



City of Afton
PLANNING COMMISSION AGENDA

April 6, 2015

6:00 pm

**Note Early Start Time for Meeting with City of Woodbury
Planning Staff)**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. OATHS OF OFFICE (for reappointed and newly appointed members)**
- 4. ROLL CALL**
 - Barbara Ronningen (Chair)
 - Sally Doherty
 - Kitty Kilmer
 - Kris Kopitzke
 - Mark Nelson
 - Judy Seeberger
 - Lucia Wroblewski
 - Scott Patten
 - Jim Langan
- 5. APPROVAL OF AGENDA**
- 6. APPROVAL OF MINUTES**
 - a. February 2, 2015 Meeting minutes
 - b. March 2, 2015 Meeting Minutes
- 7. MEETING WITH WOODBURY PLANNING STAFF**
- 8. ELECTION OF OFFICERS**
- 9. REPORTS AND PRESENTATIONS**

None
- 10. PUBLIC HEARINGS**
 - a. River Valley Riders Application for Amended CUP at 2007 Neal Avenue
 - b. Matt Twomey application for Minor Subdivision and Variance at 30th Street Property with PID 16.028.20.31.0001
- 11. NEW BUSINESS**

None
- 12. OLD BUSINESS**
 - a. Start Time of Planning Commission meetings
 - b. Residential Solar Array Draft Ordinance
 - c. Manning Avenue Corridor Overlay District

d. Draft City Council Minutes - Update on City Council Actions

13. 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
February 2, 2015, 7:00 PM

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

6
7 **2. PLEDGE OF ALLEGIANCE** – was recited.

8
9 **3. ROLL CALL** - Present: Doherty, M.Nelson, Patten, Seeberger, Kopitzke, Wroblewski and Chair
10 Ronningen. Excused Absence: Kilmer and Smerud. **Quorum present.**

11
12 **ALSO IN ATTENDANCE** – City Administrator Ron Moose and Deputy Clerk Kim Swanson Linner.

13
14 **4. APPROVAL OF AGENDA** – Doherty asked if the lengthy agenda might be too long to get through.
15 Ronningen thought some of the items will go rather quickly. The agenda remained as written.

16 **Motion/Second: Doherty/Patten. To approve the February 2, 2015 Planning Commission agenda as**
17 **presented. Motion carried 7-0-0.**

18
19 **6. APPROVAL OF MINUTES** –

20 a. January 5, 2015 Planning Commission Meeting Minutes – Minor revision to Line 110: Chair Ronningen
21 thought it would be more clear if “resided” had a hyphen, Deputy Clerk chose to make “resided and re-roofed”
22 consistent, so a hyphen was added to each, to become: “re-sided and re-roofed.”

23 **Motion/Second: Wroblewski/Nelson. To approve the January 5, 2015 Planning Commission minutes as**
24 **presented. Motion carried 7-0-0.**

25
26 **7. REPORTS AND PRESENTATIONS** – none.

27
28 **8. PUBLIC HEARINGS** – none.

29
30 **8. NEW BUSINESS** – none.

31
32 **9. OLD BUSINESS**

33 a. David Herreid Withdrawal of Variance Application at 16530 Swede Hill Drive – Administrator Moose
34 reported that Mr. Herreid withdrew his application due to the issue raised by Molly Shodeen of the DNR
35 regarding the removal of the existing deck at the river’s edge. Mr. Herreid wanted to table the application for an
36 indefinite period of time. He was informed that the city must act within the 60 day review period requirement.
37 He was informed that he could request that the initial variance fee be allowed to be applied to a new variance
38 application to be submitted in the future. Mr. Herreid’s letter of withdrawal was not received by the city in time
39 to be included in the agenda packet, but Moose provided the hardcopy at the Commission meeting.

40
41 **Motion/Second: Patten/Wroblewski. To recommend to the City Council that David Herreid’s initial**
42 **variance fee be allowed to be applied to a new variance application if he reapplies by December 31, 2015.**
43 **Otherwise the variance fee will kept by the city, as fees are normally not refunded when work has been**
44 **done on the application, as in this case. Motion carried 7-0-0.**

45
46 b. Residential Solar Array Ordinance – Chair Ronningen directed commissioners to the model ordinance
47 previously provided by Solar Energy Consultant Brian Ross. Commissioners worked through the ordinance,
48 deciding what to keep and what to eliminate or change based on what seems to fit Afton and the purposes to be
49 accomplished by the ordinance. It was noted that key values to be reflected in the ordinance are:

- 50
- To protect the City’s rural character.
 - To protect neighboring properties from impacts of solar arrays.
 - To protect solar access for properties.
 - To promote residential solar energy generation.
- 51
52
53
54

55 Planning Commission Discussion:

56
57 **Definitions.** Even though Afton intends this ordinance to allow only “residential” solar arrays and to not allow
58 “commercial” solar farms, Commissioners agreed that definitions will be important, to make distinctions
59 between types and sizes of solar energy installations, therefore, definitions from the model ordinance should be
60 included in the city’s solar energy ordinance.

61
62 **Accessory Use.** Commissioners agreed that solar arrays shall be considered an “Accessory Use to the Primary
63 Residential Use” of a property in all zoning classifications.

64
65 **Permit Required.** Commissioners had differing ideas on the allowable sizes solar arrays should be, how they
66 should be measured and the permits that would be required. Council had previously indicated they are only
67 interested in the size for energy production for a residence and do not wish to allow “commercial solar farms”
68 in Afton. Nelson felt an array size up to 10 Kilowatts could be processed through an Administrative Permit.
69 [Currently, the city requires a Building Permit for installation of a solar array, as it is considered a “structure”
70 whether ground-mounted, building/roof-mounted, or pole-mounted.] It was suggested that larger arrays could
71 require a Conditional Use Permit (CUP). Some Commissioners felt requiring a Conditional Use Permit (CUP)
72 would be too cumbersome, as it would require a larger application fee, a public hearing, and yearly review by
73 staff. Doherty suggested that the City may have need to separate large arrays from small arrays, or to allow the
74 neighbors of a property to have input, which could be done by a CUP. Ronningen commented that the
75 Commission can set a limit for the size, for instance, the same size as the wind ordinance, which she thought
76 was 40 kilowatt hours. Nelson corrected that the measuring unit would be “kilowatts” and not “kilowatt hours.”
77 [A review of 12-229 C.2.a. identified the size of a Wind Energy Conversion System (WECS) as “no more than
78 40 kW (kilowatts) in total name plate generating capacity shall be permitted in Afton.”] Some commissioners
79 thought a square footage measurement of solar panels, rather than kilowatts, would be more understandable and
80 useful to residents. As technologies improve, however, the energy produced would increase with the same
81 square footage. For size comparisons, Commissioners were shown pictures of different types of arrays, one of
82 which was a 100-panel ground-mounted array, which would most likely have been a 25 kilowatt array. A 27-
83 panel roof-mounted solar array was thought to be an appropriate size most residences could accommodate.

84
85 **Height.** Afton has a maximum height limit of 35 feet for structures. Issues that might affect this height limit are
86 if an array was placed on a roof in the Village area or in the scenic riverway, where mature tree growth may
87 limit a ground installation. It was decided that the Department of Natural Resources (DNR) and Afton’s
88 Heritage Preservation Commission (HPC) may wish to have input on the possible impacts of allowing solar
89 arrays in the Village, as residences are closer to each other. Pole-mounted installations are another
90 consideration, and commissioners preferred a more restrictive maximum height of 15 feet for ground mounted
91 installations. Administrator Moore commented that the City may not want to allow a 20 foot high
92 house to have an array that extends 15 feet above the roof. Patten stated that a property owner that has
93 a need that would exceed height limits could apply for a variance.

94
95 **Setbacks.** Commissioners felt that active solar energy systems must meet the accessory structure setback
96 regulations per the existing zoning regulations.

97
98 **Visibility.** Commissioners felt that blending the design of the solar array into the architecture of the building or
99 color of the roof was not important in Afton, as most lots are over 5 acres and could accommodate screening.
100 They indicated the city should develop visual impact standards to protect neighboring properties, to be
101 consistent with heritage preservation and scenic riverway standards. While the city would allow vegetative
102 cutting per its existing ordinances, commissioners preferred the ordinance “encouraging residents” not to cut
103 trees down for the sole purpose of solar access. The Comprehensive Plan supports both natural vegetation and
104 the development of renewal energy.

105
106 **Impervious Surface.** Solar Energy Consultant Brian Ross had presented information that a solar array could be
107 considered similar in impervious surface to a deck and commissioners agreed, provided the ground cover is

108 vegetative rather than concrete. Commercial arrays are usually mounted on a concrete pad, so as not to need
109 ground maintenance. The amount of impervious surface would be dependent on the angle of the array panels,
110 nonetheless, they would be considered impervious surface.

111
112 **Staff was directed to draft ordinance language specific to Afton based on the Commission's discussion.**
113 **The Planning Commission will review and discuss the draft ordinance at their March 2 meeting, at which**
114 **time the draft ordinance will be sent to the Heritage Preservation Commission for their review and**
115 **comments.**

116
117 c. Manning Avenue Corridor Overlay District – Administrator Moose reported on the meeting he and
118 Mayor Bend had with the Woodbury Mayor and City Administrator and that the information they provided was
119 similar to that provided by the Planning Department staff in terms of not considering annexation of properties in
120 Afton. The City Council at their January meeting indicated the Planning Commission should schedule the
121 meeting with Woodbury Planning staff and a meeting notice should go out to Council for their attendance.
122 Moose reviewed that the Commission had previously agreed that it wants to keep momentum going in engaging
123 and communicating with property owners adjacent to Manning Avenue.

124
125 Planning Commission Discussion:

126 Commissioners felt that obtaining additional information about Woodbury's plans would be more beneficial
127 prior to the meeting with Manning Avenue property owners.

128 The Planning Commission felt the earliest date for a meeting with Manning Avenue property owners would
129 be the May 4 PC meeting. It was indicated that 45 parcels abut Manning Avenue; those property owners will be
130 invited by mail to attend the meeting in order to give input to the Planning Commission. Commissioners
131 requested that property owners who cannot attend the scheduled meeting be given a way to provide their input to
132 the city, which can be read into the record and considered as part of the city's plans for the area.

133 The Commission discussed that the meeting with the Woodbury staff and the Manning Avenue property
134 owners will require careful planning similar to the September 8, 2014 Manning Avenue public meeting.
135 Subcommittees could be designated to work on planning the meetings, as they were for the September meeting.

136 New commissioners asked for clarification stating they had the understanding that whatever is done for an
137 overlay district, that the overarching principles of the Comprehensive Plan will be adhered to in keeping Afton
138 "permanently rural and permanently agriculture."

139 Ronningen gave the background information from City Attorney Knaak who advised the Planning
140 Commission over a year ago that the City have a "strategic plan for the Manning Avenue Corridor area" in order
141 to mitigate the risk of litigation should Afton property owners wish to be annexed into Woodbury. She indicated
142 that some Afton residents along Manning, seeing the economic benefits to landowners on the west side of
143 Manning, would like to have more economic gains than is currently possible in Afton.

144 Kopitzke added that Afton is wise to consider options for what the city wants to look like in 20-30 years
145 with a gradual turnover of property.

146 Ronningen explained that putting such planning into effect may cause zoning changes or create overlay
147 districts which would require the Comprehensive Plan to be amended in the short term, or in the long term, to
148 incorporate the plans into the next Comprehensive Plan in 2018.

149
150 **Planning Commission members were asked to come to the March 2 PC meeting with questions and**
151 **concerns they would like to address with Woodbury Planning staff. Moose will contact Woodbury to**
152 **schedule the meeting for April 6 before the 7:00 p.m. start of the regular PC meeting.**

153
154 d. Regulations Regarding Contiguous Substandard Lots Under Common Ownership – Chair Ronningen
155 commented that the zoning code, which states that an existing non-conforming lot that is under common
156 ownership with an adjacent lot is not considered buildable as a separate lot and must be combined with the
157 adjacent lot under the same ownership, seems to treat the parcel differently depending on if it is owned by a
158 separate individual than if the lot is owned by the owner of an adjacent lot. Council and Planning Commission
159 had previously thought that the language has a valid purpose of providing a mechanism to eliminate or reduce
160 non-conformities. Moose explained that some members of City Council believe that the nonconforming lots

161 under common ownership with adjacent lots should be proactively enforced to avoid surprises when parcels are
162 being sold. Three scenarios were identified that make the language of common ownership of adjacent parcels
163 appear to inconsistently apply the city's ordinances:

- 164 1. Parcels that were legally platted and were conforming at the time of platting. The City has a number of
165 subdivisions that were platted with lots less than 5 acres. There are situations where the majority of the
166 subdivision has been developed and one or two property owners have a house on one lot and own a
167 vacant adjacent lot. The development of the adjacent lot would not change the character of the
168 neighborhood. One concern may be the ability to have a primary and alternate septic system.
169 However, this issue is already addressed by related language in this code section that requires a lot to
170 have a minimum of 2.5 acres of buildable land to enable primary and secondary septic sites.
- 171 2. Parcels that exceed size and density requirements, but do not meet all of the minimum dimensional
172 requirements. An example is a 20 acre lot that has an irregular shape with only 250 feet of frontage vs.
173 the required 300 feet. This parcel would be considered buildable if it was not under common
174 ownership. The parcel fits the character of development reflected in the City's Comprehensive Plan.
- 175 3. A parcel that was considered buildable before it was sold, but became unbuildable because it was
176 purchased by the owner of an adjacent property.

177
178 Planning Commission Discussion:

179 Commissioners asked if anyone knew where this language came from.

180 Moose thought perhaps it came with some Washington County language, of which many of the city's
181 ordinances were derived. Moose noted the same language that is in Sec. 12-132B.3 is also in the River and
182 Bluffland ordinance. Moose will contact Washington County Planner Dennis O'Donnell and the Department of
183 Natural Resources (DNR) to inquire of its origins and/or raison d'etre (reason for being).

184
185 **Administrator Moose preferred to inform City Council of the Planning Commission's intent to delete**
186 **this language from the city ordinance. If City Council concurs, then staff will draft the ordinance for**
187 **discussion at the March 2 PC meeting for a tentative public hearing to be scheduled for April 6. If the**
188 **Council overturns the Planning Commission's recommendation to delete the language, then the Planning**
189 **Commission will need to further review the impacts of the regulations related to contiguous substandard**
190 **lots under common ownership.**

191
192 e. Regulations Regarding Accessory Buildings on Parcels Greater than 20 Acres – Chair Ronningen
193 indicated that she tried to push the idea to Council to consider allowing one maximum size for an accessory
194 building on parcels larger than 20 acres, but she reported that the City Council directed that the Planning
195 Commission consider graduated size increases for parcels of increasing size as provided in the draft ordinance
196 language before them.

197
198 Planning Commission Discussion:

199 Commissioners generally did not like the many categories of parcel and accessory building sizes. They
200 suggested eliminating two of the categories, so that parcels of 20-40 acres could have a 3,000 sq.ft. accessory
201 building; that parcels of 40-60 acres could have a 4,000 sq.ft. accessory building; and, parcels over 60 acres
202 could have a maximum accessory building of 5,000 sq. ft.

203 It was noted that, for consistency, the existing language of "1 or 2" [accessory buildings] should be changed
204 to "Up to 2" [accessory buildings].

205 After more discussion Commissioners decided to cut the categories out entirely and to just have "Up to 3
206 [accessory buildings], on parcels greater than 20 acres, not to exceed a total of 5,000 square feet."

207 Commissioners eliminated Item (4) of the Performance Standards Related to Accessory Structures. They
208 accepted as written Item (5) for side and rear yard setbacks required for the larger accessory structures based on
209 the graduated building sizes.

210
211 **Staff was directed to draft ordinance language per the discussion above and to correct other conflicting**
212 **language in Sec. 12-187.**

214 f. Draft City Council Minutes - Update on City Council Actions – Chair Ronningen reported that Council
215 approved the Preliminary Plat for Lakeview Investment #1, LLC at 50th Street and Trading Post Trail.

216 Ronningen reported that she, Seeberger and Moorse completed reviewing the seven (7) planning consultant
217 proposals and narrowed it down to two (2) firms. References for both firms will be contacted, then both will be
218 given a plat proposal and be asked to write up their review, conclusions and recommendations, which will serve
219 to inform Council of their decision to hire a consultant planner for major subdivision applications.

220 Kopitzke reported on the Downtown Improvement Project Design Committee's (DIPDC) discussions on
221 items including street alignments, parking in the Village, access, turnarounds and parking at Town Square Park,
222 and street lighting. He felt the committee is being steered into accepting a more "sterile" Village atmosphere.
223 The projects included in downtown improvements will likely run two construction seasons.

224
225 **10. ADJOURN–**

226
227 **Motion/Second: Doherty/Seeberger. To adjourn the meeting at 9:00 p.m. Motion carried 7-0-0.**

228
229 Respectfully submitted by:

230
231
232
233 _____
234 Kim Swanson Linner, Deputy Clerk

235 *AT 2-2-2015 PC Meeting: Motion/Second: Nelson/Wroblewski. To TABLE approval of the minutes of the*
236 **February 2, 2015 Planning Commission until the April meeting. Motion carried 5-0-0.**

237
238 **To be approved on April 6, 2015 as (check one): Presented: _____ or Amended: _____**

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
March 2, 2015, 7:00 PM

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5 1. **CALL TO ORDER** – Acting Chair Mark Nelson called the meeting to order at 7:05 p.m.

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

8
9 3. **ROLL CALL** - Present: Patten, Kilmer, Seeberger, Wroblewski and Acting Chair M.Nelson, Excused
10 Absence: Doherty, Kopitzke, Ronningen. **Quorum present.** It was noted that Adam Smerud had tendered his
11 resignation of the Planning Commission to City Administrator Moorese last month.

12
13 **ALSO IN ATTENDANCE** – City Administrator Ron Moorese and Deputy Clerk Kim Swanson Linner.

14
15 4. **APPROVAL OF AGENDA** – Seeberger requested to add Item 10.b. Change the scheduled meeting times.
16 **Motion/Second: Patten/Seeberger. To approve the March 2, 2015 Planning Commission agenda as**
17 **amended. Motion carried 5-0-0.**

18
19 5. **APPROVAL OF MINUTES** –

20 a. February 2, 2015 Planning Commission Meeting Minutes – Acting Chair Nelson provided proposed
21 language to be inserted at Line 74 regarding a statement from Chair Ronningen. Commissioners discussed what
22 they remembered (or not) from the discussion. As Ronningen was not in attendance, commissioners preferred to
23 continue the minutes approval until Ronningen can be part of the discussion.

24
25 **Motion/Second: Nelson/Wroblewski. To table the February 2, 2015 Planning Commission minutes to the**
26 **April 6 meeting. Motion carried 5-0-0.**

27
28 6. **ELECTION OF OFFICERS** – Administrator Moorese explained that March is the month for the
29 Commission to elect officers to the positions of Chair, Vice Chair, and Secretary. Commissioners preferred to
30 wait until more members were in attendance.

31
32 **Motion/Second: Wroblewski/Kilmer. To table the election of Planning Commission officers to the April 6**
33 **meeting. Motion carried 4-1-0 (Seeberger).**

34
35 7. **REPORTS AND PRESENTATIONS** - none.

36
37 8. **PUBLIC HEARINGS** –

38 a. Ordinance Amendment Regarding Accessory Buildings – Acting Chair Nelson opened the Public
39 Hearing at 7:21 p.m.

40 Administrator Moorese summarized, noting that most of the past discussion on accessory buildings has
41 centered on the size and number of accessory buildings on parcels 20 acres or greater. Moorese noted the
42 ordinance amendment also includes several language updates to reflect current State Statutes regarding
43 agricultural buildings and repealed agricultural tax programs. It also relocates information relating to sizes of
44 parcels, sizes and number of allowed accessory buildings, and required permits out of definitions and into chart
45 form. The ordinance amendment reflects the Planning Commission's direction on allowing accessory buildings
46 up to 5,000 square feet on all parcels 20 acres or greater. Some members of City Council have maintained their
47 preference for a graduated increase in the allowed building size as the size of parcels increases.

48 There were no public comments.

49
50 **Motion/Second: Patten/Nelson. To close the Public Hearing at 7:24 p.m.**

51
52 Planning Commission Discussion:

53 Wroblewski spoke that in her personal experience, owning a 20 acre parcel that came with an old farm house
54 and a detached garage, she felt that a 5,000 s.f. accessory building is a reasonable size for larger properties for
55 storage of machinery and equipment, especially for residents who have any kind of hobby farm or animals. She

56 is not in favor of having categories of accessory building that are less than 5,000 s.f. for 20 acre or greater
57 parcels. She felt it is just too restrictive when having to subtract the size of the detached garage. She felt if
58 Council still wanted graduated sizes for accessory buildings on larger parcels, they needed to have a deliberate
59 and realistic discussion of the appropriate size.
60

61 **Motion/Second: Nelson/Wroblewski. To recommend to City Council to adopt the ordinance amendment**
62 **concerning sizes and number of allowed accessory buildings as drafted, deleting obsolete state statute**
63 **language and adding language on regulations on parcels of 20 acres or greater. Motion carried 4-0-1**
64 **(Abstain: Kilmer).**

65
66 **9. NEW BUSINESS –**

67 a. Buildability of Substandard Lots in the Village Historic District (VHS) – Administrator Moose
68 explained the issues involved in considering buildability of Substandard Lots in the VHS District from Sec. 12-
69 581, Lower St. Croix Bluffland and Shoreland Management District. A pre-existing single parcel in the VHS
70 must be a minimum of 22,500 square feet has to meet all other dimensional requirements for a new lot in the
71 VHS district in order to be considered buildable. Approximately 30 parcels in the VHS have less than 22,500
72 square feet, based on the parcels that are being assessed for the downtown improvement projects. Many of these
73 are currently developed with a house or commercial building. Moose explained that several owners of
74 undeveloped lots with less than 22,500 square feet would like the City to consider the buildability of
75 substandard lots in conjunction with the City's determinations regarding which properties will be provided with
76 sewer service. Currently, only buildable lots will be provided with sewer service. The lot sizes of the parcels
77 currently being requested for consideration of buildability range from 19,384 sq. ft. down to 15,000 sq. ft.
78 Moose indicated the minimum parcel size of 22,500 sq. ft. was based on many factors, including providing
79 sufficient area for a private septic system, setback from the septic system to a private well, structure setback
80 requirements, managing the density of lots and structures, and providing space for a usable yard on residential
81 properties and for off-street parking on commercial properties. Because the VHS will now be served by a sewer
82 system, the area for a septic system is no longer a limiting factor. However, the other factors are still relevant.
83 Moose further explained that Sec. 12-637. Minimum District Dimensional Requirements, requires a minimum
84 lot size of 1 acre in the VHS district. While substandard existing lots in the rural area may meet 60% of the
85 minimum requirements for a new lot in order to be considered buildable, substandard lots in the VHS district are
86 allowed with a minimum of 22,500 sq. ft., which is one-half acre. This is 50% of the one-acre minimum lot size
87 vs. 60% of the minimum lot area required in the rural area. Molly Shodeen, of the DNR, has indicated that,
88 because the 22,500 sq. ft. minimum requirement for buildability is already less than 60% of the one-acre
89 minimum VHS lot size, the ordinance should not be amended to reduce the 22,500 sq. ft. minimum size required
90 for buildability. Rather, the DNR preferred the city use the variance process to address the buildability of
91 smaller existing lots based on findings related to practical difficulty and impacts to the St. Croix River.
92 Currently, the zoning code provides that a variance expires after one year if the proposal for which the variance
93 was granted has not moved forward. Determining buildability for these substandard VHS lots is needed now to
94 enable decisions regarding the extension of sewer service to those lots considered to be buildable. Moose
95 explained an option for the city in addressing this timing issue could be to provide an extended expiration for
96 any variance approvals.
97

98 Planning Commission Discussion

99 Nelson commented that not needing individual septic systems on each lot will free up some of the square
100 footage of substandard lots. He estimated his septic drainfield and alternate drainfield is approximately 3,000 sq.
101 ft., so that a lot of 19,300 sq. ft. seems equally appropriate size if 22,500 sq. ft. was acceptable prior to this; he
102 thought a convincing case could be made.

103 Kilmer thought that the 16,000 sq. ft. could be more viable due to topographics and preferred a variance
104 analysis for substandard properties. She was more concerned with the sequence of events, so that variances can
105 be applied for prior to assessments being made to lots. She would like the variance process maintained so that
106 individual properties can be assessed for a buildable lot. She indicated the decision will have impacts on
107 properties that are slated for assessments now.

108 Moore indicated that the City Council could identify a number of parcels that could be buildable by
109 variance and could include the revenue that would come from assessments later.

110 Patten commented, of the 30 lots that are substandard, if approximately 15 are already included in the septic
111 system, the city has the potential to act on 15 variances. He wondered how would a square footage minimum get
112 chosen? How many new lots are being created as being buildable?

113 Moore indicated that all the lots in the downtown have already been platted. There could be some
114 additional lots created by this language that wouldn't currently be buildable.

115 Patten recognized that continuing with a variance process for substandard lots with current square footage
116 seems appropriate.

117 Kilmer felt an individualized approach to substandard lots with a variance process would lend itself better to
118 differences between the needs of residential lots versus commercial lots.

119 Seeberger thought parameters could guide the discussion for a variance process in the spirit of preserving
120 what downtown already has for considering flexibility for these substandard lots.

121 Patten asked if the Commission needs to identify parameters for a variance process.

122 Dennis Amoth, 3999 Penfield Avenue, spoke as an owner of some of the substandard lots. He is looking to
123 the city for clarification on what can be considered buildable. He maintained that every lot in the VHS is unique
124 and he would like the city to address this issue of buildability before the sewer system goes in. In terms of the
125 lot square footage, he thought based on his house, perhaps the current requirement of a septic drainfield plus an
126 alternate drainfield would approach 5,000 sq.ft., which would bring the 22,500 sq. ft down to 17,500 sq. ft.

127 Dan Dickinson, 15895 31st Street South, owner of a substandard lot that previously received a variance for
128 buildability, but the variance expired before he was able to act on it. He would like to be included in the sewer
129 system calculations, as he wanted a chance to have his property reconsidered as being buildable.

130 Wroblewski asked if there was extra capacity in the sewer system to accommodate new lots.

131 Moore indicated when the system was sized, the substandard lots were not considered to be buildable. Even
132 though the system was required to be sized at 150% of expected capacity, the city will not be able to analyze
133 flow rates for a couple of years to see if there might be excess capacity.

134 Nelson questioned whether any of the 50 percent oversizing could be assigned, or was merely a safety factor
135 in the design.

136 Kilmer indicated that residents have been told that they have until 2023 to hook up.

137 Patten felt that the city should not be tampering with the size of buildable lots, and he doesn't like
138 "governing by variance." He would rather have the sewer system capacity limit the possibility of substandard lot
139 buildability.

140 Nelson thought the city should know how many service units there might be if the square footage of lots is
141 reduced or if variances for buildability are granted.

142 Mr. Amoth asked if the maximum projection of the system could be estimated on the smallest lot size of
143 15,000 sq. ft.

144
145 **Motion/Second: Seeberger/Nelson. To a recommend to the City Council to retain the existing ordinance**
146 **and apply it with flexibility, within a set of established parameters, through the variance process,**
147 **including the parameters as follows:**
148

- 149 1. The principal structure, including a garage for a residential parcel, must be able to meet all
150 required setbacks, including creek and bluff setbacks.
- 151 2. A commercial property must have sufficient area for off-street parking.
- 152 3. If two contiguous substandard parcels could be combined and not meet the 22,500 sq. ft. size
153 requirement, they are not separately buildable.

154 Patten wished to amend the motion by adding two items to the parameters:

- 155 4. Extend the length of the variance, if a need requires, past the one year expiration; and,
- 156 5. That the City Council take into consideration the capacity of the planned wastewater
157 treatment system prior to granting a variance for buildability.

161 **Both Seeberger and Nelson accepted the amendment. Motion carried 5-0-0.**
162

163 b. Change Scheduled Meeting Times – Commissioners Seeberger added this item to the agenda in order to
164 consider changing the Planning Commission regular meeting time to 6:00 p.m. She noted that she previously
165 served on both Bayport’s Planning Commission and City Council where they had meeting start times of 6:00
166 p.m. She indicated it was not a problem for members’ work schedules and felt there is an advantage for people
167 being able to be more focused up to 9:00 p.m., but felt after that time attention fades.

168 Acting Chair Nelson continued the item to the next meeting, so that more members can take part in the
169 discussion.

170
171 **10. OLD BUSINESS**
172

173 a. Residential Solar Array Ordinance – Administrator Moose introduced the draft ordinance based on the
174 model ordinance previously provided by Solar Energy Consultant Brian Ross.

175
176 Planning Commission Discussion:

177 Commissioners agreed that useful definitions for the city’s understanding of what constitutes residential vs
178 commercial solar arrays is needed in the ordinance. However, there was much discussion, but no consensus, on
179 how to regulate the size of a solar array installation. Options are by kilowatts, square footage of the panels, or a
180 percentage of residential usage, which was identified as being difficult to verify compliance. It was noted that
181 the wind generator ordinance limits the capacity of a wind turbine to 40 kilowatts. Commissioners generally
182 agreed that, although Council prefers not to allow “commercial” solar arrays, the draft ordinance language
183 allowing solar farms and community solar in the Industrial districts was appropriate.

184 Nelson proposed adding another definition on “residential electricity generation use” and also suggested
185 that, for solar array permits, a site plan should be required. He thought applicants should also provide the
186 number of panels and the watts / panel of the proposed installation. A reasonable idea of array size was noted to
187 be approximately 250 watts per 15 square feet of surface.

188
189 **Motion/Second: Patten/Nelson. To send the draft solar energy ordinance to the Heritage Preservation**
190 **Commission for Design Review comments and to continue the ordinance discussion at the next Planning**
191 **Commission meeting. Motion carried 5-0-0.**

192 c. Manning Avenue Corridor Overlay District – Administrator Moose reported that he has scheduled the
193 City of Woodbury’s Community Development planning staff at 6:00 p.m. on Monday, April 6, to obtain
194 additional detail about Woodbury’s land use plans along Manning Avenue.

195
196 **Commission members were encouraged to email any questions for the Woodbury Planning staff to**
197 **Moose as soon possible as so that they can prepare for the April 6 meeting.**
198

199 Meeting with Property Owners Directly Adjacent to Manning Avenue – Administrator Moose and the
200 Commission discussed the meeting with the owners of properties directly adjacent to Manning Avenue which is
201 tentatively being scheduled for May. Moose provided commissioners with the questionnaire from the
202 September Manning Avenue public information meeting and asked if this or a similar questionnaire should be
203 sent out to property owners with the notices of the meeting.

204 Nelson wanted to have the invitation that goes out to Manning Avenue property owners also include that
205 others are welcome.

206 It was noted that, as a public meeting, all interested persons are welcome to attend.
207

208 **Staff was directed to check whether St. Peter’s Church would be available to have this meeting.**
209

210 d. Draft City Council Minutes - Update on City Council Actions – Alternate City Council Liaison to the
211 Planning Commission, Mayor Bend, updated that the City Council approved allowing Dave Herreid’s variance

212 fee to be applied to a new application, should that application be submitted to the city in the next six months, by
213 August 17, 2015.

214
215 **10. ADJOURN–**

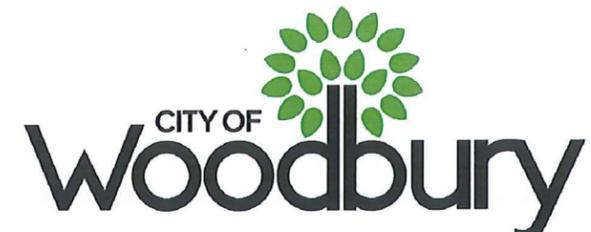
216
217 **Motion/Second: Patten/Nelson. To adjourn the meeting at 9:17 p.m. Motion carried 5-0-0.**

218
219 Respectfully submitted by:

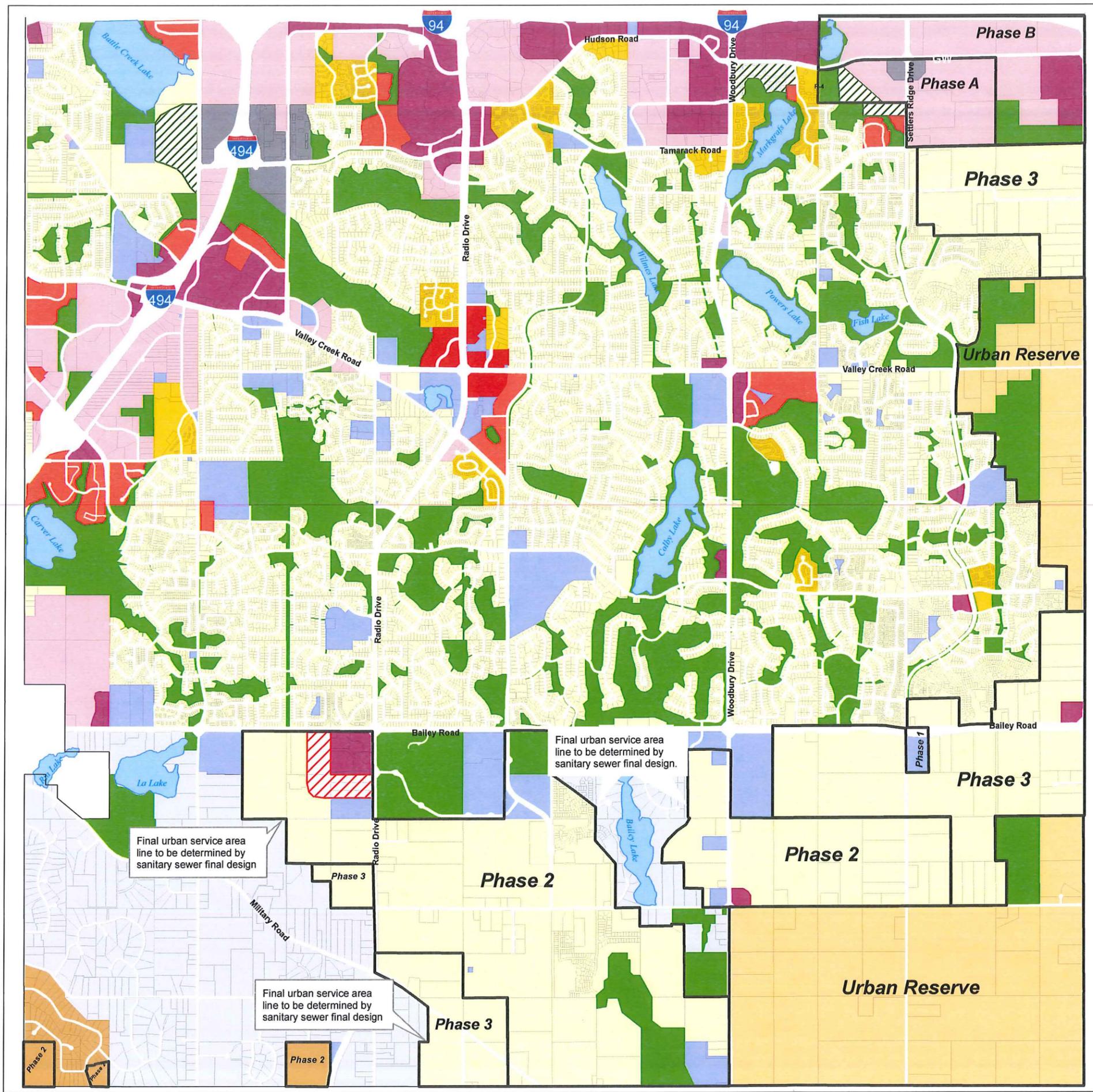
220
221
222 _____
223 Kim Swanson Linner, Deputy Clerk

224
225 **To be approved on April 6, 2015 as (check one): Presented: _____ or Amended: _____**

DRAFT

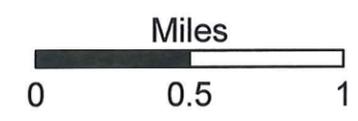


CITY OF Woodbury
Comprehensive Land Use Plan
 Updated March 11, 2014



Land Use:

-  City Centre
-  Urban Village
-  High Density
-  Medium Density
-  Low Density
-  Mixed Use
-  Open Space (Public / Private)
-  Public / Semi-Public
-  Places to Shop
-  Places to Work
-  Rural Estate
-  Urban Estate
-  Urban Reserve
-  Gateway
-  Other



Disclaimer:
 This map is intended for reference purposes only and is not a legally recorded map or survey. The City of Woodbury shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to Minnesota statutes 466.03, Subd. 21.

Note
 Phase 2: 2010-2020 (Approximately)
 Phase 3: 2020-2030 (Approximately)
 Urban Reserve: 2030 and Beyond
 Phase A: 2010-2020 (Approximately)
 Phase B: To be determined
 Phase A and B: subject to AUAR Mitigation Plan

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

Planning Commission Memo

Meeting: April 6, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: March 30, 2015
Re: Election of Officers

Background

The ordinance setting out the purpose and operation of the Planning Commission calls for an annual election of officers. The officers and current incumbents are as follows:

Chair: Barbara Ronningen

Vice-Chair: Kris Kopitzke

Secretary: Mark Nelson

The election process includes the nomination of members, and a vote regarding those nominated, for each position.

PLANNING COMMISSION ACTION REQUESTED:

Election of the following Officers:

Chair

Vice-Chair

Secretary

<p>City of Afton 3033 St. Croix Trl, P.O. Box 219 Afton, MN 55001</p>

Planning Commission Memo

Meeting: April 6, 2015

To: Chair Ronningen and members of the Planning Commission
 From: Ron Moorese, City Administrator
 Date: March 30, 2015
 Re: River Valley Riders Application for Amended CUP at 2007 Neal Avenue

Attachments

Amended Conditional Use Permit (CUP) application
 Site Plans – current and long term plans
 Carriage storage building elevations and floor plan
 List of properties within 500 feet
 Property location map
 2009 CUP approval resolution and City Council meeting minutes

Background

In 2009, the River Valley Riders applied for a conditional use permit (CUP) to allow an outdoor riding arena on the 37 acre parcel at 2007 Neal. The outdoor riding arena is the first stage of a much larger plan for an indoor riding arena. The CUP for the outdoor riding arena was approved, along with a shelter building adjacent to the riding arena. The resolution regarding the approval of the CUP is attached, as well as the minutes of the approval, which include the approval of the shelter building.

The River Valley Riders have now applied for an amended CUP to allow a storage building to store a carriage and other equipment used in relation to the outdoor riding arena. Both the shelter building and the storage building are accessory to the principal use, which is the outdoor riding arena. While the outdoor riding arena is not the ultimate principal use or principal structure planned for the property, it has been approved as the principal use through the CUP process. As the proposed storage building will directly serve the principal use, it can be approved through an amendment to the current CUP.

If the Planning Commission recommends approval of the amended CUP, staff recommends the approval include the following conditions:

- If the principal use ceases operation, the storage building must be removed.
- No members of the general public may be allowed to enter or use the storage building.
- The storage building must be constructed in the location as indicated on the Site – Building Locations Plan dated 2-27-15, and as shown on the 20' X 56' Carriage Storage Perspective dated 2-19-15 and the Carriage Storage Floor Plan and Elevations dated 2-19-15.

PLANNING COMMISSION DIRECTION REQUESTED:

Motion regarding the River Valley Riders application for an amended Conditional Use Permit at 2007 Neal Avenue.

CITY OF AFTON

**APPLICATION FOR
RENEWAL or EXTENTION of a
CONDITIONAL USE PERMIT OR
AMENDED CONDITIONAL USE PERMIT**

**Renewal of CUP or Amended CUP
\$250 FEE + \$350 ESCROW**

**Extension of CUP or Amended CUP
(for CUP's stipulating time limitations)
\$250 FEE**

**Work authorized must begin within 12 months of the
date of issuance of this permit. If not, this permit will
EXPIRE and become INVALID.**

7-2-15

CITY OF AFTON CONDITIONAL USE PERMIT APPLICATION

CUP RENEWAL or EXTENSION

Owner	Address	City	State	Zip	Phone
River Valley Riders	8362 Tamarack Vlg Ste 119-440	Woodbury	MN	55125	
Applicant (if different than owner)	Address	City	State	Zip	Phone
River Valley Riders	8362 Tamarack Vlg Ste 119-440	Woodbury	MN	55125	
Project Address					
2007 Neal Ave S		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
Ag	Therapeutic Horseback Riding/Hay field	17.028.20.21.0001			
Description of Request					
To build a 20' x 56' storage pole building.					
To build a 20' x 56' storage pole building.					
<p>By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City. If work authorized by this Conditional Use Permit is not started <u>within 12 months of the date issued</u>, this CUP will EXPIRE and be INVALID.</p>					
			3/5/15		
Signature of Owner/Applicant			Date		
<p>Make checks payable to City of Afton:</p>					
<u>FEES:</u>		<u>ESCROW DEPOSIT:</u>			
CUP Renewal	\$250	Escrow	\$350.00	TOTAL:	\$600
CUP Extension	\$250	(for CUP's with timelines)		DATE PAID:	3-5-15
City Engineer	_____	Eng Escrow	_____	CHECK #:	1457
Other	_____	Other	_____	REC'D. BY:	JMM
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

**CITY OF AFTON
CONDITIONAL USE PERMIT CHECKLIST**

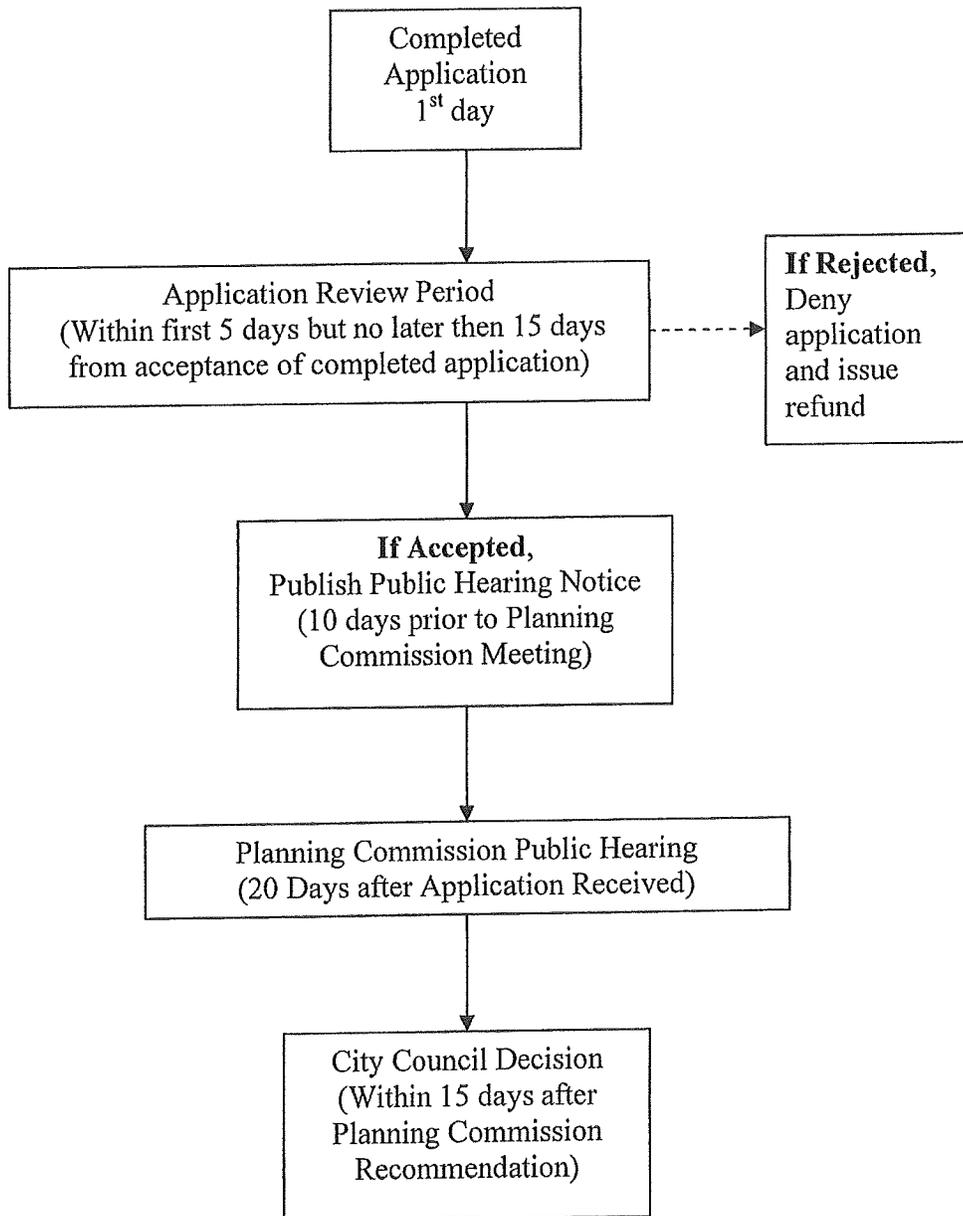
APPLICANT	CITY
_____ Design Review/Historic Pres. Commission notification (VHS-R or VHS-C)	_____
_____ Completed application form, including full legal name (first, middle, and last) and address of the applicant, fee owner, and any other persons having a legal interest in the property.	_____
_____ Fee as set forth in the current Fee schedule as adopted by the City.	_____
_____ Location map showing the general location of the proposed use within the City	_____
_____ Legal description of the property, including street address, if any, property identification number, and proof of legal ownership.	_____
_____ Written statement explaining requested use of the property.	_____
_____ Site Plan (and/or Certificate of Survey) drawn to scale showing:	_____
___ Property dimensions	
___ Adjacent roads and location of existing and proposed curb cuts, driveways, and parking spaces	
___ Location of existing and proposed buildings, including setbacks, dimensions and square footage	
___ Building setbacks from the crest of slopes greater than 18 percent	
___ Existing topographic information and finished grading and drainage plan	
___ Existing and proposed wells and septic systems	
___ Sewer and water plan with estimated use per day (if applicable)	
___ Existing vegetation and proposed landscaping and screening plans, including species and sizes of trees and shrubs	
___ Location of wetlands	
___ Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application	
___ Type of business or activity and proposed number of employees (if applicable)	
___ Proposed floor plan, with uses indicated, and elevations of buildings (if applicable)	
___ Photometric lighting plan	
_____ Map showing principal land uses within five hundred (500) feet of the subject parcel	_____
_____ An accurate list of the names and mailing addresses of the recorded owners of all property within a minimum of 500 feet of the boundaries of the property for which the application is submitted, and mailing labels for listed owners	_____

ALL ITEMS REQUIRED UNLESS SPECIFICALLY WAIVED BY ADMINISTRATOR!

