



PLANNING COMMISSION AGENDA

June 1, 2015

6:30 pm

(Please note early start time)

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

- Barbara Ronningen (Chair)
- Sally Doherty
- Kitty Kilmer
- Kris Kopitzke
- Mark Nelson
- Judy Seeberger
- Lucia Wroblewski
- Scott Patten
- Jim Langan

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES

- a. May 4, 2015 Meeting Minutes

6. REPORTS AND PRESENTATIONS

None

7. PUBLIC HEARINGS

- a. FOC, LLC Minor Subdivision Application at SE Corner of Hudson Road and Manning Avenue, PID 06.028.20.24.0002
- b. Bill Scheel Application for minor subdivision at 13404 15th Street, PIDs 08.028.20.21.0003 and 08.028.20.14.0001
- c. Matt Twomey Variance Application for the property on 30th Street with PID# 16.028.20.31.0001
- d. Bruce Paddock Variance Application for the property on 33rd Street with PID# 22.028.20.14.0064

8. NEW BUSINESS

- a. Ordinance Amendment Regarding Sewer Regulations

9. OLD BUSINESS

- a. Residential Solar Array Draft Ordinance
- b. Manning Avenue Corridor
- c. Draft City Council Minutes - Update on City Council Actions

10. ADJOURN

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

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

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
May 4, 2015, 6:30 PM

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5 **1. CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 6:30 p.m.

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

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9 **3. ROLL CALL** –

10 Present: Doherty, Nelson, Patten, Kilmer, Seeberger, Kopitzke, Wroblewski, Langan and Chair Ronningen.
11 **Quorum present.**

12
13 **ALSO IN ATTENDANCE** – City Engineer Todd Hubmer, City Administrator Ron Moose and Deputy
14 Clerk Kim Swanson Linner.

15
16 **4. APPROVAL OF AGENDA** –

17 **Motion/Second: Patten/Doherty. To approve the May 4, 2015 Planning Commission agenda as presented.**
18 **Motion carried 9-0-0.**

19
20 **5. APPROVAL OF MINUTES** –

21 a. April 6, 2015 Planning Commission Meeting Minutes – Amendments were as follows: Line 32, delete
22 the “c” in “aquifer.” Lines 139-140, change the sentence to: “He [Twomey] believes the plan satisfies the
23 criteria for approval for variances and subdivision.” Line 161, add to the end of the sentence: “...reasonable and
24 cited Article VI. Subdivisions, Sec. 12-1266.A. Variances, in the City Code, which reads in part: ‘The City
25 Council may grant a variance in any particular case where the subdivider can show that by reason of the
26 unfavorable topography or other physical conditions the strict compliance to these regulations could cause
27 practical difficulties.’ Line 188, delete “Chair Ronningen and” and Line 209, change “would” to “could.”

28
29 **Motion/Second: Kilmer/Patten. To approve the April 6, 2015 Planning Commission Meeting minutes as**
30 **amended. Motion carried 8-0-1 (Abstain - Kopitzke).**

31
32 **6. MEETING WITH MANNING AVENUE PROPERTY OWNERS** –

33 Chair Ronningen welcomed those in attendance at the meeting. [The City had 96 chairs available for the
34 meeting; 20 people signed in on the attendance sheet.] Ronningen explained that the Manning Avenue Corridor
35 Overlay District topic was discussed at a public meeting in September 2014 at St. Peter’s Church. She asked to
36 see a show of hands of who had attended that meeting, to which most raised hands. She stated that tonight’s
37 meeting was scheduled specifically for property owners directly adjacent to Manning Avenue to give the City
38 feedback on what they think should happen in the next 30 years. She turned the meeting over to City
39 Administrator Ron Moose to give a synopsis of what has happened since the September 2014 meeting.

40 Administrator Moose pointed out the handouts of the four options with public comments from the
41 September 2014 meeting. He explained that the Planning Commission and City Council felt it was important to
42 meet with Woodbury about their plans for the west side of Manning Avenue. A preliminary meeting with
43 Afton’s mayor, the two City Administrators and Woodbury planning staff was held, after which Woodbury’s
44 Planning Director attended a Planning Commission meeting to review their land use plan and to answer
45 questions. Moose referred to the Woodbury Land Use Map and explained the land uses along Manning Avenue
46 that Woodbury plans in the next 20-30 years: commercial development at the corner of Manning Avenue and
47 Hudson Road and a small commercial node at Bailey Road and Manning; two large Urban Reserve areas that
48 are for residential development 20-30 years in the future; areas adjacent to the Urban Reserve that Woodbury
49 has purchased for park land and recreational use; MNDOT does not have immediate plans to upgrade Manning
50 and Woodbury indicated they have no plans to recommend upgrading Manning, as they have other infrastructure
51 areas with higher priorities.

52 Chair Ronningen returned to the podium to explain that five options for Manning Avenue were presented at
53 the September 2014 meeting, however, the fifth option for a trail along Manning did not get support. Therefore,

54 only four options are still being considered, they are: 1) No Change with three lots per quarter/quarter section
55 (40 acres), which is the current Ag density; 2) No Change with four lots per 40 acres, with 50% of the land
56 preserved as an undeveloped parcel; 3) Rezone the area to Rural Residential density of one lot per five acres;
57 and, 4) Allow a more dense residential density of 2.5 acre lots with 50% of the land preserved as an
58 undeveloped parcel (much like the Cedar Bluff development on 22nd Street and Manning).

59 Ronningen explained that the City began work on this issue after the Lake Elmo situation where a state chief
60 administrative law judge overturned Lake Elmo's ordinances to give residents the right to annex their property
61 away from Lake Elmo. [Past state law required both municipalities to agree to the annexation, under an orderly
62 annexation agreement. However, state legislators changed the law in 2008 to allow property owners to secede
63 from their municipality and be annexed to another. The annexing municipality must agree to the annexation
64 proposed by property owners.] Ronningen stated that since the City received the information from Woodbury
65 that they would not consider annexation by any landowners or other municipalities, the situation along Manning
66 Avenue is no longer imminent. However, the City prefers to move forward with a strategic plan for the area and
67 particularly wanted feedback from property owners directly abutting Manning Avenue.

68 Ronningen asked for feedback from attendees about the following questions:

69 **(1) Character of Manning Avenue:** Residents were asked how they view the character of property along
70 Manning. Most agreed the road is a "speedway." Another said that within one mile, between Valley Creek and
71 Bailey Road, there are seven major agricultural operations. Ronningen asked how they would characterize the
72 area north of Valley Creek. Most said it is a mixed use or transitional area, with Industrial and Marine Services
73 transitioning to large lot residential or rural residential. One resident felt that since Manning is not a quiet street,
74 he felt the mixed uses of the industrial or marine services nature could be considered a buffer to the residential
75 areas. He also felt there could be more mixed uses of "quiet" or "intermittent" event centers that could provide
76 that buffer to residential as well, without adding traffic to Manning or intensifying industrial uses. At least one
77 resident with 45 acres stated they were "dead-set against" development along Manning, as they want to continue
78 to raise farm animals, grow hay and sweet corn and enjoy a rural lifestyle, which has become increasingly
79 difficult with the amount of traffic and noise from Manning Avenue.

80 Ronningen summarized that residents considered the portion south of Valley Creek to 60th Street to be
81 agricultural and the portion north of Valley Creek to Hudson Road to be mixed use and transitional uses.

82 **(2) Should Afton preserve the area "as is"?** One resident spoke against that, because the northern section
83 is transitional uses, perhaps the City should allow other types of "ag-based" uses, such as "ag-tourism" uses or
84 special events on a part-time basis, to serve as buffers to the noise and traffic of Manning. Many other residents
85 talked about the issue of the traffic along Manning, stating it is getting worse; they shared instances of speeding,
86 people passing on the shoulder, the noise of traffic making it impossible to have a conversation out in the yard,
87 many hills with "blind driveways" making it dangerous for residents entering Manning due to the speed of
88 traffic on Manning.

89 **(3) What other changes would residents like to see?** With traffic being the main concern of residents,
90 they commented that the influx and impact of traffic is NOT going to come from Afton. It would either be
91 moving through the area or coming from high-density developments in Woodbury.

92 Ronningen asked if they would be opposed to Rural Residential zoning which would allow 5-acre lots
93 throughout the area. Residents objected, stating that it would be too dense and that the density would add too
94 much traffic. A resident asked about the zoning for churches who have purchased land along Manning in Afton.
95 Ronningen explained that in the current zoning district, churches are allowed and they get some special
96 considerations. It was reported that one of the churches recently sold their land. Residents voiced concern about
97 Afton increasing its density, and wondered if that would give Met Council a reason to get involved in decisions
98 normally left to the City. Traffic again was mentioned as a major concern in the area; could Afton ask for
99 increased enforcement as a calming effect? It was mentioned that perhaps Afton should require even more
100 distance between rural driveways, due to the speed and hills. Many residents again shared that the rural quality
101 is gone along Manning due to the high volume and speed of traffic. It was suggested that MNDOT do a traffic
102 count. Ronningen advised that could be an option, however, it does not guarantee that Manning would get a
103 lower speed limit.

