Drive currently contains a cabin that has a well and septic system, has been resided and reroofed, and is planned for use as a year-round home. The applicant, Mr. Herreid, proposes to build a garage to store vehicles and equipment that are currently stored outside, as there is currently no garage on the property. The property is subject to the St. Croix Bluffland and Shoreland District regulations and variances are required to locate the garage within 100.7 feet of the ordinary high water line vs. the required 200 foot setback and within 56.9 feet of the bluffline vs. the required 100 foot setback. The St. Croix River Bluffland and Shoreland ordinance allows the setback from the bluffline to be reduced to a minimum of 40 feet when it can be demonstrated that no change in the natural appearance of the shoreline, slope, and bluffline will occur and the structure will be visually inconspicuous in summer months as viewed from the river. The condition of this reduced setback is that the applicant shall agree to donate a scenic easement over the area between the structure and the river and maintain the scenic easement in an undisturbed condition and appearance. The proposed garage will be located outside of the scenic easement area. Impervious coverage on the site was not an issue. The zoning code allows a one-story garage with a maximum size of 1,000 square feet. The proposed garage is one story, 784 square feet in size. Key considerations are whether it is reasonable to have a garage on the property to serve the cabin. The steep slopes on the majority of the property make locations for a garage limited with suitable locations all located closer to the bluffline and river than allowed, therefore, visual impacts and drainage/erosion are key concerns. Moorse indicated he had received an email earlier in the day from the DNR's Molly Shodeen and provided it in a Supplemental Packet. The DNR requested that, if the city grants a variance to construct the garage, mitigation should be to have the deck at the water's edge removed.

Herreid explained a portion of the garage is planned for use as a workshop. The proposed garage location is in a relatively flat area between a steep slope up to the west and a steep slope down to the river on the east. The garage location is adjacent to an existing gravel driveway to the west. He indicated there are existing trees between the garage and the river, and there is sufficient area to plant additional vegetation to screen the garage from views from the river. He was not in favor of removing the deck which had existed on this property since the 1960's. He wanted the opportunity to discuss this with Molly Shodeen.

Motion/Second: Kopitzke/Wroblewski. To close the Public Hearing at 7:57 p.m. Motion carried 8-0-0.

Commission Discussion:

Doherty asked if the applicant had completed the Variance Questionnaire, as it was not provided in the packet.

Moorse indicated that the applicant was given the Questionnaire, but chose to answer the questions in the form of a letter.

Patten asked about what appears to be a second floor, which would not be allowed.

The applicant indicated it is an attic loft area for additional storage; the ceiling height is 6'8" which is not sufficient to be considered a separate floor. He described the other areas of the garage are for two vehicles and there is a small woodshop area.

Ronningen indicated that the city has made past decisions allowing variances to construct a garage, as the Minnesota climate is such that it is deemed a necessity. She commented on the email memo from Molly Shodeen that requires the deck at the water's edge to be removed as a condition of the city granting the variance.

Seeberger stated that the bluffline problem can be solved with a setback from the ordinary high water mark.

Kopitzke agreed, stating that the unique characteristic of the property where the garage will be located is vertically 39.7 feet above the water elevation, according to the September, 2012 map, shown as 674.8 feet, compared to the elevation of the garage pad at 714.5 feet, instead of a horizontal setback of 40 feet from the bluff. He felt the additional vertical elevation is a unique characteristic that makes the variance from a 100 foot setback acceptable; the bluff line provides 40 feet of elevation, which would in turn reduce visual impact from the river and guarantees it will not flood.

Wroblewski asked how important is winter screening coverage.

Moorse indicated the riverway screening concern is for "leaf on" conditions in the summer, as that is when people would be using the river.

Motion/Second: Ronningen/Kopitzke. To recommend approval of the Variance Application to construct a garage at 16530 Swede Hill Drive closer to the St. Croix River bluff than is allowed with the following conditions and findings of fact:

Conditions:

1. **According to the DNR memo, the existing deck at the water's edge would need to be removed.**
2. **A new scenic easement will be required between the new garage and the river.**
3. **The natural screening would need to be maintained indefinitely in compliance with the St. Croix Bluffland and Shoreland regulations.**
4. **The applicant will provide a completed Variance Questionnaire.**

Findings of Fact:

1. **Having a garage in Minnesota is important.**
2. **The property is a unique site with steep slopes on either side of the parcel.**
3. **The proposed location is well-sited and the best location on the property.**
4. **The garage will be located in excess of 40 vertical feet above the ordinary high water mark.**
5. **Granting the variance for the construction of the garage will not change the river or the character of the neighborhood, both by the use of the proposed materials and the adequate screening of the structure from the riverway.**

Discussion:

Doherty again spoke of the "ad hoc" nature of the application, and requested a deferral so that the applicant could complete the Variance Questionnaire.

The applicant indicated he is willing to complete and submit the Questionnaire. He also commented that he would need time to consider the DNR's request to remove the deck, as it has been an existing structure on this family property. He would be willing to demolish the small shed on the property to the south along the water's edge as a mitigation for the DNR. He would like to be able to have time to discuss the issue with Molly Shodeen to find out what other options there might be rather than remove the deck.

Nelson asked if the deck was built prior to 1968 when the Wild and Scenic Rivers Act was enacted and whether that would grandfather in the deck.

Ronningen indicated that the DNR is basically saying that if the city grants the variance for the garage that they would like the property to become more in compliance with the riverway regulations, which is why they are requesting that the deck be removed.

Doherty commented that the city does the same when it has the opportunity to "fix" non-conformances, and over time the land starts to "get cleaned up" and be in compliance.

Patten stated that granting a variance on a non-standard lot is not good, however, he is "pro-garage" for Minnesota residents.

Nelson asked if the applicant would like to extend his variance application to have more time to consider the request by the DNR, since he just heard about the email and the deck removal request.

The applicant indicated he would like time to talk with Molly Shodeen of the DNR about the request to remove the existing deck on the property and to consider the implications of such a request.

Ronningen withdrew the motion, Kopitzke withdrew the second. The applicant will submit the Variance Questionnaire to the city for the PC's review at their February 2 meeting. The 60-day application timeline will be extended in order to go before the City Council at their February 17 meeting.

9. NEW BUSINESS

a. Select Two Planning Commission Members to Review Planning Consultant Proposals – Administrator Moorse explained that the City submitted Requests for Proposals (RFPs) from planning consultants for the review of applications for major subdivisions, which are subdivisions that include at least four lots or that include the construction of a new public road, and whose professional charges are passed on to the applicant through the application escrow that is collected. In response to its RFP, the City received seven proposals.

Council indicated at their last meeting that they would like the initial review of the proposals to be done by a committee made up of two Planning Commission members, the mayor and the City Administrator to select two or three proposals for review by the full Council.

Ronningen asked for volunteers from the Commission. It was noted that the commitment is about 10 pages each for seven proposals, up to about 80 pages. They should be reviewed in the next couple of weeks in order for a review committee meeting to be held at the end of January.