Note: The City may waive or modify some of these submittal requirements if appropriate to the specific situation. Call the Zoning Administrator at (651) 436-8957 with questions about specific submittal requirements.

**CITY OF AFTON
CONDITIONAL USE PERMIT
FLOW CHART**

APPLICATIONS MUST BE RECEIVED NO LATER THEN 21 DAYS PRIOR TO
THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING



**CITY OF AFTON
CONDITIONAL USE PERMIT
PROCESS
(For Office Use Only)**

Project Name: _____

Applicant: _____ Phone Number: _____

NAC Project Number: _____

Application Fee Paid: _____

Date Received: _____ 15 days to notice of completion _____

60 days from submittal (unless deemed incomplete): _____

60 day extension: Y/N Final Date For Council Decision: _____

Noticed For Public Hearing: _____

Planning Commission Date: _____ Recommendation (Vote): _____

Planning Commission Date: _____ Recommendation (Vote): _____

City Council Date: _____ Decision (Vote): _____

City Council Date: _____ Decision (Vote): _____

Sec. 12-78. Conditional Use Permits. ³¹

- A. *Purpose.* The purpose of a conditional use permit is to provide the City of Afton with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises or on any adjoining roads, and all other factors the City shall deem a prerequisite of consideration in determining the effect of the general welfare, public health and safety. Conditional Use permits may be granted in accordance with this subdivision for any use or purpose listed as a conditional use for the zoning districts per Section 12-134 of the Zoning Ordinance.
- B. *Application.* Requests for conditional use permits, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Such application shall be accompanied by a deposit and fee per the City's current fee schedule. The application shall also include development plans for the proposed use showing such information as may be reasonably required by the administrator, including but not limited to those things below.
1. Name and mailing address of the applicant;
 2. The legal property description of the land involved in the request, including the street address, if any, of the property;
 3. The names and mailing addresses of the owners of the property and any other persons having a legal interest therein;
 4. Site plan drawn to scale, dimensions indicated, including: proposed structure, house, existing accessory buildings, well, septic system (tank and drainfield), adjacent public streets, driveway, lot size and lot dimensions:
 - a. Distance between existing structures, proposed structures, well and septic system.
 - b. Setbacks of existing and proposed structures from: Lot lines, non-buildable easements, public street right-of-way line or centerline, shoreland, bluffline or crest of slope 18 percent or steeper.
 - c. Possible location of any and all detached accessory buildings permitted by this article for the property for which the application is being made.
 5. Landscaping and screening plans including species and size of trees and shrubs proposed;

³¹ Amended 12/21/04, Ordinance 2004-16

LAND USE

6. Finished grading and drainage plans sufficient to drain the developed portion of the site and to retain as much run-off on the site as possible;
 7. Type of business or activity and proposed number of employees or occupants;
 8. Proposed floor plan and elevations of all buildings with use indicated;
 9. Photometric lighting plan;
 10. Soil type and soil limitations for the intended use. A plan or statement indicating the soil conservation practice or practices to be used to overcome any soil limitation shall be made part of the application;
 11. A location map showing the parcels general location within the City;
 12. Proof of ownership of the property for which the application is submitted, consisting of an abstract of title or registered property certificate certified by a licensed abstractor, or a title opinion prepared by an attorney licensed to practice in the state, together with any unrecorded documents whereby the petitioners acquired legal or equitable ownership;
 13. An accurate list showing the names and mailing addresses of the recorded owner of all property within a minimum of 500 feet of the boundaries of the property for which the application is submitted, the accuracy of which is verified by the applicant.
- C. *Staff review/Technical Procedure Reports.* Upon receipt of an application for a conditional use permit, the Zoning Administrator shall refer the request to appropriate staff to ensure that informational requirements are complied with. When all informational requirements have been complied with, the request shall be considered officially submitted. The Zoning Administrator shall instruct the appropriate staff persons to prepare technical reports and/or provide general assistance in preparing a recommendation on the request to the Planning Commission and City Council.
- D. *Public Hearing.* Upon official submission of the request, the Zoning Administrator shall set a public hearing on the request for the next regularly scheduled Planning Commission meeting occurring at least ten (10) working days from such date as a notice of the hearing is published in the official newspaper. Such notice shall contain a legal property description and description of the request, and shall be published no more than thirty (30) days and no less than ten (10) days prior to the hearing. Written notification of the hearing shall also be mailed at least ten (10) working days prior to the date of the hearing to all owners of land within five hundred (500) feet of the boundary of the property in question. Failure of the property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
- E. *Planning Commission Action.* The Planning Commission shall conduct the public hearing at which time the applicant or a representative thereof shall appear to answer questions concerning the proposed request.
1. The Planning Commission shall consider possible³² adverse effects of the proposed conditional use permit. Its judgment shall be based upon (but not limited to) the following factors:
 - a. The proposed action has been considered in relation to the specific policies and provision of and has been found to be consistent with the official City Comprehensive Plan; and
 - b. The proposed use is or will be compatible with present and future land uses of the surrounding area; and
 - c. The proposed use will not seriously depreciate surrounding property values or scenic views; and
 - d. The proposed use conforms with all performance standards contained herein.
 2. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relations to all pertinent sections of the Ordinance.
 3. The Planning Commission shall make a recommendation for either denial or approval with conditions as they deem necessary to carry out the intent and purpose of this Ordinance. Such recommendation shall be in writing and accompanied by any report and

³² 02-2009, 4/21/2009

AFTON CODE

recommendation of the City staff. The written recommendation of the Planning Commission shall be forwarded to the Zoning Administrator for referral to the City Council.

- F. *Referral to City Council.* Upon receipt of the Planning Commission report and recommendation, or within sixty (60) days of receipt of a complete application, unless the review period of the application is extended pursuant to Minnesota Statutes 15.99, the Zoning Administrator shall place the request and any report and recommendation on the agenda of the next regularly scheduled meeting of the City Council
- G. *City Council Action.* Upon receiving the request and any report and recommendation of the Planning Commission and the City Staff, the City Council shall have the option to set and hold a public hearing if deemed necessary and shall make a recorded finding of fact.
1. Approval of a proposed conditional use permit shall require passage by a majority vote of all members of the City Council.
 2. In the case of a conditional use permit, the City Council may impose any condition it considers necessary to protect the public health, safety, and welfare.
 3. A certified copy of any conditional use permit issued by the City Council shall be filed with the county recorder. Such filing shall be made by the Zoning Administrator or other agent designated by the City Council as soon as is reasonably possible after the filing of the conditional use permit with the Zoning Administrator. The cost of such filing with the County Recorder shall be borne by the applicant.
 4. Whenever an application for a conditional use permit has been considered and denied by the City Council, a similar application for the conditional use permit affecting the same property shall not be considered again by the Planning Commission or City Council for at least six (6) months from the date of its denial, unless a decision to reconsider such matter is made by not less than a majority vote of the full City Council.
- H. *Performance Bond.*
1. Except in the case of a non-income producing residential property, upon approval of a conditional use permit the City shall be provided with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. Said security shall be non-cancelable and shall guarantee conformance and compliance with the conditions of the conditional use permit and the ordinances of the City.
 2. The security shall be in the amount of 125 percent of the total cost of the site improvements to be installed by the applicant pursuant to the conditional use permit.
 3. The City shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the conditional use permit and ordinances of the City has been issued by the City Building Official.
 4. Failure to comply with the conditional use permit or the ordinances of the City shall result in forfeiture of the security.
- I. *Conditional Use Permit Amendments.* Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and shall procedures shall apply as if a new permit where being issues. An amended conditional use permit application and requests for changes in conditions shall be administered in a manner similar to that required for a conditional use permit.
- J. *Revocation.* If an approved conditional use permit is in violation of this Ordinance or the conditions of permit approval, the City may initiate a process to revoke the conditional use permit. The City shall then conduct a public hearing to consider the revocation of a conditional use permit. The public hearing shall be conducted by the Planning Commission, which shall make a recommendation to the City Council. In considering revocation, the Planning Commission and the City Council shall consider compliance with the approved conditions of the conditional use permit and the standards listed in Section 12-78 (E) of the Afton Code of Ordinance.

January 5, 2015

River Valley Riders (RVR)

Requested use of property at 2007 Neal Ave S in Afton, MN

To provide a facility which will operate year round, providing equine assisted therapies and activities to children and adults with special needs. Current programs run April to October and include therapeutic horseback riding and carriage driving. Additional future programs may include therapies/activities for veterans, school groups and others who could benefit.

As of this writing, RVR is an all-volunteer program. Future staff may include an Executive Director, development director, volunteer coordinator, riding and carriage driving instructors, therapists, barn manager and support staff as needed.

Mission Statement

River Valley Riders' mission is to enrich the lives of children and adults with special needs by providing equine assisted activities and therapies.

River Valley Riders
A Minnesota Non-Profit Organization

Organization Overview

Mission Statement

River Valley Riders' mission is to enrich the lives of children and adults with special needs by providing equine assisted activities and therapies.

Description of River Valley Riders

River Valley Riders (RVR) is a 501 (c)(3) non-profit organization founded in 1999. It is a member organization of the Professional Association of Therapeutic Horsemanship International (PATH Intl.). RVR offers therapeutic horseback riding and carriage driving lessons, taught by certified instructors, to children and adults with special needs. Benefits of these activities include physical improvements as well as cognitive and emotional growth.

RVR is run by a working Board of Directors and currently has no paid staff. The Board is made up of volunteers who represent each of the constituencies of RVR: therapeutic riding instructors, special education teachers, physical therapists, horse owners and parents of clients. In addition, an attorney and business, finance and marketing professionals also serve on the Board.

History

Coming together with their combined therapeutic horseback riding experience, in both administration and instruction, current board directors Joan Dorle Berg, Jennifer Sargent and Cheryl Holt founded RVR as a nonprofit 501(c)(3) organization in August 1999. The first lessons were offered in the spring of 2000. The organization began with eighteen riders and has grown to serve over 60 riders and carriage drivers every week.

RVR welcomes riders from the St. Paul/Minneapolis metropolitan area and western Wisconsin to attend any one of their three locations: the RVR property in Afton, MN, one farm in Scandia, MN, and another in East Farmington, WI. Therapeutic riding lessons in East Farmington take place on a farm owned by a program instructor and facilities are offered free of charge. Therapeutic riding lessons currently also occur two evenings per week at Afton and once weekly at a rented arena in Scandia. Carriage driving lessons are offered only at the Afton property.

Development

With the amount of growth RVR has experienced since its inception and with the vision to expand and diversify programs, the organization searched for land to own in the east Twin Cities

metropolitan area. The goal is to develop the property to include indoor and outdoor arenas, pastures, barn, offices, therapy/classrooms and storage buildings. By owning its own horses and having indoor facilities, RVR will provide services full time and year-round instead of part time and seasonally. The facility will allow RVR to expand its programs to include other equine facilitated therapies, such as mental health and learning programming for at-risk youth, veterans and other groups who would benefit from such opportunities. RVR will expand partnerships with area schools and other organizations and will provide a full roster of programs.

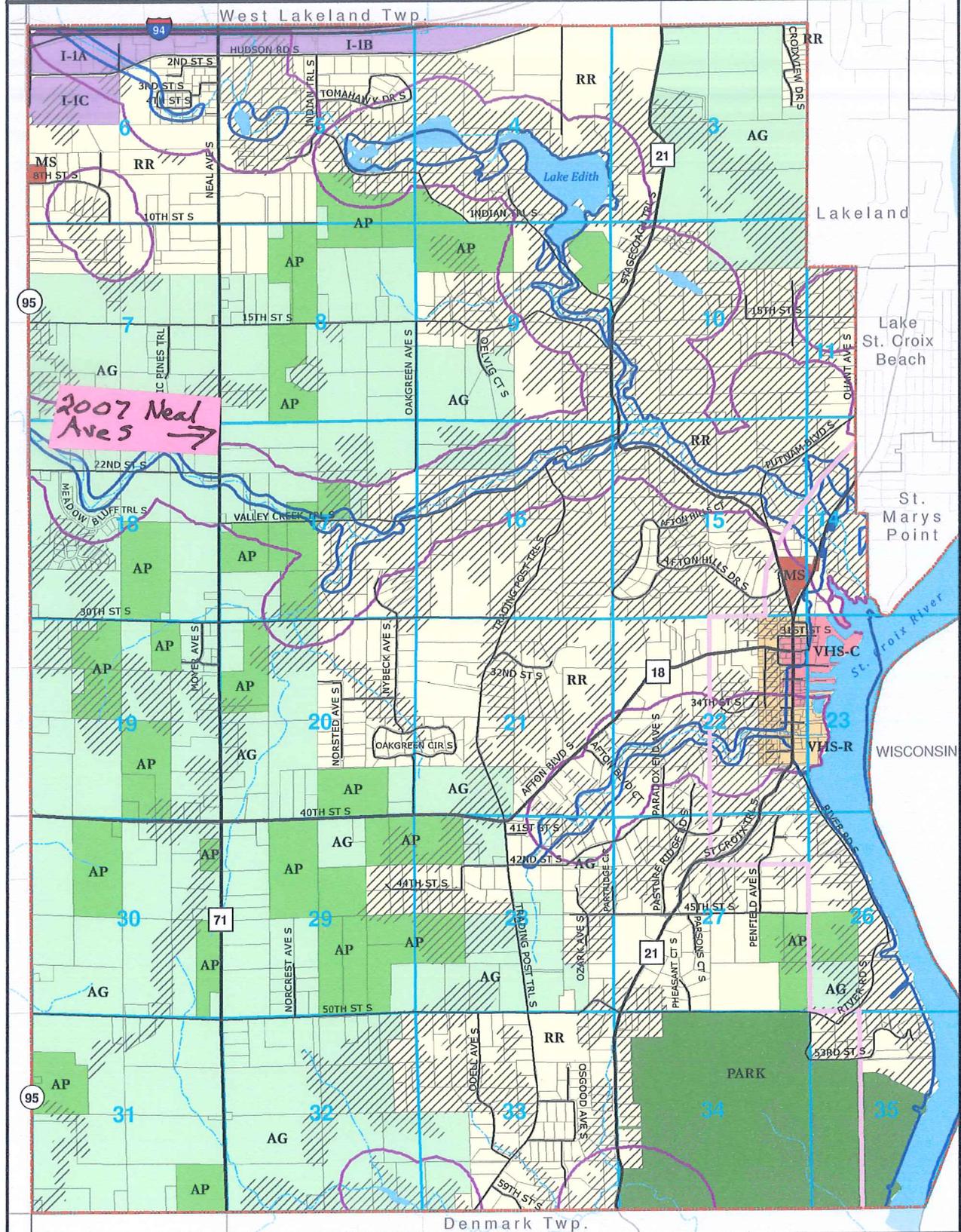
RVR found and purchased 38 acres of land in Afton, MN in 2009. Board members and volunteers raised \$100,000 for the down payment on the land with the \$450,000 balance on a seven year Contract for Deed. Following more fundraising, an additional \$150,000 was raised and a driveway, parking lot, and outdoor arena were installed in 2011. The first lessons on this site occurred in September 2011. This allowed RVR to move part of its programming from a leased arena at the Washington County fairgrounds as well as allowed more clients to be served by adding another lesson day. In December 2012, another \$100,000 was applied toward the principle of the Contract for Deed. In February 2013, RVR's bank, First State Bank and Trust of Bayport, MN offered RVR the opportunity to pay off its Contract for Deed by way of taking on a mortgage. Having the new mortgage will allow RVR to build facilities sooner as the development constraints of the Contract no longer apply.

Future

River Valley Riders is well placed to continue expanding its equine assisted therapies and activities to a diverse population of people with special needs. Its Afton location is easily accessed by the eastern Twin Cities metropolitan and western Wisconsin areas which it serves. The equine assisted activities and therapies industry is growing as the benefits of these types of therapies are becoming increasingly recognized by both medical and mental health professionals. RVR is currently developing a formal Capital Campaign strategy to raise funds to begin building its facilities.

Zoning Map

MAP 11



Zoning Districts	State Park	City of Afton	Streams	0	0.5	1	Miles	
Agriculture	Marina Services	Parcel Boundaries						
Ag Preserve	Conservancy Overlay	Section Lines						
Village Historic Site- Commercial	St. Croix River Bluffland	Major Road						
Industrial	Floodplain Overlay (100 Year)	Local Road						
Village Historic Site- Residential	Shoreland Management Areas	Lakes & Rivers						
Rural Residential								



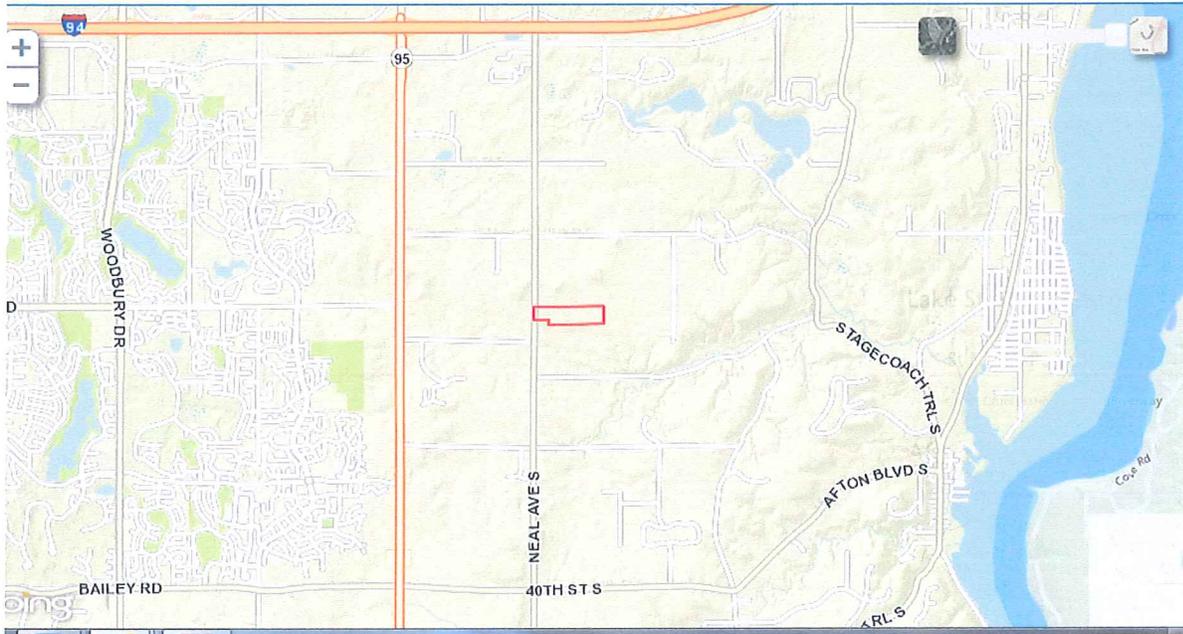
River Valley Riders

2007 Neal Ave S

Afton, MN

N1/2-N1/2-NW1/4 except W557.1' of S156.38' Sec17 Tnshp028 Range020

17.028.20.21.0001



First American Title Insurance Company

Commitment Number: 130031

EXHIBIT A
PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

The North Half of the North Half of the Northwest Quarter of Section 17, Township 28 North, Range 20 West, subject to a Highway Easement over the West 50 feet thereof,

EXCEPTING THEREFROM the West 557.1 feet of the South 156.38 feet of the North Half of the North Half of the Northwest Quarter of Section 17, Township 28 North, Range 20 West, Afton City, Washington County, Minnesota.

Abstract property.

River Valley Riders

2007 Neal Ave S

Afton, MN 55001

PID: 17.028.20.21.0001

MORTGAGE

DATE AND PARTIES. The date of this Mortgage (Security Instrument) is FEBRUARY 4, 2013. The parties and their addresses are:

MORTGAGOR:

RIVER VALLEY RIDERS
A Minnesota Corporation
8362 TAMARACK VILLAGE SUITE 119-440
WOODBURY, MN 55125

LENDER:

FIRST STATE BANK AND TRUST
Organized and existing under the laws of Minnesota
950 HWY 95 N
BAYPORT, MN 55003-1014

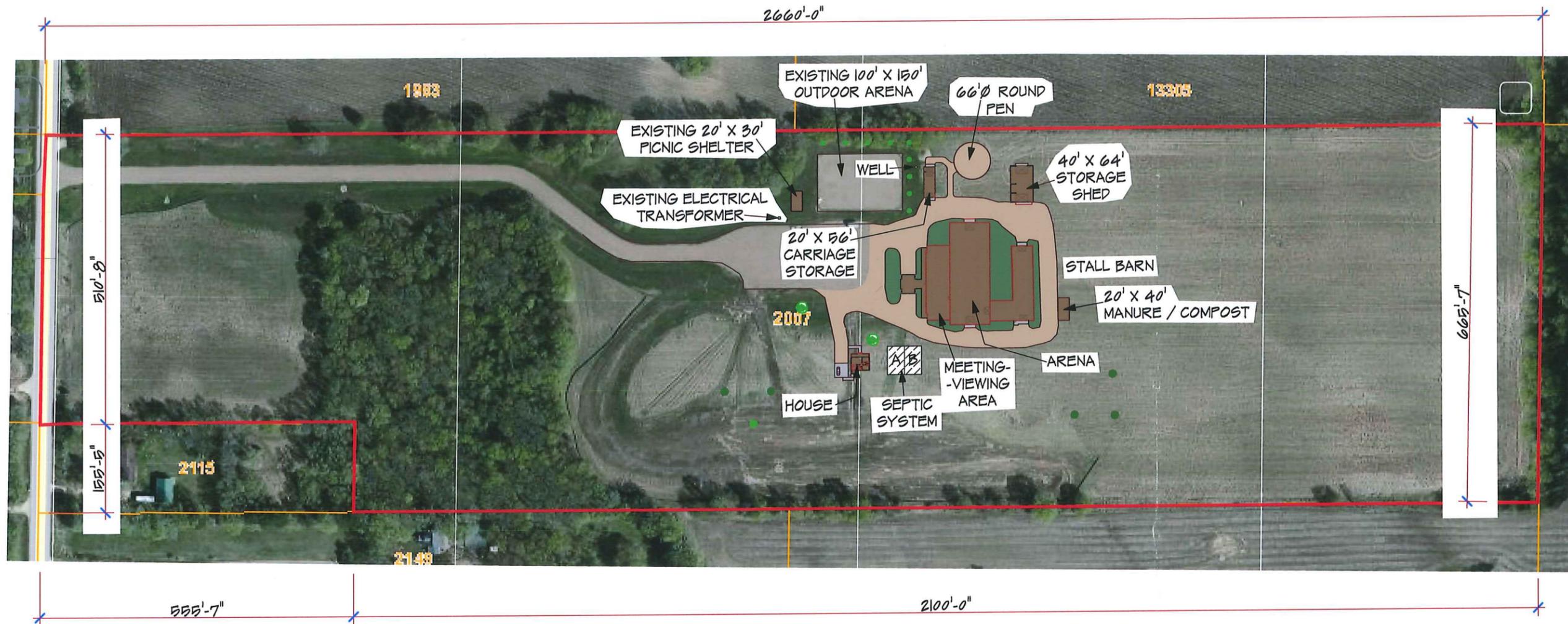
1. CONVEYANCE. For good and valuable consideration, the receipt and sufficiency of which is acknowledged, and to secure the Secured Debts and Mortgagor's performance under this Security Instrument, Mortgagor does hereby grant, bargain, convey, sell, mortgage and warrant to Lender, with the power of sale, the following described property:

SEE ATTACHED LEGAL DESCRIPTION

The property is located in Washington County at 2007 NEAL AVE S, AFTON, Minnesota 55001.

Together with all rights, easements, appurtenances, royalties, mineral rights, oil and gas rights, all water and riparian rights, wells, ditches and water stock, crops, timber, all diversion payments or third party payments made to crop producers and all existing and future improvements, structures, fixtures, and replacements that may now, or at any time in the future, be part of the real estate described (all referred to as Property). This Security Instrument will remain in effect until the Secured Debts and all underlying agreements have been terminated in writing by Lender.

2. SECURED DEBTS. The term "Secured Debts" includes and this Security Instrument will secure each of the following:



SITE PLAN

1" = 100'-0"



BUILDING SQUARE FOOT AREAS	
BUILDING	SQ. FT.
20' X 56' CARRIAGE STORAGE	1,120 SF
40' X 64' STORAGE SHED	2,560 SF
20' X 40' MANURE / COMPOST	800 SF
ARENA	12,060 SF
STALL BARN WITH GROOMING AREA	6,456 SF
VIEWING AREA - LOUNGE	6,024 SF
PORCH	1,774 SF
DRIVE-THRU DROP OFF AREA	912 SF
CARETAKER HOUSE	864 SF
HOUSE PORCH	198 SF

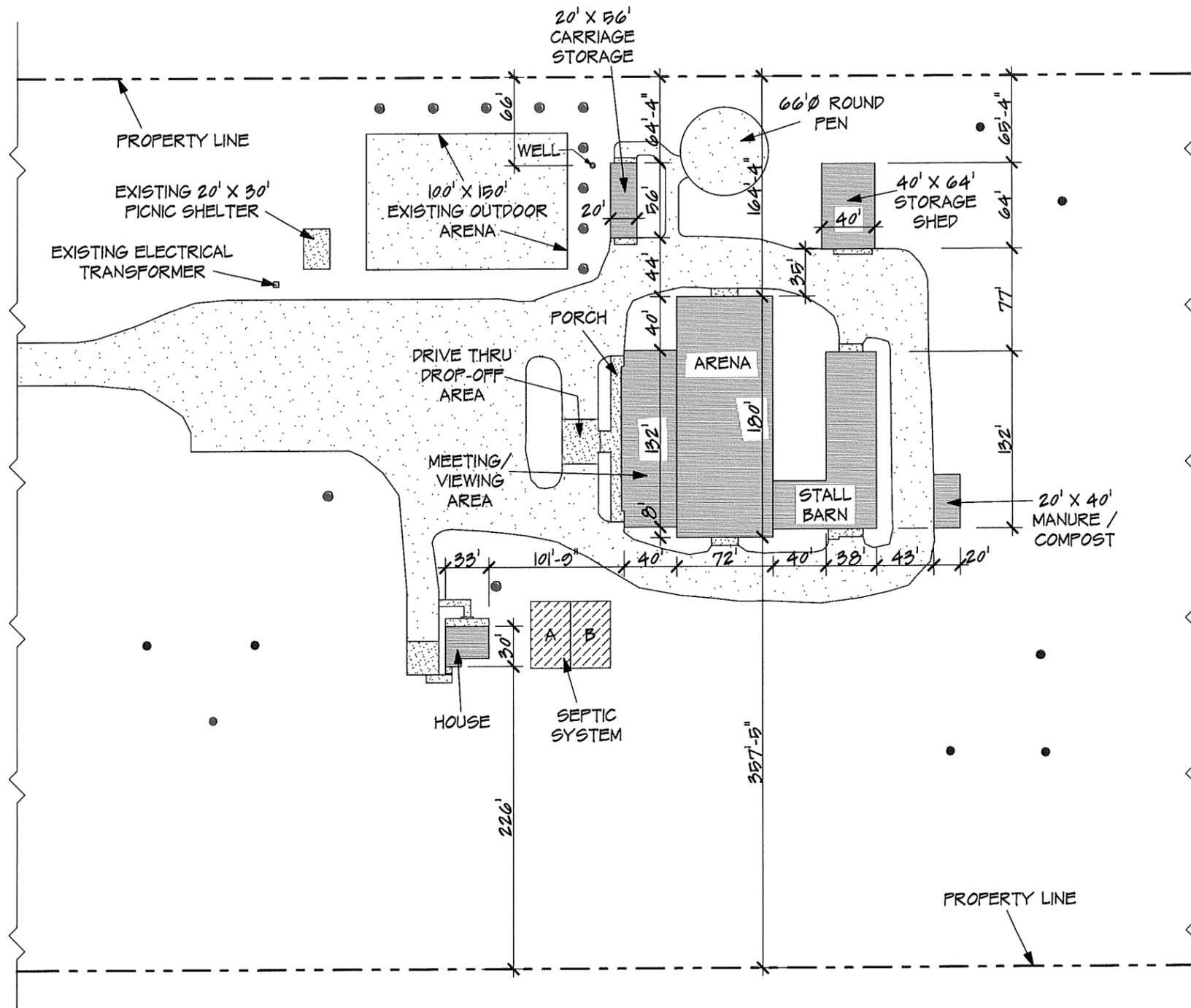
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DRAWN BY: R.S.
 DATE: 2-27-15
 SHEET: 2 OF 3

PROJECT NAME: RIVER VALLEY RIDERS
 PROJECT NUMBER:
 BUILDING DESCRIPTION: PERSPECTIVE, SITE, BUILDINGS
 DESIGN NUMBER: P14025

592 Industrial Drive
 P.O. Box 660
 Winsted, Minnesota 55395
 320-485-2844 800-710-4726
 Fax 320-485-3625
 www.rambuildings.com
 Contractor License Number 20171976





SITE - BUILDING LOCATIONS PLAN

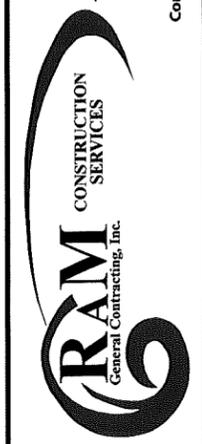
1" = 100'-0"

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DRAWN BY: R.S.
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20' X 56' CARRIAGE STORAGE PERSPECTIVE

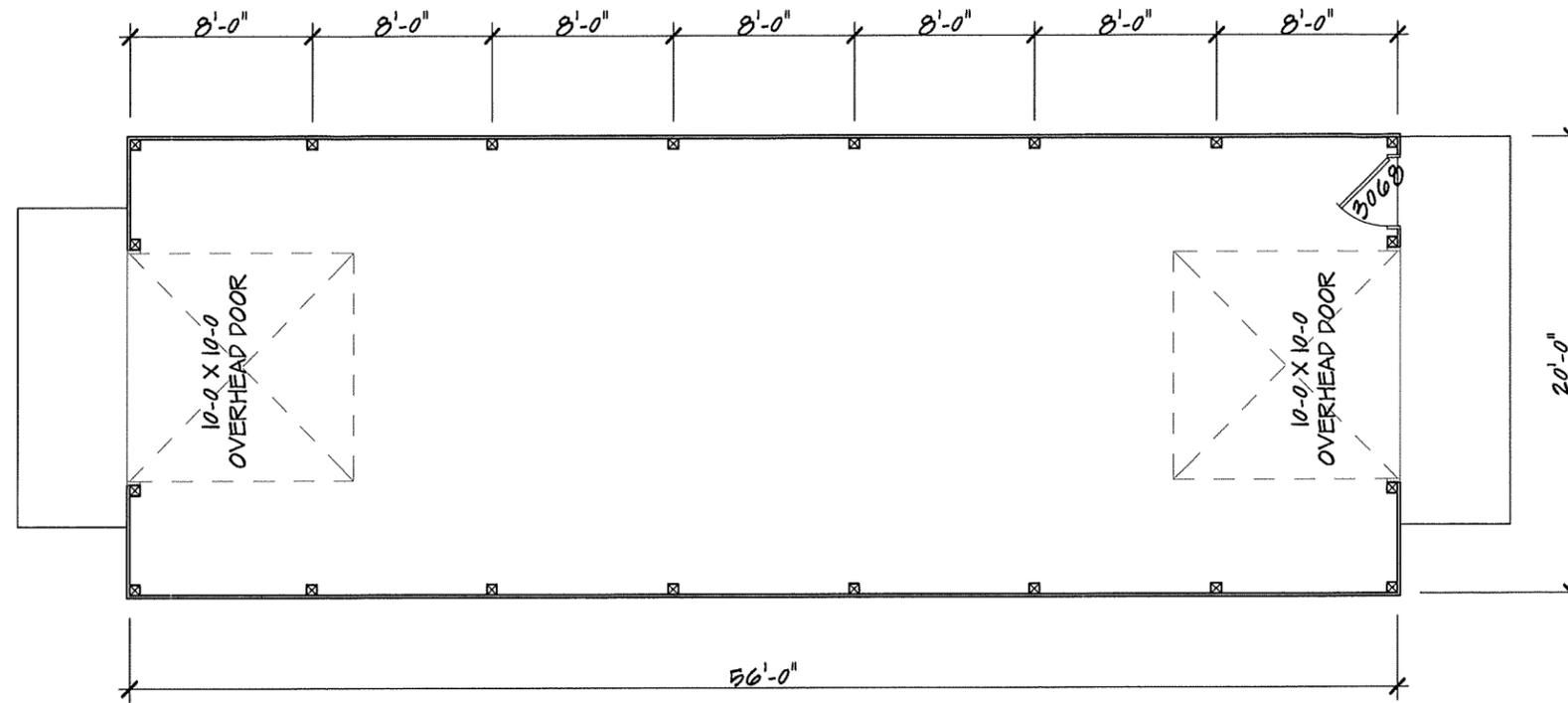
NO SCALE

2-10-15

RAM CONSTRUCTION SERVICES
General Contracting, Inc.

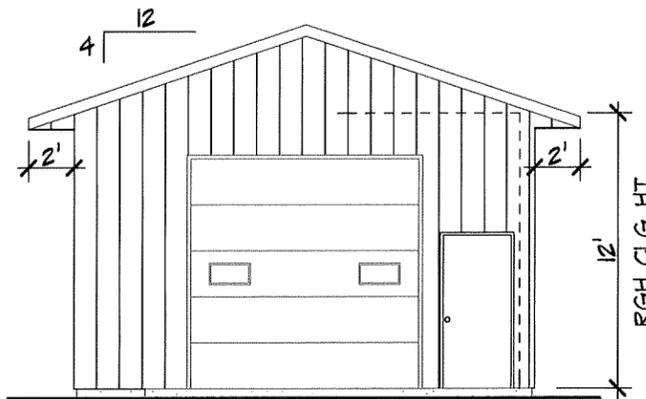
592 Industrial Drive
P.O. Box 660
Winsted, Minnesota 55395

320-485-2844 800-710-4726
Fax 320-485-3625
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Contractor License Number 20171976



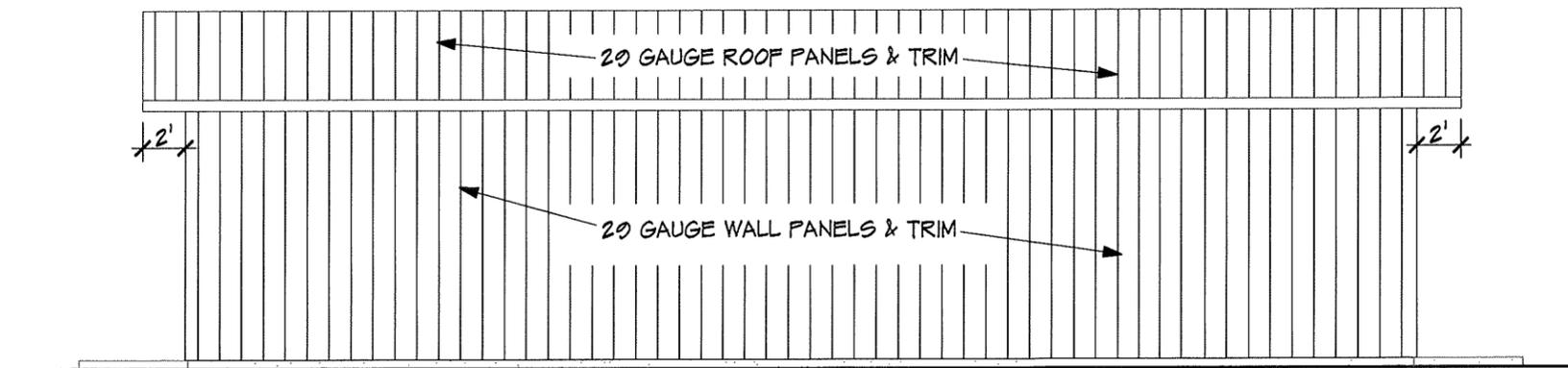
**20' X 56' X 12' TALL
CARRIAGE STORAGE FLOOR PLAN**

3/16" = 1'-0"



ENDWALL ELEVATION

1/8" = 1'-0"



SIDEWALL ELEVATION

1/8" = 1'-0"

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DRAWN BY: R.S.
DATE: 2/19/15
SHEET: 1 OF 1

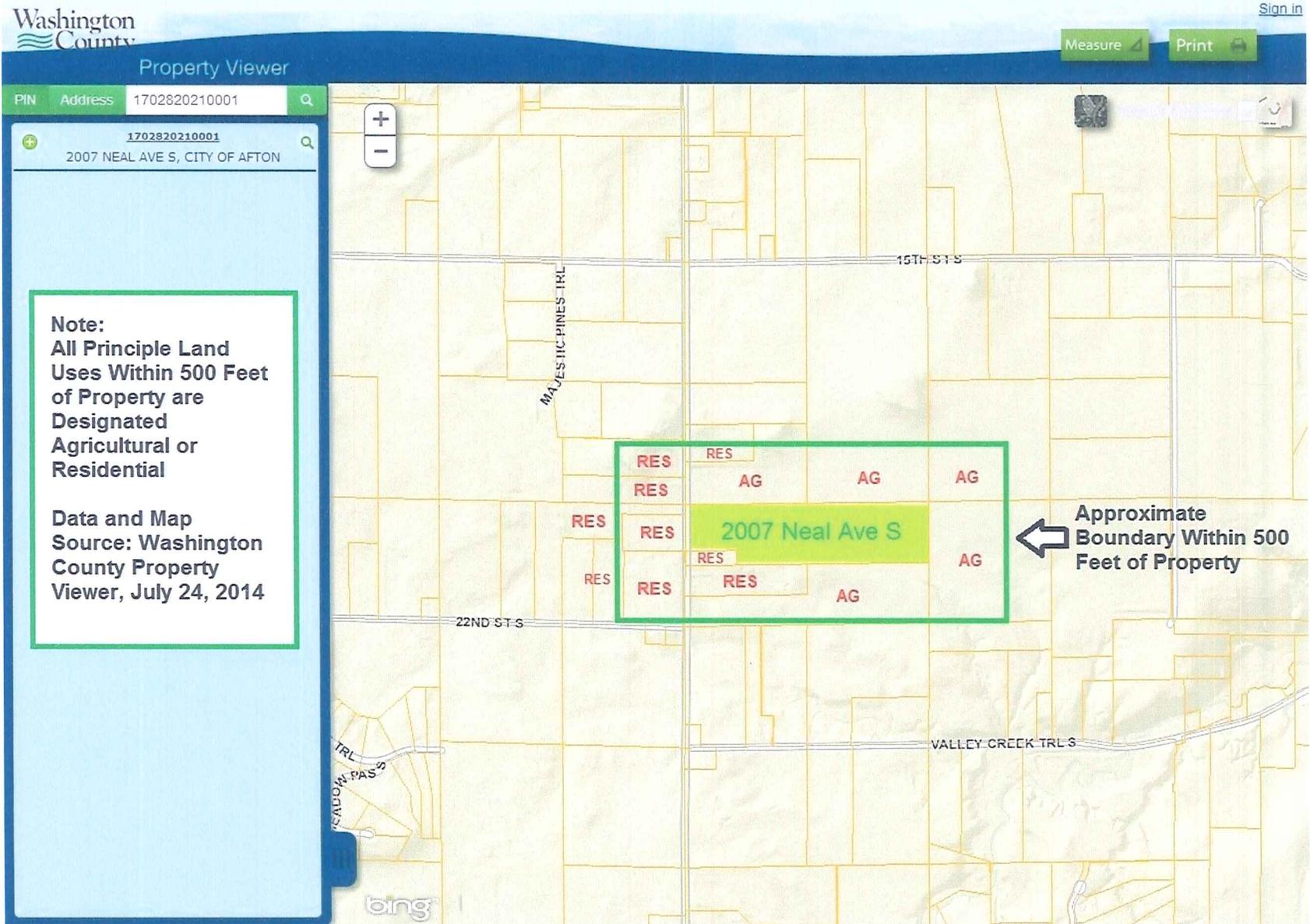
PROJECT NAME: RIVER VALLEY RIDERS
PROJECT NUMBER: AFTON, MINNESOTA
BUILDING DESCRIPTION: 20' X 56'
DESIGN NUMBER: 14925 CARRIAGE STORAGE

592 Industrial Drive
P.O. Box 660
Winsted, Minnesota 55395
320-485-2844 800-710-4726
Fax 320-485-3625
www.rambuildings.com
Contractor License Number 20171976



2007 Neal Avenue South, Afton, MN 55001

Map of Land Use Within 500 Feet of Property



List of Property Owner Names and Addresses within 500 Feet

PID	Property Address	Owner	Mailing Address (if different)		Land Use
0702820440003	1980 NEAL AVE S	SANDRA & MARY LAMBERT			Residential
0702820440007	1872 NEAL AVE S	CRAIG D & TRACIE MORTENSON			Residential
0802820310003	13305 15TH ST S	KAREN STOLTZMANN & JANEL BUSACKER	805 Midwest Tr. Ct.	Lake Elmo, MN 55042	Agricultural
0802820330002		CAROL ANN FRITSCHKE	11306 – 32nd St. N.	Lake Elmo, MN 55042	Residential
0802820330003	1983 NEAL AVE S	GERALD & PATRICIA FRITSCHKE	544 12th Ave N	S St Paul, MN 55075	Agricultural
0802820430001		EMMA L FRITSCHKE TRS	13681 – 15th St. S.	Afton, MN 55001	Agricultural
1702820120001		Landucci Homes	13230 20th St Ct N	Stillwater, MN 55082	Agricultural
1702820210002		Landucci Homes	13230 20th St Ct N	Stillwater, MN 55082	Agricultural
1702820220001	2115 NEAL AVE S	ERIC & LAURA BURGER			Residential
1702820220002	2149 NEAL AVE S	LUCILLE BURGER			Residential
1802820110001	2088 NEAL AVE S	THEODORE J & CHRISTINE N HALAND			Residential
1802820110003	12830 22ND ST S	DAVID R WAMSTAD			Residential
1802820110004	2134 NEAL AVE S	MELVIN D & CORA M DORSEY			Residential
1802820120005	12740 22ND ST S	JEFF & DONNA CAMPBELL			Residential

RESOLUTION 2009-16

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR RIVER VALLEY RIDERS TO CONSTRUCT AND OPERATE AN OUTDOOR RIDING ARENA. THE SITE IS LOCATED AT 2007 NEAL AVENUE SOUTH IN THE CITY OF AFTON.

- WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS,** Nancy Holt as a Board Officer of River Valley Riders has made an application to the City for a Conditional Use Permit to allow for the construction and operation of an outdoor riding arena. The site is located at 2007 Neal Avenue South in the City of Afton and is zoned Agricultural **P.I.D 17.028.20.21.0001** (Legal Description Attached); and
- WHEREAS,** City staff reviewed the request and the Planner drafted a report dated April 8, 2009 for the Planning Commission and City Council's consideration; and
- WHEREAS,** the Planning Commission held a Public Hearing on April 6, 2009 and approved the request; and
- WHEREAS,** the City Council considered all of the comments, concerns and recommendations of the Planning Commission, the City Planner, the City Engineer and the applicant at their regular meeting on April 21, 2009; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton hereby approves the Conditional Use Permit for the construction and operation of an outdoor riding arena as requested by Cheryl Holt of River Valley Riders and described in the application materials dated February 5, 2009, based on the following findings of fact and subject to the following conditions:

CONDITIONS OF APPROVAL

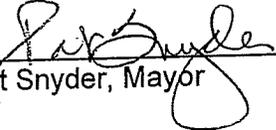
1. The applicant will provide a stormwater management plan, indicating how runoff from the outdoor riding arena and parking area will be handled for a 100-year storm event.
2. All lighting shall be downward directional and hooded to prevent glare as viewed from adjacent properties or the street.
3. Requests for signage shall be made separately and shall conform to the standards of the Afton City Code.
4. Parking shall be limited to designated parking areas only. In no circumstances shall there be on-street parking at this site.

RESOLUTION 2008-44

5. The manure shall be removed from the site at the end of the day's use.
6. All portable toilet units shall be screened from the street through use of berms and landscaping, not solely a fence. Conifers shall be used to provide year-round screening.
7. A driveway permit shall be obtained before the CUP is approved.
8. The applicant shall obtain approval for stormwater management from the Valley Branch Watershed District before there is work done on the site.
9. A gate across the access road shall be maintained and be locked in the off-operation hours so as to discourage overnight parking and access from those not affiliated with the permitted operation. The gate shall be located so as to allow adequate stacking room off of the public roadway.