104 **(4) What plans do you have for your property in the next 20 years?** Manning at 15th Street was cited as
105 a particularly dangerous area. The same comments were stated, as above: instances of speeding, people passing

106 on the shoulder, can't have a conversation out in the yard due to traffic noise, the hills have "blind driveways"
107 making it dangerous for residents entering Manning due to the volume and speed of traffic on Manning.

108 One property owner on Neal asked how the zoning may change and how far east an overlay district may
109 extend. Ronningen explained that if an overlay district is created, it would have different ordinances for the area.
110 She reported that no decisions have been made as to overlay district boundaries.

111 Attendees indicated property owners along Manning are aging; many have died or have moved to Florida,
112 so many properties have turned into rentals. Pressures have come from realtors and developers wanting to buy
113 properties and some have received calls from solar companies asking to develop agriculture parcels into solar
114 farms. Some residents indicated that they own large parcels that are contiguous to parcels that their parents own,
115 and so very large land tracts are not in their control, as there are several family members that would have a say
116 in what would be done at some future date. About half of the attendees plan to move due to the increased traffic
117 on Manning, and some have already moved.

118 Ronningen offered that property owners can contact the city at any time with more feedback or to ask
119 questions. She iterated that the Planning Commission would be continuing to discuss the issues and all are
120 welcome at any of the meetings to stay informed and/or to give feedback. She thanked them all for coming.

121
122 **7. PUBLIC HEARINGS –**

123 a. Kroschel Application for Conditional Use Permit for a Bed and Breakfast at 15106 50th Street South –
124 Chair Ronningen opened the Public Hearing at 7:10 p.m.

125 Administrator Moose summarized the application from Jon and Liz Kroschel for a Conditional Use Permit
126 (CUP) for a Bed and Breakfast at their property residence, 15106 50th Street South. The Bed and Breakfast use
127 is allowed with a Conditional Use Permit (CUP) in the Rural Residential Zoning District. The property is 5.2
128 acres, it has a new septic system sized for the proposed use, and has an alternate septic site. The Kroschels are
129 proposing to operate the Bed and Breakfast initially using a bedroom on the lower walk-out level, and then also
130 using a bedroom on the upper level. Smoke detectors were installed in all bedrooms as part of a remodel in
131 2008. The house meets the side and rear yard setback requirements.

132 The applicants asked if they had anything to add. They responded they were present to answer any questions
133 the Planning Commission might have.

134
135 **Motion/Second: Doherty/Wroblewski. To close the Public Hearing at 7:14 p.m. Motion carried 9-0-0.**

136
137 Planning Commission Discussion:

138 Doherty didn't see any issues with the application.

139 Nelson raised a question about whether the Comp Plan needs to be amended to allow commercial uses
140 outside the VHS. He referred to extensive discussion in December 2013 meeting about Item 15 in Land Use
141 Policies the Comprehensive Plan, which states, "Commercial Uses will only be in the VHS zoning district." He
142 suggested that perhaps the Comp Plan should be amended to say "Commercial uses will be allowed
143 predominantly in the VHS zoning district, with low-density commercial uses in other districts allowed by
144 ordinance."

145 Moose responded that he wasn't sure what the history was between the Comp Plan and ordinances. But that
146 the City has home occupations, roadside sale stands for agricultural products and ag-related commercial that are
147 all allowed under this Comp Plan language. Language could be added to the Comp Plan to clarify, but from the
148 uses that are allowed in other zoning districts, he knows that these types of uses are allowed.

149 Nelson posed that those uses are allowed by ordinance and that all the uses mentioned were added under the
150 old [1998] Comp Plan. He said that the statement above about the VHS zoning district was added to the 2008
151 Comp Plan in 2011. He feels the uses are being administered as if the old Comp Plan is still in effect.

152 Patten asked Moose if the applicants' intention is to hold weddings, as he was in the neighborhood and
153 noticed a big event over the weekend.

154 Moose indicated that was not any part of the applicants' discussion.

155 The applicants indicated their oldest daughter got married on Sunday, and the reception was on their
156 property and all activity was wrapped up by 9:00 p.m. They added that any family function would have such a
157 crowd, as they indicated Mrs. Kroschel has a big family.

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Motion/Second: Nelson/Kilmer. To recommend to the City Council to consider that the Comprehensive Plan needs to be amended to allow low-density commercial uses in districts outside the VHS.

Kopitzke felt this isn't necessary and agrees that some uses are technically commercial as stated by Moore. He felt the intent of these "commercial" uses that are allowed are "shop" kinds of uses (not generating traffic); He felt this is the intent and has always been the intent, even though he doesn't see it defined that way anywhere.

Kilmer asked, should the city ordinances not be precise? Should the verbiage be changed?

Kopitzke didn't feel the Comprehensive Plan is the kind of document that should be changed but every ten years.

Doherty felt that if the Comp Plan was changed without the intended consequence. But that maybe it should be clarified. She didn't feel this should prohibit allowing this application.

Nelson stated that the Comp Plan should be amended as a condition of the application.

There was dissension on what the motion was and on whether it would be a condition of the application.

Ronningen asked the Deputy Clerk to restate the motion.

Nelson objected to the Deputy Clerk's stating of the motion.

Chair Ronningen indicated the motion as read was what she understood.

Motion failed 3-5-1 (Aye-Nelson, Doherty, Kilmer) (Abstain-Wroblewski).

Motion/Second: Doherty/Wroblewski. To recommend approval to the City Council of the Kroschel application for a CUP for a Bed and Breakfast at 15106 50th Street. Seeberger asked whether the conditions as listed under CUP Standards and Conditions are included in the motion. Doherty and Wroblewski answered affirmatively. Under Conditions, #3 was amended as reads below:

CUP Standards

The following standards must be met for bed and breakfast facilities:

- 1. The owner shall be in residence when the rooms are being rented by paying guests.**
- 2. The rooms rented out shall be within the residence and not in any accessory building.**
- 3. No more than two rooms shall be rented, and there shall be no more than four paying guests at one time.**
- 4. Off-street parking shall be provided, with a minimum of one space per guest room and one space for the operator. An additional space shall be provided for any type of trailer or other towed item belonging to a paying guest.**
- 5. The septic system shall be code compliant and sized for the proposed use, and the property must contain adequate space for an alternate septic system.**
- 6. There shall be no signs other than those allowed for the zoning district.**
- 7. There shall be no exterior indication that the residence is a bed and breakfast facility.**
- 8. No paying guest shall stay in the facility for more than 14 consecutive days.**
- 9. The facility shall not be used for commercial receptions, parties, etc., for the serving to paying guests of meals other than breakfast or the serving of meals to nonresident guests for compensation. There shall be no cooking in guestrooms.**
- 10. Smoke alarms shall be installed. Certification that the facility has passed inspection by the fire district shall be submitted to the City before the permit is issued.**
- 11. The building official shall inspect and approve the facility, and certification that the facility has passed inspection by the building official shall be submitted to the City before the permit is issued.**
- 12. A license is required by the county public health department and a copy of the license issued by the public health department shall be submitted to the City within ten days of its receipt by the operator of the bed and breakfast facility.**
- 13. Bed and breakfast facilities shall meet the current side and rear setback requirements for the zone in which they are located.**

- 210 14. Operators of bed and breakfast facilities are required to give clients directions for reaching the
211 residence.
212 15. Failure to meet the conditions of the Conditional Use Permit shall constitute grounds for
213 withdrawal of the permit.
214 16. If ownership is transferred, an amended CUP must be applied for by the new owner within 60
215 days of the change in ownership.
216 17. The Conditional Use Permit will terminate if the amended permit is not requested within 60 days
217 or if there is no request for annual renewal.
218

219 **Conditions**

- 220 1. The conditional use permit shall not be issued until the city receives certification that the facility
221 has passed inspection by the fire district and the building official, and the city receives a copy of
222 the license issued by the county public health department.
223 2. The use must continuously meet all standards for the Bed and Breakfast use as listed in the zoning
224 code Section 12-222.
225 3. The CUP is subject to annual administrative review.
226

227 **Motion carried 8-1-0 (Nelson).**
228

229 b. South Washington Watershed District Application for Conditional Use Permit (CUP) for grading at
230 12788 50th St. S. – Chair Ronningen opened the Public Hearing at 7:28 p.m.
231 Administrator Moose summarized the application by the South Washington Watershed District (SWWD)
232 and Jack Vang for a CUP for grading related to a stormwater management project at 12788 50th Street that
233 includes a linear grassed waterway (swale) and a dry pond. The SWWD is using a grant to accomplish the
234 project, which is to manage drainage and erosion to protect the quality of Trout Brook. The City Engineer
235 reviewed the project plans and provided comments. The plans were revised to address the comments of the City
236 Engineer.
237

238 **Motion/Second: Patten/Wroblewski. To close the Public Hearing at 7:30 p.m. Motion carried 9-0-0.**
239

240 **Planning Commission Discussion**

241 Nelson asked why the application had a larger than normal escrow.

242 Moose explained the scope of the application was not clear from the SWWD in the beginning, but SWWD
243 wanted to complete the application so the fee was paid and the escrow was determined to include any other fees
244 and escrows that might ultimately be required.

245 Wroblewski wished clarification that this project is by the South Washington Watershed District on the
246 Vang property in order to protect waters under the jurisdiction of SWWD.