Commissioner Seeberger volunteered to serve on the committee; Chair Ronningen, hearing no others, volunteered to serve on the committee to review the planning consultant proposals.

10. OLD BUSINESS

a. Residential Solar Array Ordinance - Administrator Moorse introduced solar energy consultant, Brian Ross, who presented information and offered his technical assistance to the Planning Commission in considering the preparation of a city ordinance concerning solar energy regulations. He gave an informative PowerPoint presentation to the Commission. Due to time limitations, the entire presentation was cut short. Commissioners asked if the presentation could be made available to them.

Ross was happy to share the presentation; it can be accessed on the city website: www.ci.afton.mn.us under "City Meetings/Planning Commission/2015 Packets."

Items (b), (c) and (d) were continued to the February 2 meeting due to the late hour.

b. Manning Avenue Corridor Overlay District –

c. Regulations Regarding Contiguous Substandard Lots Under Common Ownership -

d. Regulations Regarding Accessory Buildings on Parcels Greater than 20 Acres –

e. Draft City Council Minutes - Update on City Council Actions – Council passed the Ordinance on the Front Yard Setback anomaly for parcels with no frontage on a public road. Council was asked for their guidance on accessory building sizes on larger parcels in order for the PC to continue considering this item.

10. ADJOURN–

Motion/Second: Nelson/Doherty. To adjourn the meeting at 9:52 p.m. Motion carried 8-0-0.

Respectfully submitted by:

_____

Kim Swanson Linner, Deputy Clerk

To be approved on February 2, 2015 as (check one): Presented: _____ or Amended: _____

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 26, 2014

Re: David Herreid Withdrawal of Variance Application at 16530 Swede Hill Drive

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David Herreid has applied for variances to enable the construction of a garage on the property at 16530 Swede Hill Drive. Due to the issue raised by Molly Shodeen of the DNR regarding the removal of the existing substandard deck, Mr. Herreid has indicated he needs substantial additional time to address the deck issue, and requested the Planning Commission's action regarding the application be tabled for an indefinite time. I indicated it is not workable to table the application for an indefinite time because of the 60 day review period requirement. I suggested he withdraw the application with a request that the initial variance fee be allowed to be applied to a new variance application to be submitted in the future. Mr. Herreid was not able to provide a letter withdrawing the variance in time to be included in the agenda packet. The letter will be emailed to the Commission members as soon as it is received, and a hardcopy will be provided at the Commission meeting.

PLANNING COMMISSION DIRECTION REQUESTED:
Motion regarding David Herreid's request that the initial variance fee be allowed to be applied to a new variance application in the future.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 26, 2015

Re: Solar Array Regulations

Brian Ross, the consultant who is providing technical assistance for the preparation of solar energy regulations, attended the January 5 Planning Commission meeting. Attached is a copy of the presentation slides he used at the meeting, and the zoning scan report prepared by Mr. Ross. Please also bring to the meeting the model ordinance provided by Mr. Ross that was included in the November 3 meeting packet.

At its December 1, 2014 meeting, the Planning Commission agreed that clear definitions of residential vs. commercial solar arrays are needed. The Commission also identified the following questions to be provided to Mr. Ross in advance of the January 5 meeting. Most of the questions were addressed in the presentation by Mr. Ross.

a) What are the primary considerations in a solar energy ordinance? What nuisances do we need to try to control?
b) What is a good way to measure the size of a solar array, and is controlling the size of a solar array a good method of controlling impacts?
c) Should regulations promote or control solar arrays, or both?
d) How fast is technology progressing? Will the solar "capture" technologies shrink, causing current arrays to be obsolete in a short amount of time?
e) What considerations should the city have on removal or disposal of the equipment?
f) Lessons learned from other communities in implementing solar ordinances—what worked, what failed catastrophically?
g) What are the primary business models, i.e. a) landowner works with electric company/residential; b) "developer" works directly with the electric company/commercial; and, c) independent, large solar energy producer/commercial?

<u>Ordinance Development Process</u>
The following are possible steps in the process of developing a solar energy ordinance

1. Identify the key values to be reflected in the ordinance, or the key purposes of the ordinance, i.e.
   - protect the City's rural character
   - protect neighboring properties from impacts of solar arrays
   - protect solar access for properties
   - promote residential solar energy generation

2. Start with the model ordinance and work through the ordinance and decide what to keep and what to eliminate or change based on what fits Afton and the purposes to be accomplished by the ordinance.

<u>PLANNING COMMISSION DIRECTION REQUESTED</u>:

Provide direction for further work regarding solar energy regulations.

October 29, 2014

Mr. Ron Moorse, City Administrator
Afton City Hall
Afton, MN
rmoorse@ci.afton.mn.us

Mr. Moorse:

As we discussed in our meeting last week CR Planning has reviewed Afton's zoning ordinances for potential barriers to solar energy development and possible regulatory incentives for encouraging appropriate solar development. The following is a summary of our scan, including questions that we believe need to be answered in order to ensure that the solar development process is predictable and transparent to property owners, contractors, city staff, and appointed and elected officials.

This memo is based on an ordinance scan, and not an in-depth reading of the ordinances. We may have missed points or may not have appropriate information on how the city applies some elements in its development regulations. Thus we have outlined options for you to consider rather than specific recommendations.

Fundamental to our analysis is the perspective that property owners have a legitimate economic interest in the solar resource on their property, and that the city has an interest in protecting and developing local solar resources consistent with its existing development policies.

Basic Zoning Issues

Basic zoning issues (uses, height, setbacks, lot coverage) affect the ability of a property owner to capture the property's solar resource. In the case of each of these basic zoning standards, the community needs to identify how much flexibility is justified for solar development, given your community's housing stock, standards, accepted aesthetic in terms of bulk and massing, etc. For many of the basic zoning issues, the City has yet to identify clear standards as to how solar energy systems are treated.

Definitions. Solar structures are not currently defined within the zoning ordinance. It may be useful to define solar energy systems in **Section 12-55. Definitions**. Some additional definitions that make important distinctions between types of solar energy installations will likely also be helpful. For example:

1. Define solar energy system to describe it as an accessory structure that "utilizes direct sunlight to produce energy as and alternate for or supplement to…"
2. Consider a separate definition for "solar resource," where the characteristics of a meaningful solar resource can be defined in order to distinguish between a properly functioning system and a solar sculpture. Solar energy systems require access to direct sunlight for several hours every day, usually including solar noon, for the entire year, in order to properly function.
3. Consider adding a definition for "building-integrated" solar energy systems.
4. Consider a definition for ground-mount solar energy installations.
5. Consider a new definition for solar as a principal use (solar farm, solar garden).

We have definition language for all these types of installations should you decide to include them in your ordinance.

Uses. Afton does not identify rooftop or freestanding accessory use solar collectors or systems as permitted in any zoning district. ***Section 12-134. Uses.*** provides a long list of permitted uses – principal and accessory – for each district; solar installations are not included in this list as accessory

uses. Since solar energy systems are neither defined nor explicitly allowed in any zoning district, the assumption is that they would be regulated either as an integral part of a building or as an accessory structure.