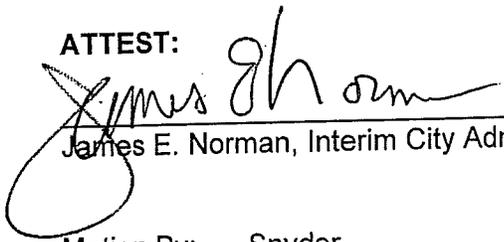
ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 21ST DAY OF
APRIL, 2009.

SIGNED:



Pat Snyder, Mayor

ATTEST:



James E. Norman, Interim City Administrator

Motion By: Snyder
Second By: Richter
Palmquist: Yes
Richter: Yes
Nolz: Yes
Nelson: Yes
Snyder: Yes

1 **B. Planning Commission Report.**

2 **1. Conditional Use Permit – Construct an Outdoor Riding Arena – River**
3 **Valley Riders.**

4
5 Planner Marohn presented the request of River Valley Riders for a Conditional Use Permit to
6 construct an outdoor riding arena, parking area, small shelter, outdoor bathroom facilities, and
7 outdoor lighting system on their 38.2 acre agriculturally zoned site off Neal Avenue. He advised
8 that the Planning Commission recommends approval with conditions.

9
10 Council Member Palmquist asked if the driveway was moved to better align. Planner Marohn
11 advised of the discussions with Washington County and stated they will work to reach a formal
12 resolution to that matter. Mayor Snyder asked if a condition should be placed to require a gate.
13 Ms. Holt, applicant, stated she would not object to installing a gate.

14
15 **MOTION/SECOND: Snyder/Richter. To Approve Application 09-2997, Conditional Use**
16 **Permit for River Valley Riders, to construct an outdoor riding arena, parking area, small**
17 **shelter, outdoor bathroom facilities, and outdoor lighting system based on 21 findings of**
18 **fact and subject to the 8 conditions detailed in the City Planner's April 8, 2009 staff report**
19 **and Condition 9: Erect a gate that can be locked to restrict access after the arena is closed**
20 **in the evening.**

21
22 **Ayes – 5**

Nays – 0

Motion carried.

23

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

Planning Commission Memo

Meeting: April 6, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: March 30, 2015
Re: Matt Twomey Application for Subdivision and Variances at 30th Street Property with PID 16.028.20.31.0001

Attachments

Minor subdivision application
Variance application
Surveys showing the existing and subdivided parcel
Grading and drainage plans
Variance questionnaire
Cover letter and permit from Valley Branch Watershed District (VBWD)
Review memo from City Engineer
List of properties within 500 feet
Letter from Washington County re: suitable soils for septic systems
Driveway easement document
Property location map
Minutes of the 8-19-2014 Council meeting discussion regarding the initial application

Background

In July of 2014, Matt Twomey applied for a minor subdivision and variances to create two lots on a 47 acre parcel on which development is limited due to steep slopes at both of the public roadway frontages. At that time, the planning Commission recommended approval of the application on a vote of 6-1. The City Council voted 3-2 to deny the application. While the Council was supportive of allowing a driveway to serve one lot on the parcel, it did not support creating two driveways to serve two lots. The minutes of the Council meeting discussion regarding the application are attached.

Application Details

Matt Twomey is proposing to subdivide a 47 acre vacant parcel with PID 16.028.20.31.0001, with frontage on both Valley Creek Trail and 30th Street, to create two lots – one 12 acres and one 35 acres. The property is in the Rural Residential Zoning District. The subdivision proposal includes three variances.

1. A variance to the lot depth/width ratio
2. A variance to allow the northerly lot to obtain its access through an easement for a driveway to 30th Street
3. A variance to allow portions of the driveways to be built on a slope greater than 18%. The proposed driveways are in areas where the slope ranges from less than 18% to 19%.

As the information below indicates, the property and the subdivision meet all other requirements.

Meets Requirements Does not meet requirements

12-132. Minimum Requirements

A.1. Minimum lot area of 5 acres	X	
A.4. 300 feet of frontage on a public street	X	
A.5. Minimum lot depth of 300 feet	X	
A5 Lot depth maximum three times lot width		X
A.6. 105 foot setback from road centerline	X	
A.7. 50 foot sideyard setback	X	
A.8. 50 foot rear yard setback	X	
A.12. Maximum buildable slope of 18%	X For House	X For Driveway
A.13. Maximum slope for septic systems of 12%	X	

Sec. 12-141. RR Zoning district

D. Minimum buildable area of 2.5 acres	X
(The 2.5 acres is to provide sufficient area with soils suitable for two on-site sewage treatment systems. (The attached letter from Pete Ganzel of Washington County Public Health indicates there are suitable soils on each of the parcels for on-site sewage treatment systems.)	

Sec. 12-1387 Lot Requirements

A. Side lot lines shall be substantially at right angles to straight street lines	X
-----------------------------------------------------------------------------------	---

12-84. Driveway access permits and standards

A. All lots or parcels shall have direct adequate access for emergency or public safety vehicles along the frontage of the lot or parcel from either an existing improved city street or an existing private road approved by the City. In addition to the required direct physical access, a lot or parcel may have a private easement access driveway to the lot over adjacent lots or parcels.	X
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---

D. Maximum Slope: 12%	X
Side slopes: 4:1 and 3:1	X
Maximum grade in r-o-w: 3%	X

Additional relevant code sections

Sec. 12-77. Appeals and variances; Board of Adjustment and appeals

A. 2. (*powers of the Board*) To hear requests for variances from the literal provisions of the ordinances in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and to grant such variances only when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the Comprehensive Plan. "Practical Difficulties" as used in connection with the granting of a variance includes a three-factor test, all three of which must be met in order for a variance to be granted.

a. Reasonableness: The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance

b. Uniqueness: The plight of the landowners is due to circumstances unique to the property not created by the landowner

c. Essential Character: The variance, if granted, will not alter the essential character of the locality.

F. *Findings of the Board.* The Board of Adjustments and Appeals shall make written findings in any case of an appeal or application for a Variance and shall state therein the reasons for its decision.

1. In addition to meeting the criteria set forth in Section 12-77 (A), the following criteria must be met before a variance may be granted

a. The variance, if granted, will not have a significant adverse effect on public health, safety and welfare or environment.

b. The granting of the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to owners of other land, structures or buildings in the same district.

c. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property have had no control.

d. The literal interpretation of the provisions of this ordinance would deprive the applicant of the rights commonly enjoyed by other property in the same district under the terms of this ordinance.

e. The variance requested is the minimum variance that would alleviate the hardship.

Section 12-84 Driveway Permits and Standards

H. Number and Type. The number and types of driveways onto city streets may be controlled and limited in the interests of public safety and efficient traffic flow as determined by the Zoning Administrator

Article VI Subdivisions. Section 12-1266 Variances

The City Council may grant a variance in any particular case where the subdivider can show by reason of the unfavorable topography or other physical conditions the strict compliance to these regulations could cause practical difficulties.

Section 12-1387. Lot requirements

E. Double frontage lots shall not be permitted

Relevant Comprehensive Plan Housing and Land Use Policies

1. The overall development density of the City shall not exceed one unit per ten acres.

9. Require a minimum of 300 feet of frontage on a public street for all newly created residential lots outside of the Old Village or within the Agricultural and Rural Residential Zoning Districts

10. Prohibit long and narrow lots and irregularly shaped lots except when deemed advisable in the rural Residential Zoning District

Discussion

The proposed subdivision creates two lots that are substantially larger than the 5 acre minimum. The density of the proposed subdivision is substantially less than the City's overall density goal of one lot per ten acres.

The existing parcel is currently nonconforming regarding the maximum allowed three to one lot depth to width ratio. The proposed subdivision would bring both lots, and particularly the southerly lot, substantially closer to the required ratio.

The parcel is limited by topography, particularly at the northerly end, and has a large area of buildable land in the middle. Because access is not possible from the Valley Creek frontage, the proposal is to provide access to both parcels from 30th street. While the zoning code allows access through an easement for a driveway across an adjacent property, the code also requires all lots to have direct adequate access for emergency or public safety vehicles along the frontage of the lot from either an existing improved city street or an existing private road approved by the City. The City no longer allows private roads. If the proposal was to be approved, to ensure adequate emergency response, the lot to the north would need to have a 30th Street address. While the driveway requirements of the Agricultural zoning district require a minimum distance of 300 feet between driveways, this requirement is not included in the Rural Residential zoning district regulations.

At the southern boundary of the parcel along 30th Street, there is an area approximately 20 feet wide adjacent to the road that has a slope greater than 18%. It appears that this area was created when the road was constructed. The proposed driveways cross this area and also cross areas where the slope ranges from less than 18% to over 18%.

The City Engineer has indicated the sight distance is limited at the driveway entrances to 30th street, due to the hill to the west. While this would be of more concern with a public road, it is of less concern for driveways serving two homes.

The applicant has addressed the variance criteria in the variance questionnaire submitted as part of the application.

Stormwater Management

The Valley Branch Watershed District (VBWD) has approved a permit for the proposed subdivision. A letter from the VBWD and approved permit are attached.

The City Engineer has reviewed the grading and drainage plans and has provided the attached report, which has been forwarded to the applicant. The applicant has indicated he is in agreement with the changes recommended by the City Engineer.

Conditions

If the Planning Commission recommends approval of the application, the recommendation should include conditions in a number of areas including the following:

- Easements as required by the City Engineer shall be granted.
- Scenic easements shall be placed on all slopes greater than 18%
- The applicant shall execute a scenic easement agreement
- The applicant shall meet all Valley Branch Watershed District permit requirements
- The applicant's grading and drainage plans shall be subject to review and approval by the City Engineer
- An easement for the driveway to serve the northerly parcel is subject to the City Attorney's review and approval, and shall be recorded at the time the subdivision is recorded.
- No future subdivision shall be allowed.

Findings

The Planning Commission will need to provide findings to support its recommendation. The findings that were the basis of the Planning Commission's recommendation in 2014 are as follows:

1. The long narrow shape of the lot is unique
2. The lot has frontage on two roads approximately one-half mile apart
3. The buildable area of the property is isolated from both access points by slopes greater than 18%
4. The property is a pre-existing non-conforming lot
5. While the proposed driveways cross areas with slope greater than 18%, the driveways access the lots at the least objectionable slope
6. The two proposed lots and driveways would not change the essential character of the area
7. The proposed subdivision creates two lots that are substantially larger than the 5 acre minimum requirement
8. The density of the proposed subdivision is substantially less than the City's overall density goal of one lot per ten acres

PLANNING COMMISSION DIRECTION REQUESTED:

Motion regarding the Matt Twomey application for subdivision and variances at the property with PID 16.028.20.31.0001, with findings and conditions.

CITY OF AFTON

MINOR SUBDIVISION APPLICATION

FEE

\$250

DEPOSIT

\$1,500*

***FEES ARE DEDUCTED FOR
PROFESSIONAL PLANNING,
ENGINEERING, AND ATTORNEY FEES**

CITY OF AFTON MINOR SUBDIVISION PERMIT APPLICATION

Owner	Address	City	State	Zip	Phone
<i>Highview Afton, LLC</i>	<i>PO Box 439</i>	<i>River Falls</i>	<i>WI</i>	<i>54002</i>	<i>715-441-6610</i>
Applicant (if different than owner)	Address	City	State	Zip	Phone
<i>Matt & Marianne Twomey</i>	<i>316 Cedar St.</i>	<i>Hudson</i>	<i>WI</i>	<i>54016</i>	<i>715-441-6610</i>
Project Address	AFTON		MN	55001	
<i>30th Street near Trading Post</i>	Existing Use of Property		PID# or Legal Description		
Zoning Classification	<i>Rural Residential</i>	<i>Vacant land</i>	<i>16.023.20.31.0001</i>		
Description of Request					
<i>We would like to subdivide our 47 acre parcel into two smaller lots, a 35 acre lot and a 12 acre lot.</i>					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
 Signature of Owner/Applicant					<i>3/19/15</i> Date
Make checks payable to City of Afton:					
FEES:		DEPOSITS:			
Minor Subdivision	<i>\$250.00</i>	Minor Subdivision	\$1,500.00	TOTAL:	<i>\$1,750.00</i>
			<i>\$250.00</i>	DATE PAID:	<i>3/23/15</i>
				CHECK #:	<i>1319</i>
				RECVD. BY:	<i>DM</i>
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

CITY OF AFTON
MINOR SUBDIVISION CHECKLIST
 Submission Requirements

- | | | |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| ✓ | Completed application form, including full legal name (first, middle, and last) and address of the applicant, fee owner, and any other persons having a legal interest in the property. | _____ |
| ✓ | Fee as set forth in the current Fee schedule as adopted by the City Council | _____ |
| ✓ | Proof of Ownership (Copy of Property Tax Statement or Deed) | _____ |
| ✓ | Location map showing the general location within the City | _____ |
| ✓ | List of property owners within 500 feet and mailing labels
(Available from Washington County Survey & Land Mgmt at 651-430-6875) | _____ |
| ✓ | Zoning classification of land in and abutting the subdivision | _____ |
| ✓ | Twenty five (25) sets of maps including the following information:
(at least one set in 11" x 17" size) | _____ |
| ✓ | <u>Survey by a registered land surveyor</u> at a standard scale, illustrating: | _____ |
| | <ul style="list-style-type: none"> • Boundaries, dimensions, and size of original parcels and proposed new lots • Legal description of property (including separate descriptions of all lots) • Dedication of road easements and right-of-way • Drainage easements • Water and wetland delineation • Woodlands <ul style="list-style-type: none"> ◦ Existing topography at 2 foot intervals (illustrate the locations of slopes between 13 and 18 percent and 18 and greater) • Buildable area (minimum 2.5 contiguous acres) • Driveway access points | |
| ✓ | Proposed grading, drainage, and erosion control plans if a driveway or other common construction is specified or required | _____ |
| ✓ | Soil boring and percolation tests (Letter from Washington County) | _____ |
| _____ | Copy of proposed private restrictions (if applicable) | _____ |
| _____ | Park development fees (as required in Fee Schedule) | _____ |

Note: The City may waive or modify some of these submittal requirements if appropriate to the specific situation. Call Sara Irvine at (651) 436-3674 if you have questions about specific submittal requirements.

**CITY OF AFTON
MINOR SUBDIVISION
PROCESS
(For Office Use Only)**

Project Name: _____

Applicant: _____ Phone Number: _____

Application Fee Paid: _____

Date Received: _____ 15 days to notice of completion _____

120 days from submittal (unless deemed incomplete): _____

Extension: Y/N _____ Final Date For Council Decision: _____

Noticed For Public Hearing: _____

Planning Commission Date: _____ Recommendation (Vote): _____

Planning Commission Date: _____ Recommendation (Vote): _____

City Council Date: _____ Decision (Vote): _____

City Council Date: _____ Decision (Vote): _____

SUPPLEMENTAL MINOR SUBDIVISION CHECKLIST

(YES/NO)

 STEP #1 Is this in the Agricultural or Agricultural Preserve Zoning District, if not proceed to step #2

If yes, then see additional subdivision requirements in 12-139(k) or 12-140 (l)

 STEP #2 (Are you in the Shoreline District and/or Lower St. Croix Riverway District? If not, proceed to step #3)

Shoreline District

Floodplain District

Lower St. Croix River District

See Article III for additional Requirements

See Article V for additional requirements

See Article IV For additional requirements

 STEP #4WMO/WSD Requirements
(If not in VCWSD skip this step and proceed to step #6)

Are you in the Valley Creek WMO

 Step #5
NDPES Permitting Requirements

Are you disturbing one acre or more?
If yes, contact MPCA for a MPCA NPDES Permit

- A. Land alterations, such as grading or filling, which remove or cover surface vegetation of 1 acre or more (Section VI., Subd. 2.A).
 - B. All projects which create a new impervious surface area of 6,000 square feet or more (Section VIII., Subd. 2.B).
 - C. All work within the waters and floodplain of the District (Section V., Subd. 2.B).
 - D. All projects which result in a discharge of municipal or industrial water or wastewater to a surface water drainage system (Section VIII., Subd. 2.A).
 - E. All subdivisions, plats, and developments (Section V., Subd. 2.A).
 - F. All projects which result in lake augmentation.
 - G. All projects which result in a wetland impact.
- If YES to any of the above conditions then contact the VCWMO

CITY OF AFTON

VARIANCE APPLICATION

FEE

\$250

DEPOSIT

\$600*

RENEWAL/EXTENSION

FEE

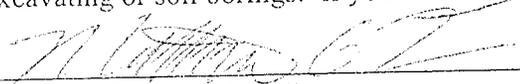
\$250

DEPOSIT

\$350*

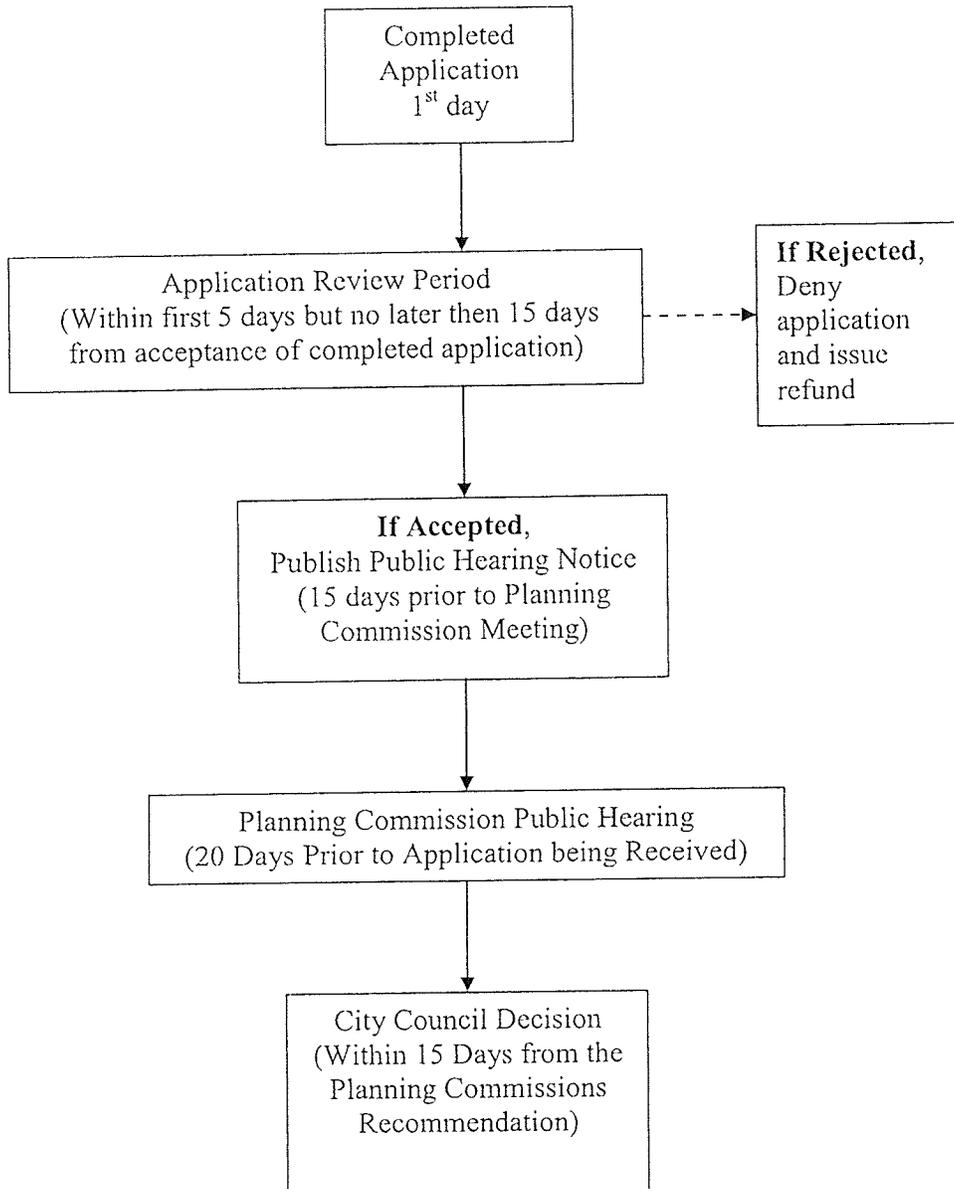
***FEES ARE DEDUCTED FOR
PROFESSIONAL PLANNING,
ENGINEERING, AND ATTORNEY FEES**

CITY OF AFTON VARIANCE APPLICATION

Owner	Address	City	State	Zip	Phone
Highview Afton, LLC	PO Box 439	River Falls	WI	54022	7154416610
Applicant (if different than owner)	Address	City	State	Zip	Phone
Matt & Monique Twomey	396 Cedar Court	Hudson	WI	54016	7154416610
Project Address		AFTON	MN	55001	
30th Street near Trading Post Trail					
Zoning Classification	Existing Use of Property	PID# or Legal Description			
Rural Residential	Vacant Land	16.028.20.31.001			
Please list the section(s) of the code from which the variance(s) are requested.					
12-84 A. Access Required, and 12-132 Lot Depth					
Description of Request					
We would like to subdivide our 47 acre parcel into two smaller lots. Because of the shape of the parcel and topography of the land, we will have the driveway for both lots on 30th Street South. Please see the attached "Variance Questionnaire" for more detail.					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
 Signature of Owner/Applicant			3/19/15 Date		
Make checks payable to: City of Afton					
If multiple variances are necessary from the applicant only one fee is required. However, the deposit fee must be multiplied by the number of variances sought.					
FEES:		DEPOSITS:			
Variance	\$250	\$600	TOTAL: \$250.00		
Renewal/Extension	\$250	\$350	DATE PAID: 3/23/15		
			CHECK #: 1319		
			RECVD BY: [Signature]		
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

**CITY OF AFTON
VARIANCE FLOW CHART**

VARIANCE APPLICATIONS MUST BE RECEIVED NO LATER THAN 20 DAYS PRIOR TO THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING



**CITY OF AFTON
VARIANCE CHECKLIST**

APPLICANT

CITY

<input type="checkbox"/>	Design Review/Historic Preservation Commission notification (VHS-R, VHS-C, I, or MS)	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Completed application form, including full legal name (first, middle, and last) and address of the applicant, fee owner, and any other persons having a legal interest in the property.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Fee as set forth in the current Fee schedule as adopted by the City.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Location map showing the general location of the proposed use within the City.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Legal description of the property, including street address, if any, property identification	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Written statement explaining requested use of the property or building and reasons variance from code standards is needed (hardship). Also address impact on adjacent properties and measures (if any) that will be taken to minimize impacts.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Site Plan (and/or Certificate of Survey) drawn to scale showing:	<input type="checkbox"/>
	Property dimensions	
	Adjacent roads and location of existing and proposed curb cuts, driveways, and parking spaces	
	Location of existing and proposed buildings, including setbacks, dimensions and	
	Location of bluffline or distance from crest of slope of 18 percent or greater	
	General existing topographic and soils information	
	General existing vegetation and landscaping/screening information	
	Location of wetlands (if applicable)	
	Location of existing and proposed wells and septic systems (if applicable)	
	Grading and drainage plans (if applicable)	
<input type="checkbox"/>	If request involves a building, drawing (or photographs) of building elevations showing:	<input type="checkbox"/>
	Height of building	
	Exterior building materials and colors	
	Floor plan	
<input checked="" type="checkbox"/>	An accurate list showing names and mailing addresses (and labels) of the recorded owners of all property within a minimum of 500 feet of the boundaries of the property for which the application is submitted. Obtain from Washington County Survey & Land Management 651-430-6875	<input type="checkbox"/>
<input type="checkbox"/>	Any other such information as the Zoning Administrator may reasonably require to complete the review of the request	<input type="checkbox"/>

Note: The City may waive or modify some of these submittal requirements if appropriate to the specific situation. Call the Afton Zoning Administrator at (651) 436-8957 with questions about specific submittal requirements.

CITY OF AFTON

VARIANCE REVIEW CRITERIA

Sections 12-77(A) and 12-77 (F) of the Afton City Code define the parameters and procedures for review of a variance request, including the following:

- A variance may be granted in instances where strict enforcement of literal provisions would cause practical difficulty because of circumstances unique to the individual property under consideration.
- Actions must adhere to the spirit and intent of the Zoning Ordinance and Comprehensive Plan.
- Practical difficulty means the proposed use cannot be established under the conditions allowed by the official controls of the City's Ordinance and no other reasonable alternative use exists.
- To grant a variance, it must be determined that the plight of the landowner be due to physical conditions unique to the land, structure or building involved.
- Economic considerations alone shall not constitute a practical difficulty.
- Written findings stipulating the reasons for the decision shall be made.

Other Zoning Reference Sections for Variances:

Listed below are references to other zoning sections that may be applicable to your project. There may be others as well.

Section 12-55	Definitions
Section 12-328	Shoreland Management
Section 12-835	St. Croix River Bluffland
Section 12-1020	Floodplain District
Section 12-1266	Subdivisions

Please contact the Afton Zoning Administrator at 651-436-5090 with further questions.

CERTIFICATE OF SURVEY

Part Lots 1 & 4, State Subdivision
Section 16, T28N, R20W
City of Afton, Minnesota

Existing

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
12445 55TH STREET NORTH
LAKE HAVO, MINNESOTA 55842
Phone (651) 458-6311 www.ffe.com

SURVEY FOR:
Darlene Moynagh
13356 Valley Creek Trail South
Afton, Minnesota 55001

LEGEND

- MONUMENT SET BY MEASUREMENT, UNLESS SHOWN OTHERWISE
- MONUMENT FOUND UNDEVELOPED, SITE AND MARKINGS AS LOCATED

NOTES

OPERATION OF THE BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM (NAD83)

NO RESEARCH INTO THE RIGHT-OF-WAY MONUMENTS WAS PROVIDED TO US. WE DO NOT VERIFY ANY RIGHT-OF-WAY MONUMENTS. 33 FEET EACH SIDE OF CENTERLINE WAS USED FOR GRAPHIC DEPICTION OF THE ROADWAY.

RECORD LEGAL DESCRIPTION:
From CERTIFICATE OF TITLE NO. 51644:

That part of Lot One (1) of STATE SUBDIVISION in Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows: That part lying North of the Afton Road and West of Gieke Carway, being in the West one-half of the Northeast Quarter (W1/2 of NE1/4) of said Section Sixteen (16).

The East Forty (40) rods of Lot Four (4) in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving in the State of Minnesota, in trust for the taxing districts concerned, all minerals and mineral rights as provided by law in the .05 acre part of Lot Four (4) lying East of Carway No. Three (3); EXCEPT IN G therefrom the following tracts:

- The East 320 feet of the South 408.37 feet of said Lot Four (4), containing 3 acres, more or less.
- Beginning at the center of Section 16, Township 28 North, Range 20 West; thence due north on the 1/4 line of said Section 16 a distance of 730 feet to a point on the center-line of a Town Road; said 1/4 line also known as the east line of Lot 4, of STATE SUBDIVISION of said Section 16; thence South 85° 22' West along the centerline of said Town Road a distance of 369.8 feet; thence South 15° 52' East a distance of 420.8 feet; thence South 40° 12' East a distance of 394.2 feet to the point of beginning, subject to an easement for roadway purposes over the northerly 33 feet thereof and containing 3.87 acres in all.

Both parcels subject to existing roadways.

SURVEYOR'S REPORT

During the course of my survey of the subject property, I discovered that the legal description of the second exception to the property is ambiguous and unurveyable.

The property is described in that certain Certificate of Title No. 51644 as recorded in the office of the Registrar of Titles, Washington County, Minnesota. The two exception parcels were created by legal description that were written by Leroy H. Winner, Land Surveyor (Minnesota Registration No. 4978), during the course of his surveys performed and signed November 15, 1963 (southern exception 2) and April 25, 1964 (northern exception 1). These surveys were presumably prepared for the owner to create these parcels to be sold.

The legal description of the first exception (southern parcel) is a good clean legal description and is easy to lay out on the ground. In the course of retracing the survey, I find that the monument set by Mr. Winner fit well with themselves but do not fit the correct section subdivision. I believe that Mr. Winner was using incorrect monuments for the quarter section corners.

The legal description of the second exception (northern parcel) is ambiguous and unurveyable. In the course of retracing the survey, I find that the monuments set by Mr. Winner fit well with themselves, but also do not fit the correct section subdivision. Because this exception parcel has an ambiguous and unurveyable legal description, I am forced to look to the monuments set by Mr. Winner as the best evidence of the intent of the scrivener of the deed. Also, I received direct testimony from the current owner of this parcel that after Mr. Winner set the monuments, he "went out and placed iron fence posts next to the monuments." He told me "if you go out in the woods, you will find the monuments set for my boundary lines". I did in fact find the fence posts and iron in the location that Mr. Winner shows on his survey, based on his latest section subdivision location. I am satisfied that the property owner who lives on the northern exception parcel has continuously accepted these monuments as his boundaries since back in 1963 when they were set by Mr. Winner. The legal description of this property (as well as my client's exception) needs to be reformed to coincide with this accepted location.

I have prepared a new legal description for this exception parcel that is NOT ambiguous, is legally sufficient and is unurveyable. This legal description needs to be used to reform the title to ensure that the property lines as described coincide with the property lines as accepted and occupied. There are several avenues that can be used to effect this change. I suggest that a qualified real estate attorney be consulted to assist in this process.

I have prepared a new legal description for the subject property as well. This new legal description should NOT be used until a legally sufficient process to reform the title has been completed.

PROPOSED ADJOINER LEGAL DESCRIPTION:

That part of Lot Four (4) in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows:

Beginning at the intersection of the centerline of Valley Creek Trail South and the east line of said Lot 4 in STATE SUBDIVISION of Section 16, Township 28 North, Range 20 West; thence South 60 degrees 09 minutes 55 seconds West, along said east line of Lot 4, also being the north-south quarter line of said Section 16, a distance of 773.24 feet to the center of said Section 16; thence North 38 degrees 04 minutes 58 seconds West, a distance of 399.03 feet; thence North 15 degrees 51 minutes 11 seconds West, a distance of 427.79 feet to the intersection with said centerline of Valley Creek Trail South; thence North 85 degrees 21 minutes 15 seconds East along said centerline, a distance of 250.35 feet; thence continuing along said centerline, on the arc of a tangential curve to the left, having a radius of 394.83 feet, a central angle of 17 degrees 19 minutes 02 seconds, an arc distance of 119.33 feet to the point of beginning. Subject to an easement for roadway purposes over the northerly 33 feet thereof.

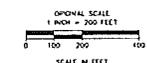
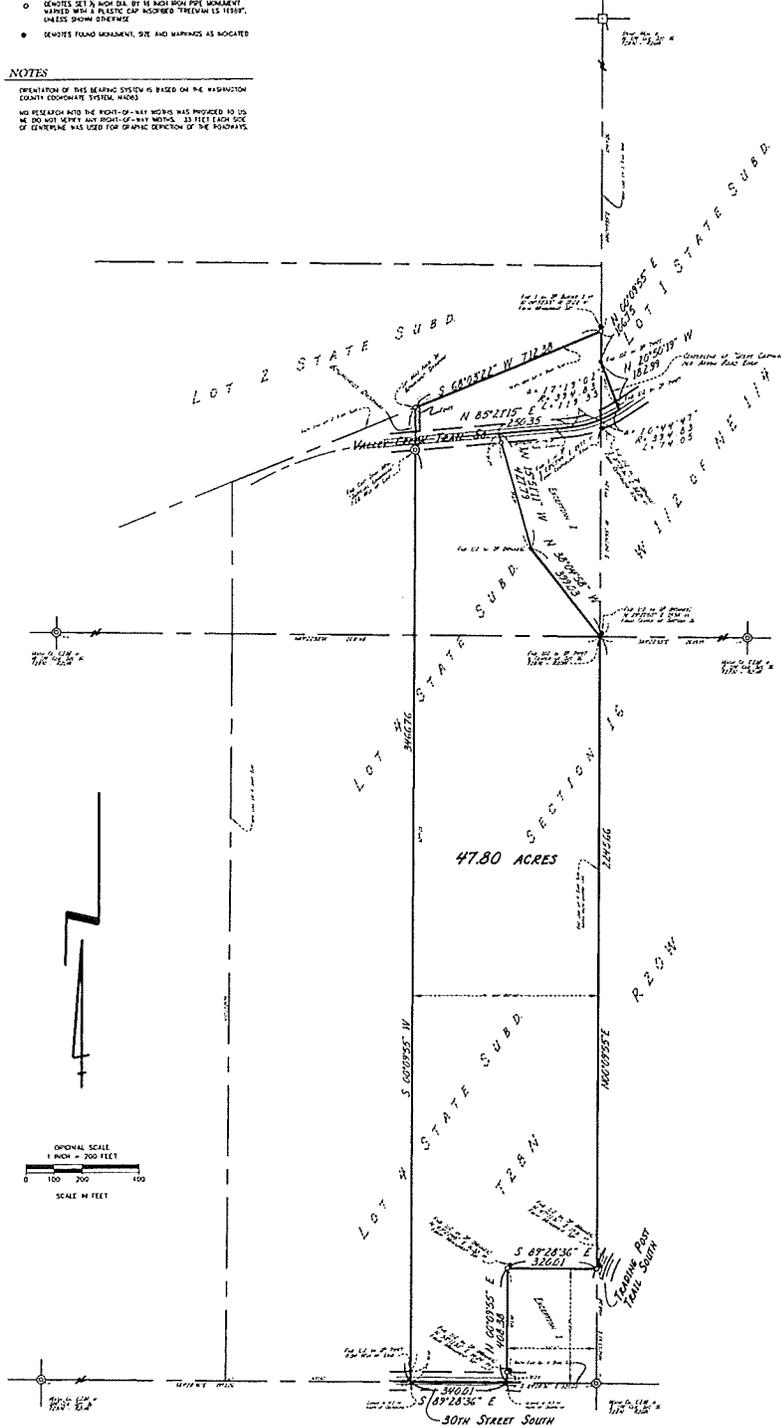
PROPOSED MOYNAGH LEGAL DESCRIPTION:

That part of Lot One (1) of STATE SUBDIVISION in Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows: That part lying North of the Afton Road and West of Gieke Carway, being in the West one-half of the Northeast Quarter (W1/2 of NE1/4) of said Section Sixteen (16).

The East Forty (40) rods of Lot Four (4) in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving in the State of Minnesota, in trust for the taxing districts concerned, all minerals and mineral rights as provided by law in the .05 acre part of Lot Four (4) lying East of Carway No. Three (3); EXCEPT IN G therefrom the following tracts:

- The East 320 feet of the South 408.37 feet of said Lot Four (4), containing 3 acres, more or less.
- Beginning at the intersection of the centerline of Valley Creek Trail South and the east line of said Lot 4 in STATE SUBDIVISION of Section 16, Township 28 North, Range 20 West; thence South 60 degrees 09 minutes 55 seconds West, along said east line of Lot 4, also being the north-south quarter line of said Section 16, a distance of 773.24 feet to the center of said Section 16; thence North 38 degrees 04 minutes 58 seconds West, a distance of 399.03 feet; thence North 15 degrees 51 minutes 11 seconds West, a distance of 427.79 feet to the intersection with said centerline of Valley Creek Trail South; thence North 85 degrees 21 minutes 15 seconds East along said centerline, a distance of 250.35 feet; thence continuing along said centerline, on the arc of a tangential curve to the left, having a radius of 394.83 feet, a central angle of 17 degrees 19 minutes 02 seconds, an arc distance of 119.33 feet to the point of beginning. Subject to an easement for roadway purposes over the northerly 33 feet thereof.

Both parcels subject to existing roadways.



Revised north and east lines on east line of Valley Creek Trail South

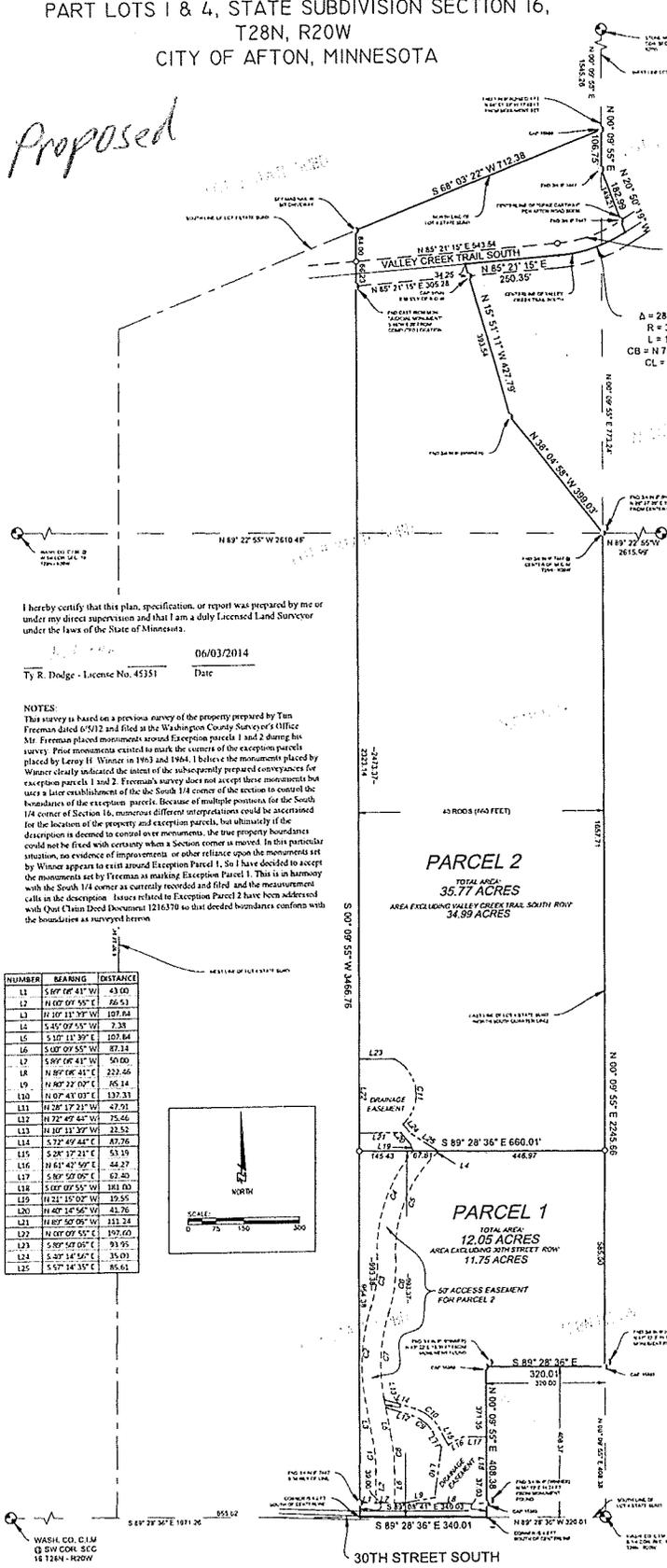
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

[Signature] 4/21/11
Troy J. Erickson, L.S.
Minnesota License No. 16199 Date

CERTIFICATE OF SURVEY

PART LOTS 1 & 4, STATE SUBDIVISION SECTION 16, T28N, R20W CITY OF AFTON, MINNESOTA

Proposed



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

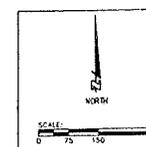
06/03/2014
Date

T. R. Dodge - License No. 45351
Date

NOTES

This survey is based on a previous survey of the property prepared by Tim Freeman dated 6/5/12 and filed at the Washington County Surveyor's Office. Mr. Freeman placed monuments around Exception Parcel 1 and 2 during his survey. First monuments existed to mark the corners of the exception parcels placed by Leroy H. Winger in 1963 and 1964. I believe the monuments placed by Winger clearly indicated the intent of the subsequently prepared conveyances for exception parcels 1 and 2. Freeman's survey does not accept these monuments but uses a later establishment of the South 1/4 corner of the section to control the boundaries of the exception parcels. Because of multiple positions for the South 1/4 corner of Section 16, numerous different interpretations could be ascertained for the location of the property and exception parcels, but ultimately if the description is deemed to control over monuments, the true property boundaries could not be fixed with certainty when a Section corner is moved. In this particular situation, no evidence of improvement or other reliance upon the monuments set by Winger appears to exist around Exception Parcel 1. So I have decided to accept the monuments set by Freeman as marking Exception Parcel 1. This is in harmony with the South 1/4 corner as currently recorded and filed, and the measurement calls in the description. Issues related to Exception Parcel 2 have been addressed with Court Chain Deed Document 1216370 so that deed boundaries conform with the boundaries as surveyed herein.

NUMBER	BEARING	DISTANCE
L1	S 89° 07' 41" W	43.00
L2	N 00° 07' 55" E	76.53
L3	N 89° 11' 37" W	107.64
L4	S 54° 07' 55" W	2.38
L5	S 10° 15' 30" W	107.84
L6	S 07° 07' 55" W	87.24
L7	S 89° 06' 41" W	50.00
L8	N 89° 06' 41" E	222.56
L9	N 89° 27' 07" E	85.14
L10	N 07° 47' 07" E	133.33
L11	N 26° 17' 21" W	47.91
L12	N 72° 49' 44" W	75.46
L13	N 89° 11' 37" W	23.52
L14	S 72° 49' 44" W	43.76
L15	S 20° 17' 21" W	53.19
L16	N 61° 47' 50" E	44.27
L17	S 89° 27' 07" E	67.40
L18	S 07° 07' 55" W	183.00
L19	N 22° 15' 00" W	129.35
L20	N 40° 14' 50" W	43.76
L21	N 89° 20' 09" W	111.24
L22	N 07° 07' 55" E	197.00
L23	S 07° 07' 55" E	93.75
L24	S 20° 14' 50" E	35.00
L25	S 57° 14' 35" E	85.61



ORIGINAL PARCELS: (From Certificate of Title Number 69114)

This part of Lot One (1) of a STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows: That part lying North of the Afton Road and West of Oakley Carway, being in the West one-half of the Northeast Quarter (1/2 of NE 1/4) of Section Sixteen (16)...

EXCEPTING: (From Certificate of Title Number 69114)

(1) The South 93.37 feet of the East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving to the State of Minnesota, in and to the favoring districts concerned, all minerals and mineral rights as provided by law in the 43 east part of Lot Four (43) lying East of Carway No. Three (3).

NEW PARCEL 1:

The South 93.37 feet of the East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving to the State of Minnesota, in and to the favoring districts concerned, all minerals and mineral rights as provided by law in the 43 east part of Lot Four (43) lying East of Carway No. Three (3).

EXCEPTING: (From Certificate of Title Number 69114)

(1) A 30' wide access easement more particularly described as: Commencing at a Chain Iron Monument at the South 1/4 corner of said Section 16, thence along the north line of the SW 1/4 of Section 16, also being the south line of Lot 4 of STATE SUBDIVISION, N 89° 11' 37" W a distance of 669.02 feet to the west line of the East 40 rods of said Lot 4, thence along said west line, S 00° 07' 55" E a distance of 119.00 feet to the north right of way of 30th Street South, thence along said right of way, S 89° 04' 17" E a distance of 43.00 feet to the point of beginning, thence N 00° 07' 55" E a distance of 76.53 feet, thence along the arc of a curve, concave westerly, a distance of 85.34 feet, said curve has a radius of 107.84 feet, thence along the arc of a curve, concave easterly, a distance of 224.35 feet, said curve has a radius of 532.00 feet and a chord that bears S 07° 07' 55" W for a distance of 224.35 feet, thence along the arc of a curve, concave westerly, a distance of 133.34 feet, said curve has a radius of 433.00 feet and a chord that bears N 11° 37' 21" W for a distance of 133.34 feet, thence along the arc of a curve, concave easterly, a distance of 47.91 feet, thence along the arc of a curve, concave westerly, a distance of 75.46 feet, said curve has a radius of 159.13 feet, thence along the arc of a curve, concave easterly, a distance of 43.76 feet, said curve has a radius of 133.33 feet, thence along the arc of a curve, concave westerly, a distance of 44.27 feet, thence along the arc of a curve, concave easterly, a distance of 67.40 feet, said curve has a radius of 183.00 feet, thence along the arc of a curve, concave westerly, a distance of 129.35 feet, thence along the arc of a curve, concave easterly, a distance of 43.76 feet, thence along the arc of a curve, concave westerly, a distance of 111.24 feet, thence along the arc of a curve, concave easterly, a distance of 197.00 feet, thence along the arc of a curve, concave westerly, a distance of 93.75 feet, thence along the arc of a curve, concave easterly, a distance of 35.00 feet, thence along the arc of a curve, concave westerly, a distance of 85.61 feet, thence along the arc of a curve, concave easterly, a distance of 85.61 feet to the point of beginning.

NEW PARCEL 2:

This part of Lot One (1) of a STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows: That part lying North of the Afton Road and West of Oakley Carway, being in the West one-half of the Northeast Quarter (1/2 of NE 1/4) of Section Sixteen (16)...

EXCEPTING: (From Certificate of Title Number 69114)

(1) The South 93.37 feet of the East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving to the State of Minnesota, in and to the favoring districts concerned, all minerals and mineral rights as provided by law in the 43 east part of Lot Four (43) lying East of Carway No. Three (3).