247 Moose indicated that is correct.
248

249 **Motion/Second: Seeberger/Kopitzke. To recommend approval to the City Council for the Conditional Use**
250 **Permit application by South Washington Watershed District (SWWD) and landowner Jack Vang for a**
251 **grading project to manage drainage and erosion issues to protect the quality of Trout Brook, including**
252 **the following Conditions:**

- 253 1. Applicant will sign all necessary papers required for this application and grant.
254 2. All appropriate provisions of the Afton Code of Ordinances shall be complied with for the
255 duration of the permit.
256 3. South Washington Watershed District requirements shall be met for the duration of the permit.
257 4. City Engineer specifications and recommendations for all work shall be met for the duration of
258 the permit.
259 5. The grading plan shall be constructed according to plans approved by the City Engineer and in
260 conformity with SWWD requirements. Silt fences or other types of erosion control shall be

261 properly installed prior to construction; and shall be maintained in good condition until the
262 construction is complete.

263 6. Non-compliance with the conditions of this permit shall be considered a violation, and may result
264 in revocation of this permit.

265 7. Compliance with conditions of this permit shall be monitored on a periodic basis. The conditions
266 of this permit shall apply to the property described and shall not in any way, except as herein
267 noted, be affected by any subsequent sale, lease, or other change in ownership.

268 8. Construction shall begin within one year of the date of issuance of this permit or the permit shall
269 become null and void.

270 Motion carried 9-0-0.

271
272 c. Comprehensive Plan Amendment – Chair Ronningen opened the Public Hearing at 7:33 p.m.

273 Administrator Moose explained that when the Metropolitan Council reviewed the City's MPCA permit for
274 the planned wastewater collection and treatment system, they had no comments on the proposed wastewater
275 facility, however, they requested that the City amend its Comprehensive Plan by adding a chapter regarding the
276 planned wastewater collection and treatment system, to be called the Comprehensive Sewer Plan. Since the
277 remainder of the City continues to be served by individual private septic systems, Moose indicated that this
278 amendment is limited in scope.

279 Moose indicated that the City Engineer prepared amended language in several portions of the
280 Comprehensive Plan, however, the Transportation and Parks Sections of the Comprehensive Plan were not
281 affected by the amendment to meet the requirements of the Metropolitan Council. The Facility Plan for the
282 Wastewater Collection and Treatment System was added as an Appendix to the Comprehensive Plan
283 Amendment, but was not included as part of the meeting materials because of its length.

284 Moose added that the City Council at its April 21, 2015 meeting had directed the Planning Commission to
285 review the city ordinances with the purpose of providing flexibility regarding crossing steep slopes to enable
286 access for large lot subdivisions that result in parcels of ten acres or greater, subject to the use of mitigation
287 measures to protect affected steep slopes and the use of conservation easements or other means to restrict further
288 development. Moose provided draft language to include in this Comprehensive Plan amendment to enable this
289 type of subdivision change in the zoning code. Moose indicated the amended language relates to the protection
290 of steep slopes, in relation to access for large lot subdivisions, under policy number 11 of the Environmental
291 Resources Goals and Policies section of the Comprehensive Plan. The amended portion is bold and underlined:

292 11. Protect steep slopes, tree cover, wetlands and other fragile lands through conservation easements,
293 scenic easements, and other available means; and require setbacks from the crest of all slopes of
294 18% or greater, except in the Lower St. Croix Bluffland District where the slope is greater than
295 12%; **with limited exceptions outside of the Lower St. Croix Bluffland District to enable**
296 **access for subdivisions that result in lots of ten acres or greater, subject to the use of**
297 **mitigation measures to protect affected steep slopes and conservation easements or other**
298 **means to restrict further development of the resulting lots.**

299 Moose explained that Kopitzke reviewed the Comp Plan amendments after receiving his packet and
300 suggested several revisions, to which the City Engineer responded. It was determined that some of the technical
301 language needs to remain in the Comp Plan, but most of the technical language is from the Facility Plan, which
302 was added in its entirety to the Comp Plan as Appendix M. Commissioners were given a revised version of the
303 Comp Plan at the meeting which reflected Kopitzke's suggestions for deletions and those items which the
304 Engineer deemed would remain.

305
306 Motion/Second: Patten/Kilmer. To close the Public Hearing at 7:38 p.m.

307
308 Planning Commission Discussion

309 Patten asked for clarification on the Comp Plan version they are discussing.

310 Ronningen asked about the Facility Plan as Appendix M. She asked for clarification on whether the
311 Planning Commission is asked to approve an amendment to the Comp Plan without seeing the Appendix.

312 Engineer Hubmer indicated the Facility Plan is something that the City Council had already approved. It is
313 being placed into the Appendix of the Comp Plan for Met Council's information on the wastewater treatment
314 facility and it is not a document that is open for changing.

315 Moose indicated the Facility Plan can be accessed on the city website. It wasn't copied for the packet, as it
316 is very thick.

317 Kopitzke spoke about how he viewed the changes drafted by the Engineer. He looked at the Comp Plan's
318 Goals and felt the City is not changing any of its goals at this time, nor is the City interested in having to change
319 the Comp Plan; rather, this change is being required by the Met Council. So deletions were made to take out the
320 detailed information about the sewer system to keep the level of detail consistent throughout the Comp Plan. He
321 felt it was important to clarify that other properties in Rural Residential were not being added, they have been a
322 part of the 201 shared septic system, and are now required to be in the new wastewater treatment system.

323 Doherty felt that the slope language that was added on page 20 seemed random.

324 Kopitzke reported on the City Council's direction to Planning Commission to review the ordinances relating
325 to slopes, shared driveways, requiring easements on slopes and slope mitigation to allow some flexibility for
326 large lot subdivisions, and if it was determined that ordinances would be changed, then the Comp Plan may need
327 to be amended as well.

328 Kilmer thought perhaps some of the slope language does relate to the wastewater treatment system in that
329 Pennington parcels have significant slopes to connect to the new sewage pipes.

330 Ronningen stated that the proposed amended slope language is independent of the wastewater treatment
331 system. She felt the drafted language was amorphous and lacked having exceptions and mitigation clearly
332 identified. She felt the amendment did not fit.

333 Several commissioners felt the deliberation was insufficient for the draft slope language and that the slope
334 amendments can be taken into account when the new Comp Plan is re-written in two years. They felt that would
335 be the time to consider language for commercial uses outside the VHS.

336 Kopitzke reiterated that he would like to see as little as possible changed in this Comp Plan amendment; just
337 the bare minimum required for the Met Council concerning the wastewater treatment facility.

338 Kilmer clarified that the required amendments are for the sewer system and the slope language was in
339 addition to that, and not needed at this time.

340 Kopitzke stated that there may be other items in the Comp Plan that may need to be amended once the
341 ordinances are reviewed for flexibility and mitigation of large lot subdivisions by the Planning Commission.

342
343 **Motion/Second: Nelson/Wroblewski. To recommend to the City Council to REMOVE from the proposed**
344 **Comp Plan amendment the clauses regarding protection of steep slopes as it relates to accessing large lot**
345 **subdivisions (located on page 20). Motion carried 9-0-0.**

346
347 **Motion by Ronningen to recommend to City Council to approve the Resolution approving the**
348 **amendment drafted by the City Engineer. Motion failed for lack of a second.**

349
350 Seeberger stated she was overwhelmed by all the changes proposed by the City Engineer and was more
351 comfortable with the revisions made by Kopitzke.

352 Ronningen stated that the Planning Commission did not have any time to review Kopitzke's version and
353 asked what happens if the Commission takes no action, as it was just given to them at tonight's meeting.

354 Moose explained that the only reason for not taking action should be if there is something that is not
355 consistent with the Comp Plan, otherwise the City Council is the approving body, whether or not the Planning
356 Commission makes a recommendation.

357 Kopitzke questioned if there is more time to deliberate, as he understood that the wastewater facility was not
358 going to be complete for two years.

359 Moose described that the treatment site will be operational with a portion of the Village hooked up and
360 operating this fall, another portion in 2016, and those with compliant septic systems don't have to hook up until
361 2023. But initial operation is this year.

362 Patten commented that he was unaware that the Comprehensive Plan was such a “willy-nilly” document,
363 with the three changes being recommended this evening, on a document that normally takes a 3-year period
364 every 10 years to discuss and re-write.

365 Ronningen added it also requires a supermajority of the City Council for adoption.

366 Moore reported from a League of MN Cities reference stating that the City Council cannot act unless the
367 Planning Commission has given a recommendation; it did not state whether the recommendation had to be
368 positive.

369 Doherty felt that Kopitzke, city staff and the city engineers had reviewed and confirmed the revisions, and
370 therefore she felt comfortable with the document as revised and handed out at the meeting.

371 Kopitzke asked about Figure. 4. Hubmer said the Figure will be zoomed in and will be matched to the non-
372 compliant parcels in the service area.

373 Hubmer went through the Kopitzke-revised version page by page to explain each change proposed. Hubmer
374 marked those items still to be added and/or verified. Council will receive the update for their May 19 meeting.

375 Kopitzke asked “how much change is too much change” before another Public Hearing is needed.

376 Moore indicated they have not added or subtracted from the proposed, as the deleted verbiage was from the
377 Facility Plan, which is now incorporated into the Appendix.

378 Patten noted that the Vision Statement on page 8 was changed by the engineers; the last sentence was struck.
379 However, Kopitzke had noted it should be left in, as the “vision” for the city has not changed in this regard.
380 Afton still relies on well and individual septic systems to individual properties.