Moreover, solar energy systems are not identified as a permitted or conditional principal use in any zoning district, which effectively prohibits freestanding solar farms or gardens throughout the community. We understand that the city has already determined not to allow solar farm or garden development in rural residential or agricultural districts, but that solar farms or gardens could potentially be allowed in industrial districts.

Options to consider include:

1. Create definition of solar energy systems (as recommended above) that explicitly describes rooftop and freestanding systems as accessory uses when installed on a lot with existing buildings.
2. Include solar energy systems as a listed accessory use along with other accessory uses in the use table.
3. Include solar energy systems as a listed (conditional) principal use (solar farm or garden) in light industrial districts in the use table. Separate standards for solar principal uses would need to be developed, including possibly distinguishing between solar farms and community solar gardens.

Height. The height limit is a potential solar access issue in developed urban areas because the solar "resource" on a building may be located above the existing roofline due to shading from trees in the lot in question or by trees or buildings on adjacent lots. Many cities include exceptions to height limits, such as church spires, antennas, chimneys, smokestacks, and similar structures. All districts in Afton have a maximum height requirement of 35 feet and include exceptions to the height limits for flues, chimneys, and additional exceptions for places of worship. Issues affecting the height issue include: the established urban forest in its village area, heritage preservation considerations, and visual impacts on the St. Croix National Scenic Riverway.

Possible options to consider include:

- Developing visual impact standards consistent with heritage preservation and St. Croix National Scenic Riverway standards.
- Listing solar energy systems as an exception to height standards in the ordinance in areas outside heritage preservation and St. Croix Riverway standards.
- Allowing solar panels to exceed the height limit, but as a conditional use, upon demonstration that the owner otherwise would have inadequate access to direct sunlight for solar energy production (consistent with the solar hardship variance definition in Minn. Statutes 394.25, Subd. 7).

The ordinance does protect solar access across neighboring lots. Under **12-132 Minimum Height Requirements**, the ordinance states:

> *2. No structure shall be erected that will block solar access for existing principal structures or infringe on the solar access of the buildable area of a vacant lot or parcel.*

As Afton does not have a centralized wastewater system, there are few areas where urban density creates buildings shading other buildings. A more important consideration for solar access across adjacent lots is the possibility of trees on one lot growing into the solar "window" of another lot. This is a more difficult issue to address than buildings, but may become an issue in the future as solar installations become more common.

Setbacks. Setback requirements can pose similar barriers to utilizing solar resources. If a given lot's solar resource is located in a reserved setback area (rather than on a rooftop or a yard), does the city allow flexibility for ground-mount systems or building-mounted awnings that extend into the required setback?

In Afton, structures under 1,500 square feet are subject to rear and side yard setback limits of 50 feet in all districts except VHS-R and VHS-C, where 30 feet (rear) and 10 feet (side) are the limits. Permitted encroachments on setback requirements include: posts; off-street parking spaces, flag polies, ornamental features, sidewalks, fences, and essential services.

The City may wish to consider adding ground-mount solar installations to the list of equipment allowed to project into certain yards. As with solar installations attached to buildings, the City may wish to consider language that allows some flexibility for placement of ground-mounted solar installations. Options include:

- Allow incursions for ground-mounted solar collectors into a required yard, similar to the encroachments allowed for structural elements attached to the principal building.
- Allow incursions only if necessary to use the lot's solar resource, as a conditional use (as noted above for height).
- Hold ground-mount solar installations to the same standard as other land uses and accessory structures.

Impervious Surface/Coverage. As with setbacks, where trees and buildings are closer together, the lot's solar resource may only be in a yard rather than on a rooftop. Afton restricts impervious surface coverage to the following in each of its Districts:

	A	RR	VHS-R	VHS-C	I-1A	I-1B	I-1C	MS
Maximum site coverage by and structure and/or impervious surface	10% or ½ acre whichever is greater	10% or ½ acre whichever is greater	20%*	20% or 4,350 square feet, whichever is greater*	35%*	35%*	35%*	35%*

**Maximum three times the width of the lot on any lot of ten or more acres.*

Ground or pole-mounted systems, if allowed as accessory structures, would be affected by coverage limitations. Existing accessory structures may already be using the coverage allotment, and thus this requirement could act as a barrier to solar installations. A residential ground-mount installation will have a collector surface area approximately between 200-300 square feet although some systems can be somewhat smaller or larger. Options include:

- Exempting solar accessory structures from the impervious surface requirements, but setting a separate coverage limit that allows a typically-sized ground-mount system.
- Making solar installations that result in higher coverage ratios a conditional use, rather than precluding the installation.
- Exempting solar accessory structures from impervious surface limits, provided the ground mount system is not constructed on compacted soil and the ground below the collector is maintained in vegetation.

Defining impervious coverage for solar farms or gardens (principal uses) may require additional considerations. Options include:

- Exempting solar farms or gardens as uses from lot coverage ratios, but continuing to require

NPDES standards for demonstrating compliance with stormwater retention and sediment control.

- Developing standards for maintaining vegetative cover under the solar array as mitigation for the impervious surface of the collector.
- Exempting solar collectors as impervious surfaces.
- Creating a

Design Standards. ***Article VII Heritage Preservations*** is intended to safeguard the rural landscape and heritage; protect and enhance the City's appeal; foster civic pride; and promote the preservation and continued use of historic sites and structures. Within this article, roofs are regulated under ***Section 12-1668. Roofs and Chimneys,*** which states the following:

> *The shape, texture, and color of the roof are important design features of any buildings. Gable and hipped roofs are most common for residential construction, while flat roofs are found on some commercial buildings. Many of the early houses of the City were roofed in cedar shingles and later reroofed with asphalt shingles. Properly selected modern asphalt roofing materials are compatible with the appearance of historic building.*
>
> *A. Roofing materials. New roofing material should be appropriate to the character of the buildings in composition, size, shape and texture. Dark brown, dark gray, and "weathered wood" are among usually acceptable colors. Rolled roofing may be used only on flat or slightly sloped roofs which are not visible from the public way.*
>
> *C. Skylights. Wherever possible skylights should not be installed on the front roof plane. They should be flat and as close to the roof as possible.*

The ordinance also states that for new construction or alterations of commercial buildings "*roof hardware such as skylights, vents, and metal pipe chimneys should not be placed on the front roof plane.*"

It is unclear if solar panels, roof or ground-mounted, would violate any of these design requirements. The City may consider the following:

- Permit ground mount accessory systems in the rear yards of historic district buildings.
- Limit solar installations on the front roof plane similar to Subsection C. above, regarding skylights. Rely on the variance process (consistent with state statute) for those instances when the limitation precludes access to direct sunlight for solar energy production (noted below).

Variances. Afton's zoning ordinance refers to solar energy in one context – that of variances:

> ***Section 12-77 Appeals and Variances; Board of Adjustments and appeals***
> *Economic considerations alone shall not constitute practical difficulties if reasonable use for the property exists under terms of the ordinance. Practical difficulties also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.*

This section is consistent with state law on variances, which explicitly defines inadequate access to direct sunlight for solar energy systems as a practical difficulty that can trigger a variance.