EXCEPTING: (From Certificate of Title Number 69114)

(1) A 30' wide access easement more particularly described as: Commencing at a Chain Iron Monument at the South 1/4 corner of said Section 16, thence along the north line of the SW 1/4 of Section 16, also being the south line of Lot 4 of STATE SUBDIVISION, N 89° 11' 37" W a distance of 669.02 feet to the west line of the East 40 rods of said Lot 4, thence along said west line, S 00° 07' 55" E a distance of 119.00 feet to the north right of way of 30th Street South, thence along said right of way, S 89° 04' 17" E a distance of 43.00 feet to the point of beginning, thence N 00° 07' 55" E a distance of 76.53 feet, thence along the arc of a curve, concave westerly, a distance of 85.34 feet, said curve has a radius of 107.84 feet, thence along the arc of a curve, concave easterly, a distance of 224.35 feet, said curve has a radius of 532.00 feet and a chord that bears S 07° 07' 55" W for a distance of 224.35 feet, thence along the arc of a curve, concave westerly, a distance of 133.34 feet, said curve has a radius of 433.00 feet and a chord that bears N 11° 37' 21" W for a distance of 133.34 feet, thence along the arc of a curve, concave easterly, a distance of 47.91 feet, thence along the arc of a curve, concave westerly, a distance of 75.46 feet, said curve has a radius of 159.13 feet, thence along the arc of a curve, concave easterly, a distance of 43.76 feet, said curve has a radius of 133.33 feet, thence along the arc of a curve, concave westerly, a distance of 44.27 feet, thence along the arc of a curve, concave easterly, a distance of 67.40 feet, said curve has a radius of 183.00 feet, thence along the arc of a curve, concave westerly, a distance of 129.35 feet, thence along the arc of a curve, concave easterly, a distance of 43.76 feet, thence along the arc of a curve, concave westerly, a distance of 111.24 feet, thence along the arc of a curve, concave easterly, a distance of 197.00 feet, thence along the arc of a curve, concave westerly, a distance of 93.75 feet, thence along the arc of a curve, concave easterly, a distance of 35.00 feet, thence along the arc of a curve, concave westerly, a distance of 85.61 feet, thence along the arc of a curve, concave easterly, a distance of 85.61 feet to the point of beginning.

NUMBER	RADIUS	LENGTH	CENTRAL ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	475.00	107.31	32°	N 05° 07' 52" E	85.77	85.36
C2	535.00	27.52	23°	N 01° 47' 23" E	252.84	255.35
C3	375.00	207.22	23°	N 02° 27' 23" E	132.56	133.34
C4	435.00	447.26	52°	N 18° 31' 27" E	327.72	314.66
C5	375.00	477.51	54°	S 11° 15' 56" W	324.75	313.24
C6	435.00	207.22	23°	S 07° 29' 17" W	150.33	151.12
C7	475.00	77.52	5°	S 01° 40' 22" W	226.76	231.03
C8	535.00	107.31	32°	S 05° 00' 52" E	84.79	84.92
C9	37.38	44.32	42°	N 50° 33' 23" E	70.01	71.42
C10	107.62	44.32	42°	S 50° 33' 23" E	81.54	83.67
C11	106.82	111.36	25°	S 07° 44' 59" E	176.71	204.08

LEGEND

- RIGHT OF WAY LINE
- EXISTING SECTION LINE
- ACCESS/UTILITY EASEMENT
- DRAINAGE EASEMENT
- FOUND SECTION CORNER MONUMENT AS NOTED
- FOUND 3" OUTSIDE DIAMETER IRON PIPE, IF CAPPED AS NOTED
- SET 1" OUTSIDE DIAMETER BY 18" LONG IRON PIPE, WEDGED IN 1/8" PER LINEAR FOOT, PLASTIC CAP, #45451 DODGE RLS
- PREVIOUSLY RECORDED DIMENSION

ALL LINEAR DIMENSIONS SHOWN ARE IN FEET.

PROJECT: HIGHVIEW AFTON
HIGHVIEW AFTON, LLC
CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA

CERTIFICATE OF SURVEY

A/C
Auth-Consulting/associates
584 Lind Street, Suite 101, Afton, MN 55002
763-224-8094
a@authconsulting.com

DRAWN BY:	DOX
CHECKED BY:	TRD
DATE:	5/30/14
DWG FILE:	5245-001
REF FILE:	5245-001
JOB NUMBER:	5245-001
CERTIFIED SURVEY MAP:	TRD 5/30/14
REVISION DESCRIPTION:	NAME: DATE:

ORIGINAL PARCEL: (From Certificate of Title Number 69338)

That part of Lot One (1) of STATE SUBDIVISION in Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows: That part lying North of the Afton Road and West of Gieke Cartway, being in the West one-half of the Northeast Quarter (W 1/2 of NE 1/4) of Section Sixteen (16).

The East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving to the State of Minnesota, in trust for the taxing districts concerned, all minerals and mineral rights as provided by law in the .05 acre part of Lot Four (4) lying East of Cartway No. Three (3).

EXCEPTING therefrom the following tracts:

(1) The East 320 feet of the South 408.37 feet of said Lot Four (4), containing 3 acres more or less.

(2) Beginning at the intersection of the centerline of Valley Creek Trail South and the east line of said Lot 4 in STATE SUBDIVISION of Section 16, Township 28 North, Range 20 West; thence South 00 degrees 09 minutes 55 seconds West, along said east line of Lot 4, also being the north-south quarter line of said Section 16, a distance of 773.24 feet to the center of said Section 16, thence North 38 degrees 04 minutes 58 seconds West, a distance of 399.03 feet; thence North 15 degrees 51 minutes 11 seconds West, a distance of 427.79 feet to the intersection with said centerline of Valley Creek Trail South; thence North 85 degrees 21 minutes 15 seconds East along said centerline, a distance of 250.35 feet; thence continuing along said centerline, on the arc of a tangential curve to the left, having a radius of 394.83 feet, a central angle of 17 degrees 19 minutes 02 seconds, an arc distance of 119.33 feet to the point of beginning. Subject to an easement for roadway purposes over the northerly 33 feet thereof.

NEW PARCEL 1:

The South 993.37 feet of the East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West.

EXCEPTING therefrom the following tract:

(1) The East 320 feet of the South 408.37 feet of said Lot Four (4), containing 3 acres more or less.

SUBJECT TO the following:

(1) A 50' wide access easement more particularly described as:
Commencing at a Cast Iron Monument at the South 1/4 corner of said Section 16; thence along the south line of the SW 1/4 of Section 16, also being the south line of Lot 4 of STATE SUBDIVISION, N89°28'36"W a distance of 660.02 feet to the west line of the East 40 rods of said Lot 4; thence along last said west line, N00°09'55"E a distance of 39.00 feet to the north right of way of 30th Street South; thence, along said right of way, S89°08'41"E a distance of 43.00 feet to the point of beginning; thence N00°09'55"E a distance of 86.53 feet; thence, along the arc of a curve, concave westerly, a distance of 85.88 feet, said curve has a radius of 475.00 feet and a chord that bears N05°00'52"W for a distance of 85.77 feet; thence N10°11'39"W a distance of 107.84 feet; thence, along the arc of a curve, concave easterly, a distance of 255.35

feet, said curve has a radius of 525.00 feet and a chord that bears N03°44'23"E for a distance of 252.84 feet; thence, along the arc of a curve, concave westerly, a distance of 133.34 feet, said curve has a radius of 375.00 feet and a chord that bears N07°29'13"E for a distance of 132.64 feet; thence, along the arc of a curve, concave easterly, a distance of 314.86 feet, said curve has a radius of 425.00 feet and a chord that bears N18°31'27"E for a distance of 307.71 feet; thence S89°28'36"E a distance of 67.61 feet; thence S45°09'55"W a distance of 7.38 feet; thence, along the arc of a curve, concave easterly, a distance of 313.28 feet, said curve has a radius of 375.00 feet and a chord that bears S21°13'58"W for a distance of 304.25 feet; thence, along the arc of a curve, concave westerly, a distance of 151.12 feet, said curve has a radius of 425.00 feet and a chord that bears S07°29'13"W for a distance of 150.33 feet; thence, along the arc of a curve, concave easterly, a distance of 231.03 feet, said curve has a radius of 475.00 feet and a chord that bears S03°44'23"W for a distance of 228.76 feet; thence, S10°11'39"E a distance of 107.84 feet; thence, along the arc of a curve, concave westerly, a distance of 94.92 feet, said curve has a radius of 525.00 feet and a chord that bears S05°00'52"E for a distance of 94.79 feet; thence S00°09'55"W a distance of 87.14 feet to the northerly right of way of 30th street South; thence along said right of way, N89°08'41"W a distance of 50.00 feet to the point of beginning.

(2) A Drainage Easement more particularly described as:

Commencing at a Cast Iron Monument at the South 1/4 corner of said Section 16; thence along the south line of the SW 1/4 of Section 16, also being the south line of Lot 4 of STATE SUBDIVISION, N89°28'36"W a distance of 320.01 feet; thence N00°09'55"E a distance of 37.03 feet to the northerly right of way of 30th Street South and the point of beginning; thence, along said right of way, S89°08'41"W a distance of 222.46 feet; thence N80°22'02"E a distance of 85.14 feet; thence N07°43'03"E a distance of 137.33 feet; thence N28°17'21"W a distance of 47.91 feet; thence, along the arc of a curve, concave southwesterly, a distance of 71.82 feet, said curve has a radius of 92.38 feet and a chord that bears N50°33'22"W for a distance of 70.03 feet; thence N72°49'44"W a distance of 75.46 feet; thence N10°11'39"W a distance of 22.52 feet; thence S72°49'44"E a distance of 87.76 feet; thence, along the arc of a curve, concave southwesterly, a distance of 83.67 feet, said curve has a radius of 107.62 feet and a chord that bears S50°33'23"E for a distance of 81.58 feet; thence S 28°17'21"E a distance of 53.19 feet; thence N61°42'59"E a distance of 44.27 feet; thence S89°50'05"E a distance of 62.40 feet; thence S00°09'55"W a distance of 181.00 feet to the point of beginning.

NEW PARCEL 2:

That part of Lot One (1) of STATE SUBDIVISION in Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows: That part lying North of the Afton Road and West of Gieke Cartway, being in the West one-half of the Northeast Quarter (W 1/2 of NE 1/4) of Section Sixteen (16).

The East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving to the State of Minnesota, in trust for the taxing districts concerned, all minerals and mineral rights as provided by law in the .05 acre part of Lot Four (4) lying East of Cartway No. Three (3).

EXCEPTING therefrom the following tracts:

(1) The South 993.37 feet of the East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West.

(2) Beginning at the intersection of the centerline of Valley Creek Trail South and the east line of said Lot 4 in STATE SUBDIVISION of Section 16, Township 28 North, Range 20 West; thence South 00 degrees 09 minutes 55 seconds West, along said east line of Lot 4, also being the north-south quarter line of said Section 16, a distance of 773.24 feet to the center of said Section 16, thence North 38 degrees 04 minutes 58 seconds West, a distance of 399.03 feet; thence North 15 degrees 51 minutes 11 seconds West, a distance of 427.79 feet to the intersection with said centerline of Valley Creek Trail South; thence North 85 degrees 21 minutes 15 seconds East along said centerline, a distance of 250.35 feet; thence continuing along said centerline, on the arc of a tangential curve to the left, having a radius of 394.83 feet, a central angle of 17 degrees 19 minutes 02 seconds, an arc distance of 119.33 feet to the point of beginning. Subject to an easement for roadway purposes over the northerly 33 feet thereof.

TOGETHER WITH A 50' wide access easement more particularly described as:

Commencing at a Cast Iron Monument at the South 1/4 corner of said Section 16; thence along the south line of the SW 1/4 of Section 16, also being the south line of Lot 4 of STATE SUBDIVISION, N89°28'36"W a distance of 660.02 feet to the west line of the East 40 rods of said Lot 4; thence along last said west line, N00°09'55"E a distance of 39.00 feet to the north right of way of 30th Street South; thence, along said right of way, S89°08'41"E a distance of 43.00 feet to the point of beginning; thence N00°09'55"E a distance of 86.53 feet; thence, along the arc of a curve, concave westerly, a distance of 85.88 feet, said curve has a radius of 475.00 feet and a chord that bears N05°00'52"W for a distance of 85.77 feet; thence N10°11'39"W a distance of 107.84 feet; thence, along the arc of a curve, concave easterly, a distance of 255.35 feet, said curve has a radius of 525.00 feet and a chord that bears N03°44'23"E for a distance of 252.84 feet; thence, along the arc of a curve, concave westerly, a distance of 133.34 feet, said curve has a radius of 375.00 feet and a chord that bears N07°29'13"E for a distance of 132.64 feet; thence, along the arc of a curve, concave easterly, a distance of 314.86 feet, said curve has a radius of 425.00 feet and a chord that bears N18°31'27"E for a distance of 307.71 feet; thence S89°28'36"E a distance of 67.61 feet; thence S45°09'55"W a distance of 7.38 feet; thence, along the arc of a curve, concave easterly, a distance of 313.28 feet, said curve has a radius of 375.00 feet and a chord that bears S21°13'58"W for a distance of 304.25 feet; thence, along the arc of a curve, concave westerly, a distance of 151.12 feet, said curve has a radius of 425.00 feet and a chord that bears S07°29'13"W for a distance of 150.33 feet; thence, along the arc of a curve, concave easterly, a distance of 231.03 feet, said curve has a radius of 475.00 feet and a chord that bears S03°44'23"W for a distance of 228.76 feet; thence, S10°11'39"E a distance of 107.84 feet; thence, along the arc of a curve, concave westerly, a distance of 94.92 feet, said curve has a radius of 525.00 feet and a chord that bears S05°00'52"E for a distance of 94.79 feet; thence S00°09'55"W a distance of 87.14 feet to the northerly right of way of 30th street South; thence along said right of way, N89°08'41"W a distance of 50.00 feet to the point of beginning.

AND SUBJECT TO a drainage easement more particularly described as:

Commencing at a Cast Iron Monument at the South 1/4 corner of said Section 16; thence along the south line of the SW 1/4 of Section 16, also being the south line of Lot 4 of STATE

SUBDIVISION, N89°28'36"W a distance of 660.02 feet to the west line of the East 40 rods of said Lot 4; thence along last said west line, N00°09'55"E a distance of 993.38 feet; thence S89°28'36"E a distance of 145.43 feet to the point of beginning; thence N21°15'02"W as distance of 19.55 feet; thence N40°14'56"W a distance of 41.76 feet; thence N89°50'05"W a distance of 111.24 feet; thence N00°09'55"E a distance of 197.60 feet; thence S89°50'05"E a distance of 93.95 feet; thence, along the arc of a curve, concave westerly, a distance of 208.08 feet, said curve has a radius of 106.82 feet and a chord that bears S07°44'59"E a distance of 176.71 feet; thence S40°14'56"E a distance of 35.09 feet; thence S57°14'35"E a distance of 85.61 feet; thence N89°28'36"W a distance of 67.61 feet to the point of beginning.

City of Afton, Minnesota {Variance Questionnaire}

Applicant(s): Highview Afton, LLC (Matt and Monique Twomey-LLC Owners)
Phone: 715-441-6610
Mailing Address: 1234 South Wasson Lane, River Falls, WI 54022
Property Address for Variance: Vacant land at 30th Street S. near Trading post

Variance Request Description: We would like to subdivide our 47 acre parcel into two smaller lots. Both lots have the required amount of street frontage. Lot 1 (which will be 12 acres) has 340 feet of frontage on 30th Street and Lot 2 (which will be 35 acres) has nearly 1,000 feet of frontage on Valley Creek Trail.

Due to the topography and shape of our parcel, the only way we can access Lot #2 is by having a driveway on 30th Street South. We would then have two driveways coming off of 30th Street South. Lot #2's driveway would require an easement over Lot #1. If our land did not have the steep grades on the Northern half, it would be simple and straightforward to have one driveway on Valley Creek Trail and one driveway on 30th Street. We are simply asking to switch the driveway location for Lot #2 from Valley Creek Trail to 30th Street. When completed, both driveways will fully comply with the Afton code for driveways.

The two lots are so different in size because Lot #2 contains the entire unbuildable Northern half of the property, which consists of 25 acres of steep slopes. Lot #1 is 340 feet wide by 990 feet deep (depth to width ratio is $990/340 = 2.91$). Lot #2 does not meet the depth to width ratio since it is 660 feet wide by 2,640 feet deep ($2,640/660 = 4.0$). There is no way to meet the depth vs. width ratio for Lot #2, because if we move the lot line separating the two lots to the North, then Lot #1 would become non-conforming as well. This is a unique lot in that all the buildable area is on one half of the property, and the other half, which is unusable, distorts the depth to width ratio.

Directly off of 30th Street, our two proposed driveways travel laterally over slopes that are approximately 17% - 19%. Since there is no option to access the property from the North due to much steeper slopes, our only possible option to access our land is from 30th Street South. When completed, our driveway that travels across the portion of land that is 19% will have a maximum grade of 7.6%.

City Ordinance Section number for which the variance is required:

12-84 A. Access Required. All lots or parcels shall have direct physical access for emergency or public safety vehicles along the frontage of the lot or parcel from either an existing improved city street or an existing private road approved by the City. In addition to the required direct physical access, a lot or parcel may have a private easement access driveway to the lot over adjacent lots or parcels.

*12-132 Lot Depth: *Maximum three times the width of the lot on any lot of ten or more acres.*

12-132 Maximum buildable slope for structures (percent) except substandard structures: 18%

Answer the following questions to the best of your ability – based on the criteria found in section 12-77 of Afton's code (Land Use, Appeals, and Variances). Completing this questionnaire will help the Planning Commission and the City of Afton evaluate your Application in light of the requirements of

Afton's Variance Ordinance. It does not guarantee that your variance request will be approved. If needed use a separate page.

Criteria #1 – Please explain why the proposed use which requires a variance is a reasonable use for this property.

Explain: We would be subdividing our 47 acre parcel into one 12 acre lot and one 35 acre lot. These lots are substantially bigger than what is required for a lot in the Rural Residential District. Each of our proposed lots would have far more than the required amount of buildable area and will not change the overall character of the area.

If we were granted a variance from the ordinances listed above, the proposed lots would be consistent with others in the rural residential district. The depth to width ratio of the lots would be more in line with the current Afton code, and the driveway to lot #2 would be a more flat, direct, and approachable access for emergency vehicles.

Criteria #2 – What exceptional or extraordinary circumstances related to the property do not apply generally to other properties in the same zone or vicinity? Extraordinary circumstances would include lot size, irregular lot shape or topography. Are there circumstances over which you, as the property owner, have no control?

Explain: The shape of our parcel of land is very unusual. It is 340 feet wide at 30th Street and is more than 3,500 feet deep. It also has a change in elevation of over 200 feet from the highest point of the property to the lowest point. The Northern half of the property off of Valley Creek Trail contains steep slopes of 30%-40% and multiple deep ravines, which would make it impossible to access the buildable area on our land from the North Side. A portion of our land off of 30th Street South also has a 19% slope in which we are seeking a variance to construct a driveway to access the 15 acres of contiguous buildable area in the middle of our property.

Criteria #3 – How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district?

Explain: The total size of our property, in combination with the large amount of buildable area and total street frontage, should warrant the ability to subdivide the property into lots that meet the specifications of the Afton code for subdivisions. Due to the irregular shape and steep slopes of our property, it is necessary to pursue a variance.

Lot #2's street frontage is technically on Valley Creek Trail but the direct physical access for emergency vehicles will be on 30th Street. Lot #2 will have a 30th Street address and the home that is eventually built on Lot #2 will be completely unseen from Valley Creek Trail, due to the fact that it will be 2,000 feet away through thick woods and will be 200 feet higher in elevation than Valley Creek Trail.

As far as the depth being greater than three times the width, the lot, as it currently exists, does not meet this standard. Because the buildable portion of the property is only on one half, there is no layout that will allow us to meet this standard.

The request for the variance from the ordinance involving the maximum buildable slope requirement of 18% is because the existing slope for the Western driveway is 19% in small portions of the driveway. The difference between 18% and 19% is a mere 2 and 3/8 inches in elevation for our 16' wide driveway. As you can see from the two foot contours on the enclosed site plan (the 3rd and 4th page of the stapled

packet), the general area where we have encountered the existing 19% slope under the Western driveway is very uniform in slope with no substantial undulations.

We have tried to do the most reasonable and minimal amount of disruption to this slope. This western driveway would travel laterally, or across the 19% slope from the side instead of coming straight up the slope and the maximum slope of the finished driveway would end up being 7.6%. Many properties in the rural residential district have driveways that go straight up slopes that are much greater than the ordinance would ever allow. In the area that our land is located, and in Afton in general, slopes are so prevalent that it is often challenging to access buildable area. The Valley Branch Watershed District has conditionally approved our storm water management plan and we feel that our overall plan will only improve any issues with storm water at the property.

Criteria #4 – How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances?

Explain: This is the natural topography and unchanged shape of the lot. We have done nothing to alter it.

Criteria #5 – Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district?

Explain: No. Most Afton landowners do not own land that is the same shape, topography, and size of our land and what we are trying to do is not applicable to their land. We cross-referenced the county map on the Washington County website with the Afton Zoning map and determined that there were very few parcels in Afton's Rural Residential district that were over ten acres with street frontage on two different streets. Our parcel was bigger than any others we found (except for Belwin Conservancy land) and most of the others were on corner lots.

We feel that our property is a prime example of why the City of Afton allows property owners to seek a variance, as outlined in Sec: 12-1266 of the Afton code:

"The City Council may grant a variance in any particular case where the subdivider can show that by reason of the unfavorable topography or other physical conditions the strict compliance to these regulations could cause an exceptional and undue hardship. Undue hardship as used in connection with the granting of a variance means the property cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this article."

Criteria #6 – Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property?

Explain: Yes. When we first bought the land, we were not in a position to subdivide it but had hoped to subdivide it eventually. At the time of the purchase, we thought we could do a four or five lot subdivision to recoup some of the costs of the land and building a home. We are now simply requesting a variance that will result in us having only two lots.

Criteria #7 – (Optional) Will the variance be materially detrimental to the purposes of this ordinance, or to property in the same zoning district? How would the use of the property, if allowed by the variance, affect other properties in the vicinity?

Explain: We feel that this variance will not be materially detrimental to the ordinance. Our land does not currently meet the “depth vs width” ordinance. If allowed to subdivide our land into two lots, the lots will still be non-compliant but would at least have an improved depth vs. width ratio than our parcel currently does. We do not feel that the depth versus width issue will be an issue for other properties in the immediate vicinity.

The fact that emergency vehicles or public safety vehicles access Lot #2 from 30th Street versus Valley Creek Trail should have no effect on the ordinance or other properties. We understand the reason for this ordinance but do not feel it applies to our situation, given that the buildable area is so far removed from Valley Creek Trail and the property will have a 30th Street address.

It is our understanding that there are two purposes of the Afton ordinance for steep slopes.

1. *The slope ordinance is important to limit erosion, soil loss, excessive storm-water runoff, maintain natural topography, etc.* Our overall plan will actually improve any of these current issues at the site. It has been designed to decrease the run-off rate and properly infiltrate storm water on site based on the standards of the Valley Branch Watershed District and the Minnesota Pollution Control Agency.
2. *The slope ordinance also serves to preserve the current low density character of the city, in accordance with the Afton Comprehensive plan.* Our two proposed lots far exceed all the requirements of rural residential lots. Two lots on 47 acres is not considered urban sprawl. Both homes will be completely invisible from any street. Isn't this exactly the type of smart growth that the City of Afton wants?

Criteria #8 – Is the variance being requested for economic reasons?

Explain: The Afton Ordinance for variances comes directly from the State of Minnesota Statutes for variances. Those statutes are clear in that variances should not be granted solely for economic reasons, but based on the three statutory factors—reasonableness, unique circumstances, and the essential character of the locality. The relevant portion of Sec 12-77 of the Afton Ordinance is included below:

“2. To hear requests for variances from the literal provisions of the ordinances in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and to grant such variances only when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan. “Practical difficulties” as used in connection with the granting of a variance includes a three-factor test, all three of which must be met in order for a variance to be granted.

- a. Reasonableness: The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*
- b. Uniqueness: The plight of the landowners is due to circumstances unique to the property not created by the landowner.*
- c. Essential Character: The variance, if granted, will not alter the essential character of the locality.*

Economic considerations alone shall not constitute practical difficulties if reasonable use for the property exists under the terms of the ordinance.”

It is important to understand that the Minnesota Statutes and the Afton ordinance do not say that a variance request for an economic reason should be automatically denied. That is not the point. If a variance application does not meet the three statutory factors, then it should be denied, regardless of any economic reasons.

We realize that variances are not granted solely for economic reasons and should be judged on their own merit based on the three “Practical Difficulties” outlined in the Afton Ordinance—“Reasonableness, Uniqueness, and Essential Character”. We have therefore designed a plan that makes sense and meets those three qualifications.

Criteria #9 (optional), PC – Is the property in a Flood Plain District?

Criteria #10 – Is the variance for earth-sheltered construction? No.

ADDITIONAL CRITERIA THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION (PC) AND/OR CITY COUNCIL (CC)- Applicant responses to criteria #11 and criteria #12 are optional.

Criteria #11 (Optional), PC – Is the requested variance in harmony with the Afton ordinances and code? How will this variance, if granted (and the proposed use of the property, if allowed) affect the essential character of the area?

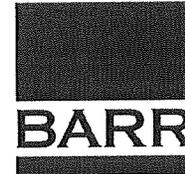
Explain: We feel that the character of the area will only be enhanced. There will be two nice homes built in a beautiful area and on lots that far exceed the minimum size. The only thing that will be noticeable will be the driveways that come off of 30th Street. The buildable area of the two lots is very well removed from any of the roads in the area such as 30th Street, Trading Post, or Valley Creek Trail, plus there is a significant amount of trees that block the buildable area from any road. When the two houses on the two lots are eventually built, they will be completely unseen unless a person turns into one of the driveways and drives about 500 feet.

Criteria #12 (Optional) PC – Is the requested variance in harmony with the Afton comprehensive plan?

Explain: There will be two beautiful home sites that add to the tax base while meeting the low density goal of the Afton Comprehensive Plan. Our plan will not sacrifice the natural features or rural charm that already exists in the area.

We ask that you consider our request for a variance based on the following three practical difficulties in Sec. 12-77 of the Afton code:

- a. *“Reasonableness: The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.*
- b. *Uniqueness: The plight of the landowners is due to circumstances unique to the property, not created by the landowner.*
- c. *Essential Character: The variance, if granted, will not alter the essential character of the locality.”*



Valley Branch Watershed District Permit Review Memorandum

Subject: Highview Afton, Permit 2014-15
Applicant & Owner: Matt Twomey, Highview Afton, LLC
Engineer: Zachery Fagan, Auth Consulting & Associates
Date: May 31, 2014
Barr Project No.: 23/82-0020.00 2200 348

Location: 30th Street South, just west of Trading Post Trail South, Afton
Section/Township/Range: Southwest quarter of Section 16, Township 28 North, Range 20 West
Project Purpose: Construct two homes with separate driveways for each, which will create 1.0 acre of new impervious surfaces.

Conformance Summary:

Issue		Conforms to VBWD & WCA Rules?	Comments
Stormwater Management	Rate	Yes	
	Volume	See comment	The southern portion of the site will drain to a bioretention basin, sized larger than required by the VBWD. The soils on the northern portion of the site are clayey so a wet pond is proposed. Some minor revisions are needed to the plans. See Suggested Site-Specific Condition 1.
	Quality		
	Maintenance Agreement	NA	A blank agreement was submitted. See Suggested Site-Specific Condition 2.
	Easement	Yes	See Standard Conditions 9 and 10.
Erosion Control Plan		Yes	See Standard Conditions 4-8.
Wetland Management & Buffers	Delineation	Yes	The proposed construction is not close to any wetlands.
	MNRAM Evaluation	NA	
	Classification	NA	
	Filling/Sequencing	NA	
	Excavating	NA	
	Buffers	NA	
	Hydrology	NA	
	Replacement Plan	NA	
Banking Plan	NA		
Floodplain Management	100-Year Flood Level	Yes	
	Minimum Floor Elevations	NA	
	Filling within Floodplain	NA	
	Easement	NA	
Permit Fee		Yes	The permit fee of \$2,332 was received on May 29, 2014.
Surety		See comment	See Suggested Site-Specific Condition 3. The surety is estimated at \$5,000.

To: VBWD Managers
From: John Hanson
Subject: Highview Affton, Permit 2014-15
Date: May 31, 2014
Page: 2
Project: 23/82-0020.00 2200 348
c: Bill Armstrong, Ray Roemmich, Melissa Imse

Suggested Site-Specific Conditions:

1. Prior to construction, revised plans and/or calculations shall be submitted for VBWD approval that show:
 - a. the overflow of the infiltration basin is consistent with the HydroCAD modeling
 - b. the discharge of the wet pond is consistent with MPCA's stormwater construction permit (e.g., a water volume of 1 inch times the proposed impervious surface is discharged at no more than 5.66 cfs per acre of surface area of the pond)
2. This permit is not valid until a maintenance agreement in the general format of Appendix B of the VBWD Rules is submitted to and approved by the VBWD Attorney.
3. Prior to construction, the required surety shall be submitted. This permit is not valid until the permit fee and surety are submitted.

Applicable Standard Conditions:

1. This permit is not transferable.
2. This permit is subject to obtaining all other permits required by governmental agencies having jurisdiction (including a NPDES permit).
3. The VBWD Engineer and Inspector shall be notified at least three days prior to commencement of work.
4. Erosion controls shall be installed prior to the commencement of grading operations and must be maintained throughout the construction period until turf is established. Additional erosion controls may be required, as directed by the VBWD Inspector or VBWD Engineer.
5. The following additional erosion controls shall be implemented on the site:
 - a. All proposed slopes three-feet horizontal to one-foot vertical (3H:1V) should be covered with erosion-control blanket.
 - b. Silt fence should follow existing contours as closely as feasible to limit the potential for gully erosion along the edges.
 - c. Any sediment that collects in storm sewers, ponds, or other water management features shall be removed.
 - d. If erosion occurs at the outlets of the storm sewer pipes, the applicant will be responsible for correcting the problem to the satisfaction of the VBWD.
6. To prevent soil compaction, the proposed infiltration area shall be staked off and marked during construction to prevent heavy equipment and traffic from traveling over it. If the infiltration facility is in place during construction activities, sediment and runoff shall be kept away from the facility, using practices such as diversion berms and vegetation around the facility's perimeter. The infiltration facility shall not be excavated to final grade until the contributing drainage area has been constructed and fully stabilized. The final phase of excavation shall remove all accumulated sediment and be done by light, tracked equipment to avoid compaction of the basin floor. To provide a well-aerated, highly porous surface, the soils of the basin floor shall be loosened to a depth of at least 24 inches to a maximum compaction of 85% standard proctor density prior to planting.

To: VBWD Managers
From: John Hanson
Subject: Highview Afton, Permit 2014-15
Date: May 31, 2014
Page: 3
Project: 23/82-0020.00 2200 348
c: Bill Armstrong, Ray Roemmich, Melissa Imse

7. All disturbed areas shall be vegetated within 14 days of final grading.
8. The applicant is responsible for removal of all temporary erosion-control measures, including silt fence, upon establishment of permanent vegetation at the project site as determined by the VBWD Engineer and/or Inspector.
9. Valley Branch Watershed District shall be granted drainage easements, which cover land adjacent to stormwater management facilities and lowlands up to their 100-year flood elevations and which cover all ditches, storm sewers, and maintenance access to the stormwater management facilities.
10. The required drainage easements and access easements shall be recorded with the Washington County Recorder's Office.
11. Return or allowed expiration of any remaining surety and permit close out is dependent on the permit holder providing proof that all required documents have been recorded (including but not limited to easements) and providing as-built drawings that show that the project was constructed as approved by the Managers and in conformance with the VBWD rules and regulations.

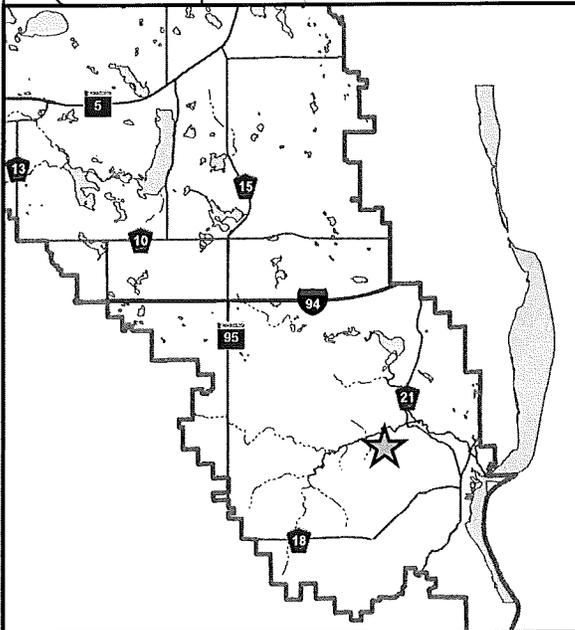
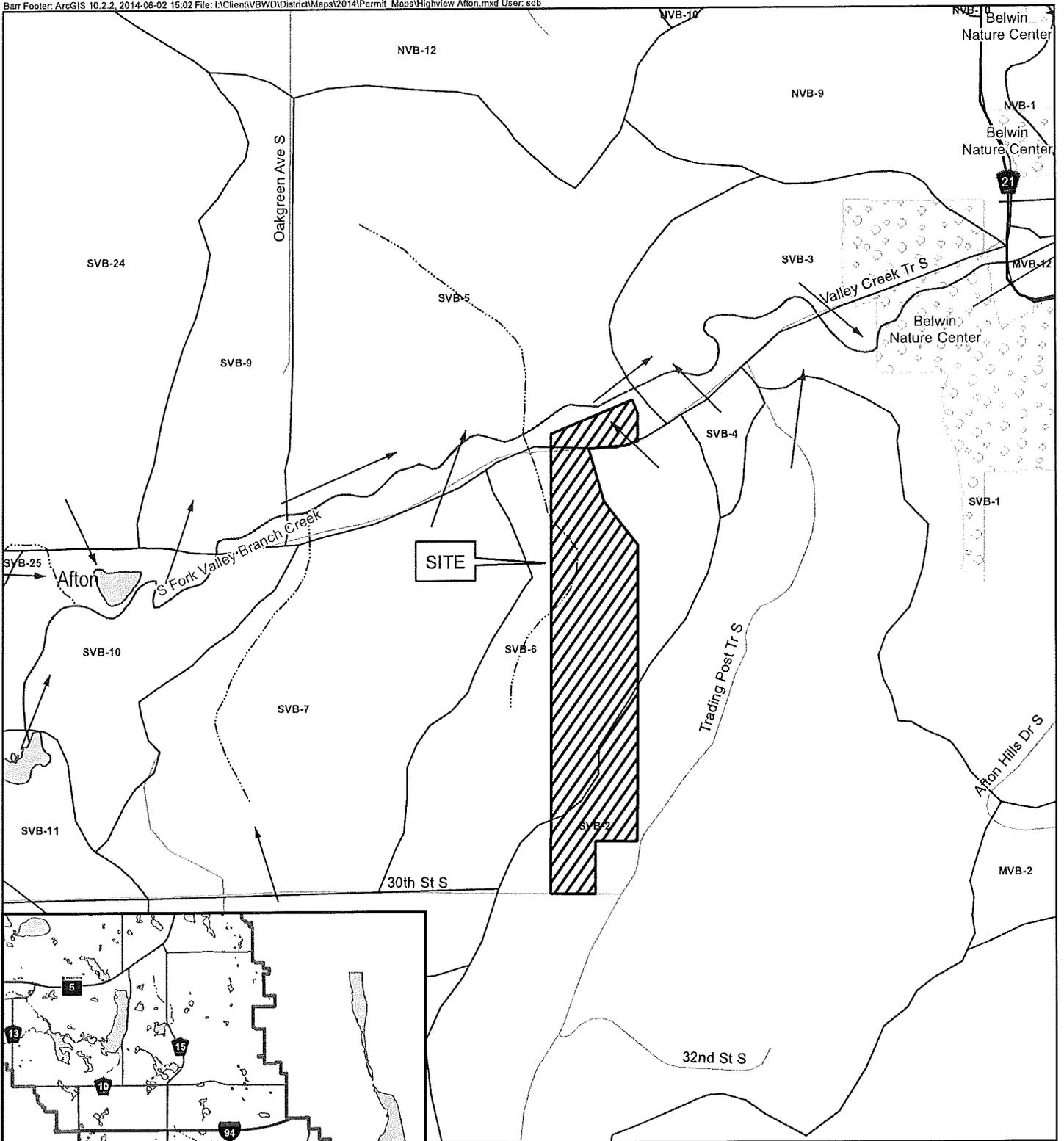
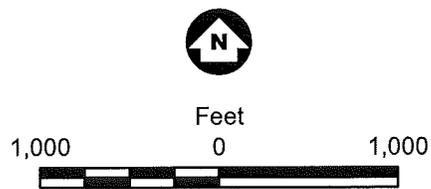


Figure 1

SITE MAP
Highview, Afton
PERMIT 2014-15
Valley Branch
Watershed District





Memorandum

To: *Diane Hankee, WSB & Associates, Inc.*

From: *Jesse Carlson, WSB & Associates, Inc.*

Date: *June 27, 2014*

Re: *Highview
WSB Project No. 1856-420*

Stormwater calculations were submitted regarding Highview a two lot development in Afton, MN on June 9, 2014. The proposed improvements include the construction of driveways, wet pond, and infiltration basin for a two lot development.

To mitigate for the proposed improvements they are planning on constructing a wet pond and an infiltration basin. The proposed improvements were reviewed for compliance with the City of Afton's requirements.

Procedural

- Submit documents verifying that all permits have been obtained prior to the start of construction for the following agencies:
 - Valley Branch Watershed District
 - *Reviewed and obtained.*
 - MPCA Construction General Permit
 - *Verify permit obtained prior to issuance of permit.*
- Provide a maintenance agreement or other suitable document to ensure the long-term functionality of the proposed system.
 - *VBWD requires the submittal of a maintenance agreement.*

Erosion Control

- Amend the SWPPP to identify the proper stabilization timeframes for discharges to a trout stream.
- Amend the SWPPP to include a quantity for temporary stabilization in the statement of estimated quantities.
- Indicate how the infiltration basin will be protected from compaction and sedimentation during construction.

Storm Sewer System Design

- The maximum full flow velocity for storm sewer shall be 10 fps, except when entering a pond where it shall be less than 8 fps. Maximum velocity is exceeded, revise pipe grades accordingly. In particular, drop structures or other means should be used to reduce pipe velocities downstream of culvert A-1.

Volume Control

- The stormwater narrative indicates that adequate water quality volume is being provided.

Rate Control

- The HydroCAD modeling demonstrates that the rates discharging from the site are less than existing for all locations.

Flood Control

- The project is not proposing any improvement within the 100-Year floodplain as identified by the Valley Branch Watershed District.

Washington County

Washington County Department of
Property Records and Taxpayer Services
14949 62nd Street North
Stillwater, MN 55082

Washington County Parcel Information		
Parcel Number	Status	Last Update
16.028.20.31.0001	Active	5/28/2014 12:52:00 AM
Current Owner: HIGHVIEW AFTON LLC PO BOX 439 RIVER FALLS, WI 54022		Property Address: 0
Taxing District 1005 AFTON-834-VBWS		
Tax Description		
Section 16 Township 028 Range 020		

Select a Tax Year for Payment History and Tax Detail Information.

Tax Bill Totals					
Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Amount Due
2014	\$3,666.00	\$1,833.00	\$0.00	\$0.00	\$1,833.00
2013	\$5,530.00	\$5,861.80	\$0.00	\$0.00	\$0.00
2012	\$5,380.00	\$5,380.00	\$0.00	\$0.00	\$0.00
2011	\$5,978.00	\$5,978.00	\$0.00	\$0.00	\$0.00
2010	\$8,210.00	\$8,210.00	\$0.00	\$0.00	\$0.00
2009	\$7,760.00	\$7,760.00	\$0.00	\$0.00	\$0.00
2008	\$6,854.00	\$6,854.00	\$0.00	\$0.00	\$0.00
2007	\$5,986.00	\$5,986.00	\$0.00	\$0.00	\$0.00
2006	\$5,720.00	\$5,720.00	\$0.00	\$0.00	\$0.00
2005	\$5,176.00	\$5,176.00	\$0.00	\$0.00	\$0.00
Total					\$1,833.00

Information & Links

APPRAISAL & VALUE INFORMATION

IS YOUR PROPERTY ABSTRACT OR TORRENS?

OVERVIEW OF PROPERTY TAX INFORMATION

2014 TAX STATEMENT

2013 TAX STATEMENT

2012 TAX STATEMENT

2011 TAX STATEMENT

BACK OF TAX STATEMENT WITH LATE PAYMENT PENALTY SCHEDULE

2014 VALUATION NOTICE

BACK OF VALUATION NOTICE WITH APPEAL INFORMATION

MINNESOTA REVENUE PROPERTY TAX REFUND

Pay Your Property Tax by Credit Card or eCheck

Cart: \$0.00

Online Payment Fees

Convenience Fees are charged for online property tax payments.

eCheck fee is \$1.00 per transaction.

Be sure to use the 9 digit bank routing number from your checking account, not the internal bank number from a savings or deposit slip. Pay multiple parcels in one transaction with the payment cart.

Credit Card fee is 2.39% of amount paid. American Express, Discover, MasterCard and Visa are accepted.

Fees are paid directly to a payment services provider to cover the costs of the online payment services and charges from the credit card companies.

A \$30 fee will be charged for non-sufficient fund payments.

Sec. 183.0202
Wis. Stats.



State of Wisconsin
Department of Financial Institutions

ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY

Executed by the undersigned for the purpose of forming a Wisconsin Limited Liability Company under Chapter 183 of the Wisconsin Statutes:

Article 1. **Name of the limited liability company:**
Highview Afton, LLC

Article 2.: **The limited liability company is organized under Ch. 183 of the Wisconsin Statutes.**

Article 3. **Name of the initial registered agent:**
Matthew G. Twomey

Article 4. **Street address of the initial registered office:**
1234 S. Wasson Drive
P.O. Box 439
River Falls, WI 54022
United States of America

Article 5. **Management of the limited liability company shall be vested in:**
A member or members

Article 6. **Name and complete address of each organizer:**
Joseph R. Mirr
Ruder Ware, L.L.S.C.
P.O. Box 187
Eau Claire, WI 54702-0187
United States of America

Other Information. **This document was drafted by:**
Joseph R. Mirr

Organizer Signature:
Joseph R. Mirr

Date & Time of Receipt:
9/4/2012 2:54:47 PM

DECLARATION OF SOLE MEMBER OF
HIGHVIEW AFTON, LLC

I, Matthew G. Twomey, declare that:

1. I am the sole member of Highview Afton, LLC, a Wisconsin limited liability company. I reside at 1234 S. Wasson Lane, River Falls, WI 54022. I became associated with Highview Afton, LLC on September 4, 2012.

2. I have contributed One Dollar (\$1.00) and other good and valuable consideration to Highview Afton, LLC as its initial capital.

3. Highview Afton, LLC has no operating agreement and shall be covered by the default provisions of the Wisconsin Limited Liability Company Law, Chapter 183 of the Wisconsin Statutes.

4. Highview Afton, LLC has issued no certificates of membership.

5. Pursuant to Treasury Regulation §301.7701-3(a,b), Highview Afton, LLC intends to be taxed as a "tax nothing" entity.

DATED this 4 day of September, 2012.


Matthew G. Twomey, Sole Member

107 b. **Sanitary Sewer Improvement Project:** Bids were opened for the Sanitary Sewer Improvement
108 Project on June 23, 2014. The the bid results were:

109 Geislinger and Sons, Inc. \$2,771,440.00
110 Northwest Asphalt, Inc. \$3,331,328.40

111
112 Engineer Hankee explained the bids received were higher than their estimate of \$2,200,260.00. After further
113 investigation of the bid costs, WSB & Associates, Inc. recommended that the city reject the bids for the Sanitary
114 Sewer Improvement Project and re-bid the project in the Spring 2015.

115
116 **Motion/Second: Richter/Palmquist. To reject the bids received on June 23, 2014 for the Downtown**
117 **Village Sanitary Sewer Improvement Project. Motion carried 5-0-0.**

118
119 c. **Engineering Update:** The Downtown Village improvement project schedule is moving
120 forward: the project team met with Washington County on County Road 21, and the Engineers met with the
121 Public Facilities Authority last week.

122
123 **C. Administration –**

124 1. **Matt Twomey Minor Subdivision and Variance Applications at 30th Street, PID 16.028.20.31.0001**
125 **– Resolution 2014-39** – Administrator Moose summarized that at its July 15, 2014 meeting, the City Council
126 continued action on the application to the August 19 meeting to enable staff to provide information to address
127 concerns regarding the proposed driveways crossing steep slopes and to provide an opportunity for Council
128 members to view the site. Moose reviewed the considerations of the subdivision application relating to the
129 variances required to subdivide the 47-acre parcel into two lots. The staff memo detailed concerns as follows:
130 *The City has relied on its regulations prohibiting structures on slopes exceeding 18% slope to manage*
131 *development, protect steep slopes, preserve the City's rural character, and limit the visual impacts of*
132 *development. One way to approach the decision regarding the variance is to determine whether the approval*
133 *of the variance would negatively affect the subject property and the adjacent property in terms of the type and*
134 *density of development, the protection of the steep slopes, the preservation of the City's rural character, and*
135 *the visual impacts of the development, and whether the circumstances of the parcel and the proposed*
136 *development are unique, such that the approval of the variance would not open up all steep slopes to cutting*
137 *and filling to create a driveway.*

138 The staff review also included items unique to the property that would limit impacts to the site and
139 neighborhood and listed issues with the two proposed driveways. The Planning Commission recommended
140 approval, on a vote of 6-1-0 (Ronningen); their findings and conditions were provided to Council.

141
142 **Council Discussion:**

143 Palmquist reported that he toured the site and he is in support of the subdivision, as he feels, it meets
144 Afton's rural density and provides two large lots and is a reasonable use and the parcel is unique with frontage
145 on two streets without access from Valley Creek Road; he was not concerned with the slopes. He didn't like the
146 two driveways so close together and wondered if the two could be required to sign an agreement for a shared
147 driveway.