381
382 **Motion/Second: Doherty/Wroblewski. To recommend to City Council that they adopt the Comprehensive**
383 **Plan Amendment as revised by Kopitzke, including the amendments made by the Planning Commission**
384 **and noted by Engineer Hubmer at the PC meeting, and including the Facility Plan as Appendix M, in**
385 **order to add the Historic Village Sewage Treatment Area to the Afton Comprehensive Plan per the**
386 **drafted Resolution, as required by the Metropolitan Council and authorizing submission to the adjacent**
387 **communities and to Met Council for review. Motion carried 9-0-0.**

388
389 **8. NEW BUSINESS – none.**

390
391 **9. OLD BUSINESS -**

392 a. Residential Solar Array Ordinance – Chair Ronningen asked if they were supposed to have a new draft
393 ordinance in the packet.

394 Administrator Moore stated the Planning Commission wanted draft language regarding sizes of solar arrays.

395 Ronningen wanted clarification on the process for the solar ordinance in preparing for a Public Hearing.

396 Moore stated, if the Commission likes the draft language it will be incorporated into the solar ordinance draft
397 which the Planning Commission will review again in June and, if comfortable, schedule a Public Hearing for July.

398 Kopitzke questioned the heights indicated and thought they were excessive for roof-mounted arrays.

399 Moore clarified that the regular portion of the ordinance regulates roof-mounted arrays; this language is only
400 for ground-mounted installations.

401 Doherty asked about the increased array sizes and if they take into account larger setbacks or more screening.

402 Moore stated that he drafted the size regulations and then sent them to Solar Consultant Brian Ross to
403 review. Ross thought these lot sizes made sense, in that larger lots with the ability to fully screen an array has the
404 flexibility of having a larger solar array.

405 Ronningen asked about setbacks required when fully screened.

406 Moore clarified that all properties must meet the normal structure setbacks within each zoning district, but if
407 the array is fully screened, no further setback would be required.

408 Kopitzke suggested to have RR and Ag lots changed to “on parcels up to 10 acres” so that someone on a
409 smaller lot in the RR district could have a solar array, as small lots in the VHS can have a solar array. [To be
410 consistent, the next category should be “on parcels of 10 acres up to 20 acres.”

411 Nelson suggested that an “active tracking array” exceeds the capacities listed and asked if there should be
412 allowances for installations by Conditional Use Permit (CUP) which might exceed the angular regulations as
413 expressed in the draft ordinance, which requires orientation within 45 degrees of south.

414 Ronningen asked why the city would need the regulations if a CUP would allow installations which exceed the
415 regulations.

416 Doherty felt allowing for flexibility through a CUP would be an avenue for reasonable things that have not
417 been anticipated.

418 Kopitzke asked if an upward “limit” might be written into the ordinance, such as, “twice the size.”

419 Nelson commented that different economic models with capacity payments and rate payments happen at 40
420 kilowatts. This ordinance limits arrays to 25 kilowatts. A CUP could allow for greater than 25 kilowatts.

421 Patten commented that the 25 kilowatts are at today’s technology. He asked Moorse to explain the note about
422 “massing” arrays into smaller sizes.

423 Moorse commented that in the VHS several smaller, lower array, as seen by neighbors, could be more
424 preferable to one larger massing.

425 Kopitzke suggested this could be the case on all parcel sizes.

426 Kilmer submitted that the language related to statutory or utility power would cover what Nelson was talking
427 about, and it may be hard to incorporate that type of thing into an ordinance to meet an occasional need, or even
428 need it when the utility works that out with the citizen.

429 Nelson commented that the 1500 square feet limits an array to 25 kilowatts. Allowing a CUP to establish a
430 larger array would be a nice option.

431 Ronningen responded, why would the city regulate sizes, if a CUP could allow any size.

432 Moorse suggested option is to determine the largest array the city would want. If a large array is allowed
433 through a CUP, one of the main requirements should require it be fully screened. But if a CUP allows any size, it
434 negates all the size regulations as proposed. He thought a cap on a CUP would be advisable, as well.

435 Kopitzke talked about what kinds of sizes should the city allow? What is reasonable?

436 Ronningen commented that as the technology improves, these sizes will allow more kilowatts.

437 Kilmer asked, if large arrays are allowed on lots over 20 acres, is allowable impervious surface a concern.

438 Moorse stated that in all districts, the impervious surface regulation must be met, not exceeded.

439 Ronningen commented that if the city considered larger array sizes, it approaches a “commercial” installation,
440 and the Council didn’t want commercial installations.

441 Moorse stated that if you allow a CUP, it would need to have very clear “performance standards,” because if
442 anyone asked for a CUP and they complied with the performance standards, the city must allow it.

443 The Commission agreed to change the square footage of an array on parcels 20 acres or greater to 2,000
444 square feet, which would permit an array of 40 kilowatts; it matches that allowed for wind turbines, and it would
445 allow the higher capacity, but only on large lots that would be able to be adequately screened.

446 Patten questioned the heights of arrays in the VHS again, asking if they are appropriate.

447 Langan explained that the panels would have be stacked vertically, so two panels would be 10 feet, three
448 panels would be 15 feet.

449 Ronningen clarified that the height stated as 15 feet in the VHS is appropriate.

450
451 **Staff will finalize the draft solar ordinance for review at the June 1, 2015 PC meeting.**

452
453 b. Draft City Council Minutes - Update on City Council Actions – City Council Liaison Stan Ross reported
454 that the Twomey application was discussed and Council felt the land use subdividing the 47-acre parcel into two
455 parcels was worth considering. He indicated City Council wanted the Planning Commission to move quickly on
456 reviewing flexibility for large lot subdivisions. City Council would like a discussion expedited, with September
457 as a desired date. Planning Commissioners wondered if this is a push to “spot zone” or is it to consider all land in
458 Afton. Kopitzke clarified that Council wanted the review to include land use throughout Afton.

459 The “Farmer’s Market” proposed by the AABA was approved, however the Sec. 12-134 Use Chart does not
460 allow a Farmer’s Market in any zoning district. Since the deadline to publish a public hearing notice for the
461 Planning Commission meeting had passed, the City Council decided they could review and change the chart, add
462 a definition for “Farmer’s Market” and hold the public hearing at the May 19 City Council meeting to allow the
463 AABA to go forward with their plans.

464 The River Valley Riders application was also approved.

465

466 c. Training for New Members – Chair Ronningen asked if new commissioners had gotten access to
467 training. They indicated they had not. Administrator Moorse indicated he had not provided it yet.

468
469 **10. ADJOURN –**
470

471 **Motion/Second: Nelson/Doherty. To adjourn the meeting at 9:02 p.m. Motion carried 9-0-0.**

472
473 Respectfully submitted by:

474
475
476 _____
477 Kim Swanson Linner, Deputy Clerk

478
479 **To be approved on June 1, 2015 as (check one): Presented: _____ or Amended: _____**

DRAFT

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

Planning Commission Memo

Meeting: June 1, 2015

To: Chair Ronningen and members of the Planning Commission
 From: Ron Moorse, City Administrator
 Date: May 26, 2015
 Re: FOC, LLC Minor Subdivision Application at SE Corner of Hudson Road and Manning Avenue,
 PID 06.028.20.24.0002

Attachments

Minor subdivision application
 Survey showing the existing and subdivided parcel
 List of properties within 500 feet
 Property location map

Background

FOC, LLC has applied for a minor subdivision to subdivide a 5.9 acre parcel from the existing 69 acre parcel at the SE corner of Manning and Hudson Road with PID# 06.028.20.24.0002 to enable SavA Tree to construct a facility on the 5.9 acre parcel. The survey showing the overall parcel and the 5.9 acre parcel, as well as a 60 foot wide public right-of-way easement adjacent to the 5.9 acre parcel is attached.

Comprehensive Plan. The 2008 Afton Comprehensive Plan guides the subject site for light industrial land uses. The 5.9 acre lot is consistent with the Comprehensive Plan.

Zoning. The subject site is zoned I-1C, Light Industrial (I-1C) which allows light industrial uses on parcels of a minimum of 5 acres.

Surrounding Land Uses. The subject site is surrounded by the following existing and planned land uses. The development of the subject site is consistent with the character of the area and development pattern of surrounding parcels.

To the North: Light Industrial (I-1A)
 To the East: Rural Residential (RR), undeveloped
 To the South: Rural Residential (RR), single family residential
 To the West: Light Industrial (I-1C), undeveloped

Access

The subdivision includes the dedication of a public road right-of-way easement to provide access to both the proposed 5.9 acre parcel and eventually to the remainder of the property. The applicant is proposing to initially construct a temporary gravel driveway in the roadway right-of-way to serve the 5.9 acre parcel, rather than a public road. The public road would be constructed when it was needed to serve additional parcels or an additional use on the larger parcel. The temporary driveway would avoid the City taking on the responsibility

- 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

Findings

The Planning Commission will need to provide findings to support its recommendation.

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 developer shall execute a scenic easement agreement
- Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with Section 12-1270 of the Subdivision Ordinance
- The developer shall obtain a permit for constructing a driveway in the road right-of-way
- The public road shall be constructed at the time there is a second user of the driveway or at the time of a further subdivision of the larger parcel
- All proposed right-of-way dedication and street construction plans are subject to review and approval of the City Engineer.
- The developer shall provide updated street signs for the new road right-of-way in accordance with City specifications and obtained from the City’s designated supplier, subject to review and approval of the City Engineer.