Subdivision Standards. The subdivision process offers other opportunities to encourage solar installations, by protecting solar access, creating solar development incentives, and integrating the concept of solar as an important local resource into the fabric of the region's infrastructure.

Currently, under **Article VI. Subdivisions, Section 12-1258. Solar access planning**, the ordinance reads:

> *All new subdivisions should be designed to accommodate extensive use of passive and active solar energy systems with special attention given to street, lot and building orientation.*

This language could be strengthened to encourage solar development through a suitability analysis that would include identifying and protecting potential solar resources. Solar resources can be protected most easily in the subdivision process where solar easements could be identified, as part of the subdivision process, for those lots with good solar resources. The solar easement would preclude buildings or vegetation that would shade a designated solar resource.

Such suitability analysis is now much easier than in the past, as Minnesota's solar resources have been mapped for the entire state at a one-meter resolution, and is available for free from the University of Minnesota (the GIS data may soon be transferred to the Department of Natural Resources "data delis" site). The online map can be accessed at http://solar.maps.umn.edu/app/.

The Minnesota municipal planning and zoning enabling statute includes the following provision:

> *462.358 OFFICIAL CONTROLS: SUBDIVISION REGULATION; DEDICATION. Subd. 2a: The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems.*

We encourage the City to add provisions to the zoning ordinance in order to be able to more adequately interpret and apply this standard. Options include:

- *Require, as part of the submittal requirements for a preliminary plat in the subdivision process, identification of solar resources and solar easements that protect and encourage development of local solar resources.*
- *Require that subdividers demonstrate that the subdivision has been properly planned for possible solar energy installations within the subdivision and as it relates to adjacent property.*
- *Limit HOA/CIC design restrictions on solar development, or require that subdivisions include a lot designed and designated for community solar garden development.*

Regulatory Incentives. Removing potential barriers to the development of property owners' solar resources is a critical step in enabling solar development. However, the City also has options to include regulatory incentives for solar development, similar to incentives that the City uses to encourage other community benefits in the development process. Examples of incentives that can encourage development of solar resources include:

- Encouraging or requiring that new buildings be built to "solar ready" standards when the city provides financial or infrastructural investment in the project.
- Using density or FAR incentives for development that also develops solar resources.
- Incorporating solar development as a component of PUD benefits, similarly to PUD requirements for trails, open space, or desired mix of uses.

We will check in with you after you review these, in order to determine how we can assist you with the next steps.

Solar Ready Communities

Best Practices for Minnesota

City of Afton Planning Commission
January 5, 2015

Grow Solar

Brian Ross, AICP, LEED GA
bross@crplanning.com

Powered by SunShot
U.S. Department of Energy

Powered by SunShot, The Grow Solar Partnership

Grow Solar

Grow Solar Partnership – Minnesota!

1. Midwest Renewable Energy Association
2. Clean Energy Resource Teams (CERTs)
3. CR Planning, Inc.

Powered by SunShot
U.S. Department of Energy

Resources, Training, Technical Assistance

Grow Solar

Grow Solar Partnership: Minnesota!

1. Technical assistance, training, promotion, education addressing solar energy development for:
   a) Plans and planning processes
   b) Zoning and development regulation
   c) Permitting processes
   d) Financing opportunities
   e) Interconnection

Powered by SunShot
U.S. Department of Energy

Afton Issues of Concern

1. What are the primary considerations in a solar energy ordinance? What nuisances do we need to try to control?
2. What is a good way to measure the size of a solar array, and is controlling the size of a solar array a good method of controlling impacts?
3. Should regulations promote or control solar arrays, or both?
4. How fast is technology progressing? Will the solar "capture" technologies shrink, causing current arrays to be obsolete in a short amount of time?

Afton Issues of Concern

5. What considerations should the city have on removal or disposal of the equipment?
6. Lessons learned from other communities in implementing solar ordinances—what worked, what failed catastrophically?
7. What are the primary business models?
   a) landowner works with electric company/residential;
   b) "developer" works directly with the electric company/commercial; and,
   c) independent, large solar energy producer/commercial.

Understanding Local Solar Issues

1. Solar Resource
2. Solar Technologies
3. Statutory Context
4. Planning and Zoning Best Practices

Solar Development is Development

Solar energy development is local development

- ✓ Is investment adding value to homes and businesses
- ✓ Creates economic opportunity
- ✓ Uses local resources
- ✓ Poses potential conflicts

Photo credit: U.S. DOE SunShot

Solar Development is Development

Typical Local Government Roles in Development Activities

- ✓ **Regulator –** policy, zoning, permitting.
- ✓ **Financier or Assembler –** EDA type role, providing financing tools, development preparation, assembly of resources for private sector investment
- ✓ **Developer -** HRA or public housing authority type role, owning and managing development for private sector use
- ✓ **Consumer** – developing solar for public sector use

Solar Resources

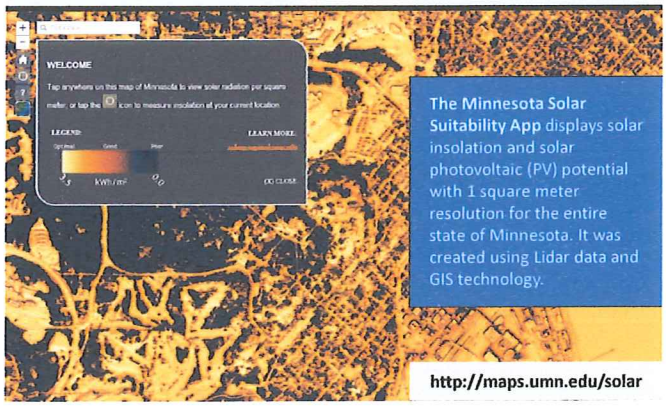
Solar Resources . . .

The local landscape defines whether a given site has a solar resource

- ✓ Topography
- ✓ On-site obstructions
- ✓ Obstructions on adjacent land
- ✓ Future obstructions

An adequate solar resource location is unshaded for several hours every day (around solar noon), both now and well into the future.

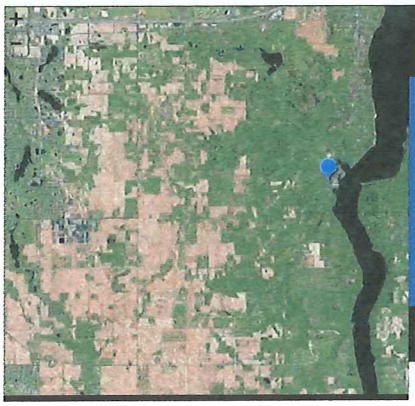
MN Solar Suitability App



The Minnesota Solar Suitability App displays solar insolation and solar photovoltaic (PV) potential with 1 square meter resolution for the entire state of Minnesota. It was created using Lidar data and GIS technology.

http://maps.umn.edu/solar

City of Afton

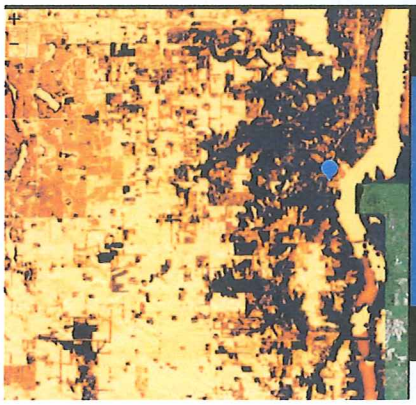


The app can be used on a computer, tablet, or phone at maps.umn.edu/solar.