148 Nelson stated he went out with Council Member Palmquist; he had asked the City Administrator to ask the
149 Attorney if considering a shared driveway is possible. He felt it was reasonable to have two building sites on a
150 47 acre site.

151 Palmquist agreed with Nelson, reiterating that two driveways are reasonable, but he doesn't like two
152 driveways close together. From an environmental standpoint, he'd rather have an "ironclad" agreement between
153 owners for a shared driveway.

154 Richter asked the attorney about "dimensional standards" per state statute language; does "slope" fit into
155 those criteria?

156 Attorney Knaak stated that slope enters the "third dimensional" criteria and that it is in the city's purview to
157 have restrictions on excessive slopes, and to require a variance if those requirements are not being met.

158 Richter contended that the applicant is creating his own “hardship” by making a subdivision of the 47 acre
159 parcel which then required two variances. If it was just one parcel, then a variance for slope for one driveway
160 would be more palatable.

161 Members discussed the issue of how “access” to property frontage impacted this parcel and/or the proposed
162 subdivision.

163 Bend referenced Section 12-84, which requires “access for emergency vehicles” but that the road frontage
164 requirement in and of itself doesn’t prohibit the subdivision. He went on to state that the factors requiring the
165 variances are created entirely by the landowner’s actions on what he wants to do; whereas, simply building a
166 single family dwelling on the whole 47 acre parcel, would be a grantable variance for driveway slope.

167 Palmquist wanted to make sure that if the subdivision goes forward, that the city approve the driveway
168 access now, instead of waiting until the second parcel would be sold.

169 Nolz asked the attorney how the city would expedite a shared driveway.

170 Knaak stated that shared driveways are prohibited in the ordinances, but that driveway easements are
171 allowed.

172 Richter asked again if the landowner is creating the need for variances.

173 Knaak explained would any 47-acre parcel be able to subdivide? The answer is yes. The question then is
174 whether a flag lot created by the subdivision is, in law, specifically addressed as a “self-imposed hardship” on
175 an unusual configuration of the parcel.

176 Richter commented that a landowner wanting to build one home on the 47-acre parcel would probably be
177 able to be granted a variance for the driveway over excessive slopes. But this landowner wants to subdivide to
178 be able to sell the second lot. Isn’t he creating his own hardship by subdividing and now needing several
179 variances from city requirements?

180 Knaak clarified that basically the landowner could subdivide the land, but that they are in effect creating an
181 unbuildable lot. The city needs to decide if the configuration of the land is the hardship.

182 Bend asked if Attorney Knaak is saying that the argument for hardship could go either way.

183 Knaak confirmed, yes, the city could make an argument either way.

184 Bend brought up the situation as a “policy question” whereby the city has taken a position that the city will
185 not allow driveways to go across 18% slopes; does the city want to start giving exceptions all over town. He was
186 in favor of consistency throughout the city.

187 Palmquist reiterated that the parcel is unique and he feels the proposal to put a house there is reasonable.

188 Nelson felt that open space would be locked up by the subdivision and pointed out that the PC
189 recommended approval.

190 Richter pointed out that building one house on the 47-acre parcel is also a reasonable use; the landowner
191 does not need to subdivide the parcel to have reasonable use of the property. He acknowledged that there are
192 probably several parcels in Afton that could be subdivided if the city would grant several variances to do so. He
193 pointed out that the landowner purchased the property about 2-1/2 years ago and the city’s ordinances have not
194 changed; does the landowner have the responsibility to have looked at our ordinances to determine if what he
195 wanted to do was possible?

196 Nolz found the prohibition about shared driveways, in Section 12-1381: “Private streets are not permitted”
197 and referenced the definition in Section 12-55 for “Private Street: a private street is a street that is used by two
198 distinct parcels that has not been dedicated to the public.”

199 Bend had asked the landowner if he would consider putting in a public street, and the landowner deemed it
200 cost prohibitive.

201 Knaak referenced Section 12-84 (A), which says: “In addition to the required direct physical access, a lot or
202 parcel may have a private easement access driveway to the lot over adjacent lots or parcels.”

203 Bend noted that, it seemed, if an easement is on top of another driveway, the driveway becomes a “shared
204 driveway” which is expressly prohibited and is what the city is trying to avoid.

205 Richter noted that the Planning Commission Chair Ronningen was the only one voting to recommend that
206 Council NOT approve the subdivision and variances. She was asked to comment.

207 Ronningen stated her understanding is that the city does not approve subdivisions that require variances; this
208 one requires three variances. She also felt the landowner’s request to subdivide is a financial reason so that he
209 would have more where-with-all to build his own house, and financial incentive is not an allowable reason to

210 grant a variance. She noted one commissioner's comment was that not approving the subdivision would be
211 "punitive," whereas she felt that following our own city ordinances is not punitive. She stated she didn't
212 understand why the Planning Commissioners voted to recommend approval.

213 Bend stated he was present at both public hearings and he couldn't understand why they disregarded the
214 express conditions in our ordinances, but he thought perhaps the commissioners thought that it would be a good
215 thing to ignore the ordinances because it would result in large lots. He felt that with the application of the
216 ordinances it could appear there are good reasons to grant variances but he felt the consequences of granting
217 variances would set a bad precedent. When the city gets the next application that requires a driveway to cross an
218 18% slope, how does the city stay consistent? He said perhaps the city should re-examine the ordinances and
219 make allowances to certain ordinance requirements which spell out how the environment will be protected.
220 However, he stated that he found no reasons to grant the variances nor did he find any ordinances to allow the
221 driveways on 18% slope.

222
223 **Motion/Second: Bend/Richter. To DENY the Minor Subdivision and Variance applications by Matt**
224 **Twomey for the property between 30th Street and Valley Creek Trail, with PID 16.028.20.31.0001, with**
225 **Findings of Fact per Resolution 2014-39, and adding to the Findings of Fact that the application creates**
226 **the need for all of the variances that pertain to allowing the second driveway, and as a consequence is not**
227 **unique to the property, but rather is created by the fact that the landowner wishes to subdivide the**
228 **property.**

229
230 Council Discussion:

231 Nelson felt the reasons used to deny are still there if the landowner wants to just build one house.

232 Bend said that, as he stated at the last meeting, he would be inclined to grant a variance for one driveway,
233 but that issue would come forward as an entirely different matter.

234 Palmquist brought up the idea that it is reasonable to grant a variance for a driveway to build one home. He
235 also feels it is entirely reasonable, as well, to subdivide the property. His solution to do that is to have a shared
236 driveway.

237 Bend felt that the ordinances should be scrutinized to make it possible to develop the rest of the large lots
238 that are left in Afton because they are hard to deal with. However, the ordinances should be structured in such as
239 a way so the city is just not reacting, and so that the "impacts" of the ordinances are not changed.

240
241 **ROLL CALL: Nelson-Nay, Nolz-Aye, Richter-Aye, Palmquist-Nay, Mayor Bend-Aye. Motion carried 3-**
242 **2-0.**

243
244 2. Downtown Improvement Projects Design Committee Appointments – Administrator Moose
245 reviewed that the Council, at its July 15, 2014 meeting, made most of the appointments to the Downtown
246 Improvement Projects Design Committee. Since then, the Parks Committee has selected Rick Pung to serve on
247 the Committee and Kathy Bolton Iverson has volunteered to represent the Design Review/Heritage Preservation
248 Commission. Council needed to formally approve the appointments.

249
250 **Motion/Second: Palmquist/Nelson. To appoint Rick Pung from the Parks Committee and Kathy Bolton**
251 **Iverson from the Design Review/Heritage Preservation Commission to serve on the Downtown**
252 **Improvement Projects Design Committee. Motion carried 5-0-0.**

253
254 3. Schedule Special Council Meeting to Certify Preliminary 2015 Budget and Tax Levy – Administrator
255 Moose reported that the deadline for certification to the County for the 2015 Preliminary Budget and Tax Levy
256 has been moved to September 30, as several cities have had to schedule special meetings in order to meet the
257 September 15 date. Council had scheduled a work session on August 25, but it was decided the week of
258 September 1st or 8th works better for several council members.

259 Nolz asked if the past practice will be followed whereby the city sends the Preliminary Budget & Levy to
260 the County higher, and then Council works through each line item to make necessary adjustments (usually
261 down) by December when the Final Budget and Levy are due.



Norman and Helen Lee
14460 30th Street S.
Afton, MN 55001

LEAHY DENNIS M
3616 NORSTED AVE S
AFTON, MN 55001

STEPHAN KURT R & LINDA A
2783 TRADING POST TRL S
AFTON, MN 55001

DU HAIWEI
8565 TIMBERWOOD RD
WOODBURY, MN 55125

DIGGINS WILLIAM C & DEBORAH
2888 TRADING POST TRL S
AFTON, MN 55001

LOFGREN RANDOLPH
1460 4TH AVE
NEWPORT, MN 55055

STAMM JOHN E & JANE ANN
2770 TRADING POST TRL S
AFTON, MN 55001

Christa Bren & Matt Giambrone
2590 TRADING POST TRL
AFTON, MN 55001

Frederick & Carol Entwistle
14371 VALLEY CREEK TRL S
AFTON, MN 55001

DUNLAP KENNETH & IMOGENE
14401 VALLEY CREEK TRL S
AFTON, MN 55001

SCHNEIDER LEE G & JO ANN
14335 VALLEY CREEK TRL S
AFTON, MN 55001

DUNNIGAN ANN C TRS
14125 VALLEY CREEK TRL
AFTON, MN 55001

JOSEPH MEISSNER
14186 VALLEY CREEK TRL S
AFTON, MN 55001

DOYLE JOHN E JR & DEBORAH
14378 VALLEY CREEK TRL
AFTON, MN 55001



Department of Public
Health and Environment

Lowell Johnson
Director

Sue Hedlund
Deputy Director

June 11, 2012

Geo: 16-028-20-31-0001
0100-12-4

Matt Twomey
PO Box 439
River Falls, WI 54022

RE: Soil Testing, Subdivision, Parcel #16-028-20-31-0001

Soil testing has been submitted and reviewed for a proposed 5 lot subdivision of Parcel #16028-20-31-0001 in section 16, Afton, Minnesota.

All proposed lots have areas suitable for an on-site sewage treatment system.

The approved areas should be protected from excavation or fill. Disturbance of the areas will void this approval.

This approval does not address any additional local subdivision and other land use requirements which may be applicable.

If you have any questions, call me at (651) 430-6676

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Ganzel", written over a large, light-colored oval scribble.

Pete Ganzel
Senior Environmental Specialist

Ed Eklin Septic System Design & Inspection LLC
2303 County Road F East
White Bear Lake, MN 55110
651.485-2300

May 17, 2012

Matt Twomey
Campus View
P.O. Box 439
River Falls, WI 54022

Lot 1

Dear Matt:

At your request, a preliminary site evaluation was performed at the property located at 30th St. S., Afton, MN., P.I.D.# 1602820310001, for subsurface sewage treatment system areas. This parcel is 47.83 acres.

I have located areas for five potential lots; each at least 10,000 square feet that I believe can be used for sewage treatment.

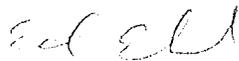
The proposed sewage treatment areas must be reviewed by Washington County Public Health and a letter of approval must be obtained for the proposed areas.

The proposed areas should be located by a surveyor since my measurements are only approximate.

Before any grading is done near the proposed sewage treatment areas, each area must be totally enclosed by a fence, such as snow or silt fence, to ensure the soils are not disturbed in any way.

If you have any questions or concerns, please feel free to call me. I would be glad to help.

Sincerely,

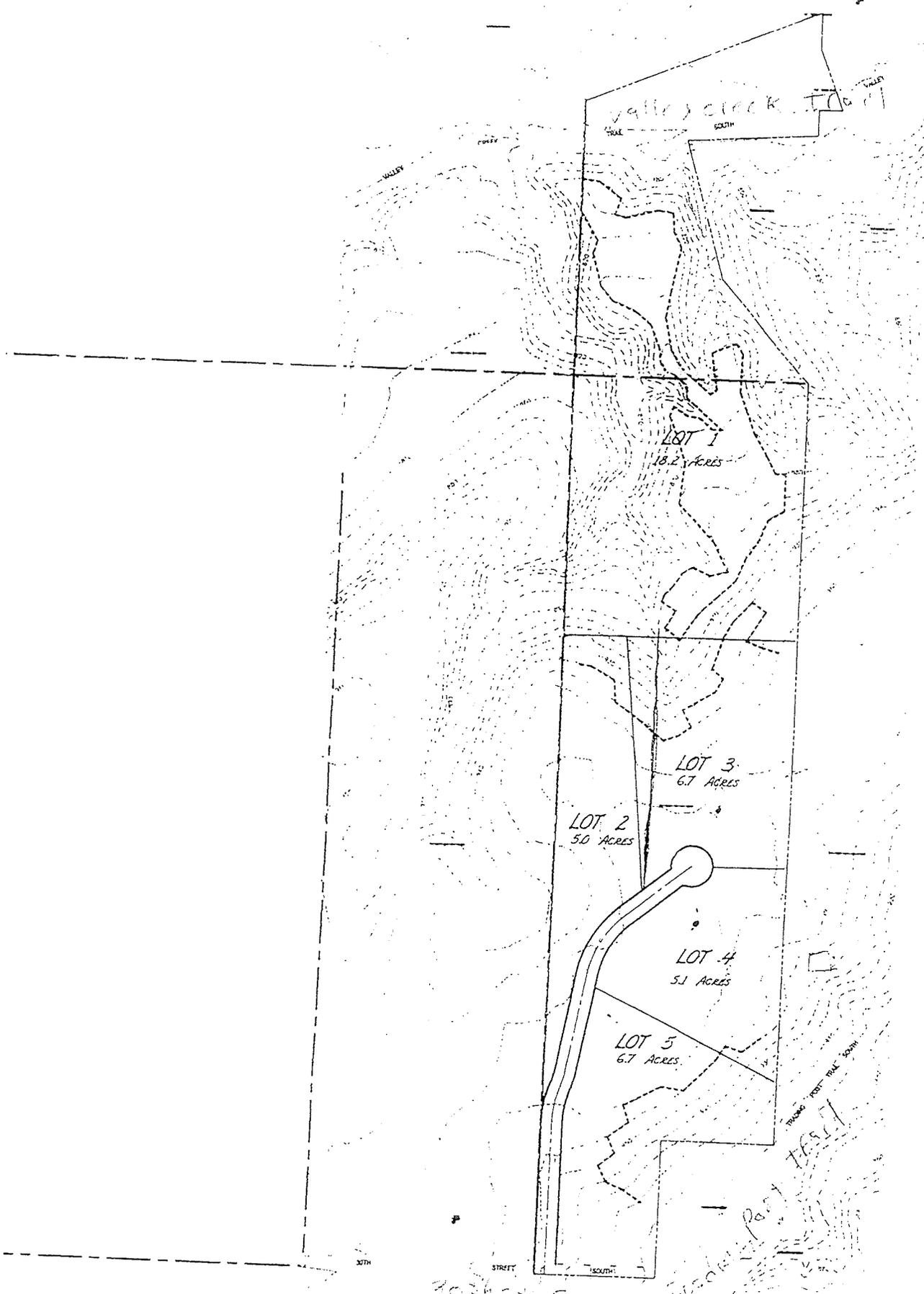


Ed Eklin

MPCA License #3321/Certification #C3268

SEPTIC SYSTEM DESIGNS • PERCOLATION TESTS
SOIL BORINGS • SUB-DIVISION PLANNING

1" = 400'
↑
North



30th Street

TRAIL

Document No.

**DECLARATION OF EASEMENT
FOR PRIVATE ROAD, DRAINAGE
AND PUBLIC UTILITIES**

Return to:
AFTON HIGHVIEW, LLC
c/o Matthew G. Twomey
1234 S. Wasson Lane
River Falls, WI 54022

Parcel Numbers:

THIS DECLARATION (the "Declaration") is executed as of June ____, 2014 (the "Effective Date"), by **AFTON HIGHVIEW, LLC, a Wisconsin limited liability company** ("Declarant").

R E C I T A L S :

A. Declarant is the owner of certain real property located in Washington County, Minnesota, as more particularly described on **Exhibit A** attached hereto and incorporated herein (the "Property").

B. Declarant intends to subdivide the Property into two separate lots, hereinafter referred to as "Lot 1" and "Lot 2", as more particularly described on **Exhibit B** attached hereto and incorporated herein.

C. Certain real property, as more particularly described on **Exhibit C** attached hereto and incorporated herein (the "Roadway Property") is improved as a private road (the "Private Road").

D. Certain real property, as more particularly described on **Exhibit D** attached hereto and incorporated herein (the "Drainage Property") is to be improved by drainage facilities.

E. Declarant wishes to create non-exclusive easements over the Roadway Property and the Drainage Property pursuant to the terms of this Declaration, as more particularly shown on the survey attached hereto as **Exhibit E** and incorporated herein.

NOW, THEREFORE, Declarant declares that:

1. **Definitions.** The terms set forth in this Section 1 shall have the following definitions:

(a) **Owner.** The person or persons, including any business organization or entity, having the power to convey the fee simple title to Lot 1 or Lot 2.

2. **Creation of Access Easement.** Declarant grants to the Owner of Lot 2 the following easements as to the Roadway Property, all of which shall be perpetual and non-exclusive:

(a) **Vehicular and Pedestrian Access Easement.** An easement for ingress and egress for the purpose of granting to the Owner of Lot 2 and its occupants, agents, employees, guests, licensees, and invitees vehicular and pedestrian access across the Roadway Property;

(b) **Utility Easement.** An utility easement for the purpose of permitting public utilities to install, lay, operate, repair, and maintain underground pipes and conduits for water, storm sewer, sanitary sewer, cable television, gas, and electric service under the surface of the Private Road; and

(c) **Fire Department and Vehicular Access.** An easement for emergency access by the local fire department and any other emergency services, and for ingress and egress for garbage trucks and other service vehicles for the purpose of granting the providers of these services vehicular and emergency access across the Private Road.

Parking shall not be allowed on the Roadway Property, except that parking shall be allowed in visitor parking areas located off of and adjacent to the drive aisles, if any.

3. **Creation of Drainage Easement.** Declarant grants to the Owner of Lot 2, and its licensees, a perpetual and non-exclusive drainage easement and right-of-way to flow surface water across the Drainage Property and to construct, reconstruct, maintain, operate, supplement, and remove, if necessary, drainage facilities consisting of buried drainage pipe, an outlet, discharge rip-rap, and other related fixtures, equipment, and appurtenances that may, from time to time, be required, with the right of ingress and egress for the purpose of this grant, over the Drainage Property. All improvements shall be located below grade except for the outlet and discharge rip-rap, which may be located above grade. Any erosion or other damage to the drainage easement over the Drainage Property, or the area of the Property adjacent thereto, caused by the drainage or discharge from the drainage facilities shall be repaired and returned to its original condition by the Owner of Lot 2 at the time such erosion or other damage occurs. The Owner of Lot 2 shall pay all costs and expenses related to such repair and restoration.

4. **Upkeep, Maintenance, and Repairs of Improvements.** Except as provided in Section 5 below, the Owner of Lot 2 shall be responsible for the necessary upkeep, maintenance, and repair of (a) the Private Road; and (b) the drainage easement, and any related equipment or fixtures constructed within the Drainage Property.

5. **Damage or Destruction of Private Road or Drainage Facilities.** If any portion of the Private Road or drainage facilities is damaged or destroyed by an Owner, by any of the Owner's guests, tenants, licensees, or agents, or by a member of the Owner's family, that Owner shall be responsible for repairing the damage in a workmanlike manner in conformity with the original plans and specifications of the area involved, or as the area may have been modified or altered subsequently by Declarant. Furthermore, any public utility installing any improvements within the Private Road shall restore the surface of the Private Road to its condition existing before the installation.

6. **Indemnification.** The Owner of Lot 2 shall indemnify the Owner of Lot 1 from and against all loss, costs (including reasonable attorneys' fees), injury, death, or damage to persons or property that at any time during the term of this Declaration may be suffered or sustained by any person or entity resulting from the exercise of the easement rights granted by this Declaration, regardless of the cause of the injury, except to the extent caused by the negligence or misconduct of the Owner of Lot 1, or any of the Owner's occupants, agents, employees, guests, licensees, and invitees.

7. **Amendment.** Until either Lot 1 and Lot 2 has been sold by Declarant, this Declaration may be amended by the recording of a written instrument executed by or on behalf of all the following: (a) Declarant; and (b) in the case of any amendment to Section 2(b) only, all public utilities that have installed improvements within the Private Road. After either Lot 1 or Lot 2 have been sold by Declarant, this Declaration may be amended by the recording of a written instrument executed by or on behalf of all the following: (a) the Owners of both Lot 1 and Lot 2; and (b) in the case of any amendment to Section 2(b) only, all public utilities that have installed improvements within the Private Road. Notwithstanding the foregoing, this Declaration shall not be amended in a manner that would cause the Property to cease to have access over the Private Road or from 30th Street South without the consent of all Owners of the Property.

8. **Covenants Run with Land.** All terms and conditions in this Declaration, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the Owners of Lot 1 and Lot 2 and their respective successors and assigns. The easements granted pursuant to this Declaration are easements appurtenant to Lot 2 and may not be transferred separately from, or severed from, title to Lot 2. Furthermore, the benefits of the easements granted pursuant to this Declaration shall not be extended to any property other than the Lot 2 without the consent of the Owner of Lot 1 and the Owner of Lot 2. The Owner of Lot 2 shall cease to have further liability under this Declaration with respect to facts or circumstances first arising after the Owner of Lot 2 has transferred its fee simple interest in Lot 2, except, however, for such obligations as accrued during said Owner's period of ownership of Lot 2.

9. **Non-Use.** Non-use or limited use of the easement rights granted in this Declaration shall not prevent the benefiting party from later use of the easement rights to the fullest extent authorized in this Declaration.

10. **Miscellaneous.**

(a) Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State of Minnesota.

(b) Notices. All notices to any Owner under this Declaration shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party's last known address. If the other party's address is not known to the party desiring to send a notice, the party sending the notice may use the address to which the other party's property tax bills are sent. Any Owner may change its address for notice by providing written notice to the other parties.

(c) Severability. If any term or condition of this Declaration, or the application of this Declaration to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this Declaration, or the application of the term or condition to persons or circumstances other than those to

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the Effective Date.

DECLARANT:
AFTON HIGHVIEW, LLC, a Wisconsin
limited liability company

By: _____
Matthew G. Twomey, Sole Member

ACKNOWLEDGMENT

STATE OF _____)
)
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2014, by **MATTHEW G. TWOMEY**, who to me represented that he is the sole member of **AFTON HIGHVIEW, LLC, a Wisconsin limited liability company**.

* _____
Notary Public, State of _____
My commission expires: _____

*Print or insert name of Notary Public.

EXHIBIT A
Legal Description of the Property

That part of Lot One (1) of STATE SUBDIVISION in Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows: That part lying North of the Afton Road and West of Gieke Cartway, being in the West one-half of the Northeast Quarter (W 1/2 of NE 1/4) of Section Sixteen (16).

The East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving to the State of Minnesota, in trust for the taxing districts concerned, all minerals and mineral rights as provided by law in the .05 acre part of Lot Four (4) lying East of Cartway No. Three (3).

EXCEPTING therefrom the following tracts:

(1) The East 320 feet of the South 408.37 feet of said Lot Four (4), containing 3 acres more or less.

(2) Beginning at the intersection of the centerline of Valley Creek Trail South and the east line of said Lot 4 in STATE SUBDIVISION of Section 16, Township 28 North, Range 20 West; thence South 00 degrees 09 minutes 55 seconds West, along said east line of Lot 4, also being the north-south quarter line of said Section 16, a distance of 773.24 feet to the center of said Section 16, thence North 38 degrees 04 minutes 58 seconds West, a distance of 399.03 feet; thence North 15 degrees 51 minutes 11 seconds West, a distance of 427.79 feet to the intersection with said centerline of Valley Creek Trail South; thence North 85 degrees 21 minutes 15 seconds East along said centerline, a distance of 250.35 feet; thence continuing along said centerline, on the arc of a tangential curve to the left, having a radius of 394.83 feet, a central angle of 17 degrees 19 minutes 02 seconds, an arc distance of 119.33 feet to the point of beginning. Subject to an easement for roadway purposes over the northerly 33 feet thereof.

EXHIBIT B
Legal Description of Lots 1 and 2

Lot 1:

The South 993.37 feet of the East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West.

EXCEPTING therefrom the following tract:

The East 320 feet of the South 408.37 feet of said Lot Four (4), containing 3 acres more or less.

Lot 2:

That part of Lot One (1) of STATE SUBDIVISION in Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, described as follows: That part lying North of the Afton Road and West of Gieke Cartway, being in the West one-half of the Northeast Quarter (W 1/2 of NE 1/4) of Section Sixteen (16).

The East Forty (40) rods of Lot Four in STATE SUBDIVISION of Section Sixteen (16), Township Twenty-eight (28) North, Range Twenty (20) West, excepting and reserving to the State of Minnesota, in trust for the taxing districts concerned, all minerals and mineral rights as provided by law in the .05 acre part of Lot Four (4) lying East of Cartway No. Three (3).

EXHIBIT C
Legal Description of the Roadway Property

A 50' wide access easement as provided on the attached map, and more particularly described as:

Commencing at a Cast Iron Monument at the South 1/4 corner of said Section 16; thence along the south line of the SW 1/4 of Section 16, also being the south line of Lot 4 of STATE SUBDIVISION, N89°28'36"W a distance of 660.02 feet to the west line of the East 40 rods of said Lot 4; thence along last said west line, N00°09'55"E a distance of 39.00 feet to the north right of way of 30th Street South; thence, along said right of way, S89°08'41"E a distance of 43.00 feet to the point of beginning; thence N00°09'55"E a distance of 86.53 feet; thence, along the arc of a curve, concave westerly, a distance of 85.88 feet, said curve has a radius of 475.00 feet and a chord that bears N05°00'52"W for a distance of 85.77 feet; thence N10°11'39"W a distance of 107.84 feet; thence, along the arc of a curve, concave easterly, a distance of 255.35 feet, said curve has a radius of 525.00 feet and a chord that bears N03°44'23"E for a distance of 252.84 feet; thence, along the arc of a curve, concave westerly, a distance of 133.34 feet, said curve has a radius of 375.00 feet and a chord that bears N07°29'13"E for a distance of 132.64 feet; thence, along the arc of a curve, concave easterly, a distance of 314.86 feet, said curve has a radius of 425.00 feet and a chord that bears N18°31'27"E for a distance of 307.71 feet; thence S89°28'36"E a distance of 67.61 feet; thence S45°09'55"W a distance of 7.38 feet; thence, along the arc of a curve, concave easterly, a distance of 313.28 feet, said curve has a radius of 375.00 feet and a chord that bears S21°13'58"W for a distance of 304.25 feet; thence, along the arc of a curve, concave westerly, a distance of 151.12 feet, said curve has a radius of 425.00 feet and a chord that bears S07°29'13"W for a distance of 150.33 feet; thence, along the arc of a curve, concave easterly, a distance of 231.03 feet, said curve has a radius of 475.00 feet and a chord that bears S03°44'23"W for a distance of 228.76 feet; thence, S10°11'39"E a distance of 107.84 feet; thence, along the arc of a curve, concave westerly, a distance of 94.92 feet, said curve has a radius of 525.00 feet and a chord that bears S05°00'52"E for a distance of 94.79 feet; thence S00°09'55"W a distance of 87.14 feet to the northerly right of way of 30th street South; thence along said right of way, N89°08'41"W a distance of 50.00 feet to the point of beginning.

EXHIBIT D
Legal Description of the Drainage Property

A drainage easement as provided on the attached map, and more particularly described as:

Commencing at a Cast Iron Monument at the South 1/4 corner of said Section 16; thence along the south line of the SW 1/4 of Section 16, also being the south line of Lot 4 of STATE SUBDIVISION, N89°28'36"W a distance of 660.02 feet to the west line of the East 40 rods of said Lot 4; thence along last said west line, N00°09'55"E a distance of 993.38 feet; thence S89°28'36"E a distance of 145.43 feet to the point of beginning; thence N21°15'02"W as distance of 19.55 feet; thence N40°14'56"W a distance of 41.76 feet; thence N89°50'05"W a distance of 111.24 feet; thence N00°09'55"E a distance of 197.60 feet; thence S89°50'05"E a distance of 93.95 feet; thence, along the arc of a curve, concave westerly, a distance of 208.08 feet, said curve has a radius of 106.82 feet and a chord that bears S07°44'59"E a distance of 176.71 feet; thence S40°14'56"E a distance of 35.09 feet; thence S57°14'35"E a distance of 85.61 feet; thence N89°28'36"W a distance of 67.61 feet to the point of beginning.

EXHIBIT E
Survey of the Property

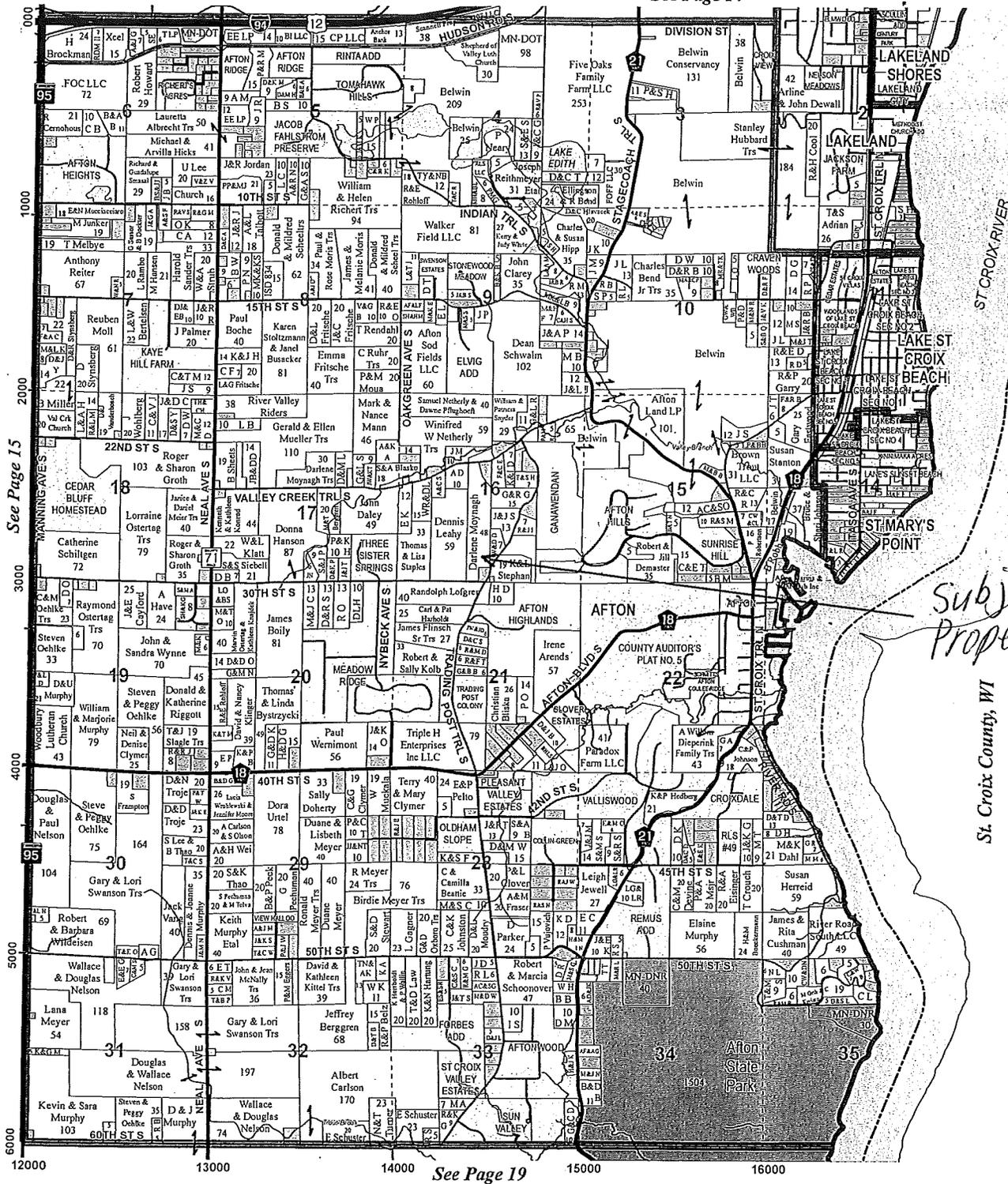
[attached]

Cities of Afton, St. Marys Point, Lakeland,
Lake St. Croix Beach & Lakeland Shores

T.28N. - R.20W.



See Page 14



subject Property

St. Croix County, WI

See Page 19

winter scene-
St. Croix Valley

Photo by Pete Ganzel



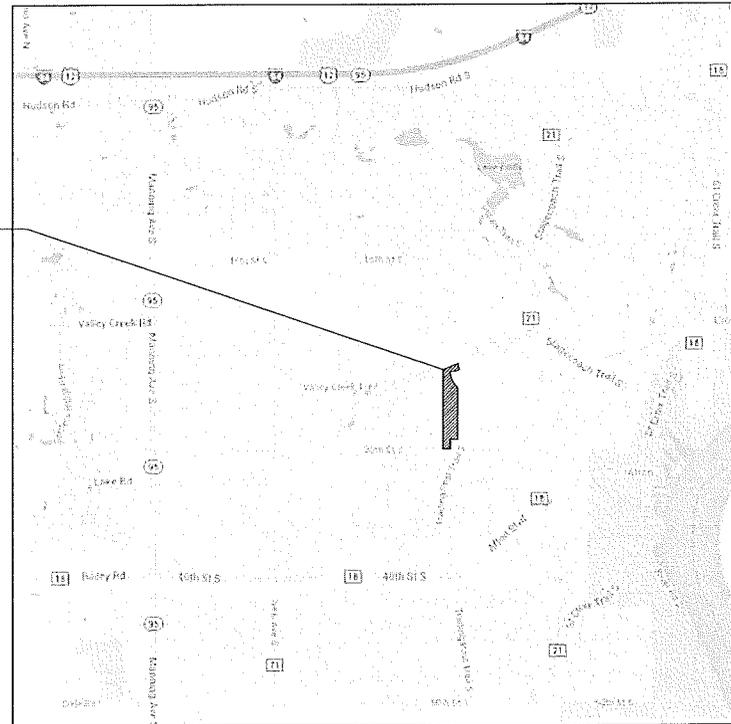
HIGHVIEW AFTON HIGHVIEW AFTON, LLC

CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA

GENERAL CONSTRUCTION NOTES

1. CONTRACTOR SHALL NOTIFY UTILITIES AND HAVE ALL UTILITIES LOCATED PRIOR TO ANY EXCAVATION.
2. CONTRACTOR SHALL COORDINATE WITH SMALL UTILITIES ANY RELOCATION OF LINES OR TEMPORARY SERVICES REQUIRED DURING CONSTRUCTION.
3. CONTRACTOR SHALL SALVAGE AND REPLACE TOPSOIL IN ALL DISTURBED AREAS.
4. NO TREES OR SHRUBS TO BE REMOVED WITHOUT THE PRIOR APPROVAL OF THE OWNER.
5. CONTRACTOR SHALL MAINTAIN TRAFFIC ACCESSIBILITY ALONG PROJECT.
6. SALVAGED MATERIALS TO BECOME PROPERTY OF THE OWNER.
7. CONTRACTOR SHALL MECHANICALLY COMPACT ALL TRENCHES UNDER ROADWAY.
8. EROSION CONTROL TO BE IN PLACE BEFORE BEGINNING CONSTRUCTION AND CONTINUOUSLY MAINTAINED.
10. TOTAL LINEAL FEET OF NEW CONSTRUCTED DRIVEWAY = 1979 FT +/-.
11. PIPE LENGTHS AND STORM SEWER LENGTHS SHOWN INCLUDE FLARED END SECTIONS.
12. SEEDING AND MULCHING ARE REQUIRED ON ALL DISTURBED AREAS AND SHALL CONFORM TO MnDOT SPECIFICATION NO. 3876 WITH THE USE OF MIXTURE NO. 50B, OR 250GR AT AN APPLICATION RATE OF 100 POUNDS PER ACRE. THE SEEDED AREA SHALL BE MULCHED. THE MULCH SHALL CONFORM TO MnDOT SPECIFICATION 3882, TYPE 1. THE MULCH SHALL BE APPLIED AND ANCHORED IN ACCORDANCE WITH MnDOT SPECIFICATION NO. 2575.3.F.1. THE MULCH SHALL BE ANCHORED WITH A DISC, CLODBUSTER OR OTHER APPROVED EQUIPMENT. THE CONTRACTOR SHALL RESEED AND MULCH ANY AREAS ON WHICH THE ORIGINAL SEED HAS FAILED TO GROW, USING THE ABOVE DESCRIBED SEED MIXTURE.
13. CONTRACTOR SHALL INSTALL EROSION CONTROL DEVICES AS INDICATED ON THE EROSION CONTROL PLAN.
14. CONTRACTOR SHALL PROVIDE A MINIMUM 48 HOUR NOTICE TO THE CITY ENGINEER PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.
15. STANDARDS & SPECIFICATIONS REFERENCES CITY OF AFTON - CHAPTER 12 "LAND USE" CODE, DATED DECEMBER 31, 2012, AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION - "STANDARD SPECIFICATIONS FOR CONSTRUCTION" CURRENT EDITION.

PROJECT LOCATION



LOCATION MAP

N.T.S.

CONVENTIONAL SYMBOLS

SYMBOLS	DESCRIPTION
—	BASELINE
—	BOUNDARY PROPERTY LINE
- - - -	PROPOSED R.O.W.
- - - -	PROPOSED LOT LINES
- - - -	PROPOSED BIT
- - - -	PROPOSED GRAVEL
—○—	PROPOSED STORM SEWER
~~~~~	DRAINAGE EASEMENT
~~~~~	EXISTING TREELINE
- - - -	EXISTING FENCE
- - - -	PROPOSED EASEMENT
—○— OR —□—	SILT FENCE
XXXXXX	EROSION CONTROL MAT

CONTACTS:

OWNER MATT TWOMEY P.O. BOX 409 RIVER FALLS, WI 53022	CITY OF AFTON CITY ADMINISTRATOR: RONALD J. MORSE 651-435-5990 ENGINEER: DIANE HANKEE, P.E., WSB 651-286-6479
PROJECT ENGINEER AULT CONSULTING & ASSOCIATES 715-381-5277	VALLEY BRANCH WATERSHED DISTRICT JOHN HANSON, BARR ENGINEERING CO. FOR VBSD 952-832-2622
PROJECT SURVEYOR S&N LAND SURVEYING 715-386-2077	
GOPHER STATE ONE CALL 1-800-252-1166	

SHEET INDEX

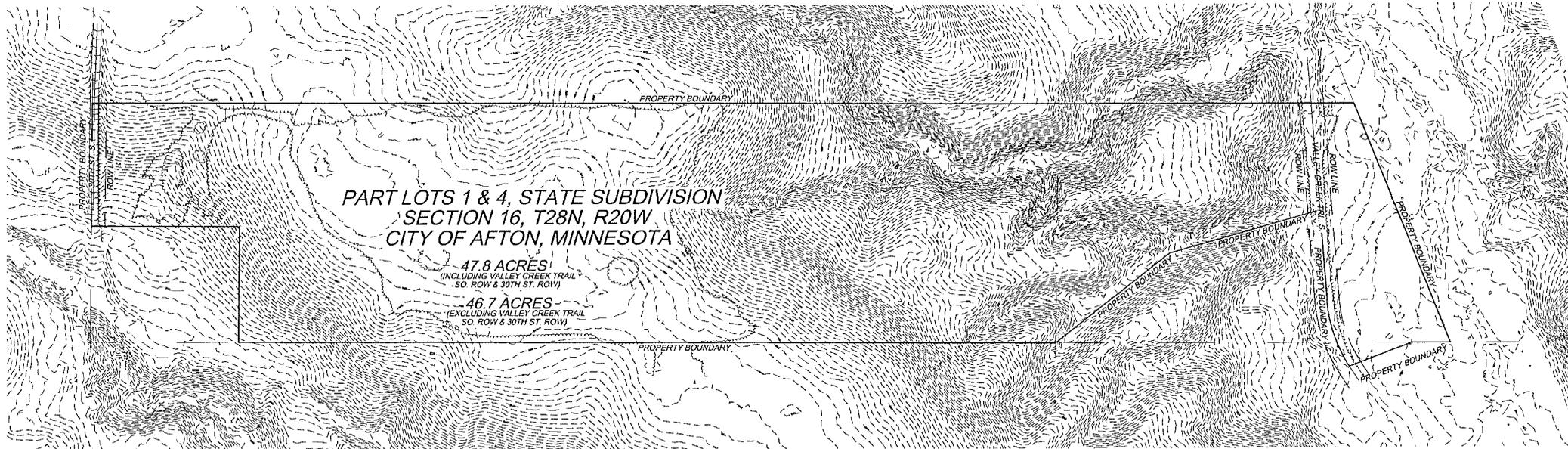
SHEET	SHEET DESCRIPTION
C1.0	TITLE SHEET
C2.0	EXISTING SITE CONDITIONS
C3.0	OVERALL SITE PLAN
C3.1	SITE PLAN
C4.0	PLAN AND PROFILE
C4.1	PLAN AND PROFILE
C5.0	GRADING PLAN
C6.0	EROSION CONTROL PLAN
C7.0-C7.4	DETAILS
C7.5	PROTECTION OF THREATENED SPECIES
SWPPP	STORM WATER POLLUTION PREVENTION PLAN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Matthew Twomey
MATTHEW T. TWOMEY

DATE: 05/06/14 REG. NO. 47252

DRAWN BY: DCK CHECKED BY: ZPF DATE: 05/28/14 SHEET FILE: 5245-001-DLS REF FILE: 5245-001 JOB NUMBER: 5245-001	RELEASED FOR CITY REVIEW ZPF 06/06/14 RELEASED FOR REVIEW ZPF 05/28/14 REVISION DESCRIPTION: NAME DATE	REVISIONS:	REVISIONS:	REVISIONS:	REVISIONS:
A.C/a AUTH CONSULTING/ASSOCIATES S&N Land Surveying a division of A.C/a					
PROJECT: HIGHVIEW AFTON, HIGHVIEW AFTON, LLC CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA					
TITLE SHEET					
SHEET NO. C1.0					



**PART LOTS 1 & 4, STATE SUBDIVISION
SECTION 16, T28N, R20W
CITY OF AFTON, MINNESOTA**

47.8 ACRES!
(INCLUDING VALLEY CREEK TRAIL
SO ROW & 30TH ST. ROW)

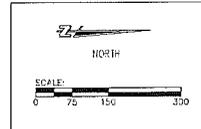
46.7 ACRES
(EXCLUDING VALLEY CREEK TRAIL
SO ROW & 30TH ST. ROW)

LEGEND

EXISTING 10FT CONTOURS	EXISTING GRAVEL EDGE
EXISTING 2FT CONTOURS	EXISTING TREELINE
PROPERTY LINE	EXISTING ASPHALT EDGE

EXISTING SITE CONDITION NOTE

EXISTING SITE CONDITIONS SHOWN REFLECTS TOPOGRAPHY INFORMATION OBTAINED BY THE MINNESOTA GEOSPATIAL INFORMATION OFFICE IN 2011. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ACTIVITIES COMMENCING.