PLANNING COMMISSION DIRECTION REQUESTED:

Motion regarding the FOC, LLC Minor Subdivision Application at SE Corner of Hudson Road and Manning Avenue, PID 06.028.20.24.0002 with findings, and conditions if desired.

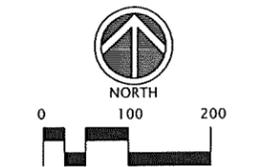
Z-18-15

**CITY OF AFTON
MINOR SUBDIVISION PERMIT APPLICATION**

Owner	Address	City	State	Zip	Phone
FOC, LLC	1807 Market Blvd, PMB 335	Hastings, MN		55033	651-402-5577
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address					
SE Corner of Hudson Rd & Manning Ave S.		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
I-1C	Agricultural	06.028.20.24.0002			
Description of Request					
FOC, LLC is requesting a minor subdivision of (1) one 5.92 acre parcel (northeast corner), from the overall 69.03 acre parcel.					
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.					
<i>FOC, LLC</i> <i>By [Signature]</i>		<i>Chief Member</i>		<i>4/29/2015</i>	
Signature of Owner/Applicant					Date
Make checks payable to City of Afton:					
<u>FEES:</u>			<u>DEPOSITS:</u>		
Minor Subdivision	\$250.00	Minor Subdivision	\$1,500.00	TOTAL:	\$1,750.00
				DATE PAID:	<i>5/20/15</i>
				CHECK #:	<i>2016</i>
				RECVD. BY:	<i>[Signature]</i>
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

CONTACT:
 FOC, LLC
 C/O GARY MAAS
 1807 MARKET BLVD.
 PBM 335
 HASTINGS, MN 55033

COUNTY/CITY:
 WASHINGTON COUNTY
 CITY OF AFTON



REVISIONS:

DATE	REVISION
4-27-15	PRELIMINARY ISSUE

CERTIFICATION:
 I hereby certify that this plan 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.
Daniel L. Thurmes
 Daniel L. Thurmes Registration Number: 25718
 Date: 4-27-15

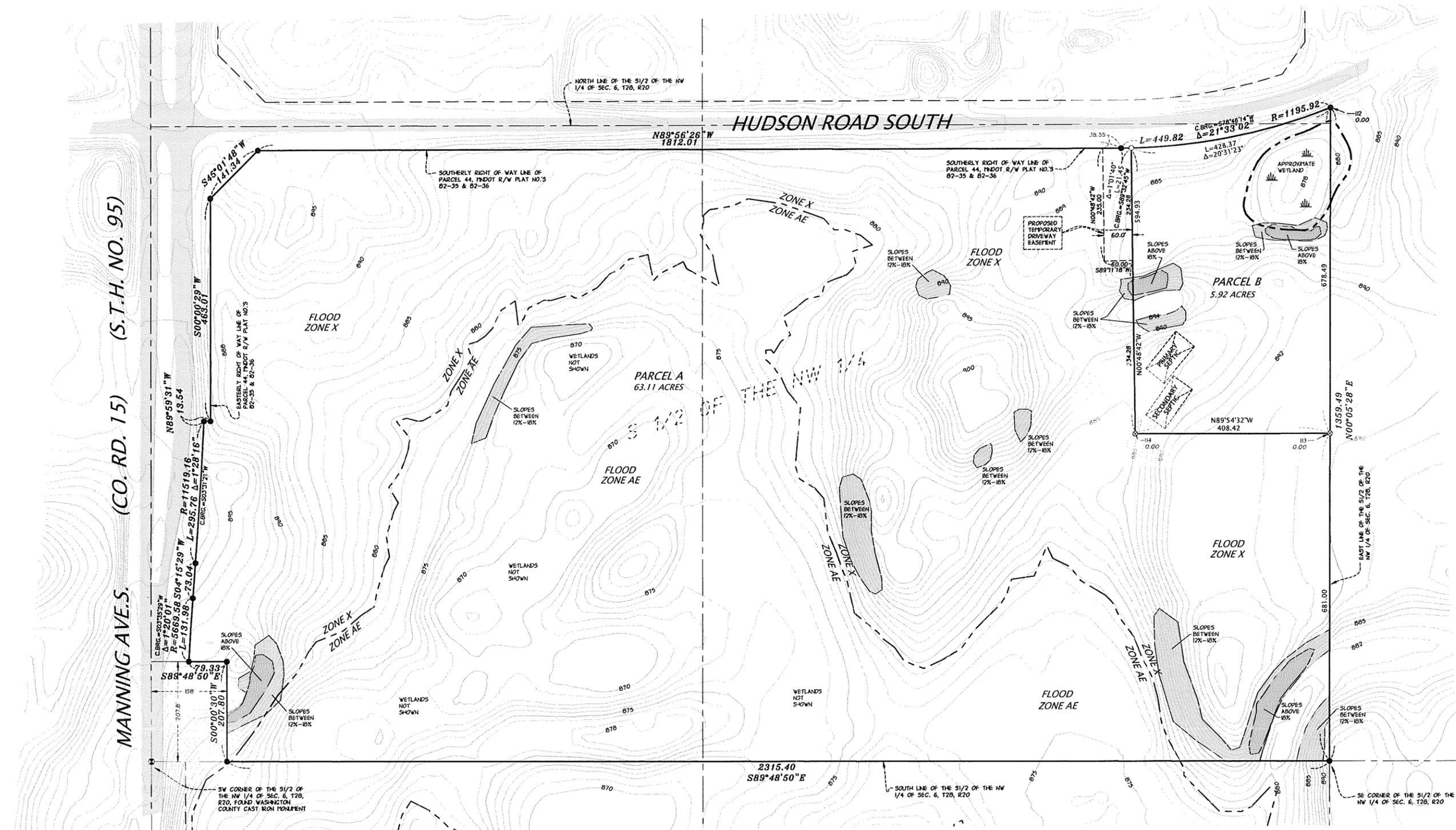
PROJECT LOCATION:
 HUDSON ROAD S.
 PID#0602820240002

Suite #1
 6750 Stillwater Blvd. N.
 Stillwater, MN 55082
 Phone 651.275.8969
 Fax 651.275.8976
 dan@csurvey.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME: SURVGS408.DWG
 PROJECT NO.: GS140408

MINOR SUBDIVISION



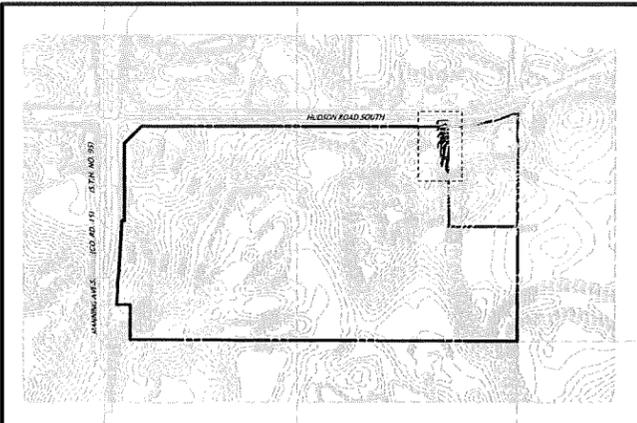
EXISTING OVERALL LEGAL DESCRIPTION:
 All that part of the East 700.00 feet of the Northeast Quarter of the Northwest Quarter of Section 6, Township 28, Range 20, lying southerly of a line which is 50.00 feet southerly of and parallel with the following described line:
 BEGINNING at the southwest corner of said Northeast Quarter of the Northwest Quarter; thence North 89 degrees 14 minutes 36 seconds East along the south line of said Northeast Quarter of the Northwest Quarter a distance of 884.44 feet; thence easterly along a tangential curve to the left having a radius of 1145.916 feet and a central angle of 22 degrees 33 minutes 39 seconds a distance of 451.21 feet to the east line of said Northeast Quarter of the Northwest Quarter and said line there terminating;
 and
 The South Half of the Northwest Quarter of Section 6, Township 28, Range 20, EXCEPT the following two described parcels:
 EXCEPTION PARCEL ONE:
 The south 207.8 feet of the West 158.00 feet of the Southwest Quarter of the Northwest Quarter of Section 6, Township 28, Range 20:
 EXCEPTION PARCEL TWO:
 That part of the South Half of the Northwest Quarter of Section 6, Township 28, Range 20, shown as Parcel 44 in the plats designated as MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NUMBERED 82-55 AND 82-36 on file and of record in the Office of the County Recorder in and for Washington County, Minnesota