Users put in their address to zoom into a particular area, then can click on a rooftop or any other area to see if it is a good location for solar.

http://maps.umn.edu/solar

Potential: Many trees, high relief



When you click on a location, the app will tell you the annual insolation, as well as the average for each day.

The app will also share info about the utility company, incentives, and how to find a company to get started.

http://maps.umn.edu/solar

Potential: This Building

When you click on a location, the app will tell you the annual insolation, as well as the average for each day.

The app will also share info about the utility company, incentives, and how to find a company to get started.

http://maps.umn.edu/solar

Potential: This Building

When you click on a location, the app will tell you the annual insolation, as well as the average for each day.

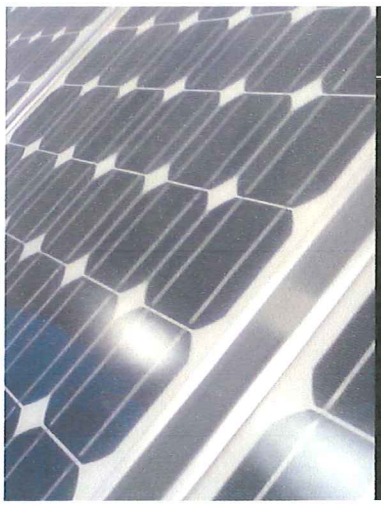
The app will also share info about the utility company, incentives, and how to find a company to get started.

http://maps.umn.edu/solar

What's Next?

- Updated Lidar
- Refined resource, production & cost estimates
- Drawing polygons
- Data download by county
- Installed projects
- Android & iPhone Apps

http://maps.umn.edu/solar

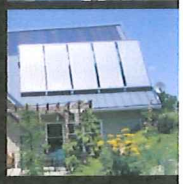


Solar Technologies

Solar Technologies

Technology options include:

- **Photovoltaic (PV) or solar electricity.** Modules produce electricity from sunlight using semi-conductor technology.
- **Solar Thermal.** Collectors capture sunlight as heat and transfer heat for water or space heating
- **Passive Solar.** Uses the basic structural elements of a building, careful site selection, and various homebuilding strategies to provide daylighting, ventilation, or heat.



Solar Technologies

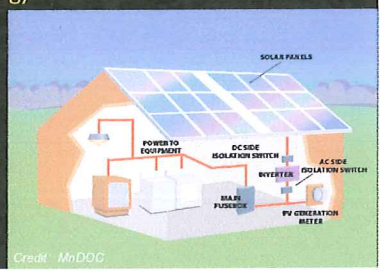
Technology options include:

- Roof-mounted systems. Attached to the building's roof. Can be:
  - Flush-mounted
  - Non-flush-mounted
- Ground-mounted systems. Free-standing systems on a pole or a rack. Can be:
  - Stationary (pole or rack)
  - Tracking (pole-mounted)
- Building-integrated systems. Solar system is built into a building component, such as a single or roof tile, an awning, or a gazebo

Solar Technologies

Technology options include:

- **Grid-intertie systems.** Only solar electric (PV), connected to the electric grid, no energy storage is needed.

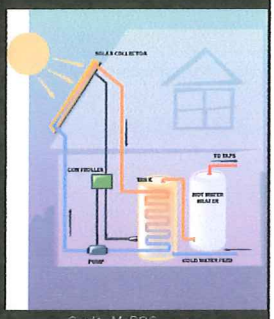


Credit: MnDOC

Solar Technologies

Technology options include:

- **Storage systems.** All solar thermal systems store heat in a water tank or other heat sink, and PV systems that store energy in a battery.



Credit: MnDOC

Solar Technologies

✓ **Rooftop Solar PV systems**

Solar Technologies

✓ **Rooftop Solar PV systems**

Photo credit: Eric Hansen/SolarFlow

Solar Technologies

✓ **Ground mount accessory structures**

Solar Technologies

✓ **Rooftop solar thermal**

Solar Technologies

✓ **Solar Air/Transpired Air**

Photo credit: Solar Wall
http://solarwall.com/en/products/uses-and-applications/agriculture.php

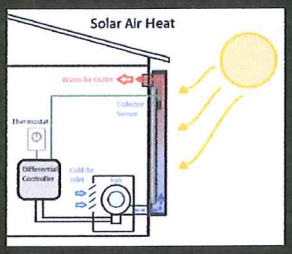


Photo credit: RREAL, http://www.rreal.org/wp-content/uploads/2010/03/Air-heat-Diagram-21.png

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 26, 2015

Re: Manning Avenue Corridor Overlay District

Dialogue with the City of Woodbury

At the December 1, 2014 Planning Commission meeting, staff provided a summary of a meeting with the Woodbury City Administrator and Community Development Director regarding Woodbury's development plans along Manning Avenue. The Community Development Director had indicated he and his planning staff are open to meeting with the Planning Commission to provide additional detail regarding the City's land use plans along Manning Avenue. The Woodbury City Administrator indicated he and Woodbury's Mayor would like to meet with Afton's Mayor and City Administrator.

The Commission members agreed it would be beneficial to continue a dialogue with the City of Woodbury. It was suggested that the City Council may want to be involved in another meeting with Woodbury, as the Planning Commission and City Council may have different perspectives and questions. It was felt that obtaining additional information regarding Woodbury's plans would be more beneficial prior to the meeting with Manning Avenue property owners.

Meeting with Woodbury Planning Staff. The City Council, at its January 20, 2015 meeting, determined that the Planning Commission should move forward to schedule a meeting with the Woodbury planning staff, and Council members who are available could attend the meeting. The Planning Commission should discuss the timing of the meeting and staff will contact Woodbury planning staff to schedule a meeting.

Meeting with Woodbury Mayor and City Administrator. Mayor Bend and Administrator Moorse have scheduled a meeting with the Woodbury Mayor and City Administrator on Friday, January 30. Staff will update the Planning Commission regarding the meeting at the Commission meeting.

Meeting with Property Owners Directly Adjacent to Manning Avenue

The Commission has agreed that it wants to keep momentum going in engaging and communicating with property owners adjacent to Manning Avenue. The next step in this process is to meet with the owners of properties directly adjacent to Manning Avenue. This meeting could be planned for April or May. There are 45 parcels in Afton abutting Manning Avenue. The Planning Commission may want to discuss the timing of a meeting with these property owners and a process for planning the meeting.