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Richard P. Fagan
RICHARD P. FAGAN
DATE: 06/06/14 REG. NO. 47252

PROJECT:
**HIGHVIEW AFTON
HIGHVIEW AFTON, LLC**
CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA

SHEET NO.
C2.0

EXISTING SITE PLAN



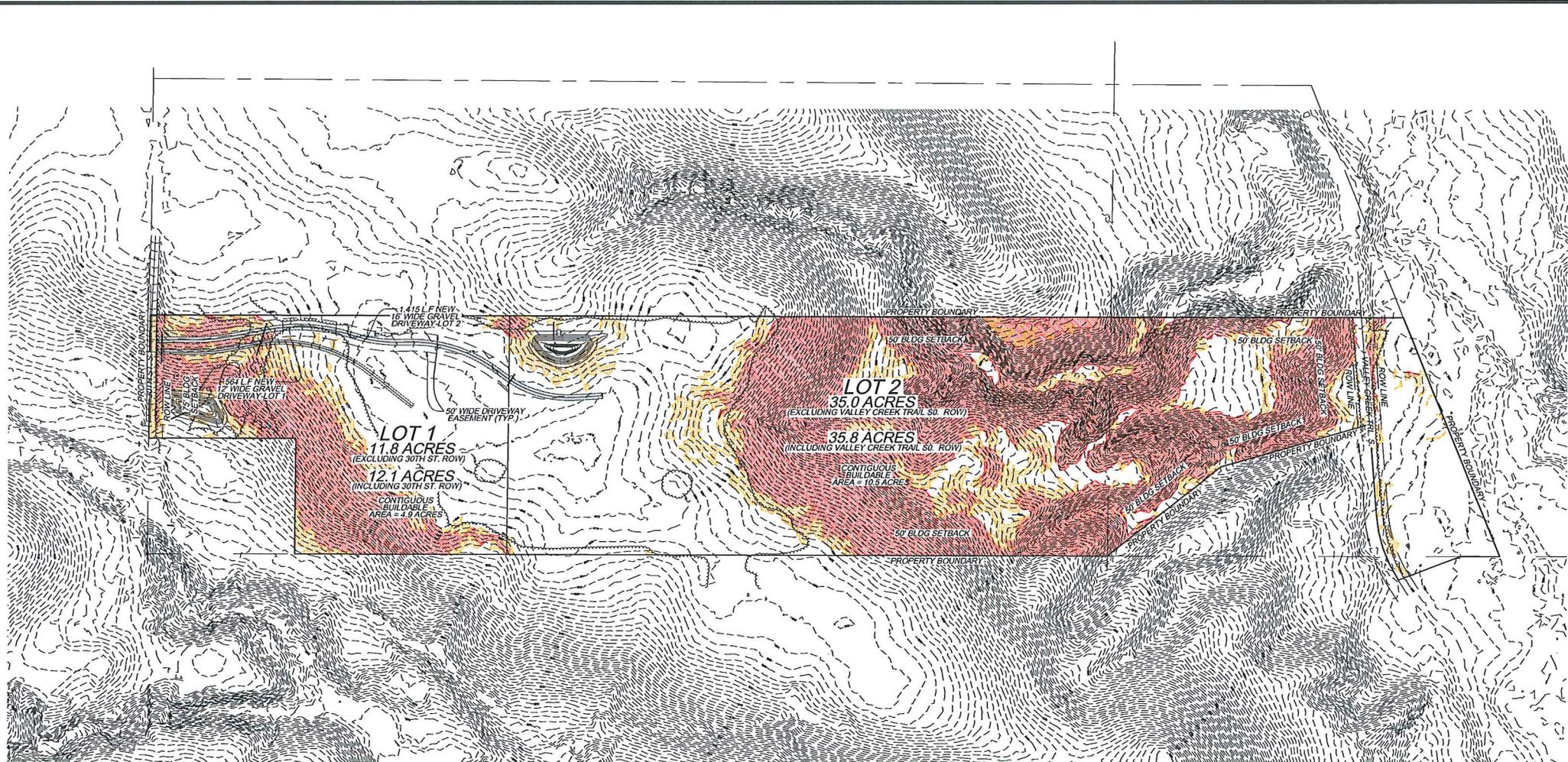
Auth-Consulting/associates
SKN Land Surveying & a division of A/C/A

CORPORATE OFFICE
100 Technology Drive East
Suite 101
Afton, MN 55001
Tel: 763-255-4400 Fax: 763-255-4577
a/c/aconsulting.com

MINNESOTA OFFICE
3200 Edina Street
Suite 101
Edina, MN 55425
Tel: 763-944-5277

DRAWN BY: DCK
CHECKED BY: ZFF
DATE: 5/28/14
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REF FILE: 5245-001
JOB NUMBER: 5245-001

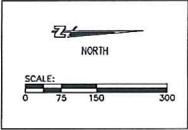
RELEASED FOR CITY REVIEW	ZFF	06/06/14
RELEASED FOR REVIEW	ZFF	5/28/14
REVISION DESCRIPTION	NOVE	DATE



LEGEND	
PROPERTY LINE	EXISTING 10FT CONTOURS
EXISTING ASPHALT EDGE	EXISTING 2FT CONTOURS
EXISTING RIGHT OF WAY (R.O.W.)	
PROPOSED LOTLINE	EXISTING SLOPES BETWEEN 13% & 18%
PROPOSED BUILDING SETBACK	EXISTING SLOPES 18% AND GREATER
PROPOSED GRAVEL EDGE	
PROPOSED EASEMENT	
PROPOSED DRIVEWAY CENTERLINE	

- GENERAL NOTES**
- CONTRACTOR SHALL NOTIFY UTILITIES AND HAVE ALL UTILITIES LOCATED PRIOR TO ANY EXCAVATION OR DEMOLITION ACTIVITIES.
 - CONTRACTOR SHALL MAINTAIN TRAFFIC ACCESSIBILITY ALONG PROJECT.
 - CONTRACTOR TO OBTAIN PERMISSION/PERMIT FROM THE CITY OF AFTON TO WORK IN RIGHT-OF-WAY PRIOR TO ANY WORK BEING PERFORMED WITHIN THE PUBLIC RIGHT-OF-WAY. ANY REQUIRED LANE CLOSURES OR TRAFFIC CONTROL SIGNAGE/DETOUR PLANS IS THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE COORDINATED WITH THE CITY, AS REQUIRED.
 - ALL STREET SIGNAGE SHALL BE IN ACCORDANCE TO THE CURRENT EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREET AND HIGHWAYS.

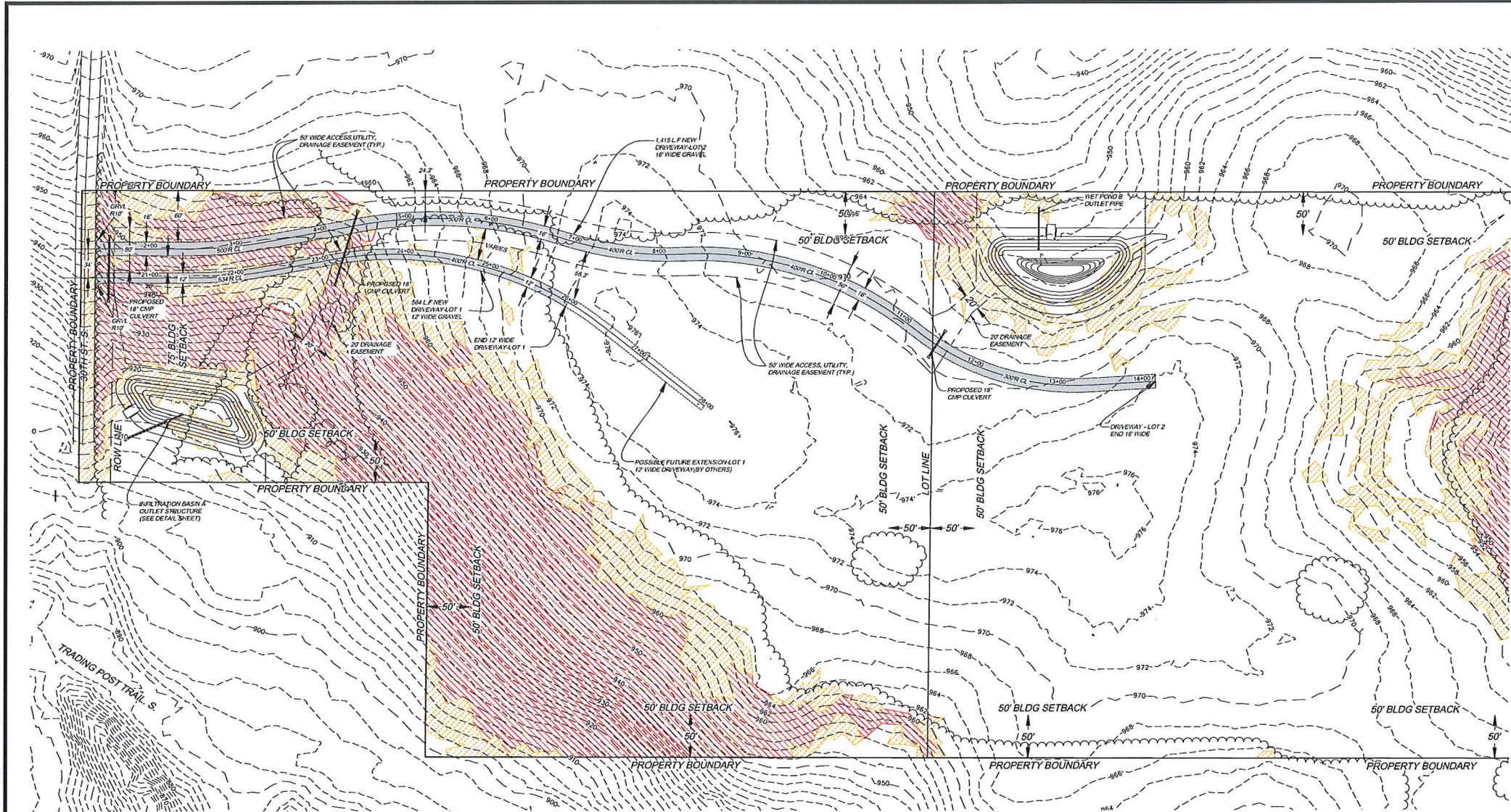
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Zachary P. Tagan
 ZACHARY P. TAGAN
 DATE: 06/06/14 REG. NO. 47252

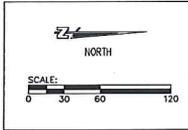
 Auth-Consulting/Associates S&H Land Surveying a division of A.C/a	CORPORATE OFFICE 465 Technology Drive East Suite A Minneapolis, MN 55411 Tel: 772-348-0000 aauthconsulting.com	BRANCH OFFICE 2020 Park Street Suite 101 Bloomington, MN 55410 Tel: 772-301-5077
	PROJECT: HIGHVIEW AFTON, MINNESOTA HIGHVIEW AFTON, LLC CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA	
SHEET NO. C3.0		OVERALL SITE PLAN
DRAWN BY: DCK CHECKED BY: ZPF DATE: 5/28/14 DWG FILE: 5045-001 C3.0 P-3E REF FILE: 5245-001 JOB NUMBER: 5245-001	RELEASED FOR CITY REVIEW ZPF 06/05/14 RELEASED FOR REVIEW ZPF 5/28/14 REVISION DESCRIPTION:	NAME:



LEGEND	
PROPERTY LINE	PROPOSED UTILITY EASEMENT
EXISTING ASPHALT EDGE	PROPOSED DRIVEWAY CENTERLINE
EXISTING RIGHT OF WAY (R.O.W.)	EXISTING 10FT CONTOURS
EXISTING TREELINE	EXISTING 2FT CONTOURS
PROPOSED LOTLINE	EXISTING SLOPES BETWEEN 13% & 18%
PROPOSED BUILDING SETBACK	EXISTING SLOPES 18% AND GREATER
PROPOSED GRAVEL EDGE	

- GENERAL NOTES**
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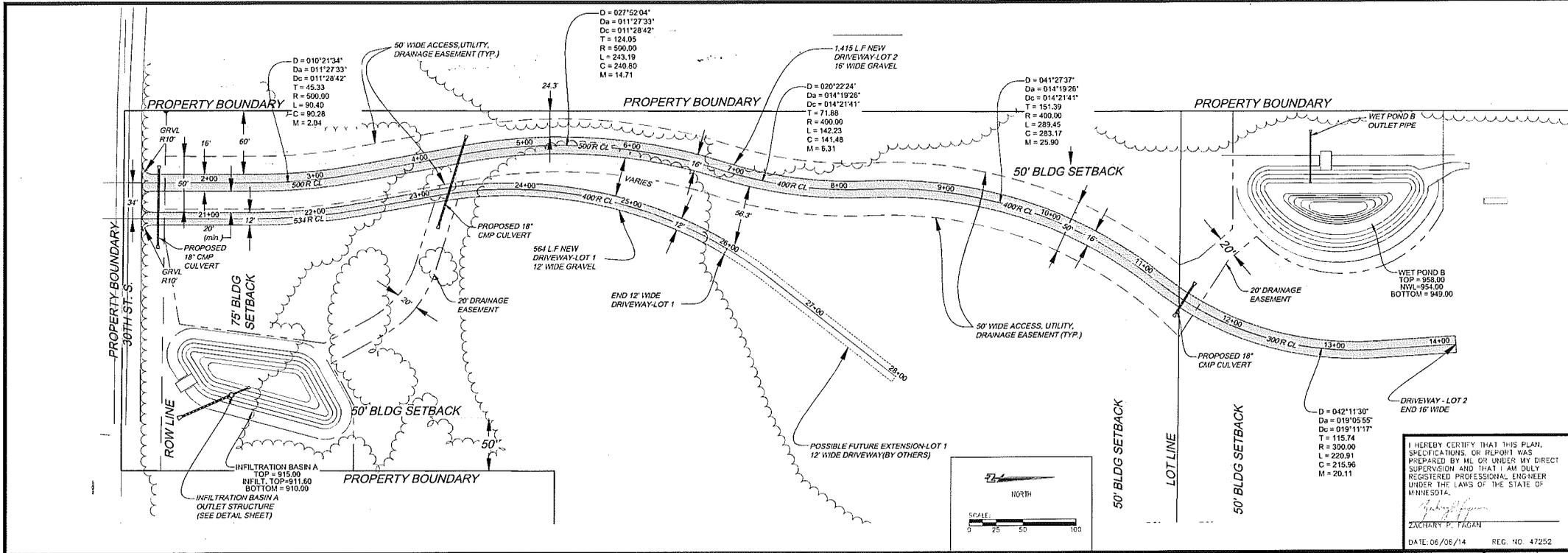
EXISTING SITE CONDITION NOTE
 EXISTING SITE CONDITIONS SHOWN REFLECTS TOPOGRAPHY INFORMATION OBTAINED BY THE MINNESOTA GEOSPATIAL INFORMATION OFFICE IN 2011. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ACTIVITIES COMMENCING.



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Zachary P. Tagan
 ZACHARY P. TAGAN
 DATE: 06/06/14 REG. NO. 47252

Auth-Consulting associates <small>S&B Land Surveying a division of A.C.a</small>		PROJECT: HIGHVIEW AFTON HIGHVIEW AFTON, LLC CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA SITE PLAN
DRAWN BY: DCK CHECKED BY: ZPF DATE: 5/28/14 DWG FILE: 5245-001 C31 P-31E REF FILE: 5245-001 S&B NUMBER: 5245-001	RELEASED FOR CITY REVIEW: ZPF 06/06/14 RELEASED FOR REVIEW: ZPF 5/28/14 REVISION DESCRIPTION: NAME:	SHEET NO.: C3.1

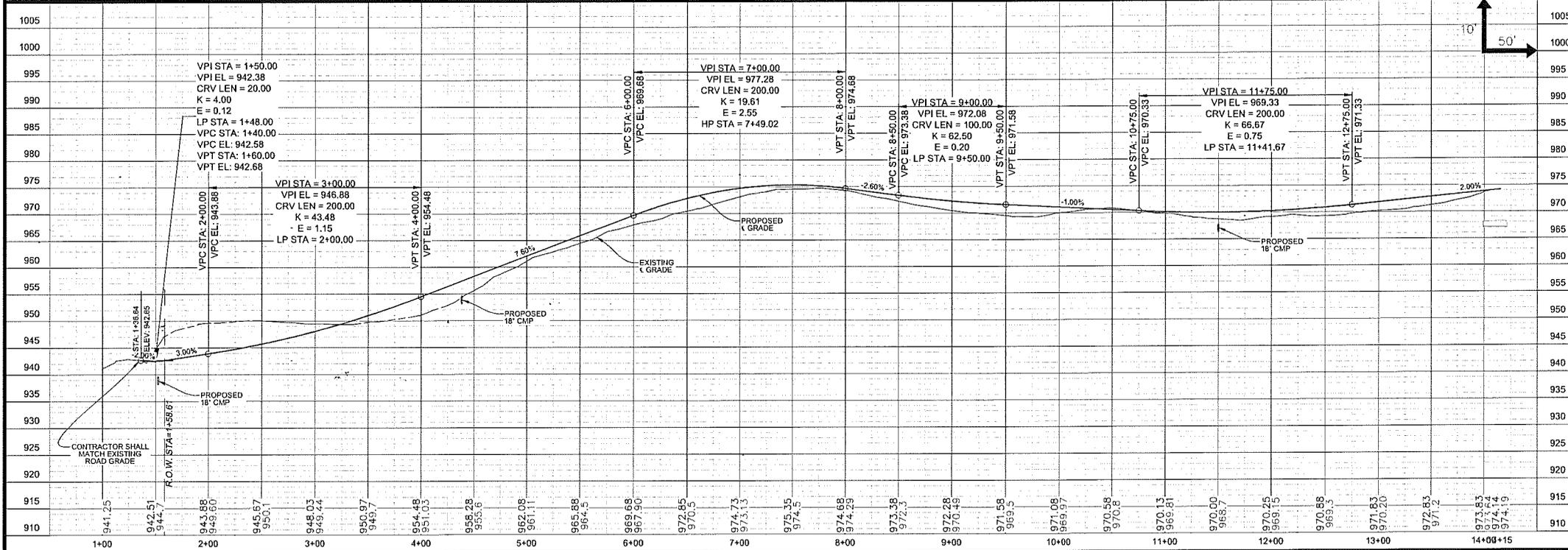


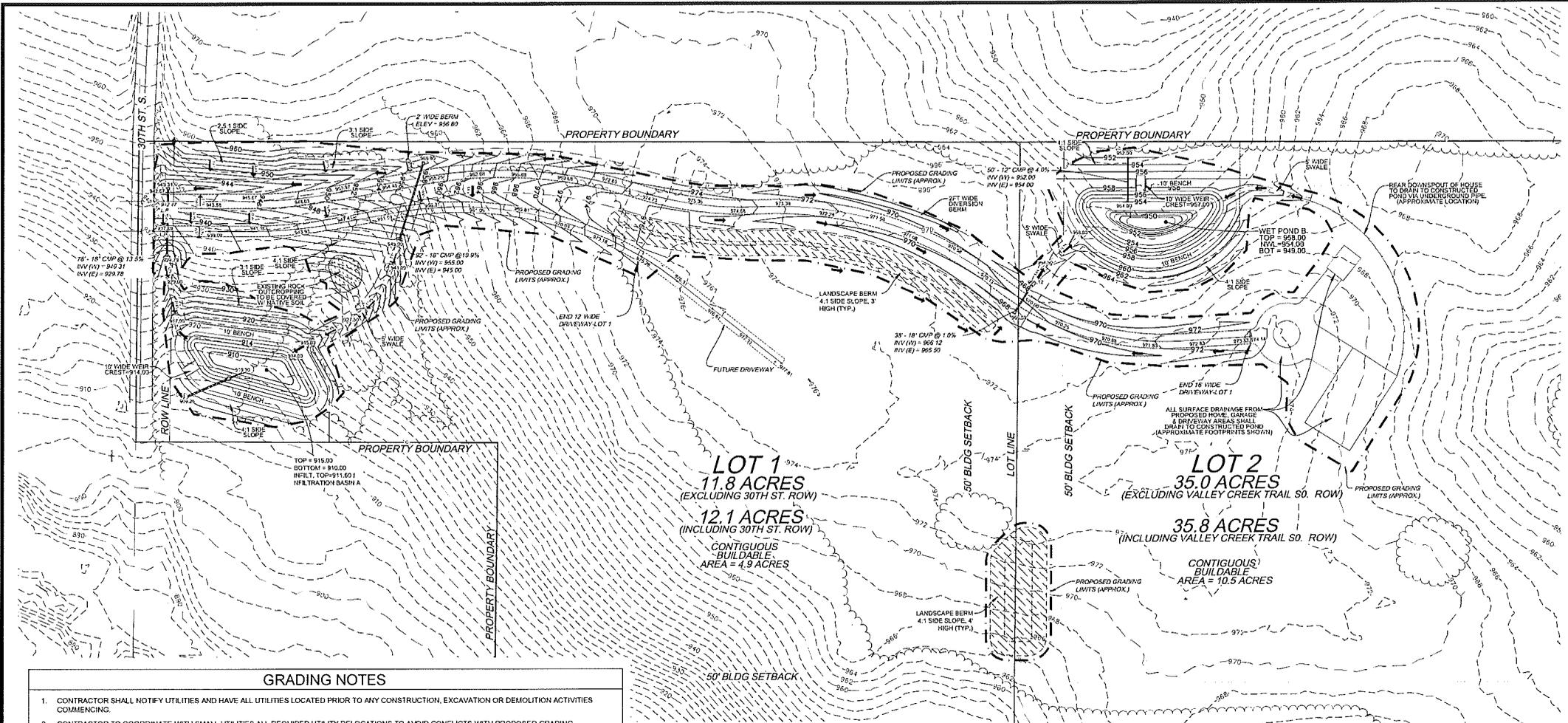
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ISSUED FOR REVIEW:	ZPF 5/28/14
REVISION DESCRIPTION:	
JOB NUMBER:	5245-001
REF FILE:	5245-001
DWG FILE:	5245-001.dwg
DATE:	5/28/14
CHECKED BY:	ZPF
DRAWN BY:	DKK

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 ZACHARY P. TAGAN
 DATE: 06/06/14 REG. NO. 47252

AC/a
 Anth Consulting/associates
 581 East Snodgrass & a division of A/C/A

PROJECT: HIGHWAY AFTON, HIGHWAY AFTON, LLC
 CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA
 PLAN AND PROFILE WEST DRIVEWAY
 SHEET NO: C4.0





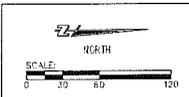
GRADING NOTES

- CONTRACTOR SHALL NOTIFY UTILITIES AND HAVE ALL UTILITIES LOCATED PRIOR TO ANY CONSTRUCTION, EXCAVATION OR DEMOLITION ACTIVITIES COMMENCING.
- CONTRACTOR TO COORDINATE WITH SMALL UTILITIES ALL REQUIRED UTILITY RELOCATIONS TO AVOID CONFLICTS WITH PROPOSED GRADING.
- CONTRACTOR SHALL MECHANICALLY COMPACT ALL TRENCHES UNDER ALL PAVED, CONCRETE, GRAVEL, AND BUILDING PAD AREAS.
- ALL TOPSOIL, ORGANIC, & UNSUITABLE MATERIAL TO BE REMOVED BEFORE FILL MATERIAL IS PLACED. NO ORGANIC, UNSUITABLE, OR FROZEN MATERIALS TO BE PLACED IN FILL AREAS. ALL FILL MATERIAL & ENGINEERED FILL TO BE MECHANICALLY COMPACTED TO 95% STANDARD PROCTOR AS A MINIMUM OR AS RECOMMENDED BY THE GEOTECHNICAL ENGINEER.
- ALL GRADES AND ELEVATIONS SHOWN ARE TO FINISHED GRADE, UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL SALVAGE AND REPLACE TOPSOIL IN ALL DISTURBED AREAS.
- ALL STORM SEWER PIPING SHALL BE CMP OR HDPE OR APPROVED EQUIVALENT. "HDPE" STORM SEWER PIPING SHALL BE DUAL WALL SMOOTH INTERIOR HDPE PIPING WITH WATER TIGHT GASKETS.
- FLARED END SECTIONS REQUIRED AT END OF ALL PIPES, UNLESS NOTED OTHERWISE. PIPE LENGTH INCLUDES FLARED END SECTION. SEE DETAIL SHEETS FOR PIPE INSTALLATION DETAIL.
- APPROXIMATE PROPOSED DISTURBED AREA SHOWN = -215,657 ±1 (-4.9 AC).
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR DETERMINING ALL EARTHWORK QUANTITIES BASED ON THE EXISTING AND PROPOSED ELEVATIONS PROVIDED ON THE PLANS. ANY GEOTECHNICAL INVESTIGATIONS PROVIDED BY THE OWNER APPLY ONLY TO THOSE LOCATIONS THAT DATA WAS COLLECTED, AND MAY NOT BE INDICATIVE OF CONDITIONS ELSEWHERE ON THE SITE. THE CONTRACTOR IS RESPONSIBLE FOR COLLECTING ANY ADDITIONAL GEOTECHNICAL OR SURVEY DATA HE DEEMS NECESSARY TO COMPLETE AN ACCURATE ESTIMATE OF EARTHWORK QUANTITIES.
- CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR BALANCING SITE MATERIALS. IF ONSITE EXCAVATION AND BORROW OPERATIONS DO NOT PROVIDE ENOUGH SUITABLE MATERIAL FOR FILL AREAS, THE CONTRACTOR SHALL COORDINATE AND PAY FOR EXCAVATION, TRANSPORT AND PLACEMENT OF IMPORTED MATERIAL MEETING THE SPECIFICATIONS OF THE CONTRACT DOCUMENTS. IF EXCAVATION RESULTS IN EXCESS MATERIALS, THE CONTRACTOR SHALL PROVIDE AND PAY FOR LOADING, TRANSPORT AND OFFSITE DISPOSAL OF EXCESS MATERIALS.
- CONTRACTOR TO OBTAIN PERMISSION PERMIT FROM CITY OF AFTON TO WORK IN RIGHT-OF-WAY PRIOR TO ANY WORK BEING PERFORMED WITHIN THE PUBLIC RIGHT-OF-WAY. ANY REQUIRED LANE CLOSURES OR TRAFFIC CONTROL SIGNAGE IS THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE COORDINATED WITH THE CITY, AS REQUIRED.
- PROPOSED INFILTRATION BASIN AREAS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC AND HEAVY EQUIPMENT. ALL EXISTING SOILS GOOD INFILTRATION CHARACTERISTICS SHALL BE MAINTAINED TO THE MAXIMUM EXTENT PRACTICABLE. INFILTRATION BASINS SHALL BE CLEARED OUT AND BROUGHT BACK TO ORIGINAL CONDITION IF ANY DISTURBANCE TAKES PLACE OR ANY SEDIMENT IS DEPOSITED WITHIN THE INFILTRATION BASINS. IN ADDITION, COMPACTION MITIGATION TECHNIQUES SHALL BE PERFORMED ON CONSTRUCTED INFILTRATION BASIN BOTTOMS AFTER BASINS ARE GRADED TO FINISHED GRADE. INFILTRATION BASIN BOTTOMS SHALL BE DEEP TILLED 3 FT DEEP AT 5 FT SPACING, FOLLOWED BY CHISEL PLOWING 12 INCHES DEEP. THIS WILL BE DEPENDENT ON SOIL TYPE AND DEGREE OF COMPACTION.
- CONTRACTOR SHALL LOCATE AND FLAG SEPTIC LOCATIONS FOR EACH LOT PRIOR TO ANY SITE GRADING ACTIVITIES. SEPTIC LOCATIONS SHALL BE PROTECTED FROM VEHICLE TRAFFIC AND LAND DISTURBANCE.

LEGEND

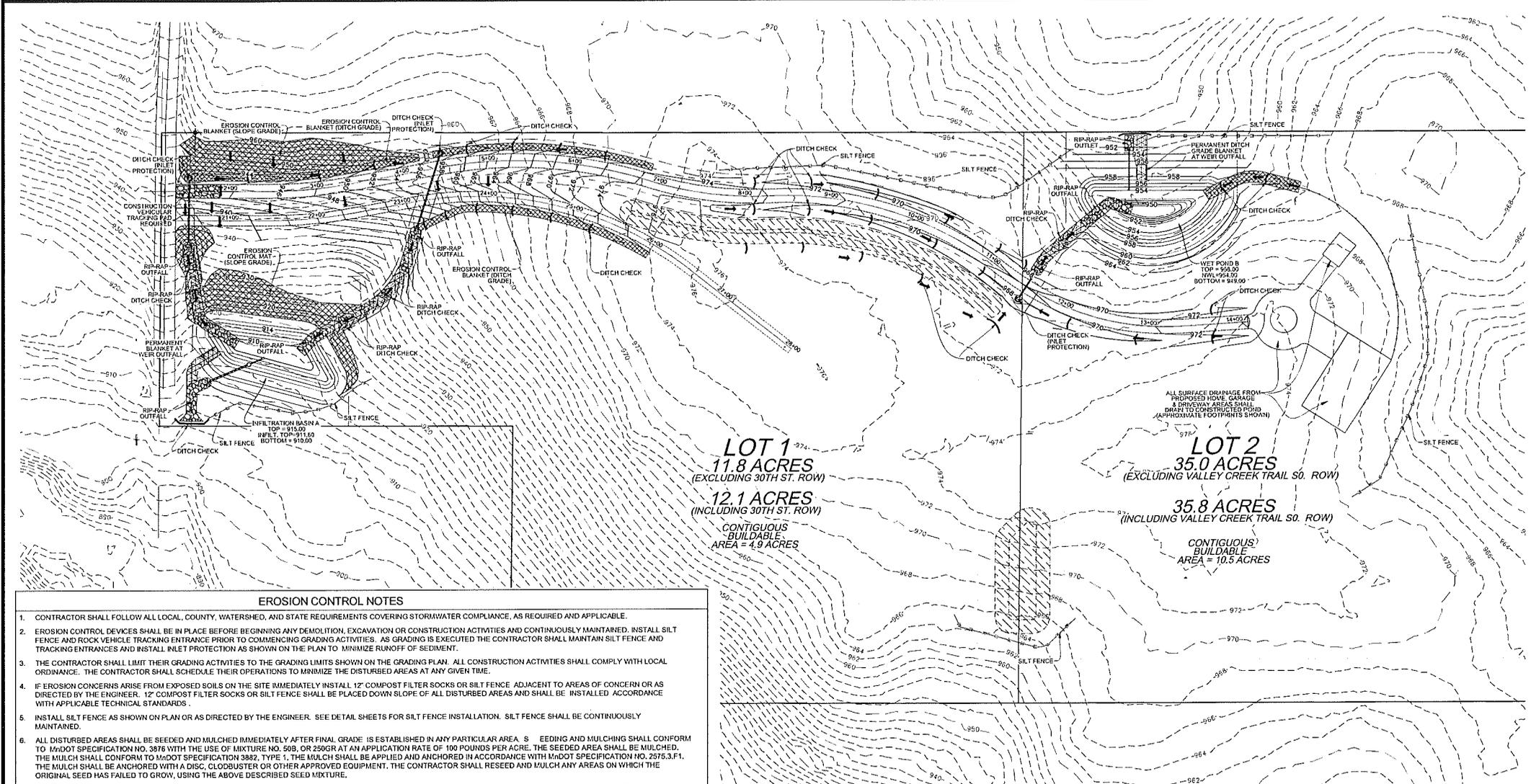
	EXISTING 10FT CONTOURS		TREELINE
	EXISTING 2FT CONTOURS		PROPOSED RIGHT OF WAY(R.O.W.)
	PROPOSED 10FT CONTOURS		PROPOSED LOTLINE
	PROPOSED 2FT CONTOURS		PROPOSED BUILDING SETBACK
	PROPOSED FINISHED GRADE SPOT ELEVATION		PROPOSED GRAVEL EDGE
	APPROXIMATE GRADING LIMITS		PROPOSED EASEMENT
	PROPERTY LINE		H.P. = HIGH POINT GRADE ELEVATION L.P. = LOW POINT GRADE ELEVATION
	EXISTING ASPHALT EDGE		PROPOSED FINISHED GRADE SURFACE DRAINAGE
	LANDSCAPE BERM		

EXISTING SITE CONDITION NOTE
 EXISTING SITE CONDITIONS SHOWN REFLECTS TOPOGRAPHY INFORMATION OBTAINED BY THE MINNESOTA GEOSPATIAL INFORMATION OFFICE IN 2011. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ACTIVITIES COMMENCING.



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 ZACHARY P. FAGAN
 DATE: 06/06/14 REG NO 47252

PROJECT: HIGHVIEW AFTON, HIGHVIEW AFTON, LLC CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA	DATE: 06/06/14 REG NO 47252	SHEET NO. 05.0
 ACa Anthi Consulting Associates 380 East Starlight, a division of A/C/A	OPERATIVE OFFICE: 405 Technology Drive East Suite A Minneapolis, MN 55421 PH: 763-225-1600 FAX: 763-225-1601 anthiconsulting.com	MANAGER OFFICE: 500 Baker Street Suite 101 Hudson, WI 54001 PH: 715-381-1377
DRAWN BY: DCK CHECKED BY: ZPF DATE: 5/28/14 PWS: FLEMING CSD DRAWING REF FILE: 5245-001 SCS NUMBER: 5245-001	RELEASED FOR CITY REVIEW: ZPF 06/06/14 RELEASED FOR REVIEW: ZPF 5/28/14 REVISION DESCRIPTION:	DATE:



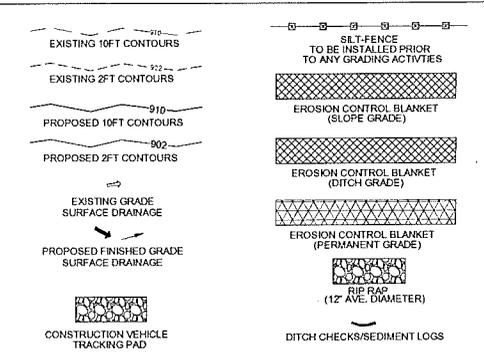
LOT 1
 11.8 ACRES
 (EXCLUDING 30TH ST. ROW)
 12.1 ACRES
 (INCLUDING 30TH ST. ROW)
 CONTIGUOUS
 BUILDABLE
 AREA = 4.9 ACRES

LOT 2
 35.0 ACRES
 (EXCLUDING VALLEY CREEK TRAIL SO. ROW)
 35.8 ACRES
 (INCLUDING VALLEY CREEK TRAIL SO. ROW)
 CONTIGUOUS
 BUILDABLE
 AREA = 10.5 ACRES

EROSION CONTROL NOTES

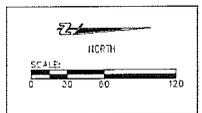
- CONTRACTOR SHALL FOLLOW ALL LOCAL, COUNTY, WATERSHED, AND STATE REQUIREMENTS COVERING STORMWATER COMPLIANCE, AS REQUIRED AND APPLICABLE.
- EROSION CONTROL DEVICES SHALL BE IN PLACE BEFORE BEGINNING ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ACTIVITIES AND CONTINUOUSLY MAINTAINED. INSTALL SILT FENCE AND ROCK VEHICLE TRACKING ENTRANCE PRIOR TO COMMENCING GRADING ACTIVITIES. AS GRADING IS EXECUTED THE CONTRACTOR SHALL MAINTAIN SILT FENCE AND TRACKING ENTRANCES AND INSTALL INLET PROTECTION AS SHOWN ON THE PLAN TO MINIMIZE RUNOFF OF SEDIMENT.
- THE CONTRACTOR SHALL LIMIT THEIR GRADING ACTIVITIES TO THE GRADING LIMITS SHOWN ON THE GRADING PLAN. ALL CONSTRUCTION ACTIVITIES SHALL COMPLY WITH LOCAL ORDINANCE. THE CONTRACTOR SHALL SCHEDULE THEIR OPERATIONS TO MINIMIZE THE DISTURBED AREAS AT ANY GIVEN TIME.
- IF EROSION CONCERNS ARISE FROM EXPOSED SOILS ON THE SITE IMMEDIATELY INSTALL 12" COMPOST FILTER SOCKS OR SILT FENCE ADJACENT TO AREAS OF CONCERN OR AS DIRECTED BY THE ENGINEER. 12" COMPOST FILTER SOCKS OR SILT FENCE SHALL BE PLACED DOWN SLOPE OF ALL DISTURBED AREAS AND SHALL BE INSTALLED ACCORDANCE WITH APPLICABLE TECHNICAL STANDARDS.
- INSTALL SILT FENCE AS SHOWN ON PLAN OR AS DIRECTED BY THE ENGINEER. SEE DETAIL SHEETS FOR SILT FENCE INSTALLATION. SILT FENCE SHALL BE CONTINUOUSLY MAINTAINED.
- ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED IMMEDIATELY AFTER FINAL GRADE IS ESTABLISHED IN ANY PARTICULAR AREA. SEEDING AND MULCHING SHALL CONFORM TO MNDOT SPECIFICATION NO. 3876 WITH THE USE OF MIXTURE NO. 509, OR 250GR AT AN APPLICATION RATE OF 100 POUNDS PER ACRE. THE SEEDED AREA SHALL BE MULCHED. THE MULCH SHALL CONFORM TO MNDOT SPECIFICATION 3882, TYPE 1. THE MULCH SHALL BE APPLIED AND ANCHORED IN ACCORDANCE WITH MNDOT SPECIFICATION NO. 2575.3.F.1. THE MULCH SHALL BE ANCHORED WITH A DISC, CLODBUSTER OR OTHER APPROVED EQUIPMENT. THE CONTRACTOR SHALL RESEED AND MULCH ANY AREAS ON WHICH THE ORIGINAL SEED HAS FAILED TO GROW, USING THE ABOVE DESCRIBED SEED MIXTURE.
- ALL DISTURBED SLOPES IN EXCESS OF 4:1 SHALL BE SEEDED AND PROTECTED WITH EROSION CONTROL BLANKET-CATEGORY 2 OR SHALL BE SODED AND STAKED OR HYDRO-SEEDED AS AN ALTERNATIVE.
- ALL DITCHES WITH SIDE SLOPES GREATER THAN 4:1 SHALL HAVE EROSION CONTROL BLANKET INSTALLED TO THE TOP OF THE BANK.
- INSTALL SEDIMENT LOGS AT ALL DITCH INLETS AND ANY OTHER LOCATIONS SHOWN ON PLAN OR AS DIRECTED BY THE ENGINEER. SEE DETAIL SHEETS FOR SEDIMENT LOG INSTALLATION.
- ALL DITCH CHECKS ARE TO BE SEDIMENT LOGS. SEE DETAIL SHEETS FOR INSTALLATION.
- SEED MIXTURE FOR CONSTRUCTED INFILTRATION BASIN A SHALL BE MNDOT SEED MIX 33-2610R APPROVED EQUIVALENT.
- TEMPORARY SEED SHOULD BE APPLIED, IF CONSTRUCTION EXTENDS PAST SEPTEMBER 1ST. OF ANNUAL RYEGRASS AND OATS AT THE RATE OF 5 POUNDS PER 1000 S.F. OR AREA AND LEFT OVER WINTER. PERMANENT SEEDING SHALL BE COMPLETED THE FOLLOWING SPRING. IF TEMPORARY SEEDING CANNOT BE COMPLETED BEFORE WINTER FREEZE UP THEN ALL DISTURBED AREAS SHALL BE MULCHED AT A RATE OF 120 POUNDS PER 100 SQUARE FT AND PERMANENT SEEDING SHALL BE COMPLETED THE FOLLOWING SPRING.
- ALL EROSION CONTROL MEASURES SHALL BE LEFT IN PLACE AND MAINTAINED UNTIL RESTORATION ON SITE HAS BEEN COMPLETE OR ANY THREAT OF SEDIMENT LEAVING THE SITE IS ELIMINATED REMOVE ALL COMPOST FILTER SOCKS, SILT FENCE AND TEMPORARY EROSION CONTROL DEVICES AFTER FINAL RESTORATION OF THE SITE IS COMPLETE.
- ANY SOIL STOCKPILES WHICH ARE LEFT MORE THAN 7 DAYS MUST BE PROTECTED BY SEEDING AND MULCHING, EROSION CONTROL BLANKET, SILT FENCING, COVERING OR OTHER APPROVED METHODS. THIS DOES NOT INCLUDE FILL OR TOPSOIL PILES THAT ARE IN ACTIVE USE.
- SITE WATERING SHALL TAKE PLACE AS CONSTRUCTION AND WEATHER CONDITIONS WARRANT TO MINIMIZE DUST POLLUTION FROM LEAVING THE SITE.
- SITE MONITORING OF EROSION AND SEDIMENT CONTROL PRACTICES FOR MAINTENANCE NEEDS SHALL BE COMPLETED AT THE INTERVALS SPECIFIED UNTIL THE SITE IS STABILIZED. SITE MONITORING SHALL OCCUR AT LEAST WEEKLY OR WITHIN 24 HOURS AFTER A RAINFALL EVENT OF 0.5 INCHES OR GREATER. A RAINFALL EVENT SHALL BE CONSIDERED TO BE THE TOTAL AMOUNT OF RAINFALL RECORDED IN ANY CONTINUOUS 24 HOUR PERIOD. MONITORING RECORDS SHALL BE KEPT AND CONTAIN, AT A MINIMUM, THE CONDITION OF THE EROSION AND SEDIMENT CONTROL PRACTICES AT THE INTERVALS SPECIFIED AND A DESCRIPTION OF THE MAINTENANCE CONDUCTED TO REPAIR OR REPLACE EROSION AND SEDIMENT CONTROL PRACTICES.
- OFF-SITE SEDIMENT DEPOSITION RESULTING FROM THE FAILURE OF AN EROSION OR SEDIMENT CONTROL PRACTICE SHALL BE CLEANED UP WITHIN 24 HOURS. OFF-SITE SEDIMENT DEPOSITION RESULTING FROM CONSTRUCTION ACTIVITY, THAT CREATES A NUISANCE, SHALL BE CLEANED UP BY THE END OF THE WORK DAY. IF THE FAILURE OF EROSION OR SEDIMENT CONTROL PRACTICES RESULT IN AN IMMEDIATE THREAT OF SEDIMENT ENTERING PUBLIC SEWERS OR THE WATERS OF THE STATE, PROCEDURES SHALL BE IMPLEMENTED IMMEDIATELY TO REPAIR OR REPLACE THE PRACTICES. SCRAPING OF THE STREET SHALL BE COMPLETED WITHIN 4 HOURS AND STREET SWEEPING WITHIN 24 HOURS.

LEGEND



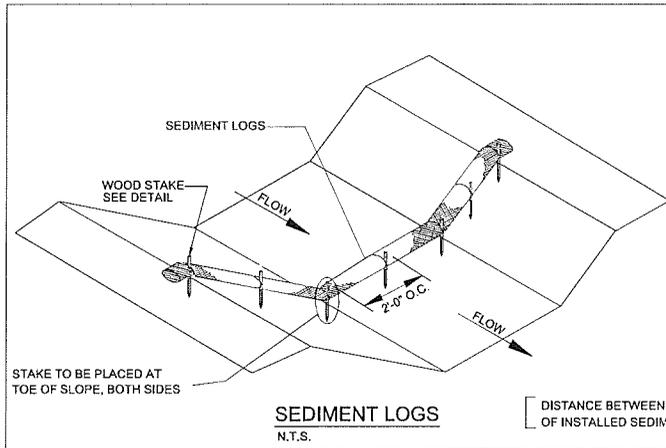
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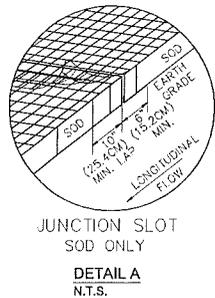
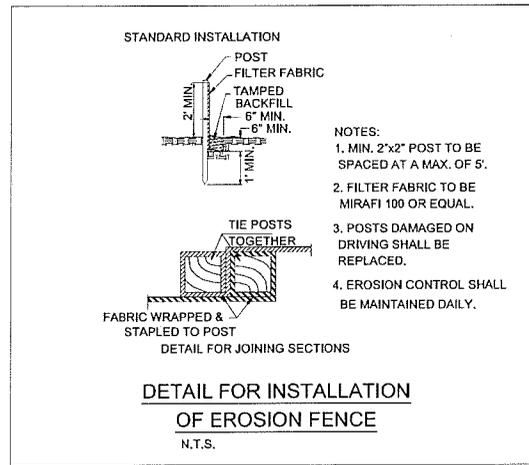
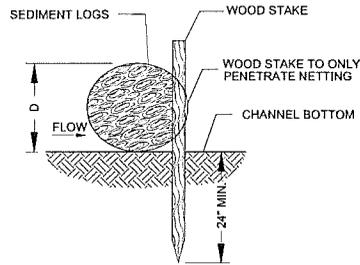


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 ZACHARY P. TAGAN
 DATE: 06/06/14 REG NO 47252

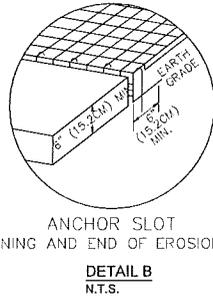
<p>PROJECT: HIGHVIEW AFTON HIGHVIEW AFTON, LLC AFTON, WASHINGTON COUNTY, MINNESOTA</p>	<p>DATE: 06/06/14 REG NO 47252</p>	<p>8501 Land Surveying & Consulting, a division of A-Ca A-Ca Auto-C Consulting/Associates</p>	<p>EROSION CONTROL PLAN SHEET NO. C6.0</p>
<p>DESIGNED BY: DCK CHECKED BY: ZPF DATE: 5/29/14 ENG FILE: 5245-001 REF FILE: 5245-001 JOB NUMBER: 5245-001</p>	<p>RELEASED FOR CITY REVIEW: 05/06/14 ISSUED FOR REVIEW: 5/28/14 REVISION DESCRIPTION: NONE</p>	<p>CONTRACTOR OFFICE: 105 Technology Drive East Suite A Minneapolis, MN 55420 Tel: 763-252-0400 Fax: 763-252-0401 autoconsulting.com</p>	<p>BARCEL OFFICE: 2020 Lake Street Suite 101 Duluth, MN 55816 Tel: 727-941-5071 autoconsulting.com</p>



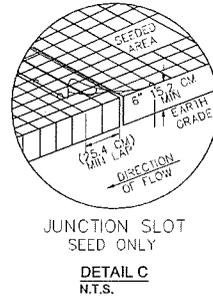
$$\left[\frac{\text{DISTANCE BETWEEN CHANNEL BOTTOM AND TOP OF INSTALLED SEDIMENT LOGS (D) (FT)}{\text{CHANNEL GRADIENT (\%)}} \right] \times 100 = \text{SEDIMENT LOGS SPACING (FT)}$$



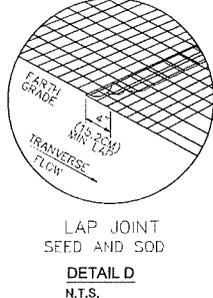
JUNCTION SLOT
SOD ONLY



ANCHOR SLOT
AT BEGINNING AND END OF EROSION MAT



JUNCTION SLOT
SEED ONLY



LAP JOINT
SEED AND SOD

GENERAL NOTES EROSION MAT

DETAILS OF CONSTRUCTION, MATERIALS AND WORKMANSHIP NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE PERTINENT REQUIREMENTS OF THE STANDARD SPECIFICATIONS AND THE APPLICABLE SPECIAL PROVISIONS.