PROPOSED LEGAL DESCRIPTION PARCEL A:
 That part of the South Half of the Northwest Quarter of Section 6, Township 28, Range 20, described as follows:
 BEGINNING at the southeast corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 05 minutes 28 seconds East along the east line of said Northwest Quarter a distance of 681.00 feet; thence North 89 degrees 54 minutes 32 seconds West a distance of 408.42 feet; thence North 00 degrees 48 minutes 42 seconds West a distance of 594.93 feet to the southerly right of way line of Parcel 44 in the plats designated as MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NUMBERED 82-35 AND 82-36 on file and of record in the Office of the County Recorder in and for Washington County, Minnesota; thence westerly 21.45 feet along said southerly right of way line being a non-tangential curve concave to the north having a radius of 1,195.92 feet a central angle of 01 degrees 01 minutes 40 seconds and a chord which bears South 89 degrees 32 minutes 45 seconds West; thence North 89 degrees 56 minutes 26 seconds West along said southerly right of way line a distance of 1,812.01 feet; thence South 45 degrees 01 minutes 48 seconds West along said southerly right of way line a distance of 141.34 feet; thence South 00 degrees 00 minutes 29 seconds West along the easterly right of way line a distance of 463.01 feet; thence North 89 degrees 59 minutes 31 seconds West along said easterly right of way line a distance of 13.54 feet; thence southerly 295.76 feet along said easterly right of way line being a non-tangential curve concave to the west having a radius of 1,151.57 feet a central angle of 01 degrees 28 minutes 16 seconds and a chord which bears South 03 degrees 31 minutes 21 seconds West; thence South 04 degrees 15 minutes 29 seconds West along said easterly right of way line a distance of 73.04 feet; thence southerly 131.98 feet along said easterly right of way line being a tangential curve concave to the east having a radius of 5,669.58 feet and a central angle of 01 degrees 20 minutes 01 seconds to the north line of the south 207.80 feet of said Northwest Quarter; thence South 89 degrees 48 minutes 50 seconds East along said north line of the south 207.80 a distance of 79.33 feet to the east line of the west 158.00 feet of said Northwest Quarter; thence South 00 degrees 00 minutes 30 seconds West along said east line of the west 158.00 feet a distance of 207.80 feet to the south line of said Northwest Quarter; thence South 89 degrees 48 minutes 50 seconds East a distance of 2,315.40 feet to the POINT OF BEGINNING.

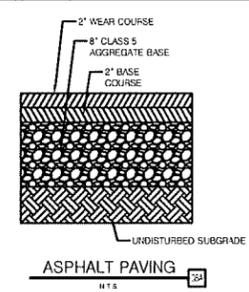
PROPOSED LEGAL DESCRIPTION PARCEL B:
 That part of the Northwest Quarter of Section 6, Township 28, Range 20, described as follows:
 COMMENCING at the southeast corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 05 minutes 28 seconds East along the east line of said Northwest Quarter a distance of 681.00 feet to the POINT OF BEGINNING; thence North 89 degrees 54 minutes 32 seconds West a distance of 408.42 feet; thence North 00 degrees 48 minutes 42 seconds West a distance of 594.93 feet to the southerly right of way line of Parcel 44 in the plats designated as MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NUMBERED 82-35 AND 82-36 on file and of record in the Office of the County Recorder in and for Washington County, Minnesota; thence easterly 428.37 feet along said southerly right of way line being a non-tangential curve concave to the north having a radius of 1,195.92 feet a central angle of 20 degrees 31 minutes 23 seconds and a chord which bears North 78 degrees 46 minutes 14 seconds East to said east line; thence South 00 degrees 05 minutes 28 seconds West a distance of 678.49 feet to the POINT OF BEGINNING.

PROPOSED TEMPORARY DRIVEWAY EASEMENT
 A temporary driveway easement over and across that part of the Northwest Quarter of Section 6, Township 28, Range 20, described as follows:
 COMMENCING at the southeast corner of said Northwest Quarter; thence on an assumed bearing of North 00 degrees 05 minutes 28 seconds East along the east line of said Northwest Quarter a distance of 681.00 feet to the POINT OF BEGINNING; thence North 89 degrees 54 minutes 32 seconds West a distance of 408.42 feet; thence North 00 degrees 48 minutes 42 seconds West a distance of 360.65 feet to the POINT OF BEGINNING; thence South 89 degrees 11 minutes 18 seconds West a distance of 60.00 feet; thence North 00 degrees 48 minutes 42 seconds West a distance of 235.00 feet to the southerly right of way line of Parcel 44 in the plats designated as MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NUMBERED 82-35 AND 82-36 on file and of record in the Office of the County Recorder in and for Washington County; thence South 89 degrees 56 minutes 26 seconds East along said southerly right of way line a distance of 38.55 feet; thence easterly 21.45 feet along said southerly right of way line being a tangential curve concave to the north having a radius of 1,195.92 feet and a central angle of 01 degrees 01 minutes 40 seconds to the intersection with a line that bears North 00 degrees 48 minutes 42 seconds West from the point of beginning, thence South 00 degrees 48 minutes 42 seconds East a distance of 234.28 feet to the POINT OF BEGINNING

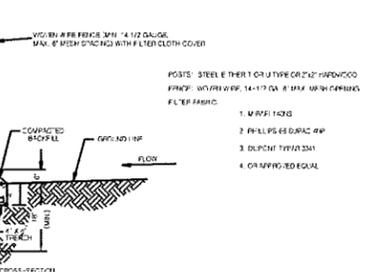
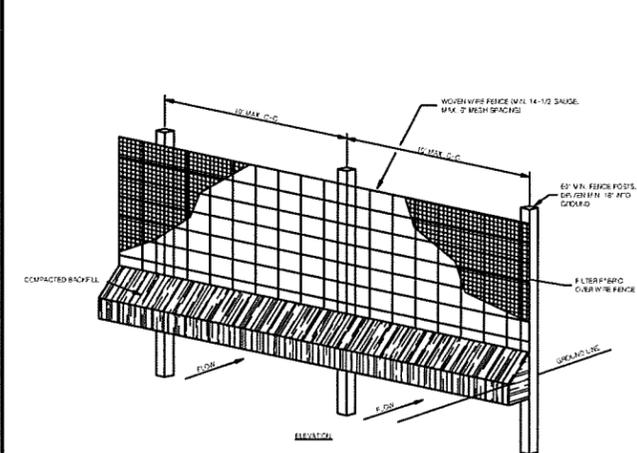
DEVELOPMENT DATA:
 PROPOSED PARCEL A = 63.11 ACRES
 LAND BELOW 13% GRADE = 61.27 ACRES
 LAND BETWEEN 13% & 18% GRADE = 1.52 ACRES
 LAND ABOVE 18% GRADE = .31 ACRES
 LAND WITHIN FLOOD ZONE AE = 26.53 ACRES
 PROPOSED PARCEL B = 5.92 ACRES
 LAND BELOW 13% GRADE = 5.62 ACRES
 LAND BETWEEN 13% & 18% GRADE = 0.18 ACRES
 LAND ABOVE 18% GRADE = .12 ACRES
 APPROXIMATE AREA OF WETLAND = 0.70 ACRES
 PUBLIC ROAD FRONTAGE = 428.37 FEET
 TOTAL AREA = 69.03 ACRES
SURVEY NOTES:
 1. BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE WASHINGTON COUNTY SURVEYORS OFFICE.
 2. UNDERGROUND UTILITIES NOT SHOWN.
 3. CONTOURS SHOWN PER MNTPO WEBSITE. 2012 DNR LIDAR GENERATED CONTOURS.
 4. BUILDINGS, TREE LINES & ROADWAYS SHOWN PER 2014 WASHINGTON COUNTY AERIAL PHOTO.
 5. FLOOD ZONE SHOWN PER DIGITAL DATA PROVIDED BY THE FEMA FLOOD MAP SERVICE CENTER.



Vicinity Map
1" = 500'



ASPHALT PAVING
N.T.S.



1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES
2. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" TO TOP AND MID SECTION
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJACENT, THEY SHOULD BE OVERLAPPED BY 6" AND TIED
4. WATERBARS SHALL BE POSITIONED AS NOTED IN THE EROSION CONTROL PLAN. COLLECTED MATERIAL SHALL BE REMOVED WHEN "GRASSES" DEVELOP IN THE SILT FENCE.