PLANNING COMMISSION DIRECTION REQUESTED:

Provide direction regarding the next steps in the Manning Avenue Corridor planning process.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 26, 2015

Re: Regulations Regarding Contiguous Substandard Lots Under Common Ownership

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Background

The zoning code provides that an existing non-conforming lot that is under common ownership with an adjacent lot is not considered buildable as a separate lot, and must be combined with the adjacent lot under the same ownership. Both the Council and the Planning Commission agree that the language has a valid purpose of providing a mechanism to eliminate or reduce non-conformities. The Council believes there are a sufficient number of nonconforming lots under common ownership with adjacent lots that the ordinance should be proactively enforced to avoid surprises when parcels are being sold.

Consider Whether to Add Flexibility and/or Narrow the Focus of the Ordinance Language

The Council agreed it would be beneficial for the Planning Commission to review the ordinance language and the existing nonconformities to determine if the language should be changed to add some flexibility or narrow the focus of the language to address specific nonconformity situations. For example, Council member Nolz questioned whether the ordinance should require parcels that were legally platted and conforming at the time of platting to now be combined. Another example is a lot that fits the rural character in that it exceeds size and density requirements (i.e. a 10 acre lot), but does not meet all of the minimum dimensional requirements, (i.e. the lot has only 250 feet of frontage on a public road vs. the required 300 feet). A third example is a non-conforming lot that was buildable because it was under separate ownership, but was then purchased by a person who also owned an adjacent lot.

The three scenarios described above are listed below. The Commission may want to discuss whether any of these scenarios should be exempted from the contiguous substandard lot requirements.

1. Parcels that were legally platted and were conforming at the time of platting. The City has a number of subdivisions that were platted with lots less than 5 acres. There are situations where the majority of the subdivision has been developed and one or two property owners have a house on one lot and own a vacant adjacent lot. The development of the adjacent lot would not change the character of the neighborhood. One concern may be the ability to have a primary and alternate septic system. However, this issue is already addressed by related language in this code section that requires a lot to have a minimum of 2.5 acres of buildable land to enable primary and secondary septic sites.

2. Parcels that exceed size and density requirements, but do not meet all of the minimum dimensional requirements. An example is a 20 acre lot that has an irregular shape with

only 250 feet of frontage vs. the required 300 feet. This parcel would be considered buildable if it was not under common ownership. The parcel fits the character of development reflected in the City's Comprehensive Plan.

3. A parcel that was considered buildable before it was sold, but became unbuildable because it was purchased by the owner of an adjacent property.

On-going research.
The Council also directed staff to determine how many parcels may be affected, to identify the types of non-conformities involved and, if possible, to identify how the non-conformities arose. Staff is continuing to research parcels that are non-conforming and under common ownership.

PLANNING COMMISSION DIRECTION REQUESTED:

Provide direction regarding moving forward concerning review and recommendations regarding regulations related to contiguous substandard lots under common ownership

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

Planning Commission Memo

Meeting: February 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: January 26, 2015

Re: Regulations Regarding Accessory Buildings on Parcels 20 acres or Greater

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At its January20, 2015 meeting, the Council provided the following comments regarding code language related to large accessory buildings on parcels 20 acres or greater.

- Consider an incremental increase in the allowed size of accessory buildings as the size of the lot increases
- Consider matching the allowed size of accessory buildings to types of uses and the size of building needed by each use, i.e. hobby farms and riding stables
- Consider a maximum size of 5,000 square feet
- Prohibit commercial uses
- Allow large buildings that support uses that match the City's rural character, such as hobby farms.
- Large accessory buildings should only be allowed to be used in ways consistent with the rural character and not for commercial uses.

<u>Conditions/Requirements related to Large Accessory Buildings</u>
Requirements regarding large accessory buildings that are included in the ordinances of other cities are as follows:

1. Require accessory buildings to resemble in style, materials, color, roofline and siding type, the principle building except for agricultural buildings, and horse stables and riding arenas

2. No subdivision shall be allowed if it would make existing accessory structures non-conforming

3. All detached accessory structures are to be used for personal use or agricultural use only. No commercial use or commercial related storage is allowed in these structures

4. All accessory structures over a certain size, i.e. 2,500 sq. ft., require a certificate of compliance to ensure they meet, and continue to meet, conditions/restrictions placed on them.

5. As the size of accessory buildings increases, the required setbacks and/or screening requirements increase. (The current ordinance requires the side and rear yard setbacks to increase from 50 feet to 100 feet when an accessory building exceeds 1500 square feet.) The setback could be increased incrementally with the size of the building.

Draft Ordinance Amendment Language

Attached for Planning Commission discussion is draft ordinance amendment language that reflects Council comments, Planning Commission discussion and ordinance requirements of other cities.

PLANNING COMMISSION DIRECTION REQUESTED:

Provide direction regarding ordinance amendment language concerning accessory buildings on parcels 20 acres or greater.

ORDINANCE XX–2015

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 12, SECTION 12-187 OF THE AFTON LAND USE CODE REGARDING ACCESSORY BUILDINGS

BE IT ORDAINED by the City Council of the City of Afton that Section 12-187. Accessory Buildings, of the Afton City Code be amended as shown below.

ADD the underlined language.

Sec. 12-187. Accessory buildings

B. Permitted uses of accessory buildings

***Total number of accessory buildings ~~possible~~ allowed and maximum size allowed:

In the Ag and RR districts:
1 or 2 on parcels of 10 to 20 acres, not to exceed a total of 2,500 square feet
1 or 2 on parcels of ~~less than~~ 5 to 10 acres, not to exceed 2,000 square feet
~~1 or 2 on parcels of 5 and more acres~~.
1 on parcels less than 5 acres, not to exceed 1,000 square feet

1 or 2 on parcels of 20 to 30 acres, not to exceed a total of 3,000 square feet

1 or 2 on parcels of 30 to 40 acres, not to exceed a total of 3,500 square feet

Up to 3 on parcels of 40 to 50 acres, not to exceed a total of 4,000 square feet

Up to 3 on parcels of 50 to 60 acres, not to exceed a total of 4,500 square feet

Up to 3 on parcels greater than 60 acres, not to exceed a total of 5,000 square feet

P. Performance Standards Related to Accessory Buildings

1. No subdivision shall be allowed if it would make existing accessory structures non-conforming

2. All detached accessory structures are to be used for personal use or agricultural use only. No commercial use or commercial related storage is allowed in these structures

3. All accessory structures over 2,500 sq. ft., require a certificate of compliance to ensure they meet, and continue to meet, conditions/restrictions placed on them. These conditions can include restrictions on uses and screening requirements

4. Accessory buildings are required to resemble in style, materials, color, roofline and siding type, the principle building except for agricultural buildings, and horse stables and riding arenas

5. The side and rear yard setbacks for large accessory structures increase with the size of the structure as follows:

Structure Size	**Setback**
3,000 square feet	120 feet
3,500 square feet	140 feet
4,000 square feet	160 feet
4,500 square feet	180 feet
5,000 square feet	200 feet

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS XX DAY OF XX, 2015.