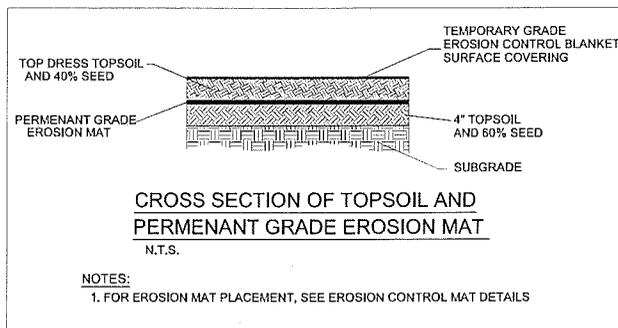
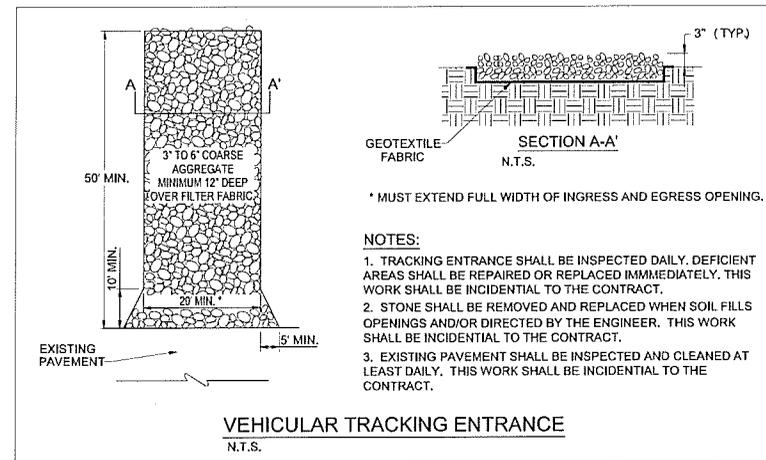
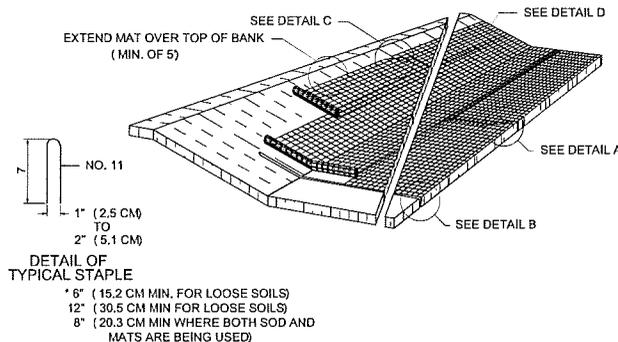
LAP JOINTS SHALL NOT BE PLACED IN THE BOTTOM OF V-SHAPED DITCHES.

JUNCTION SLOTS ON ADJACENT STRIPS OF MATTING SHALL BE STAGGERED A MINIMUM OF 4 FEET (1.219 m) APART.

EDGES OF THE EROSION MAT SHALL BE IMPRESSED IN THE SOIL.

EROSION MAT OVER SEEDING JUNCTION OR ANCHOR SLOTS SHALL BE AT MINIMUM INTERVALS OF 50 FEET.

STAPLE INSTALLATION AND PATTERNS SHALL COMPLY WITH EROSION MAT MANUFACTURER'S SPECIFICATIONS.



NOTES:
1. FOR EROSION MAT PLACEMENT, SEE EROSION CONTROL MAT DETAILS

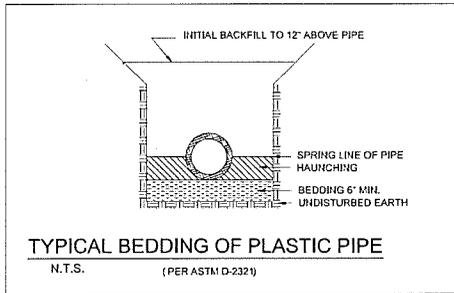
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Zachary P. Fagan
ZACHARY P. FAGAN
DATE: 06/06/14 REG. NO. 47252

DESIGNED BY: DICK	DATE: 05/28/14	RELEASED FOR CITY REVIEW: ZPF	DATE: 06/06/14
CHECKED BY: ZPF	DWG FILE: 5245-001-DTL5	RELEASED FOR REVIEW: ZPF	DATE: 05/28/14
REVISIONS:	REF FILE: 5245-001	REVISION DESCRIPTION:	NAME:
	SR NUMBER: 5245-001		DATE:

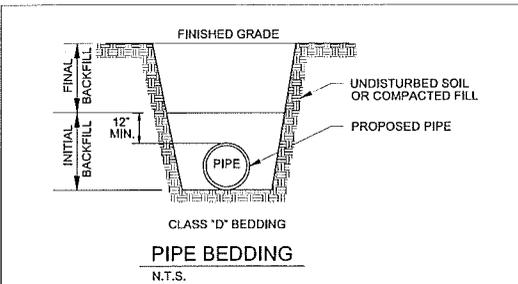
PROJECT:	HIGHVIEW AFTON HIGHVIEW AFTON, LLC CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA
SHEET NO.:	C7.2

CONTRACT NO.:	5245-001
CONTRACT DATE:	05/28/14
CONTRACT VALUE:	\$1,400,000
CONTRACT NO.:	5245-001
CONTRACT DATE:	05/28/14
CONTRACT VALUE:	\$1,400,000



TYPICAL BEDDING OF PLASTIC PIPE

N.T.S. (PER ASTM D-2321)



CLASS "D" BEDDING PIPE BEDDING

N.T.S.

CLASS D (ASTM C12) - BEDDING SHALL BE USED FOR ALL CORRUGATED METAL PIPES UNLESS OTHERWISE STATED. THE PIPE SHALL BE BEDDED IN SUITABLE NATIVE MATERIAL ON AN UNSHAPED TRENCH BOTTOM.

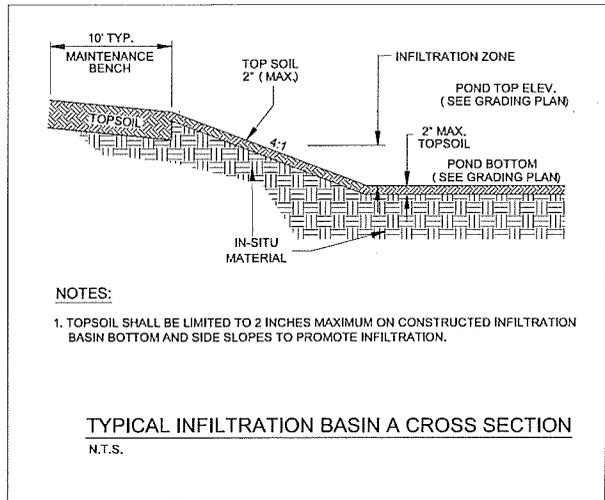
BACKFILL:
BACKFILL TRENCH IMMEDIATELY AFTER INSTALLATION OF THE PIPE UNLESS OTHERWISE DIRECTED BY THE ENGINEER. INITIAL BACKFILL SHALL BE CAREFULLY PLACED AND EVENLY COMPACTED AROUND THE PIPE TO A DISTANCE ABOVE THE PIPE OF TWELVE (12) INCHES.

BACKFILLING MAY BE COMPLETED BY MECHANICAL MEANS. DEBRIS, FROZEN MATERIAL, LARGE CLODS OR STONES, ORGANIC MATTER, OR OTHER UNSTABLE MATERIALS MAY NOT BE USED FOR BACKFILL. BACKFILL SHALL BE PLACED IN SUCH A MANNER AS NOT TO DISTURB THE ALIGNMENT OF THE PIPE.

TRENCH COMPACTION:
MECHANICAL COMPACTION WILL BE REQUIRED FOR TRENCHES IN EXISTING STREETS AND WHERE BITUMINOUS PAVEMENT AND CONCRETE IMPROVEMENTS WILL BE INSTALLED FOLLOWING CONSTRUCTION.

MECHANICAL COMPACTION SHALL CONSIST OF MECHANICALLY COMPACTING THE BACKFILL IN SIX INCH LAYERS, FROM A DISTANCE OF ONE FOOT ABOVE THE PIPE TO THE SURFACE. THE DEGREE OF COMPACTION SHALL BE AT LEAST 95% OF STANDARD PROCTOR.

EXCESS MATERIAL:
EXCESS MATERIAL FOLLOWING BACKFILLING SHALL BE DISPOSED OF BY THE CONTRACTOR AT A SITE INDICATED BY THE ENGINEER. EXCESS MATERIAL SHALL NOT BE DISPOSED OF IN ANY WETLANDS OR WATERS OF THE STATE OF WISCONSIN WITHOUT WRITTEN APPROVAL OF THE DEPARTMENT OF NATURAL RESOURCES.

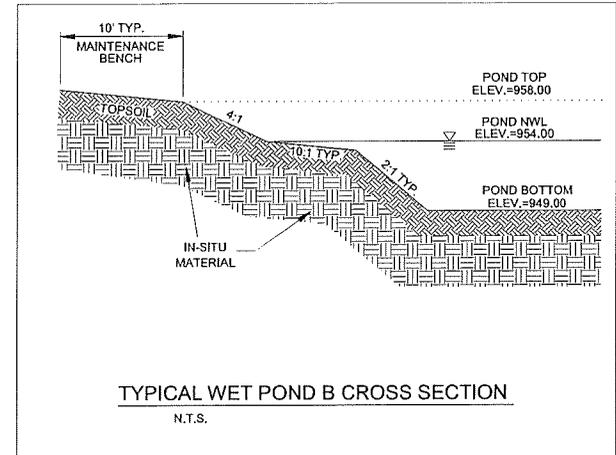


TYPICAL INFILTRATION BASIN A CROSS SECTION

N.T.S.

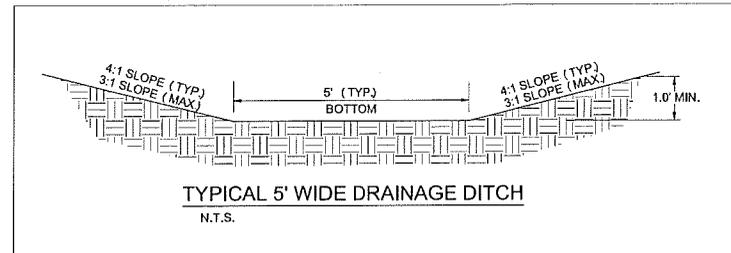
NOTES:

1. TOPSOIL SHALL BE LIMITED TO 2 INCHES MAXIMUM ON CONSTRUCTED INFILTRATION BASIN BOTTOM AND SIDE SLOPES TO PROMOTE INFILTRATION.



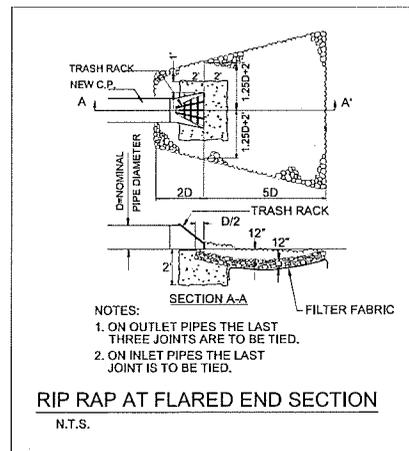
TYPICAL WET POND B CROSS SECTION

N.T.S.



TYPICAL 5' WIDE DRAINAGE DITCH

N.T.S.

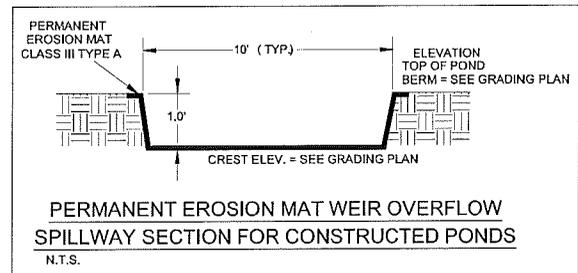


RIP RAP AT FLARED END SECTION

N.T.S.

NOTES:

1. ON OUTLET PIPES THE LAST THREE JOINTS ARE TO BE TIED.
2. ON INLET PIPES THE LAST JOINT IS TO BE TIED.



PERMANENT EROSION MAT WEIR OVERFLOW SPILLWAY SECTION FOR CONSTRUCTED PONDS

N.T.S.

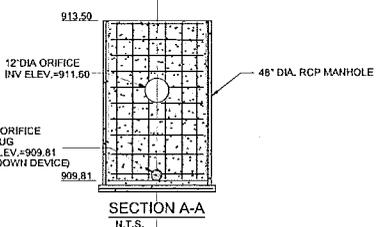
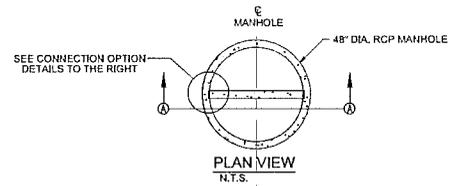
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Signature
ZACHARY P. FAGANT

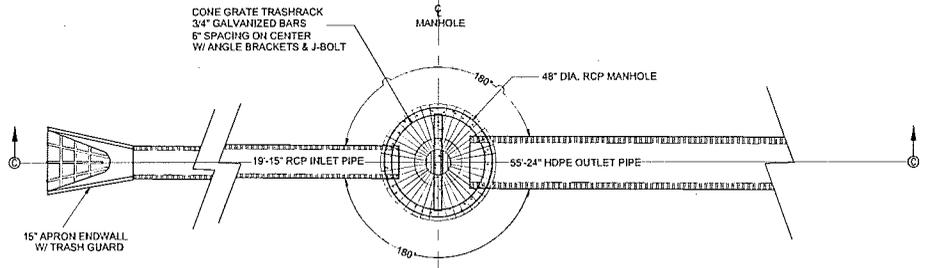
DATE: 06/05/14 REG. NO. 47252

PROJECT:	HIGHVIEW AFTON HIGHVIEW AFTON, LLC CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA
DATE:	06/05/14
CHECKED BY:	ZPF
DATE:	05/28/14
DESIGNED BY:	DLS
DATE:	05/28/14
PROJECT NO.:	5245-001
DATE:	05/28/14
PROJECT NAME:	5245-001
PROJECT DESCRIPTION:	
PROJECT LOCATION:	
PROJECT OWNER:	
PROJECT CONTACT:	
PROJECT ADDRESS:	
PROJECT PHONE:	
PROJECT FAX:	
PROJECT EMAIL:	
PROJECT WEBSITE:	
PROJECT DRAWING NO.:	
PROJECT SHEET NO.:	07.3

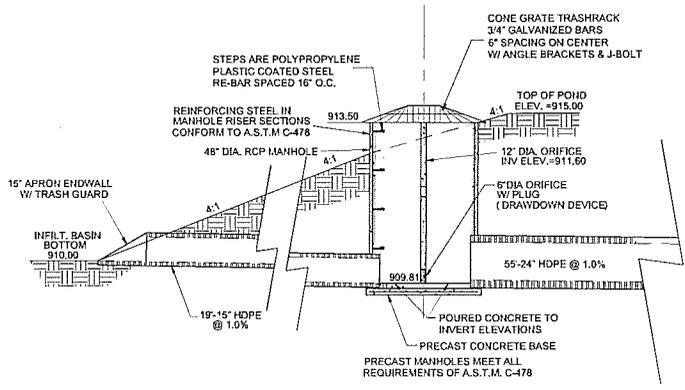
Auth-Consulting/associates
S&W Land Surveying, a division of A-C/A



INfiltration BASIN A OUTLET STRUCTURE
N.T.S.

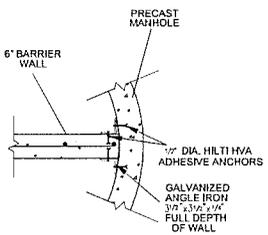


PLAN VIEW INfiltration BASIN A OUTLET STRUCTURE
N.T.S.

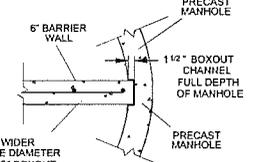


SECTION C-C
N.T.S.

INfiltration BASIN A OUTLET STRUCTURE DETAIL



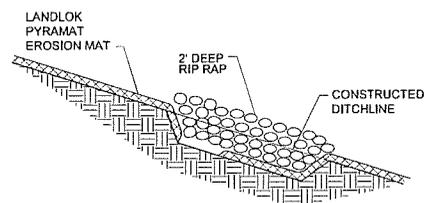
OPTION A
N.T.S.



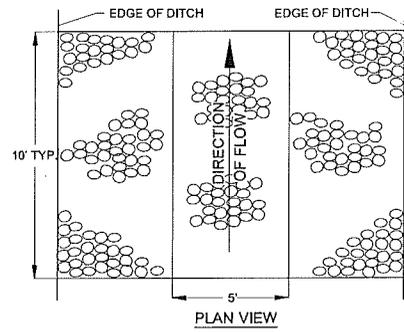
OPTION B
N.T.S.

SECTION B-B
N.T.S.

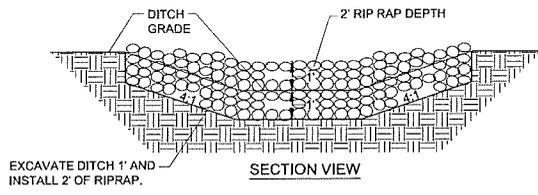
WALL WIDTH TO BE 3" WIDER THAN INSIDE MANHOLE DIAMETER TO ACCOMMODATE 1/2" BOXOUT CHANNEL ON EACH SIDE OF MANHOLE STRUCTURE



LONGITUDINAL SECTION OF DITCH LINE
INSTALL LANDLOK PYRAMAT EROSION MAT
AND RIP RAP DITCH CHECKS AT 50' INTERVALS

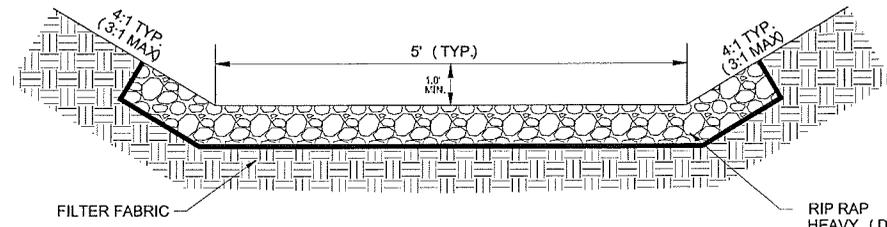


PLAN VIEW



SECTION VIEW

RIp RAP DITCH CHECK DETAIL
N.T.S.



RIp RAP CHANNEL CROSS-SECTION
N.T.S.

RIp RAP HEAVY ($D_{50}=12$)
DEPTH = (AVE DIA*1.5) [1.5' MIN]

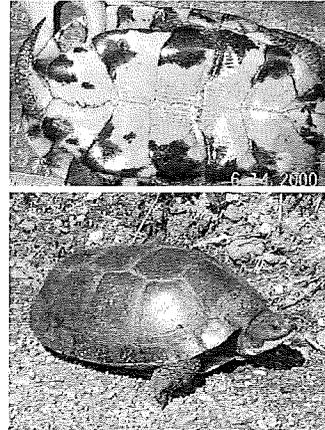
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

ZACHARY P. FAGAH

DATE: 06/06/14 REG. NO. 47252

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CAUTION



BLANDING'S TURTLES MAY BE ENCOUNTERED IN THIS AREA

The unique and rare Blanding's turtle has been found in this area. Blanding's turtles are state-listed as Threatened and are protected under Minnesota Statute 84.095, Protection of Threatened and Endangered Species. Please be careful of turtles on roads and in construction sites. For additional information on turtles, or to report a Blanding's turtle sighting, contact the DNR Nongame Specialist nearest you: Bemidji (218-308-2653); Grand Rapids (218-327-4518); New Ulm (507-359-6033); Rochester (507-206-2820); or St. Paul (651-259-5772).

DESCRIPTION: The Blanding's turtle is a medium to large turtle (5 to 10 inches) with a black or dark blue, dome-shaped shell with muted yellow spots and bars. The bottom of the shell is hinged across the front third, enabling the turtle to pull the front edge of the lower shell firmly against the top shell to provide additional protection when threatened. The head, legs, and tail are dark brown or blue-gray with small dots of light brown or yellow. A distinctive field mark is the bright yellow chin and neck.

**BLANDING'S TURTLES DO NOT MAKE GOOD PETS
IT IS ILLEGAL TO KEEP THIS THREATENED SPECIES IN CAPTIVITY**

SUMMARY OF RECOMMENDATIONS FOR AVOIDING AND MINIMIZING IMPACTS TO BLANDING'S TURTLE POPULATIONS

(see Blanding's Turtle Fact Sheet for full recommendations)

- This flyer should be given to all contractors working in the area. Homeowners should also be informed of the presence of Blanding's turtles in the area.
- Turtles that are in imminent danger should be moved, by hand, out of harm's way. Turtles that are not in imminent danger should be left undisturbed to continue their travel among wetlands and/or nest sites.
- If a Blanding's turtle nests in your yard, do not disturb the nest and do not allow pets near the nest.
- Silt fencing should be set up to keep turtles out of construction areas. It is critical that silt fencing be removed after the area has been revegetated.
- Small, vegetated temporary wetlands should not be dredged, deepened, or filled.
- All wetlands should be protected from pollution; use of fertilizers and pesticides should be avoided, and run-off from lawns and streets should be controlled. Erosion should be prevented to keep sediment from reaching wetlands and lakes.
- Roads should be kept to minimum standards on widths and lanes.
- Roads should be ditched, not curbed or below grade. If curbs must be used, 4" high curbs at a 3:1 slope are preferred.
- Culverts under roads crossing wetland areas, between wetland areas, or between wetland and nesting areas should be at least 36 in. diameter and flat-bottomed or elliptical.
- Culverts under roads crossing streams should be oversized (at least twice as wide as the normal width of open water) and flat-bottomed or elliptical.
- Utility access and maintenance roads should be kept to a minimum.
- Because trenches can trap turtles, trenches should be checked for turtles prior to being backfilled and the sites should be returned to original grade.
- Terrain should be left with as much natural contour as possible.
- Graded areas should be revegetated with native grasses and forbs.
- Vegetation management in infrequently mowed areas -- such as in ditches, along utility access roads, and under power lines -- should be done mechanically (chemicals should not be used). Work should occur fall through spring (after October 1st and before June 1st).

*Compiled by the Minnesota Department of Natural Resources Division of Ecological and Water Resources. Updated August 2012
Endangered Species Review Coordinator, 500 Lafayette Rd., Box 25, St. Paul, MN 55155 / 651-259-5109*

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Zachary P. Pagani
ZACHARY P. PAGANI
DATE: 06/06/14 REG. NO. 47252

PROJECT:

HIGHVIEW AFTON
HIGHVIEW AFTON, LLC
CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA

SHEET NO.

C7.5

PROTECTION OF THREATENED SPECIES



Auth-Consulting/associates
SM Land Surveying a division of A-C/a

COORDINATE OFFICE:
400 Technology Drive East
Suite 100
St. Paul, MN 55121
PA 612-222-4600
FA 612-222-5277
authconsulting.com

PROJECT OFFICE:
2829 Dale Street
Suite 100
St. Paul, MN 55108
PA 612-222-5277

MARK BY: ZPF
CHECKED BY: ZPF
DATE: 05/28/14
DWG FILE: 5245-001-DLS
REF FILE: 5245-001
JOB NUMBER: 5245-001

RELEASED FOR CITY REVIEW
BY: [blank]
DATE: 06/06/14

ZPF NAME: [blank]
DATE: [blank]

SWPPP

PROJECT OVERVIEW

PROJECT NAME: HIGHVIEW AFTON
 PROJECT LOCATION: CITY OF AFTON, MN
 CONSTRUCTION START DATE: JUNE, 2014
 CONSTRUCTION END DATE: OCTOBER, 2014

PROJECT DETAILS

TOTAL PROJECT AREA: 48 ACRES
 DISTURBED AREA: 4.9 ACRES
 PRE CONSTRUCTION IMPERVIOUS AREA: 0.00 ACRES
 POST CONSTRUCTION IMPERVIOUS AREA: 0.90 ACRES
 ADDED IMPERVIOUS AREA: 0.90 ACRES

NATURE OF CONSTRUCTION ACTIVITY

CONSTRUCTION ACTIVITY INCLUDES CONSTRUCTION OF TWO DRIVEWAYS AND STORMWATER FEATURES. CONSTRUCTION WILL INCLUDE EROSION CONTROL, SITE GRADING FOR DRIVEWAYS, WET POND AND INFILTRATION POND, SITE UTILITY INSTALLATION (INCLUDING CULVERTS/STORMSEWER, GAS, ELECTRIC AND TELECOMMUNICATIONS, AND FINAL SITE STABILIZATION.

POTENTIAL FOR DISCHARGE OF SEDIMENT AND/OR OTHER POLLUTANTS

CONSTRUCTION PHASE POLLUTANT SOURCES ANTICIPATED AT THE SITE ARE DISTURBED SOILS, VEHICLE FUELS AND LUBRICANTS, AND GENERAL CONSTRUCTION SITE LITTER. CONTROL OF THESE SOURCES OF POLLUTANTS IS REQUIRED IN ORDER TO PREVENT TRANSPORT BY STORM WATER.

SWPPP IMPLEMENTATION

THE GRADING CONTRACTOR WILL BE PERMITTEE DURING THE MASS GRADING AND UTILITY INSTALLATION PHASE OF THE PROJECT. AFTER GRADING AND UTILITY INSTALLATION AND SITE STABILIZATION IS COMPLETE GRADING CONTRACTOR SHALL SUBMIT A MPCA TRANSFER/MODIFICATION FORM TO THE OWNER FOR SIGNATURE AND SUBMITTAL TO THE MPCA.

LONG TERM O&M OF PERMANENT STORM WATER MANAGEMENT SYSTEM

THE GRADING CONTRACTOR SHALL SUBMIT THE NOT DOCUMENTATION TO THE OWNER AFTER FINAL STABILIZATION IS COMPLETE. THE OWNER SHALL BE RESPONSIBLE FOR ALL FUTURE MAINTENANCE OF THE SYSTEM, EXCLUSIVE OF CONTRACTOR WARRANTY PERIOD.

PREVENTION MEASURES

CONSTRUCTION PLANS CONTAIN POLLUTION PREVENTION MEASURES IN ADDITION TO THE ITEMS LISTED BELOW.
 CONTRACTOR IS RESPONSIBLE FOR THE PROPER DISPOSAL OF ALL SOLID WASTE AND HAZARDOUS WASTE IN COMPLIANCE WITH MPCA REQUIREMENTS

CONCRETE TRUCKS ARE NOT ALLOWED TO WASH OUT OR DISCHARGE WASHWATER OR SURPLUS CONCRETE ON SITE, UNLESS AN APPROVED PLAN IS ADDED TO AMEND THIS SWPPP.
 ALL VEHICLES ON-SITE SHALL BE MONITORED FOR LEAKS AND RECEIVE REGULAR PREVENTIVE MAINTENANCE TO REDUCE THE CHANCE OF LEAKAGE.

CHAIN OF RESPONSIBILITY

OWNER

MATT TWOMEY
 PO BOX 439, RIVER FALLS, WI 54022
 CELL: 715-441-6610

OWNER IS RESPONSIBLE FOR ALL PERMIT TERMS AND CONDITIONS.

OPERATOR (GRADING CONTRACTOR)

TBD
 OPERATOR IS RESPONSIBLE FOR CONSTRUCTION ACTIVITY REQUIREMENTS AND NOT. OPERATOR IS RESPONSIBLE FOR ADDING AS NECESSARY SUBCONTRACTORS WHO HAVE MAJOR CONSTRUCTION LAND DISTURBING ACTIVITIES.

TRAINING REQUIREMENTS

SWPPP PREPARED BY: MATT HIEB, P.E., AUTH CONSULTING & ASSOCIATES, MNDOT CERTIFIED FOR DESIGN OF SWPPP.
 SWPPP IMPLEMENTATION: CONTRACTOR SHALL ATTACH TRAINING OF PERSON RESPONSIBLE FOR OVERSEEING IMPLEMENTATION OF THE SWPPP.
 SWPPP INSPECTION: CONTRACTOR SHALL ATTACH TRAINING OF PERSON RESPONSIBLE FOR INPECTION OF SITE DURING CONSTRUCTION. IN ADDITION, ALL INSPECTION LOGS SHALL BE ATTACHED TO THIS SWPPP.

INSTALLATION OF EROSION, SEDIMENT CONTROL BMPS

MAJOR CONSTRUCTION ACTIVITIES THAT ARE SUBJECT TO THE SWPPP ARE SHOWN BELOW IN THE EXPECTED COMMENCEMENT ORDER. THIS ORDER DOES NOT NECESSARILY IMPLY THAT ONE ACTIVITY WILL BE COMPLETE BEFORE THE NEXT ON BEGINS. THIS ORDER MAY BE SUBJECT TO MODIFICATION NECESSARY FOR SITE CONDITIONS. ALL ACTIVITIES SHALL BE NOTED ON THE SITE MAP WITH START AND END DATES.

- CONSTRUCTION ENTRANCE PAD
- INSTALL PERIMETER CONTROLS DOWN GRADIENT FROM SOIL DISTURBING ACTIVITIES
- PROTECT INFILTRATION AREAS WITH FENCING
- CLEAR AND GRUB
- ROUGH GRADE SITE
- COMPLETE ROADWAY CONSTRUCTION
- INSTALL UNDERGROUND UTILITIES
- STABILIZE SITE
- FINAL GRADE SITE AND INFILTRATION AREA

- STABILIZE SITE, INCLUDING SEEDING/MULCHING OF SITE
- REMOVE ALL TEMPORARY EROSION DEVICES ONCE VEGETATION IS ESTABLISHED (70% COVER MIN.)

TEMPORARY EROSION, SEDIMENT CONTROL BMPS

THIS SWPPP MUST BE AMENDED AS NECESSARY DURING THE COURSE OF CONSTRUCTION IN ORDER TO KEEP IT CURRENT WITH THE POLLUTANT CONTROL MEASURES UTILIZED AT THE SITE. A SITE MAP SHALL BE UTILIZED TO SHOW THE LOCATION OF ALL STORM WATER CONTROLS AND SHALL BE MADE PART OF THIS SWPPP. AMENDMENT SHALL INCLUDE RECOMMENDATIONS AS NOTED IN THE INSPECTION LOG.

FINAL STABILIZATION METHODS

FINAL STABILIZATION METHODS ARE SHOWN ON THE CONSTRUCTION PLANS.

ENVIRONMENTAL, HISTORICAL, ARCHEOLOGICAL, AND RARE SPECIES

SITE IS CURRENTLY BEING EVALUATED BY MNDNR

DRINKING WATER SUPPLY MANAGEMENT AREAS

SITE IS NOT WITHIN A WELL HEAD PROTECTION AREA

RECEIVING WATERS

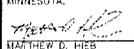
NO IMPAIRED WATERS HAVE BEEN CURRENTLY IDENTIFIED FOR THE RECEIVING WATER. VALLEY CREEK IS WITHIN 1 MILE OF THE PROJECT SITE. VALLEY CREEK IS IDENTIFIED AS A TROUT STREAM BY THE MPCA.

ESTIMATED QUANTITIES OF EROSION CONTROL

- ROCK ENTRANCE 1 EA
- SILT FENCE 1220 LF
- EROSION MAT-DITCH GRADE 920 SY
- EROSION MAT- SLOPE GRADE 1,910 SY
- EROSION MAT-PERMANENT GRADE 520 SY
- INLET PROTECTION 3 EA
- RIP-RAP 6"D50 215 CY
- DITCH CHECKS 37 EA
- ROCK DITCH CHECKS 7 EA

STORM WATER CALCULATIONS

APPENDIX A - TITLED STORMWATER MANAGEMENT PLAN.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

 MATTHEW D. HIEB
 DATE: 05/28/14 REG. NO. 26140

PROJECT: HIGHVIEW AFTON HIGHVIEW AFTON, LLC AFTON, WASHINGTON COUNTY, MINNESOTA	AUTH-Consulting/associates SWP Land Grading & Erosion of A-C/a		COORDINATE OFFICE: 408 Technology Drive East Suite A Shakopee, MN 55075 952-235-4488 952-235-4489	REQUEST OFFICE: 3000 Fisher Street Suite 100 Minneapolis, MN 55412 612-296-5277	DRAWN BY: ZPF CHECKED BY: MDH DATE: 5/21/14 DWG FILE: SWPPP REF FILE: JOB NUMBER: 5245-001	RELEASED FOR REVIEW REVISION DESCRIPTION: MDH NAME: DATE: 5/28/14
			STORMWATER POLLUTION PREV. PLAN SHEET NO. SWPPP			

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

Planning Commission Memo

Meeting: April 6, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: March 30, 2015
Re: Start Time of Planning Commission Meetings

Background

Commissioner Seeberger has requested the Commission consider a 6:00 p.m. start time for its meetings. While this request was added to the Commission's March agenda, the discussion was continued to the April meeting due to several Commission members being absent from the meeting. Commissioner Seeberger noted that she previously served on both Bayport's Planning Commission and City Council where they had meeting start times of 6:00 p.m. She indicated it was not a problem for members' work schedules and felt there was an advantage in that members were able to be more focused up to 9:00 p.m., but felt after that time focus fades.

PLANNING COMMISSION ACTION REQUESTED:

Motion regarding the start time of Planning Commission meetings.

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

Planning Commission Memo

Meeting: April 6, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moore, City Administrator
Date: March 30, 2015
Re: Solar Energy Ordinance

Background

At its March 2, 2015 meeting, the Planning Commission reviewed and discussed a draft ordinance regarding solar energy based partially on the model solar energy ordinance provided by Brian Ross, and partially on the direction provided by the Planning Commission. The Commission agreed that useful definitions for the city's understanding of what constitutes residential vs commercial solar arrays are needed in the ordinance. The Commission discussed, but did not reach a consensus on how to regulate the size of a solar array installation. The Commission directed staff to provide the solar energy ordinance to the Heritage Preservation Commission, and obtain feedback from the Commission regarding the ordinance. The draft solar energy ordinance is attached for the Commission's continuing review.

Heritage Preservation Commission Review

The Heritage Preservation Commission reviewed and discussed the draft solar energy ordinance at its March 18 regular meeting. The Commission was supportive of solar energy and of the ordinance. The Commission agreed that additional standards or guidelines are needed regarding solar arrays in the Old Village area, and requested staff obtain examples of standards used for historical districts in other cities. Staff has obtained information regarding solar energy from Brian Ross, the consultant who provided the model solar energy ordinance. The information includes the Secretary of the Interior's Standards for Rehabilitation and related recommendations regarding solar technology, as well as the National Trust for Historic Preservation guidance in the application of solar panels on historic properties, and an outline of Local Solar Panel Guidelines in Use across the United States. Also provided was a Summary of Solar Energy System Permit and Review Requirements from the City of St. Paul, which includes their general guidance for solar installations in historic districts and some general design standards to minimize "visibility." These are attached.

Definitions Related to Residential vs. Commercial Solar Arrays and Regulating the Size of Solar Arrays

Attached is information from Brian Ross regarding residential vs. commercial solar arrays and the regulation of the size of solar arrays.

Commissioner Nelson has provided the following language regarding a residential electricity generation use, and statutory language regarding cogeneration and small power production.

Proposed land use definition: *Residential Electricity Generation Use* is generation of electricity on a parcel which contains an existing occupied or unoccupied residence.

216B.164 COGENERATION AND SMALL POWER PRODUCTION. Subd.4c. Individual system capacity limits. (a) A public utility that provides retail electric service may require customers with a facility of 40-kilowatt capacity or more and participating in net metering and net billing to limit the total generation capacity of individual distributed generation systems by either:

- (1) For wind generation systems, limiting the total generation system capacity kilowatt alternating current to 120 percent of the customer's on-site maximum electric demand; or
- (2) For solar photovoltaic and other distributed generation, limiting the total generation system annual energy production kilowatt hours alternating current to 120% of the customer's on-site annual electric energy consumption. (emphasis added – kilowatt hours)

PLANNING COMMISSION DIRECTION REQUESTED:

Provide direction regarding the draft solar energy ordinance.

Ordinance XX-2015

CITY OF AFTON WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 12 OF THE AFTON LAND USE CODE TO ADD REGULATIONS REGARDING SOLAR ENERGY INSTALLATIONS

- I. Scope** - This article applies to all solar energy installations in the City of Afton.
- II. Purpose** - Consistent with the City Comprehensive Plan, the intent of this Section is to allow reasonable capture and use, by households, businesses, and property owners, of their solar energy resource, and encourage the development of renewable energy businesses, consistent with community development standards. The City of Afton has adopted this ordinance for the following purposes:
- A. Comprehensive Plan Goals** - To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the City's citizens by promoting the safe, effective and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy. The following solar energy standards specifically implement the following goals:
1. **Goal** – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
 2. **Goal** – Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
 3. **Goal** – Assist local businesses to lower financial and regulatory risks and improve their economic, City and environmental sustainability.
 4. **Goal** – Efficiently invest in and manage public infrastructure systems to support development and growth.
- B. GHG Reduction** - Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat will reduce our dependence on nonrenewable energy resources and decrease the GHG emissions and other air and water pollution that results from the use of conventional energy sources.
- C. Local Resource** - Solar energy is an under used local energy resource and encouraging the use of solar energy will diversify the community's energy supply portfolio and exposure to fiscal risks associated with fossil fuels.
- D. Improve Competitive Markets** - Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

III. Definitions

Building-integrated Solar Energy Systems - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Community Solar - A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar system may be either an accessory or a principal use.

Grid-intertie Solar Energy System - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Off-grid Solar Energy System - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System - A solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement - An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, as defined in Minn Stat. 500.30 Subd. 3 or most recent version.

Renewable Energy System - A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

Roof Pitch - The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access - Unobstructed access to the solar resource (see definition below) on a lot or building, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Resource - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Collector - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Collector Surface - Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Daylighting - A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Device - A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems are designed as a solar

energy device, such as a trombe wall, and not merely a part of a normal structure such as a window.

Solar Energy System - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating, or providing daylight for interior lighting.

Solar Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Heat Exchanger - A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System - An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

Solar Hot Water System (also referred to as Solar Thermal) - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit - A component of a solar energy device that is used to store solar generated electricity or heat for later use.

IV. Permitted Accessory Use - Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in C. below will require a conditional use permit, except as provided in Section V. (Administrative Variances).

A. Height - Active solar energy systems must meet the following height requirements:

1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof-mount systems shall be no higher than twelve (12) inches above the roof. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
2. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

B. Set-back - Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. **Roof-mounted Solar energy systems** - In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
2. **Ground-mounted Solar energy systems** - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

- C. **Visibility** - Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
1. **Building Integrated Photovoltaic Systems** - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 2. **Solar Energy Systems with Mounting Devices** - Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.
 3. **Impervious Coverage.** The surface area of pole or ground mount systems must comply with the City's overall impervious coverage requirements. Impervious coverage will be calculated based on the footprint of the system at average tilt. For residential installations, if the land on which the system is placed is kept in a pervious condition, the impervious coverage of the system shall be deemed to be nominal. ~~shall not exceed half the building footprint of the principal structure.~~ Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted.
 4. **Historic Buildings** - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require an administrative permit and a review by the Design Review/Heritage Preservation Commission.
- D. **Approved Solar Components** - Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
- E. **Plan Approval Required** - All solar energy systems shall require administrative plan approval by the City zoning official.
1. **Plan Applications** - Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - a. **Pitched Roof Mounted Solar Energy Systems** - For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 - b. **Flat Roof Mounted Solar Energy Systems** - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
 2. **Plan Approvals** - Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

IV. General standards - All solar energy systems shall comply with the following standards.

- A. Interconnection agreement** - All electric solar energy systems that are connected to the electric distribution or transmission system through the existing service of the primary use on the site shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. Off-grid systems are exempt from this requirement.
- B. UL listing** - Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
- C. Electric code** - All solar installations must comply with the Minnesota and National Electric Code.
- D. Building code** - All rooftop solar systems shall comply with the Minnesota Building Code.
- E. Plumbing Code** - Solar thermal hot water systems shall comply with applicable Minnesota State Plumbing Code requirements.
- F. Reflectors** - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- G. Height limit** - Building- or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district. Roof-mount systems shall be no higher than twelve (12) inches above the roof. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.
- H. Visibility, commercial installations** - Commercial rooftop systems shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.

V. Standards for specific solar uses. The following standards apply to specific types of solar uses:

- A. Rooftop solar energy systems** - accessory to the primary land use, designed to supply energy for the primary use.
 - (1) These systems are permitted accessory uses in all districts in which buildings are permitted.
 - (2) No land use permit is required.
- B. Ground-mount solar energy systems** - accessory to the primary land use, designed to supply energy for the primary use.
 - (1) Ground-mount systems are permitted accessory uses in all districts where buildings are permitted.
 - (2) Ground-mount systems require a land use permit and are subject to the accessory use standards for the district in which it is located, including setback, height, and coverage limits.
 - (3) The collector surface of a ground-mount system and any foundation, compacted soil, or other component of the solar installation that rests on the ground is considered impervious

surface. Vegetated ground under the collector surface can be used to mitigate stormwater runoff.

C. Community solar energy systems - Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid, consistent with Minn. Statutes 216B.1641 or successor statute.

- (1) Rooftop community systems are permitted only in the Industrial districts.
- (2) Ground-mount community solar energy systems are allowed only in the Industrial districts and are allowed as conditional uses.
- (3) An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
- (4) All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
- (5) Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

D. Solar farms - Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market.

- (1) **Conditional use permit** - Solar farms require a conditional use permit. Solar farms are allowed only in the Industrial districts
- (2) **Stormwater and NPDES** - Solar farms are subject to the County's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
- (3) **Foundations** - A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
- (4) **Other standards and codes** - All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- (5) **Power and communication lines** - Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.
- (6) **Site Plan Required** - A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County. The site plan should also show all zoning districts, and overlay districts.
- (7) **Aviation Protection** - For solar farms located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- (7) **Agricultural Protection** - Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.
- (8) **Decommissioning** - A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the

event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the County Solid Waste Ordinance. The County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

- V. **Administrative Variance/Variance (or conditional use)** – The City of Afton encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the standards in Section IV. A., B., or C. cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, a variance (or CUP) may be sought. An administrative variance(or CUP) may be granted if the following standards are met.
- A. **Minimum Performance Design Standards** - The following design thresholds are necessary for efficient operation of a solar energy system:
1. **Fixed-Mount Active Solar Energy Systems** - Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).
 2. **Solar Electric (photovoltaic) Systems** - Solar collectors must have a pitch of between 20 and 65 degrees.
 3. **Solar Hot Water Systems** - Solar collectors need to be mounted at a pitch between 40 and 60 degrees.
 4. **System Location** - The system is located where the lot or building has a solar resource.
- B. **Standards for a Variance (CUP)** - A variance may be granted if the applicant meets the following safety, performance and aesthetic conditions:
1. **Aesthetic Conditions** - The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.
 2. **Safety Conditions** - All applicable health and safety standards are met.
 3. **Non-Tracking Ground-Mounted Systems** - Pole-mounted or ground-mounted active solar energy systems must be set back from the property line the same distance as required for other accessory structures.
- VI. **Restrictions on Solar Energy Systems Limited** - No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of the City of Afton shall forbid installation of solar energy systems or create design standards that effectively preclude solar energy installations.
- VII. **Solar Access** – The City encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes.
- A. **Easements Allowed** – The City has elected to allow solar easements to be filed, consistent with Minnesota Stat. Chapter 500 Section 30. Any building owner can purchase an easement across neighboring properties to protect access to sunlight. The easement is purchased from or granted by owners of neighboring properties and can apply to buildings, trees, or other structures that would diminish solar access.

- B. **Subdivision Solar Easements** – The City may require new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit, as specified in Section 8 of this ordinance.

VIII. Renewable Energy Condition for Certain Permits

- A. **Condition for Rezoning or Conditional Use Permit** – The City may, in an area where the local electric distribution system was installed more than twenty years ago, or where the local electric utility has documented a near-term need for additional distribution substation or conductor capacity, require on-site renewable energy systems as a condition for a rezoning or a conditional use permit.
 - 1. The renewable energy condition may only be exercised for new construction or major reconstruction projects.
 - 2. The renewable energy condition may only be exercised for sites that have 90% unimpeded solar or wind energy access, and for which the renewable energy system can reasonably meet all performance standards and building code requirements.
- B. **Condition for Planned Unit Development (PUD) Approval** – The City may require on-site renewable energy systems as a condition for approval of a PUD permit, in order to mitigate for:
 - 1. Risk to the performance of the local electric distribution system,
 - 2. Increased emissions of greenhouse gases,
 - 3. Other risks or effects inconsistent with the City’s Comprehensive Plan.

IX. Solar Roof Incentives – The City has identified the following incentives for development applications or subdivisions that will include buildings using active solar energy systems.

- A. **Solar-Ready Buildings** – The City encourages builders to use solar-ready design in buildings. Buildings that submit a completed U.S. EPA’s Renewable Energy Ready Home Solar Photovoltaic Checklist and associated documentation will be certified as a Model County solar ready home, a designation that will be included in the permit home’s permit history.

Ron Moore

From: Brian Ross <bross@gpisd.net>
Sent: Wednesday, April 01, 2015 12:05 AM
To: Ron Moore
Subject: Afton solar ordinance

Ron:

While I can't say that such examples don't exist, I do not know of any such distinctions in definition. I believe part of my problem is the use of the words "residential" and "commercial" to mean one thing in regard to land use, and something else in regard to an accessory solar installation on a residential or commercial property. In all ordinances that I'm familiar with, a residential solar array is defined as residential because it's on a residential lot with a residential principal use. You can't have a commercial solar array on a residential lot, any more than you can have a residential solar array on a commercial building. The terms residential and commercial are defined in the ordinance to be linked to the principal use on the lot.

I'm going to make an assumption that what you are trying to get to is an ordinance that prevents a property owner from installing an inordinate amount of solar on the property. In most cases, this is done by limiting the coverage of the solar array, such as "no more than 1,500 sq ft of collector surface for a ground-mounted accessory solar structure." Alternatively, you could limit the ground-mount system to a percentage of the lot, such as 3% of total lot coverage in a residential district. This is the way that other types of accessory structures are kept to a reasonable size consistent with community standards. You don't allow a homeowner to cover the lot with pole barns because you have required setbacks and lot coverage limits. Similarly you would limit the coverage of the solar array as an accessory structure.