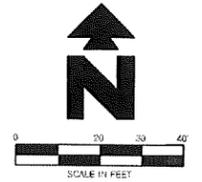
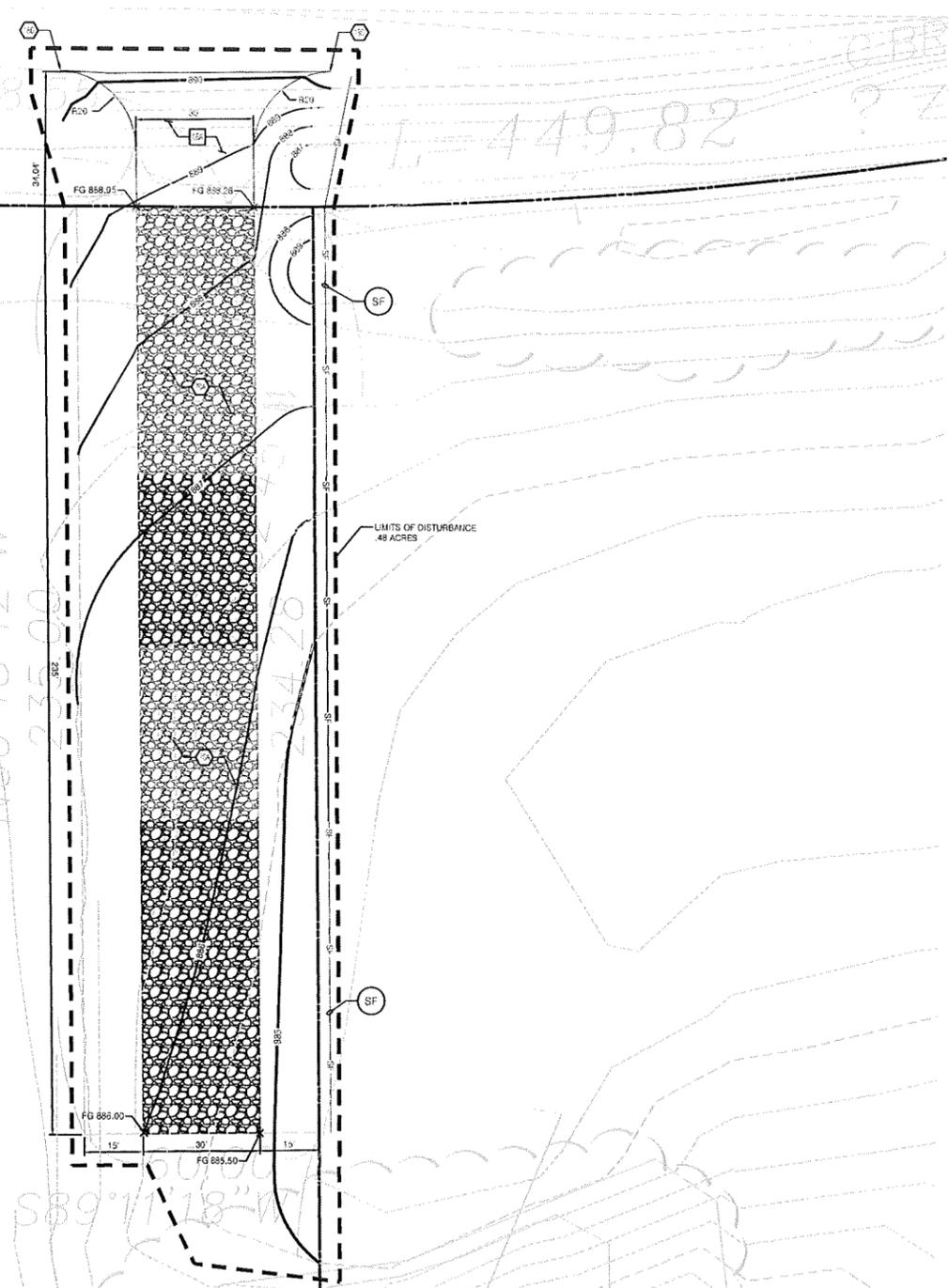
TEMPORARY SILT FENCE
N.T.S.

GENERAL EROSION NOTES

- ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH STORM WATER POLLUTION PREVENTION SHALL OBTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN AND THE STATE OF MINNESOTA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT (NPDES PERMIT) AND BECOME FAMILIAR WITH THEIR CONTENTS.
- THE TEMPORARY PARKING AND STORAGE AREA SHALL ALSO BE USED AS THE EQUIPMENT MAINTENANCE AREA, EQUIPMENT CLEANING AREA, EMPLOYEE BREAK AREA, AND AREA FOR LOCATING PORTABLE FACILITIES, OFFICE TRAILERS AND TOILET FACILITIES. THE EXACT LOCATIONS SHALL BE COORDINATED WITH THE OWNER'S CONSTRUCTION MANAGER.
- ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, EQUIPMENT CLEANING, ETC.) SHALL BE DISPOSED OF IN A MANNER THAT PREVENTS CONTACT BETWEEN THESE MATERIALS AND STORM WATER THAT IS DISCHARGED FROM THE SITE.
- MAINTAIN ON THE SITE OR HAVE READILY AVAILABLE SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOTATION BOOMS TO CONTAIN AND CLEAN UP FUEL OR CHEMICAL SPILLS AND LEAKS.
- DUST ON THE SITE SHALL BE CONTROLLED BY SPRAYING WATER ON DRY AREAS OF THE SITE. THE USE OF MOTOR OILS AND OTHER PETROLEUM BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.
- NO RUBBISH, TRASH, GARBAGE OR OTHER SUCH MATERIALS SHALL BE DISCHARGED INTO DRAINAGE DITCHES OR WATERS OF THE STATE.
- ALL STORM WATER POLLUTION PREVENTION MEASURES PRESENTED ON THIS PLAN, AND IN THE STORM WATER POLLUTION PREVENTION PLAN, SHALL BE INITIATED AS SOON AS PRACTICABLE.
- DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY WILL STOP FOR AT LEAST 21 DAYS, SHALL BE TEMPORARILY SEEDED WITHIN 14 DAYS.
- DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY HAS PERMANENTLY STOPPED SHALL BE PERMANENTLY SEEDED. THESE AREAS SHALL BE SEEDED NO LATER THAN 14 DAYS AFTER THE LAST CONSTRUCTION ACTIVITY OCCURRING IN THESE AREAS. REFER TO THE LANDSCAPING PLAN.
- ALL MATERIALS SPILLED, DROPPED, WASHED OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY.
- IF SOIL STOCKPILING IS EMPLOYED ON THE SITE, SILT FENCES SHALL BE USED TO HELP CONTAIN THE SEDIMENT.
- SLOPES SHALL BE LEFT IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.
- ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE DISPOSED OF WITHIN 30 DAYS AFTER FINAL STABILIZATION. FINAL STABILIZATION HAS OCCURRED WHEN ALL SOIL DISTURBING ACTIVITIES ARE COMPLETED AND A UNIFORM PERENNIAL VEGETATIVE COVER WITH A DENSITY OF 70% OF THE COVER FOR UNPAVED AREAS AND AREAS NOT COVERED BY PERMANENT STRUCTURES HAS BEEN EMPLOYED.
- DUE TO THE GRADE CHANGES DURING THE DEVELOPMENT OF THE PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES (SILT FENCES, STRAW BALES, ETC.) TO HELP PREVENT EROSION AND STORM WATER POLLUTION.
- ALL OFF-SITE CONSTRUCTION SHALL BE STABILIZED AT THE END OF EACH WORKING DAY. THIS INCLUDES BACKFILLING OF TRENCHES FOR STORM DRAINS & UTILITY CONSTRUCTION AND PLACEMENT OF GRAVEL OR BITUMINOUS PAVING FOR ROAD CONSTRUCTION.

MAINTENANCE
ALL MEASURES STATED ON THIS EROSION AND SEDIMENT CONTROL PLAN, AND IN THE STORM WATER POLLUTION PREVENTION PLAN, SHALL BE MAINTAINED IN FULLY FUNCTIONAL CONDITION UNTIL FINAL STABILIZATION OF THE SITE. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE CHECKED BY A QUALIFIED PERSON AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A RAINFALL EVENT, AND SHOULD BE CLEANED AND REPAIRED IN ACCORDANCE WITH THE FOLLOWING:

1. ALL SEEDED AREAS SHALL BE CHECKED REGULARLY TO SEE THAT A GOOD STAND IS MAINTAINED. AREAS SHOULD BE FERTILIZED AND RESEEDED AS NEEDED.
2. SILT FENCES SHALL BE REPAIRED TO THEIR ORIGINAL CONDITIONS IF DAMAGED. SEDIMENT SHALL BE REMOVED FROM THE SILT FENCES WHEN IT REACHES ONE THIRD TO ONE HALF THE HEIGHT OF THE SILT FENCE.
3. THE TEMPORARY PARKING AND STORAGE AREA SHALL BE KEPT IN GOOD CONDITION (SUITABLE FOR PARKING AND STORAGE). THIS MAY REQUIRE PERIODIC TOP DRESSING OF THE TEMPORARY PARKING AS CONDITIONS DEMAND.



EXISTING

UNDERGROUND ELECTRIC	FOUND MEASUREMENT	CATCH BASIN
UNDERGROUND CABLE TV	SET 1/2" IRON PIPE MANHOLE PLS 80" DIA	STORM DRAIN
UNDERGROUND FIBER OPTIC	CABLE TV FIBER OPTIC	FLARED END SECTION
UNDERGROUND TELEPHONE	ELECTRIC MANHOLE	STORM MANHOLE
OVERHEAD UTILITY	ELECTRIC MULTIFUNCTION	FIRE DEPT CONNECTION
UNDERGROUND GAS	ELECTRIC PULSISTAL	HYDRANT
SANITARY SEWER	ELECTRIC TRANSFORMER	CURB STOP
STORM SEWER	LIGHT POLE	WATER VALVE
WATERMAIN	GRAY WIRE	BOLLARD
FENCE	POWER POLE	TRAFFIC SIGN
CURB (TYPICAL)	GAS METER	UNKNOWN MANHOLE
CONTOURS	TELEPHONE MANHOLE	SPOT ELEVATION
TELEPHONE PULSISTAL	CONIFEROUS TREE	TRAFFIC SIGNAL
SANITARY CULVERT		DECIDUOUS TREE
SANITARY MANHOLE		

PROPOSED

XX.XX	SPOT ELEVATIONS TC = TOP OF CURB G = GUTTER
SF	TEMPORARY SILT FENCE

- GENERAL NOTES**
- ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND 4" OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL. APPROVED BY THE OWNER AS NEEDED. THE AREA SHALL THEN BE SEEDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
 - THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES.