SIGNED:

_____
Richard Bend, Mayor

ATTEST:

_____
Ronald J. Moorse, City Administrator

Motion by:
Second by:
Palmquist:
Richter:
Ross:
Nelson:
Bend:

PROCEEDINGS OF THE AFTON CITY COUNCIL
CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

DRAFT Regular City Council Meeting Minutes
January 20, 2014
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 p.m.

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1. **THE MEETING WAS CALLED TO ORDER** at 7:00 p.m. by Mayor Bend.

2. **PLEDGE OF ALLEGIANCE** was recited.

3. **OATHS OF OFFICE** – from the November 4, 2014 Election
   - **A.** Mayor Richard Bend
   - **B.** Ward 2 Council Member Joe Richter
   - **C.** Ward 3 Council Member Stan Ross

4. **ROLL CALL:** Council Members Palmquist, Richter, Ross, Nelson, and Mayor Bend. **Quorum present.**

   OTHERS PRESENT: City Attorney Fritz Knaak, City Engineer Diane Hankee, Planning Commission Chair Barb Ronningen and City Administrator Ron Moorse.

5. **APPROVAL OF AGENDA**
   - **A.** Approval of the Agenda for the Regular City Council meeting of January 20, 2015 -

Motion/Second: Richter/Palmquist. To approve the January 20, 2015 Regular City Council Meeting agenda. Motion carried 5-0-0.

6. **APPROVAL OF MINUTES**
   - **A.** Minutes of the Regular City Council Meeting on November 18, 2014 – The meeting contained an irregularity on Resolution 2014-49 which was not taken as a ROLL CALL vote, as is normally done for resolutions. City Attorney Knaak had advised that the vote be adopted as a ROLL CALL vote as part of the approval of the minutes at the December 16 meeting. Due to Council Member Richter being absent at the December 16 meeting, but having presided over the November 18 meeting as Mayor Pro Tem, the approval of these minutes was continued to the January 20, 2015 meeting.

Motion/Second: Palmquist/Richter. To approve the minutes of the November 18, 2014 Regular City Council Meeting, with a ROLL CALL vote for Resolution 2014-49 of ROLL CALL: Ayes-Nelson, Richter, Palmquist; Abstain: Ross, Bend. Motion carried 3-0-2 (Bend and Ross abstained).

   - **B.** Minutes of the December 16, 2014 Regular City Council meeting –

Motion/Second: Palmquist/Nelson. To approve the minutes of the December 16, 2014 Regular City Council Meeting. Motion carried 3-0-2 (Richter and Ross abstained).

7. **PUBLIC INPUT – none.**

8. **REPORTS/PRESENTATIONS**
   - **A.** Sheriff's Monthly Report – Deputies Sullivan and Bell - the afternoon/evening deputies reported on Afton incidents and events; IRS scams are rampant this time of year, residents should use caution; also a computer virus "cleanup" company is scamming elderly, they take your computer and steal all your data.

B. Lower St. Croix Fire District - Deputy Chief Jim Stanley – reported that the building monuments are now complete; they now want to get a sign permit through Lake St. Croix Beach, but need to raise the funds first with donations from the Cable Commission contribution to each of the Lower St. Croix Cities (based on the city contribution from the Cable Commission, not the LSCV FD Joint Powers Agreement), that each of the cities would then match and donate those funds to the Fire District. He described the sign design and message capability for the communities, fire and safety awareness, burn bans & permit information and emergency notifications. There will be a process for having city function related notifications. The Annual Fire District meeting will be on January 29, 2015 for the financial budget.

C. Jim Bougie, Finance Committee Report – reported that December was fluid in money, but that was due to the Road Bond refinance, which showed a (short-term) huge balance in the bank. Talked about the state's fiscal disparity revenue to small cities where the where tax base is small, cities get money through the state called fiscal disparity. So for FY2014 levy plus the fiscal disparity equals the city's revenue amount. The Road Bond refinance will affect 2015 financial reports; Springsted generated financial sheets will be forthcoming. Finance Committee works on a cash flow basis, the city works on an accrual basis.

9. CONSENT AGENDA –

A. Just and Correct Claims
B. 4M Fund Transfer - DECEMBER - **Resolution 2015-01**
C. 2015 Regular Meeting Schedule – **Resolution 2015-02**
D. Renew 4M Joint Powers Agreement – **Resolution 2015-03**
E. Designate Official Depository – **Resolution 2015-04**
F. Designate Official Newspaper – **Resolution 2015-05**
G. Reimburse Professional Development for Kim Swanson Linner

Council Member Palmquist requested Item G be removed from the consent agenda.

Motion/Second: Richter/Palmquist. To approve items A-F of the consent agenda. Motion carried 5-0-0.

Palmquist indicated the Council had directed that this training be brought to the Council for authorization of funding prior to registration and attendance. Moorse noted that Swanson Linner had requested to attend the conference in early December, but it did not get on the December agenda. [The Building Official Institute publishes their conference materials after the November Council meeting and the less expensive, early bird registration is due prior to the December Council meeting, therefore Swanson Linner requested to attend and paid the conference registration prior to the December Council meeting.] Moorse described the conference sessions and indicated he supports the request, as they directly relate to issues that come up in the City Office It was noted that the approval included two work days to attend and that the City Administrator has discretion about the budget line item for education, seminars and conferences, but that requests for attendance come before Council for a decision.

Motion/Second: Richter/Bend. To approve the reimbursement to Kim Swanson Linner of $210.00 for the registration fee for attendance at two workshops at the Building Official Institute. Motion carried 3-2-0. (Palmquist, Nelson).

10. CITY COUNCIL BUSINESS

A. Planning Commission Report –

1. Lakeview Investment #1 Preliminary Plat Application at 14833 50th Street – **Resolution 2015-06** – Administrator Moorse introduced the project engineer, Jason Rud and Consultant Planner from The Planning Company, Liz Stockman, who gave a report on the Preliminary Plat for the 47 acre subdivision at southeast corner of 50th Street and Trading Post Trail for a subdivision of eight lots. The Planning Company's review for the Preliminary Plat indicated the site is zoned Rural Residential and allows for up to one dwelling unit per five acres, which all the lots are proposed to meet. Access to Lots 1, 2 and 3 are proposed from Trading Post Trail and Lots 4, 5 and 6 will be accessed from 50th Street, both of which are existing streets and would include dedication of a 33 foot right-of-way for the existing roadways abutting the subject site. Access to Lots 7 and 8

are proposed to be by an extension of Osgood Avenue, which currently terminates south of the subject site as a cul-de-sac. This requires the developer to extend the paved rural section street into the subject site and construct a new cul-de-sac turnaround which will be less than 1,320 feet from 55th Street and will serve a total of eight lots, which meets city regulations. The end of the existing cul-de-sac will need to be vacated. On-site septic systems and wells are proposed and two septic drainfield sites are shown per lot with soil test results provided for each of the proposed septic sites on each lot. The Comprehensive Plan shows no park development in the area of this subdivision, so the park dedication will be satisfied as a cash fee in lieu of land. The park dedication fee will be finalized at the time of the Final Plat. Other subdivision regulations were summarized and appeared to meet the requirements. The tree preservation plan is not finalized, but as the lots are sold, the tree removal and vegetation will be finalized with the city. The drainage pond and easement and steep slope areas are being re-evaluated for approval on the final plat. Covenants will be dealt with in the final plat.