An alternative that is a little closer to your original question that I have seen would be to set a maximum capacity for ground-mount solar arrays in a residential district. I can say that a large-ish home in Minnesota can achieve "net zero" electric energy use with an 8 KW solar system. Most rule-of-thumb standards assume that a single solar array on a residential home is unlikely to be larger than 13 KW. And state law is written such that a residential lot is extremely unlikely to be able to have more than 40 KW of solar. Note that this standard is only applying to ground-mount solar, not roof-top solar arrays. The purpose of such a standard is to limit the size of accessory structures.

Another possibility that you may be trying to get to is that the City doesn't want homeowners turning their residential lot into a "commercial" operation using solar arrays as a money-making operation. First, this is somewhat problematic as you do allow some types of home-based businesses. Second, the limitations on home-based businesses are not defined by the amount of money being generated, but by the potential land use and nuisance issues associated with the home-based business. Third, it is extremely unlikely that the amount of revenue generated by the maximum allowable system for most residential homes (40 KW under state law) would be enough to be anything other than supplemental income for the household.

Finally, limiting the size of a solar array on a residential lot via the amount of energy consumption on the lot is a difficult standard to enforce. You need to know how much energy is being used, which can vary considerably in a city such as Afton from lot to lot. Afton has large lot residential areas, where people might have hobbies that use lots of electric energy, or they might only use energy in the home. As an example, I've encountered situations where people are firing pottery in electric kilns in an outbuilding on a residential lot. Should that home be allowed to install a solar array three times larger than their neighbor, who has the same size lot but is energy efficient? What happens when the hobby potter gets tired of it and stops using the kiln? Does part of the solar array need to come down?

In closing, there is nothing to prevent you from writing an ordinance that limits the solar array size to the amount needed to power a residential land use. I'm just not sure that such a standard will achieve your goal, and I do believe that such a standard would create perceived inequities and enforcement difficulties.

I'm not sure how much help I've been. Feel free to give me a call if you want to talk through any additional possibilities or if you want additional clarity of anything I've mentioned.

Brian Ross

From: [Ron Moorse](#)

Sent: 3/31/2015 10:45 AM

To: [Brian Ross](#)

Subject: RE: solar arrays and historic districts

Brian,
We are struggling with developing a definition of a residential vs. commercial solar array, particularly in our rural area. One option is to limit the capacity of a residential solar array to the amount of energy used by the property. Do you have examples of residential solar array definitions that include limits on the size or generating capacity of the array?

Thanks,
Ron

Brian Ross, AICP, LEED Green Associate
Great Plains Institute for Sustainable Development
bross@gpisd.net
Office: 612-767-7296
Mobile: 612-501-1531

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Figure 1. Secretary of the Interior's Standards for Rehabilitation

Of the ten Secretary's Standards for Rehabilitation, two are particularly relevant to solar PV projects:

Standard 2. The historic character of a property will be retained and preserved.

Standard 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

SOLAR TECHNOLOGY



Recommended: [72-73] Solar panels were installed appropriately on the rear portion of the roof on this historic row house that are not visible from the primary elevation.



Recommended: [74] Free-standing solar panels have been installed here that are visible but appropriately located at the rear of the property and compatible with the character of this industrial site.



Not Recommended: [75] Solar roof panels have been installed at the rear, but because the house is situated on a corner, they are highly visible and negatively impact the character of the historic property.

RECOMMENDED

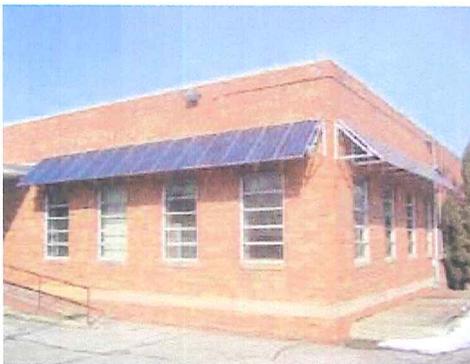
NOT RECOMMENDED

Considering on-site, solar technology only after implementing all appropriate treatments to improve energy efficiency of the building, which often have greater life-cycle cost benefit than on-site renewable energy.	Installing on-site, solar technology without first implementing all appropriate treatments to the building to improve its energy efficiency.
Analyzing whether solar technology can be used successfully and will benefit a historic building without compromising its character or the character of the site or the surrounding historic district.	Installing a solar device without first analyzing its potential benefit or whether it will negatively impact the character of the historic building or site or the surrounding historic district.
Installing a solar device in a compatible location on the site or on a non-historic building or addition where it will have minimal impact on the historic building and its site.	Placing a solar device in a highly-visible location where it will negatively impact the historic building and its site.
Installing a solar device on the historic building only after other locations have been investigated and determined infeasible.	Installing a solar device on the historic building without first considering other locations.

See of Interior

SOLAR TECHNOLOGY

RECOMMENDED	NOT RECOMMENDED
Installing a low-profile solar device on the historic building so that it is not visible or only minimally visible from the public right of way: for example, on a flat roof and set back to take advantage of a parapet or other roof feature to screen solar panels from view; or on a secondary slope of a roof, out of view from the public right of way.	Installing a solar device in a prominent location on the building where it will negatively impact its historic character.
Installing a solar device on the historic building in a manner that does not damage historic roofing material or negatively impact the building's historic character and is reversible.	Installing a solar device on the historic building in a manner that damages historic roofing material or replaces it with an incompatible material and is not reversible.
	Removing historic roof features to install solar panels.
	Altering a historic, character-defining roof slope to install solar panels.
	Installing solar devices that are not reversible.
Installing solar roof panels horizontally -- flat or parallel to the roof—to reduce visibility.	Placing solar roof panels vertically where they are highly visible and will negatively impact the historic character of the building.



76



77



79

Not Recommended: [79] Although installing solar panels behind a rear parking lot might be a suitable location in many cases, here the panels negatively impact the historic property on which they are located.

Recommended: [76-77] Solar panels, which also serve as awnings, were installed in secondary locations on the side and rear of this historic post office and cannot be seen from the front of the building. [78] Solar panels placed horizontally on the roof of this historic building are not visible from below.



78

ROOFS—COOL ROOFS AND GREEN ROOFS

85



86



Recommended: [85-86] A cool or green roof is best installed on a flat roof where it cannot be seen from the public right of way and will not negatively impact the character of the historic building.

87



Not Recommended: [87] Historic roofing materials in good condition should be retained rather than replaced with another material perceived as more sustainable, such as, in this case, solar roofing shingles.

88



Not Recommended: [88] This new, cool white metal roof is not an appropriate material or color for this historic mid-20th century house.

RECOMMENDED

NOT RECOMMENDED

Retaining and repairing durable, character-defining historic roofing materials in good condition.	Replacing durable, character-defining historic roofing materials in good condition with a roofing material perceived as more sustainable.
Analyzing whether a cool roof or a green roof is appropriate for the historic building.	
Installing a cool roof or a green roof on a flat-roofed historic building where it will not be visible from the public right of way and will not negatively impact the building's historic character.	Installing a cool roof or a green roof without considering whether it will be highly visible from the public right of way and will negatively impact the building's historic character.
Selecting appropriate roofing materials and colors when putting a new cool roof on the historic building.	Installing a cool roof that is incompatible in material or color with the historic building.
Ensuring that the historic building can structurally accommodate the added weight of a green roof and sensitively improving the structural capacity, if necessary.	Adding a green roof that would be too heavy and would damage the historic building or supplementing the structural capacity of the historic building in an insensitive manner.

1. **Locate solar panels on the site of a historic resource.** If possible, use a ground-mounted solar panel array. Consider solutions that respect the building's historic setting, locating the solar panel arrays in an inconspicuous location, such as a rear or side yard, low to the ground and sensitively screened to further limit visibility.
2. **Locate solar panels on new construction.** In cases where new buildings or new additions to historic buildings are proposed and approvable, encourage the placement of solar panels on the new construction. To achieve overall compatibility with the historic building and its setting, consider solutions that integrate the solar panel system in **less visible areas of the new design.**
3. **Locate solar panels on non-historic buildings and additions.** If the site cannot accommodate solar panels, and the project does not include new construction, consider placing solar panels on an existing, non-historic addition or accessory structure, thereby minimizing the impact of the solar installation on the significant features of the **historic resource as well as specifically protecting historic fabric against alteration.**
4. **Place solar panels in areas that minimize their visibility from a public thoroughfare.** The primary façade of a historic building is often the most architecturally distinctive and publicly-visible, and thus the most significant and character-defining. To the greatest extent possible, avoid placing solar panels on street-facing walls or roofs, **including those facing side streets. Installations below and behind parapet walls and dormers, or on rear-facing roofs, are often good choices.**
5. **Avoid installations that would result in the permanent loss of significant, character-defining features of historic resources.** Solar panels should not require alterations to significant or character-defining features of a historic resource, such as altering existing roof lines or dormers. Avoid installations that obstruct views of significant architectural features, such as overlaying windows or decorative detailing, or intruding on views of neighboring historic properties in an historic district.
6. **Avoid solutions that would require or result in the removal or permanent alteration of historic fabric.** Solar panel installations should be reversible. Use of solar roof tiles, laminates, glazing and other technologies that require the removal of historic fabric or would permanently damage such fabric must be avoided. Consider the type and condition of the material upon which installation is proposed as well as the method of installation and removal down the road. For example, metal and slate roofs may be able to accommodate solar panels better than other types of materials. It may also be possible, through the use of brackets, to minimize the points of attachment to a structure.
7. **Require low profiles.** Solar panels should be flush or mounted no higher than a few inches above the roofing surface and should not be visible above the roofline of a primary façade.
8. **On flat roofs, set solar panels back from the edge.** Flat roofs often provide an ideal surface for solar arrays. To minimize visibility, ensure that the panels are set back from the edge and adjust the angle and height of the panels as necessary.

9. **Avoid disjointed and multi-roof solutions.** Panels should be set at angles consistent with the slope of the supporting roof. For example, avoid solutions that would set panels at 70 degree angles when the roof slopes at a 45 degree angle. In addition, panels should be located on a single roof and arranged in a pattern that matches the configuration of the roof upon which they are mounted.
10. **Ensure that solar panels, support structures and conduits blend into the resource.** The visibility of solar panels and support structures can be substantially reduced if the color matches the historic resource and reflectivity is minimized.

Figure 5. National Trust for Historic Preservation guidance in the application of solar panels on historic properties⁴¹

According to the National Alliance of Preservation Commissions (NAPC), there are a handful of local jurisdictions that have adopted detailed application review guidelines for the installation of solar panels in historic districts.⁴² The National Trust for Historic Preservation collected examples of municipalities and their solar guidelines relating to historic properties as a component to a policy guide: *Practical Approaches to Installing Solar Technology on Historic Properties*. See Table 3 for a summary of guidelines used across the United States.⁴³

Table 3. Local Solar Panel Guidelines in Use across the United States⁴⁴

Jurisdiction	Description	Contact Information
Alexandria, Virginia	Alexandria provides guidance on the use of solar collectors as part of its Design Guidelines for the Old and Historic Alexandria District and the Parker Gray District, adopted in 1993.	Planning and Zoning Department City of Alexandria 301 King Street, Rm. 2100 Alexandria, VA 22314 Tel: 703-746-3833 Website: www.alexandriava.gov
Boulder, Colorado	Along with developing a "Green Points System" for new development projects, Boulder has adopted guidelines on using solar collectors and improving overall energy efficiency as part of its Design Guidelines for Historic Districts and Landmarks. See § 3.1 and 8.3.4. It has also prepared a "Historic Building Energy Efficiency Guide."	Planning & Development Services/ Long Range Planning City of Boulder 1739 Broadway Boulder, CO 80302 Tel: 706-542-4731 Website: www.bouldercolorado.gov

⁴¹ National Trust for Historic Preservation. "Practical Approaches to Installing Solar Technology on Historic Properties." 2011.

⁴² The Alliance Review, National Alliance of Preservation Commissions. Athens, GA. "Going Green: Solar Panels in Historic Districts." March/April 2008.

⁴³ National Trust for Historic Preservation. "Practical Approaches to Installing Solar Technology on Historic Properties." 2011.

⁴⁴ Ibid.

Breckenridge, Colorado	The town has developed a "Solar Panel Policy" for projects on structures located in its conservation district (which includes the historic district). As of January 1, 2009, all development projects in Breckenridge must comply with its sustainable building code.	Community Development Department Town of Breckenridge 150 Ski Hill Road Breckenridge, CO 80424 Tel: 970-453-3160 Website: www.townofbreckenridge.com
Eureka Springs, Arkansas	Eureka Springs proactively developed guidelines to achieve both the goal of historic preservation and energy conservation. These guidelines are meant to ensure that one goal is not achieved at the expense of the other.	City of Eureka Springs Eureka Springs City Hall 44 S. Main Eureka Springs, AR 72632 Tel: 479-253-9703 Website: www.cityofeurekasprings.org
Grand Rapids, Michigan	The city's preservation commission takes into consideration five factors in evaluating solar panel installation, including the structure's historic character and architectural importance, the purpose of the installation, alternative means to conserve energy, visibility from adjacent public streets and adjoining properties, and the project's design and compatibility with the structure.	Grand Rapids Historic Preservation Commission City of Grand Rapids 1120 Monroe Ave., N.W. 2nd Floor Grand Rapids, MI 49503 Tel: 616-456-3451 Website: www.grand-rapids.mi.us
Howard County, Maryland	Howard County has developed guidelines on the use of solar panels in historic districts in an effort to achieve balance between historic preservation and energy conservation measures. Titled "Use of Solar Panels and Other Solar Devices in Historic Districts," the guidelines identify both recommended and discouraged actions.	Howard County Department of Planning and Zoning 3430 Court House Drive Ellicott City, MD 21043 Tel: 410-313-4428 Website: www.howardcountymd.gov
Montgomery County, Maryland	The county's preservation commission includes design guidelines for the installation of solar panels in its design guidelines. While solar panels are permissible, they must be located "in unobtrusive places," with preference given to locations away from the public view and on the grounds of the resource, new construction, and secondary resources.	Montgomery County Historic Preservation Office Montgomery County Planning Department 8787 Georgia Ave. Silver Spring, MD 20910 Tel: 301-563-3400 Website: www.montgomeryplanning.org

Summary of Solar Energy System Permit and Review Requirements



This summary of the permit and review requirements for installing small solar energy systems in the cities of Saint Paul and Minneapolis is provided for general educational and guidance purposes by the Minneapolis Saint Paul Solar Cities program. Please refer to the official city and state requirements for obtaining permits and approvals.

Solar Installations – Required or Potentially Required Permits

Building permit - The cities of Minneapolis and Saint Paul require that a building permit be obtained prior to installing **any** solar electric or thermal system. Applicants must submit a completed copy of the solar permit checklist and all supporting materials called for in the checklist along with the permit application. “Building integrated” solar installations do not need a separate building permit, but the structure of which the installation is part will require a permit.

Electric permit – Electric permits are required for all solar installations that generate electricity or make any modification or addition to the building’s electric system.

Plumbing permit – Plumbing permits are required for all solar thermal installations that transmit or store heat using a plumbing system.

Heritage Preservation permit – Approval from the Heritage Preservation Commission is required for all solar installations in areas or on buildings with heritage designations.

Other permits or approvals – Other permits or approvals may be necessary for special circumstances.

Building Permit Structural Considerations for Residential Installations

Some solar installations will require an engineering structural analysis as part of the building permit application. The following summarizes when structural analyses are not required for residential installations.

In all circumstances, if the roof is not in good condition (showing signs of sag/deflection, cracking or splintering of rafters, or other potential structural defect) a structural analysis and remedial measures will be required in order to obtain a building permit and pass inspection.

If the permit applicant documents the roof to be in good condition (as described in the permit checklist), the following circumstances guide whether or not a structural analysis will be required in order to obtain a building permit. These circumstances are intended to be consistent with *Report of Findings for Development of Standards for Rooftop Solar Thermal Retrofits on Minneapolis and Saint Paul Residential Buildings*, conducted by BKBM Engineers on behalf of the Minneapolis Saint Paul Solar Cities program, and posted on the Department of Commerce Division of Energy Resources website (web address to be added).

Flush-mounted PV systems on residential roofs in good condition do not require a structural analysis in order to obtain a building permit, providing minimum conditions are met:

- A minimum of 2x4 rafters spaced no more than 24” o.c., or equivalent truss system;
- Fastening to blocking or to rafters must be done consistent with manufacturer’s instructions, which should be on hand at the time of inspection.



Summary of Solar Energy System Permit and Review Requirements



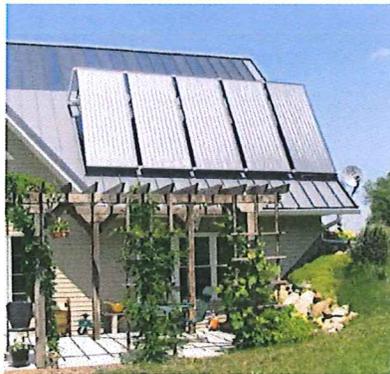
Flush-mounted solar thermal systems on residential roofs in good condition do not require a structural analysis in order to obtain a building permit if the following conditions are met:

- Total dead weight load of the solar system (panels, racking, and footings) does not exceed 6 lbs/sq. ft;
- 2x4 rafters are spaced no more than 16" o.c.;
- 2x6 rafters are spaced no more than 24" o.c.;
- Rack or panel feet are fastened to rafters at each corner and all rafters that pass under the collector surface. Fastening to blocking is a preferred alternative to direct fastening to rafters provided the same number of footings are used. Fastening to blocking or to rafters must be done consistent with manufacturer's instructions, which should be on hand at the time of inspection.



For non-flush-mounted residential solar systems (either thermal or PV), a structural analysis is not required to obtain a building permit if all of the following conditions are met:

- The roof has a minimum 4/12 pitch;
- The roof uses rafters (not trusses);
- The rafters on both sides of the peak are tied horizontally (the attic floor or ceiling of rooms below);
- Rafter spacing, dimension, and spanning meet the following minimum standards:
 - ✓ For 2x4 rafters, no more than 16" o.c. and spanning (horizontal) no more than 7.75 feet.
 - ✓ For 2x6 rafters, no more than 24" o.c. and spanning (horizontal) no more than 11.5 feet.
- The rack or panels are fastened to rafters within a foot of the roof peak;
- Rack or panel feet are fastened to rafters at each corner and all rafters that pass under the collector surface. Fastening to blocking is a preferred alternative to direct fastening to rafters provided the same number of footings are used. Fastening to blocking or to rafters must be done consistent with manufacturer's instructions, which should be on hand at the time of inspection.
- Collector surface is no steeper than 45 degrees (12/12);
- Total dead weight load of the solar system (panels, racking, and footings) does not exceed 6 lbs/sq. ft;
- Rafters and connections exhibit good workmanship and rafters do not contain cracks, splits, large knots, or rot.



Additional configurations may also not need structural analysis or modifications, but such determinations will be made on a case-by-case basis.

Summary of Solar Energy System Permit and Review Requirements



Heritage Preservation Considerations

For heritage preservation, any improvement to building or grounds that lies within one of either city's Heritage Preservation Districts or on a building with a preservation designation will require a separate hearing process (there is no as-of-right option for avoiding the additional review or hearing). Depending on the location, type of heritage designation, and design of the solar system, one or more additional permits or approvals may be required.

Both Minneapolis and Saint Paul Heritage Preservation Commissions rely on solar energy system guidelines created by the U.S. Department of Interior, National Park Service. The National Park Service issued guidelines for addressing a range of sustainability improvements to historic structures, including the installation of solar energy systems (*The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings*, 2011). These guidelines should be used by solar installers and homeowners to assess whether a proposed solar system can be designed to both capture the solar resource and limit impacts on heritage resources.

Additional guidance on best practices for solar installations on properties with historic designations may be found in *Implementing Solar PV Projects on Historic Buildings and in Historic Districts*, 2011, published by the National Renewable Energy Laboratory and the National Trust for Historic Preservation. These are advisory only, and have not been adopted by the State or either city.

SOLAR TECHNOLOGY	
NEW CONSTRUCTION	HISTORIC BUILDING
Considering an array, solar technology with the engineering job requires a treatment to improve energy efficiency of the building. Solar often has a greater impact on the building's energy efficiency.	Installing an array, solar technology with-out the engineering of appropriate treatment to the building to improve its energy efficiency.
Asking whether a solar array can be used sustainably and will benefit a historic building without compromising its character in the character of the site or the surrounding historic district.	Installing an array should not be installed unless it will not impact the historic building or site or the surrounding historic district.
Installing a solar device in a compatible location on the site of a historic building or within where it will have minimal impact on the historic building and its site.	Placing a solar device in a highly visible location where it will negatively impact the historic building and its site.
Installing a solar device on the historic building only after critical locations have been investigated and determined if feasible.	Installing a solar device on the historic building without first considering other materials.

NEW CONSTRUCTION
 A historic building (E12) solar panel array installed on the roof of the building. The array is located on the roof of the property and does not impact the character of the historic building.

HISTORIC BUILDING
 A historic building (E14) solar panel array installed on the roof of the property. The array is located on the roof of the property and does not impact the character of the historic building.

HISTORIC BUILDING
 A historic building (E15) solar panel array installed on the roof of the property. The array is located on the roof of the property and does not impact the character of the historic building.

Implementing Solar PV Projects on Historic Buildings and in Historic Districts
 A. Klant, E. Hochstetler, and A. Walker
 National Renewable Energy Laboratory
 J. Boudenberg and J. Lindberg
 National Trust for Historic Preservation

Summary of Solar Energy System Permit and Review Requirements



Zoning Review Considerations

Solar installations are subject to development review standards and land use controls. Saint Paul and Minneapolis have clarified zoning requirements such that most solar installations will not require separate zoning permits or review. However, some installations will require additional review beyond the building permit process due to zoning considerations. Minneapolis and Saint Paul are striving to limit additional review and make development review standards as transparent and predictable as possible.

Zoning - For zoning, both Minneapolis and Saint Paul have established as-of-right zoning safe harbors for solar installations. Solar is an allowed accessory use in all zoning districts. Rooftop and ground/freestanding installations are allowed as-of-right (do not require additional land use review or permits) in both cities, provided they meet the standards in each city's solar ordinance and relevant standards of the zoning district. A summary of the zoning considerations for each city is provided below. Please reference the zoning language for specific language, details and applicability.

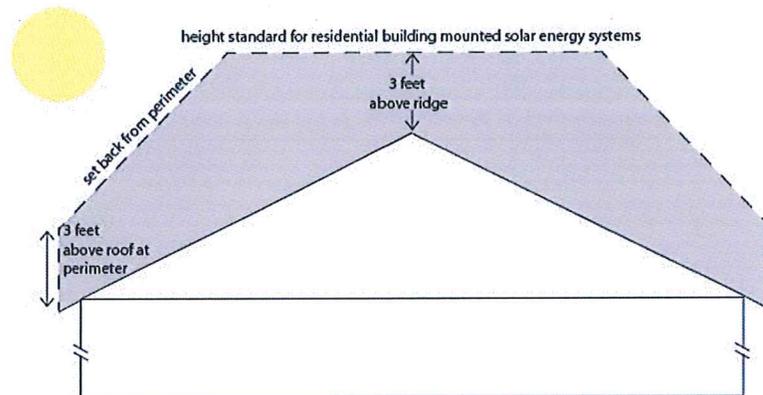
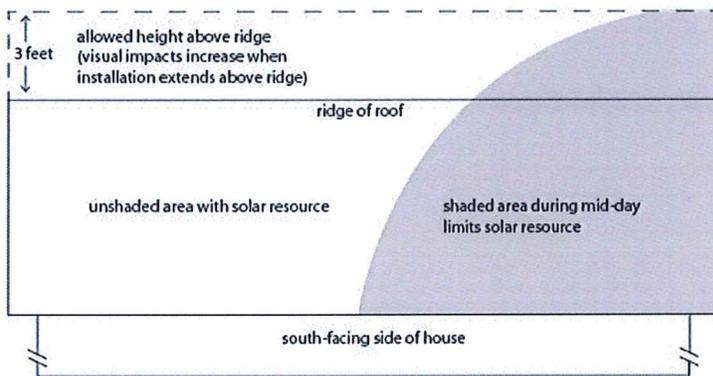
	Minneapolis (Article XII, 535.820-870)	Saint Paul (Chp 65, Sec. 65.921)
Maximum height considerations		
Rooftop System	Zoning district height limit. Max. of 3 feet higher above roof ridge, 10 feet above flat or shed roofs	Zoning district height limit. Max. of 3 feet higher above roof ridge in residential districts.
Ground System	16 feet at minimum accessory structure setback for the zoning district, up to 20 feet with additional considerations.	Zoning district height limit for accessory structures. Except residential - 15 feet within 10 feet of property line (except for alleys), 25 feet if set back equivalently from property line.
Commercial	Zoning district height limit for principal buildings. 10 feet above flat roofs.	Additional height allowed on C/I buildings in certain circumstances.
Setback considerations		
Edge of roof	1 foot for every 1 foot in height, measured at highest point of solar panel, exempting systems less than 1 foot in height.	1 foot for every 1 foot of height over 3 feet, measured at the height of panel edge at the roof perimeter.
Front yard	Zoning district standard for accessory structures (generally not allowed).	Zoning district standard for accessory structures (generally not allowed).
Side yard property line	Zoning district standard for accessory structures.	Zoning district standard for accessory buildings, different for side yards along official parkways.
Lot coverage		
Rooftop system	No coverage limits	No coverage limits
Ground/freestanding system	3% of lot area for residential. 5% of lot area for commercial. Coverage is not considered floor area.	Zoning district standard for accessory structures.

Summary of Solar Energy System Permit and Review Requirements



Installations that are outside the as-of-right standards, such as installations that are more than three (3) feet higher than the peak of a pitched roof, will require Planning Commission review and approval as a conditional use or a variance.

Visual impacts. As with all accessory structures, solar installations in Saint Paul must be designed to minimize “visual impacts.” Minimizing visual impacts may require that the design of the system be modified, but is not intended to preclude capturing the solar resource with a solar system. If a solar resource reasonably exists on a property, the visual impacts portion of the code is not used to trump a property owner’s solar resource. Installers and property owners do, however, need to consider best practices for reducing visual impacts when evaluating how to capture the solar resource on a particular property. Visual impact standards and best practices for minimizing impacts are described in more detail a separate document.



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

Planning Commission Memo

Meeting: April 6, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: March 30, 2015
Re: Manning Avenue Corridor Overlay District

Dialogue with the City of Woodbury Planning Staff

Dwight Picha, Woodbury's Community Development Director, and his planning staff, will attend the April 6 Planning Commission meeting to provide information and answer questions regarding Woodbury's development plans along the Manning Avenue Corridor.

Meeting with Property Owners Directly Adjacent to Manning Avenue

At its March 2 regular meeting, the Commission discussed the meeting with the owners of properties directly adjacent to Manning Avenue, which is tentatively scheduled for May. The questionnaire from the September Manning Avenue public information meeting was also discussed, particularly in relation to whether the questionnaire or a similar questionnaire should be sent out to property owners with the notices of the meeting. The Planning Commission may want to discuss the process of the meeting, including who will moderate the meeting and an agenda for the meeting. The agenda, PowerPoint presentation and summary of comments from the September 8, 2014 Manning Avenue Public Engagement Meeting are attached.

Meeting Location

Staff has found that the St. Peter's Church meeting room is not available on May 4. However, the Memorial Lutheran Church meeting room is available. The meeting room has been reserved, subject to the Planning Commission's approval.

PLANNING COMMISSION DIRECTION REQUESTED:

Provide direction regarding preparations for the meeting with property owners abutting Manning Avenue.

**Public Engagement Meeting
Manning Avenue Corridor Overlay District
September 8, 2014
6:30 p.m.
St. Peter Lutheran Church, 880 Neal Avenue**

Meeting Overview

- **Presentation**
 - Introduction
 - Manning Avenue Corridor area
 - Planning process
 - Meeting Process Outline
 - Land Use Options
- **Public Feedback**
 - Completion of Land Use Options Questionnaire
 - Sharing of feedback with the group
- **Closing**

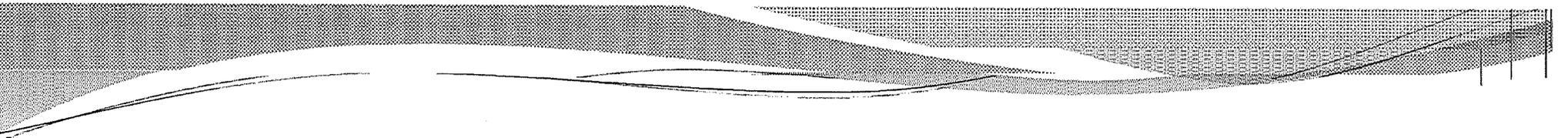
Manning Avenue Corridor Development Options Questionnaire

Public Engagement Meeting, September 8, 2014

	Positive	Negative
<p>1. <u>No Change</u></p> <ul style="list-style-type: none"> • Most of the land along Manning Avenue is zoned Agricultural. • The Agricultural zone allows development at a density of <u>3 lots</u> per quarter/quarter section (40 acres). • The Ag zone does not allow subdivisions that require the construction of a new public street, so all new lots must have access from existing public roads. • Each lot must have a minimum of 300 feet of frontage on a public road. • The Ag zone requires a minimum of 300 feet between driveways on a public road. 	<ul style="list-style-type: none"> • No roads to be maintained or constructed • Good choice, if sustainable • No new public streets or access to MN95 • Keeps rural character • Limits growth • Does not require city investments • Positive impact on crime 	<ul style="list-style-type: none"> • May not be sustainable • Mismatch with land use patterns in Woodbury • Met Council would not allow it and may bring Met Council into it • A no-change option without teeth, as a strategy, will not work • Makes it easier for developers to assemble land in the future
<p>2. <u>Preservation and Land Conservation Development (PLCD)</u></p> <ul style="list-style-type: none"> • The PLCD is an overlay for the Ag zone that allows a density of <u>four units</u> per quarter/quarter section (40 acres). • Allows subdivisions that require the construction of a new public street. • Requires a tract of land that is a minimum of 80 contiguous acres. • At least 50% of the total tract is required to be preserved as an undeveloped parcel (and placed into a conservation easement – a perpetual easement, involving an organization such as the Minnesota Land Trust - that preserves the land as open space in its current character. 	<ul style="list-style-type: none"> • If it could be permanent (i.e. no other subdivision allowed in future), it would be positive • If the 40 acres could be strategically preserved as open space, it would be positive • If the open space dedication was contiguous, it would be positive 	<ul style="list-style-type: none"> • Even if 40 acres are preserved, the four 10-acre lots could be redeveloped at a higher density in the future • Would require new road construction • Requires a minimum of 80 acres – which excludes otherwise developable parcels • Challenges of stewarding the land (who maintains the open space) • More density could threaten aquifer • No opportunity for commercial development

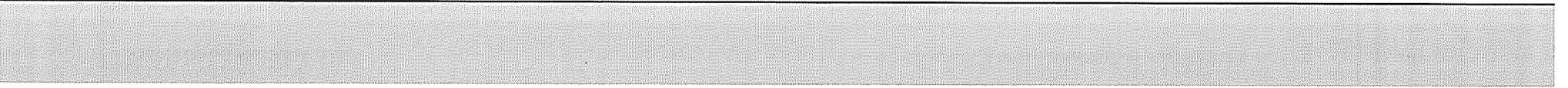
	Positive	Negative
<p>3. <u>Rezone from Agriculture to Rural Residential</u></p> <ul style="list-style-type: none"> • The Rural Residential zone allows development at a density of <u>one lot per five acres</u>, with a minimum lot size of 5 acres. • The Rural Residential zone allows new public roads to serve new subdivisions. • Each lot must have a minimum of 300 feet of frontage on a public road. • The Rural Residential zone does not require a minimum distance between driveways. 	<ul style="list-style-type: none"> • If done properly, it is acceptable development (at 5-acre minimum parcels) • Better than “urban” pattern development • Value to land owners • Brings revenue while maintaining rural • Results in better land use • Increased tax base • Simple (city knows how to facilitate) • Positive tax impact for 10-acre lots 	<ul style="list-style-type: none"> • Potentially raises taxes on Ag land • Increase in school age population; could be strain on schools • Increase in density • Could detract from rural character (5-acre parcels are too small for hobby farms) • 300 feet of frontage requirement • Increase in number of driveways • If developments can’t do 5 lots per 40, (parcels lose density due to road & r-o-w needs) could be a financial problem • If not strategic, could exacerbate traffic problems (with increase in driveways and new roads) • Potential for more intersections controlled (stop lights/signs) • Increase in density → Increase in services and service cost to City
<p>4. <u>2.5 acre lots with 50% of the land placed in a conservation easement (similar to Cedar Bluff)</u></p> <ul style="list-style-type: none"> • Allows development at a density similar to the Cedar Bluff development, with a minimum lot size of 2.5 acres. • Requires a planned unit development using Limited Impact Design principles. • Requires placing 50% of the land being subdivided into a conservation easement. • Requires a tract of land that is a minimum of 80 acres. • Lots are clustered in a portion of the land to preserve natural features and reduce visual and environmental impacts. 	<ul style="list-style-type: none"> • Most likely to sustain; makes it difficult to purchase more permanent easements • Better than city size lot • Guarantees open space • Family orientated • Land Trust permanence 	<ul style="list-style-type: none"> • Density too high • 2.5 acre lots – Afton loses rural character • Stewardship of land by Minnesota Land Trust -- could be costly to maintain • If 80 acres is needed, it limits available parcels for using this development option • Uncertainty of sustainability of soils for individual on-site septic systems

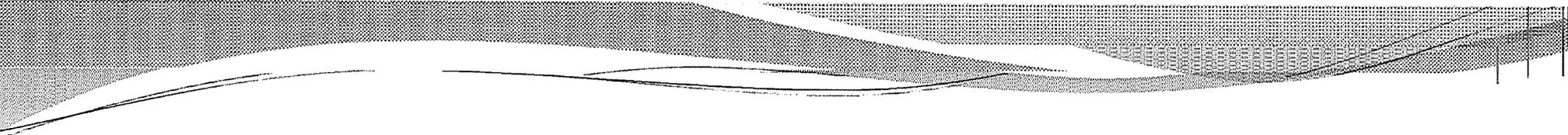
	Positive	Negative
<p>5. <u>Public Recreational Trail Corridor</u></p> <ul style="list-style-type: none"> • Involves the establishment of a continuous public trail corridor, 30 to 100 feet wide, along the full length of Manning Avenue for a recreational trail separated from Manning Avenue. • The public trail corridor would be a barrier to the extension of utilities from the west. • Existing zoning regulations would remain unchanged. 	<ul style="list-style-type: none"> • Opportunity to design with Afton's rural look and feel • Opportunity to connect with other trails and transit • If done well, facilitates land use options 	<ul style="list-style-type: none"> • Would impinge on existing structures and properties that are near Manning • Parking for people who use the trail • Just moves Manning issues to the east • Expensive to maintain trail • Brings more traffic to the area and more opportunity for crime • Could divide Afton – i.e. higher density between Manning and Trail corridor • Privacy concerns for adjacent residents
<p>6. <u>Other Options</u></p> <ul style="list-style-type: none"> • Please describe. 	<p><u>Other Ideas & Options</u></p> <ul style="list-style-type: none"> • Include in plan (wildlife/water etc.) • Consideration for commercial (considerable value) • Commercial recreation (take advantage of rural character) • Proactive use of limited commercial development • Economically viable use • Option for pooling land together • Permanent conservation proactively • Incorporate “spot zoning” flexibility • Use the ¼ section line as a western buffer (by preservation easement) and have the housing development on the east side 	<p><u>Issues & Questions to Pursue</u></p> <ul style="list-style-type: none"> • Option with the least amount of new roads is preferable • Minimum amount of acreage can be a problem, as road easements/rights-of-way are subtracted from the lot size (20 acres would not get 4 lots) • Do a cost/benefit analysis for road decisions • How many agricultural parcels front Manning Avenue? • How many acres of Ag-zoned land along Manning? • Address ordinance requirements for required minimum land amounts • “One size fits all” options may confine progress; have multiple options • Have a follow-up meeting with specifically affected parcel owners



Manning Avenue Corridor Planning Process

City of Afton

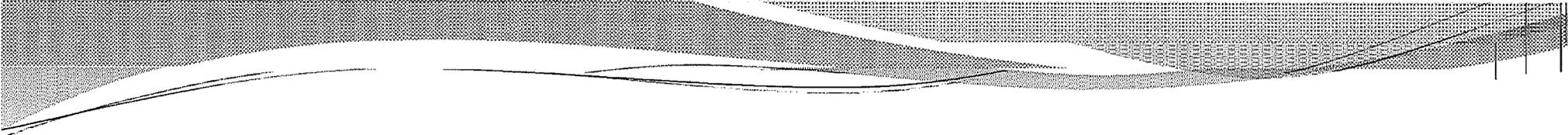




Introduction

- ***WELCOME.***
- ***We appreciate your interest and participation.***
 - The City is just at the beginning of a planning process for the Manning Avenue Corridor.
 - Obtaining citizen feedback is the main goal of this meeting.

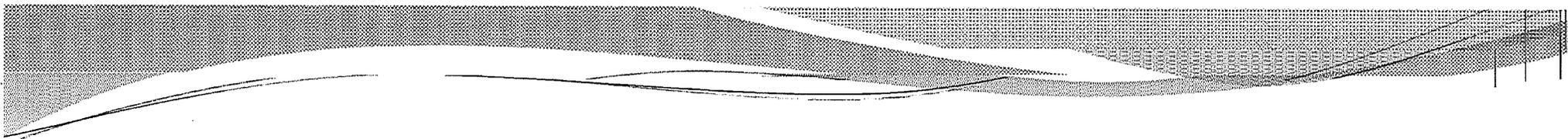
Manning Avenue Corridor Planning Process



Manning Avenue Corridor area

- The Manning Avenue Corridor is the boundary of a major transition in land use.
 - As Woodbury's farm fields give way to urban density, residential development pressure will build to increase the density of development on the Afton side of Manning Avenue.

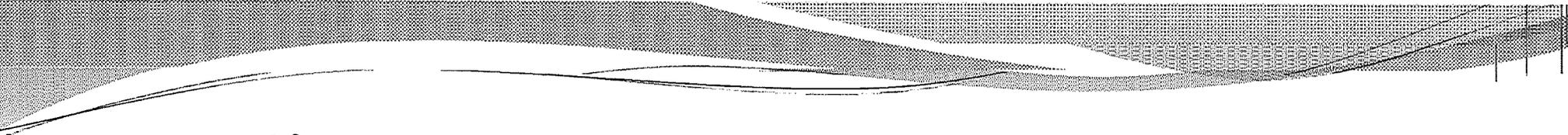
Manning Avenue Corridor Planning Process



Planning Process Overview

- The City is beginning a planning process to identify land use options along the Manning Avenue corridor to proactively address the following:
 - the future of Afton along Manning Avenue.
 - the interests of the property owners.
 - Afton's overarching goal of preserving its rural character.

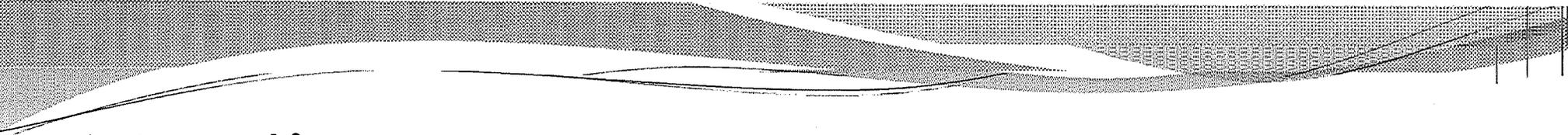
Manning Avenue Corridor Planning Process



Meeting Goals

- **To identify the interests** and plans of the property owners along Manning Avenue, and to hear their thoughts and ideas about land use options.
- **To obtain feedback** from a broad cross-section of the community, as the type and character of land use along Manning Avenue can affect the broader community, particularly its rural character.
- **To advise the work** of the Planning Commission and the City Council.
- **To encourage the public** to stay involved.

Manning Avenue Corridor Planning Process



Meeting Agenda

- **Background Presentation (15 minutes)**

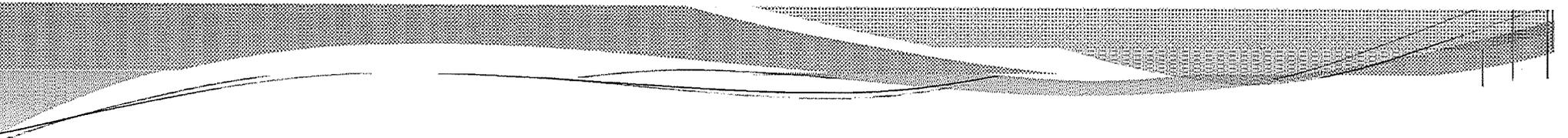
- Introduction
- Manning Avenue Corridor area
- Planning Process Overview
- Meeting Goals
- Meeting Agenda
- Land Use Options

- **Feedback (90 minutes)**

- Land Use Option Questionnaire
- Sharing of feedback with the group

- **Closing (5 minutes)**

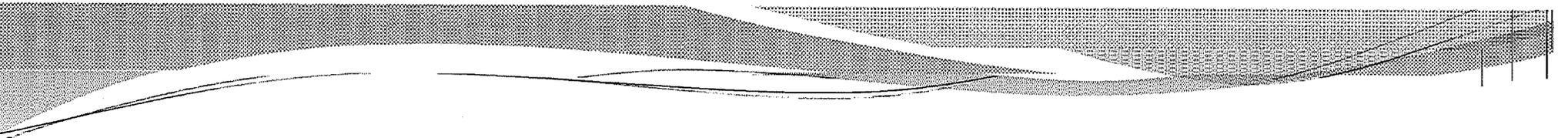
Manning Avenue Corridor Planning Process



Land Use Options

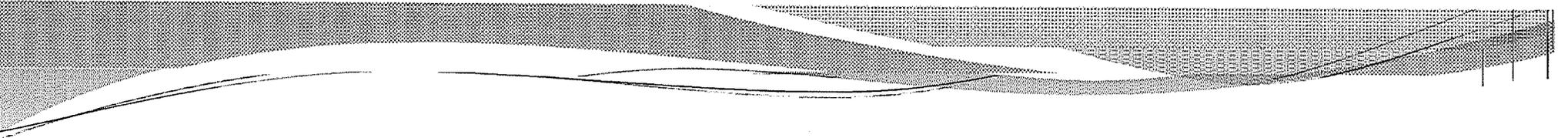
- Five Options have been identified for feedback:
 1. No Change
 2. Current Preservation and Land Conservation Development (PLCD)
 3. Rezone from Agricultural to Rural Residential zoning
 4. 2.5 acre lots with 50% of the land preserved as open space
 5. Public trail corridor along Manning Avenue
- Additional options & ideas are encouraged.

Manning Avenue Corridor Planning Process



Feedback

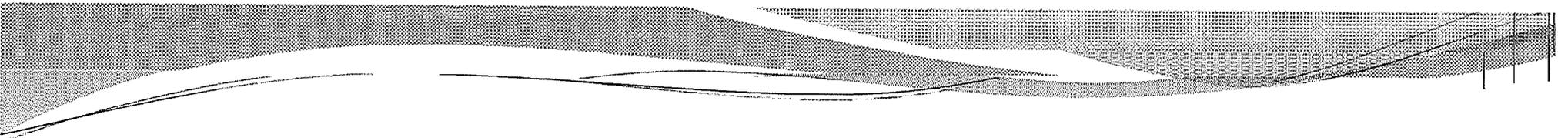
- The Questionnaire:
 - Lists the five land use options and provides an opportunity to suggest additional options.
 - Has space for you to provide your thoughts regarding the pros and cons of each option.
 - Provides everyone an opportunity to share comments with the group.
 - Gives the city a way to gather and consider the ideas generated.
(The questionnaires will be collected.)
- The Feedback:
 - Will be summarized in a report that will be available on the City's website.



Feedback

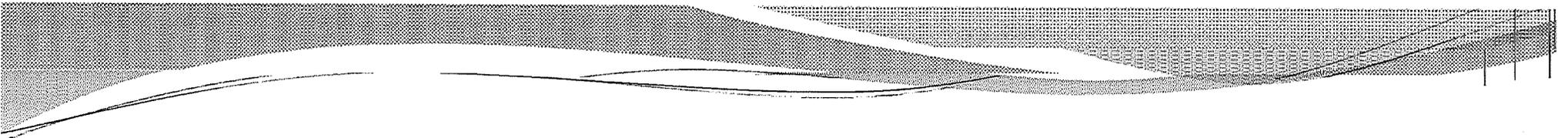
- John Shardlow, the City's planning consultant, will be:
 - Facilitating the feedback process
 - Enabling you to share your ideas
 - Collecting your feedback

Manning Avenue Corridor Planning Process



Feedback

- Rules:
 - No idea is a bad idea.
 - Be open.
 - Listen to each other.
 - Think creatively.
 - Be respectful.



Closing

- *Thank you for taking the time* to come and share your thoughts and ideas with us as the city **starts** this process.
 - The gathering of this information is all advisory, nothing has been decided.
 - We encourage you to stay involved.
 - Follow the planning process on the City's website under the "Manning Avenue Corridor" tab of the home page at: **ci.afton.mn.us**.
 - All of the input from tonight's meeting will be posted on the city website.

Manning Avenue Corridor Planning Process