Richter asked about driveway alignment at 50th Street.

Engineer Hankee indicated driveways need to be a distance away from the intersection with Trading Post Trail, but to align with other driveways, but to access the road with appropriate sight lines from slopes. The cul-de-sac has a 60' right-of-way and road surface will be 45' standard turn-around.

Project Engineer Rud spoke that there is no need for a homeowner association. But the maintenance of the drainage and the pond on site is a discussion.

Bend reported that maintenance contract costs have sky-rocketed, but that the city needs to have a policy for subdivisions to account for future maintenance of the drainage features and ponds which take care of the entire subdivision drainage.

Palmquist asked about the addition of the accessory building footprint.

Project Engineer Rud showed a 50 x 30 box indicating a 1500 sq. ft. accessory building pad was placed on each lot. That size or placement is subject to change upon each homeowner's building permit application.

Bend asked for Chair Ronningen's report from the Planning Commission.

Ronningen reported that the issue of drainage came up from the residents from the south of the subdivision.

Moorse indicated the drainage issue has been addressed between the City Engineer and the Project Engineer. The pond is designed to significantly reduce runoff from the site that has been a problem in the past.

Bend requested a clear understanding of the City's approval that it is conditional on the City Engineer's approval; if the City Engineer does not approve, the City's approval is conditional and ceases to be approval if conditions are not met.

Motion/Second: <u>Richter/Nelson</u>. To approve the adoption of Resolution 2015-06 approving the Lakeview Investment #1 Preliminary Plat application at 14833 50th Street and Trading Post Trail South, to include the Findings of Fact A through H and Conditions #1 through #13 and two additional conditions from the Supplemental Packet as follows: 14) Washington County shall review and approve septic system sites and septic system design and issue septic permits prior to building permit approval; 15) The Developer shall enter into a Developer's Agreement with the City regarding the installation of required improvements, and shall provide financial guarantees as required in Sections 12-1471 to 12-1476 of the subdivision ordinance. ROLL CALL: Ross-abstain; Ayes-Richter, Palmquist, Nelson, Bend. Motion carried 4-0-1 (Ross).

<u>Bend called for the Planning Commission Report at this time</u> – Chair Ronningen indicated they held a Public Hearing on an applicaiotn for a garage, but because of the late memo from the DNR, the applicant asked for time to communicate with them directly. The Planning Commission also heard a presentation by Solar Energy Consultant Brian Ross, but due to the length of the presentation, the rest of the agenda was continued to the February meeting.

2. <u>Corridor Overlay District Update</u> – Moorse reported that the Planning Commission will be meeting with Afton Planning Commssion and wanted to know if Council would like to sit in on that meeting as well, as a joint Work Session with Woodbury planning staff.

3. <u>Regulations Regarding Accessory Buildings Allowed on Parcels 20 acres or Greater</u> – The Planning Commission was waiting for a size recommendation from Council, as they would like to have a starting point so

as not to waste time on regulations the Council would not want. Ronningen indicated she had sent a proposal for Council consideration, but did not hear back from Moorse.

B. Engineering Report

1. Staff Report/Council Update -

C. Administration –

1. Interim Financing for Downtown Improvement Projects –

Motion/Second: Bend/Palmquist. To approve the adoption of Resolution 2015-15 directing staff and Springsted, Inc. to move forward with a limited competitive bond sale Request For Proposals (RFP) and to schedule an improvement hearing regarding the downtown improvement projects, subject to determining that the City is able to order the improvements while the MPCA permit review process is on-going. Motion carried 5-0-0.

2. City of Afton Annual Appointments – ATTACHMENT A – **Resolution 2015-07** -

Motion/Second: Bend/Richter. To adopt Resolution 2015-07 regarding annual appointments as reflected in Attachment A. Motion carried 5-0-0.

3. Designate City Attorney and Prosecution Attorney – **Resolution 2015-08** –

Motion/Second: Bend/Nelson. Motion carried 5-0-0.

4. Designate City Engineer – **Resolution 2015-09** –

Motion/Second: Bend/Nelson. To adopt Resolution 2015-09 designating WSB as the City Engineer, with a revision to the resolution to eliminate the Whereas regarding the rate increase. Motion carried 5-0-0.

5. Designate Official 2015 City Signatories for Payroll and Checks – **Resolution 2015-10** –

Motion/Second: Palmquist/Richter. Motion carried 5-0-0.

6. 4th of July Parade Committee Agreement – **Resolution 2015-11** –

Motion/Second: Bend/Nelson. To continue action on the APC agreement to the February 17, 2015 regular Council meeting. Motion carried 5-0-0.

7. Building Inspection Services Agreement – **Resolution 2015-12** –

Motion/Second: Palmquist/Richter. Motion carried 5-0-0.

8. Animal Control Service Agreement Renewal with Kathi Pelnar – **Resolution 2015-13** –

Motion/Second: Richter/Nelson. To continue action on the Animal Control Service Agreement to the February 17, 2015 City Council meeting. Motion carried 5-0-0.

9. Animal Carcass Disposal Contract with Tri County – **Resolution 2015-14** –

Motion/Second: Palmquist/Richter. Motion carried 5-0-0.

10. Review Ordinance Language for the Natural Resources and Groundwater Committee –

Motion/Second: Bend/Richter. To continue action on the Natural Resources and Groundwater Committee to the February 17, 2015 City Council meeting. Motion Carried 5-0-0.

11. Initiate a High Speed Internet Access Committee –

Motion/Second: Bend/Nelson. To establish the Technology and High Speed Internet Access Committee and to direct staff to prepare a description of the Committee, including the purpose, membership, meeting schedule, etc. Motion carried 5-0-0.

12. Pay Equity Report –

Motion/Second: Palmquist/Bend. To approve the City's 2015 Pay Equity Report. Motion carried 5-0-0.

13. Schedule Work Session – The Council directed Moorse to work with the Council to schedule a work session for goal setting in the second half of February.

D. Committee Reports –

1. Public Works –
2. Personnel –
3. Parks –.
4. HPC/DR – meets tomorrow, Wednesday, January 21, at 5:00 p.m.

10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES

A. Ward 1 Council Member Palmquist –
B. Ward 2 Council Member Richter –
C. Ward 3 Council Member Nolz –
D. Ward 4 Council Member Nelson -
E. Mayor Richard Bend –
F. City Attorney Knaak – reported the prosecution report is on file.
G. City Administrator Moorse – none.

11. ADJOURN

Motion/Second: Nelson/Richter. To adjourn the meeting at 10:40 p.m. Motion carried 5-0-0.

Respectfully submitted by:

_____

Kim Swanson Linner, Deputy Clerk

Approved by Council (at the 2/17/2015 meeting) as: Presented: _____ or Amended: _____

Signed by Mayor Richard Bend: _____ Date: _____