- NOTES**
- 180 MATCH EXISTING PAVEMENT ELEVATIONS.
 - 70A 8" CLASS FIVE BASE AGGREGATE DRIVEWAY

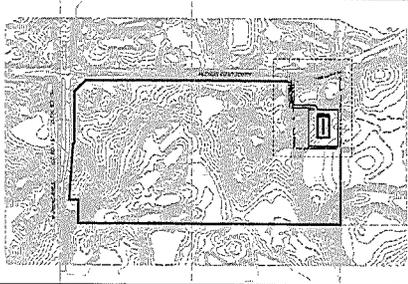
- DETAILS**
- 08A ASPHALT PAVING

- SEQUENCE OF CONSTRUCTION**
1. PREPARE TEMPORARY PARKING AND STORAGE AREA
 2. CONSTRUCT THE SILT FENCES ON THE SITE.
 3. CLEAR AND GRUB THE SITE.
 4. BEGIN GRADING THE SITE.
 5. TEMPORARILY SEED DENuded AREAS.
 6. PREPARE SITE FOR PAVING.
 7. PAVE SITE AND INSTALL GRAVEL DRIVE.
 8. COMPLETE GRADING AND INSTALL PERMANENT SEEDING.
 9. REMOVE ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES (ONLY IF SITE IS STABILIZED).

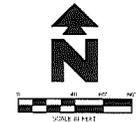
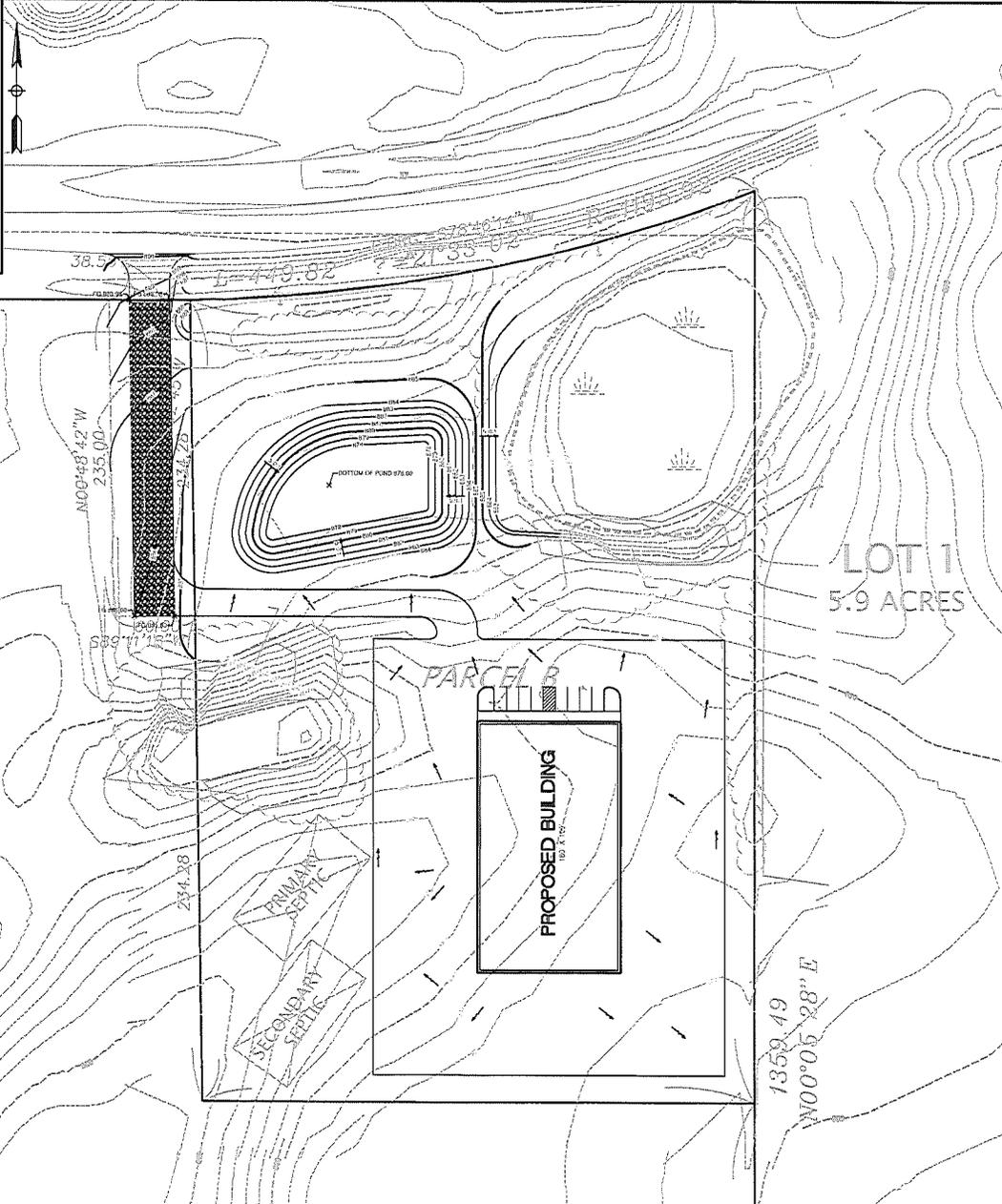
BRW	S/R/S	ALC	ALC	CMB	CMB
CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES.	DRW
GEI Engineering Associates, Inc.					
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS					
2025 Centre Pointe Blvd., Suite 210 (651)452-8900 Minnetonka Heights, MN 55120 (651)452-1119					
FOC, LLC MINOR SUBDIVISION					
HUDSON ROAD S. AND MANNING AVE/ S					
AFTON MINNESOTA					
SITE PLAN				REV DATE 5.8/15 PRELIMINARY	SHEET NO. 1 OF 1

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB # 15000 DRAWINGS 2890 - PRELIM LAST SAVED BY: CIBAKUAS LOCATION: P:\2015\2890\2890.DWG DATE: 5/8/15 10:40:00 AM



Vicinity Map



EXISTING		
UNDERSIOWED ELECTRIC	1 (FOUND) WORKMAN	CAATCH MARK
UNDERSIOWED CABLE TV	2 (NOT) WORKMAN	ENTRAN UMAN
UNDERSIOWED FIBER OPTIC	3 (WORK) WORKMAN	FLARED END SECTION
UNDERSIOWED TELEPHONE	4 (WORK) TELEPHONE	SPOT MANHOLE
UNDERHEAD TELETYPE	5 (WORK) MANHOLE	1/4\"/>
UNDERSIOWED GAS	6 (WORK) METER	HYDRANT
CEILING FIBER	7 (WORK) METER	CURB STOP
CEILING POWER	8 (WORK) METER	WATER VALVE
WATERMAIN	9 (WORK) METER	ROLLARD
FOOT	10 (WORK) METER	TRAFFIC SIGN
COND (TYPICAL)	11 (WORK) METER	UNDERMIN MANHOLE
COND (TYPICAL)	12 (WORK) METER	E 600'S SPOT ELEVATION
COND (TYPICAL)	13 (WORK) METER	TRAFFIC SIGNAL
COND (TYPICAL)	14 (WORK) METER	ILLUSTRIOUS TREE
COND (TYPICAL)	15 (WORK) METER	
COND (TYPICAL)	16 (WORK) METER	
COND (TYPICAL)	17 (WORK) METER	
COND (TYPICAL)	18 (WORK) METER	
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COND (TYPICAL)	97 (WORK) METER	
COND (TYPICAL)	98 (WORK) METER	
COND (TYPICAL)	99 (WORK) METER	
COND (TYPICAL)	100 (WORK) METER	

PROPOSED	
XXX	SPICE ELEVATIONS
---	SLOPE ARROW

GENERAL NOTES

- ALL SLOPES AND AREAS DETERMINED BY CONSTRUCTION SHALL BE CORRODED SMOOTH AND 4\"/>
- THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE TOWN OF ST. CLOUD, MINNESOTA. THE CONTRACTOR SHALL VERIFY THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES CAUSED BY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES CAUSED BY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES CAUSED BY CONSTRUCTION.

LOT 6 PARCEL AREA = 5.02 ACRES / 217,769 SF
 PROPOSED IMPROVEMENTS = 88,500 SF
 PROPOSED IMPROVEMENTS LESS EXISTING = 88,500 SF (ALLOWED WITHOUT DUMP)
 PROPOSED POND AND WETLAND PROVED TO HAVE CONTROL, NETWORK OF 100' HIGH DITCHES AND WATER QUALITY RECORD KEYS, PER CITY/STATE REGULATIONS. THIS PARCEL LOT WILL BE PERMITTED TO FLOW TO THE NEW NORTH POND PER PARCEL IMPROVEMENTS.

PRELIMINARY
NOT FOR
CONSTRUCTION

Engineering Associates, Inc.
CEL
 2025 Center Pointe Plaza, Suite 210
 St. Cloud, MN 56301
 (828) 442-8600
 (828) 442-2141
FOC, LLC MINOR SUBDIVISION
Hudson Road S and Manning Ave S
 AFTON, MINNESOTA
SCHEMATIC GRADING PLAN REV DATE: 07/2015 SHEET NO: 1 of 1

RECEIVED

MAY 11 2015

CITY OF AFTON
MINOR SUBDIVISION CHECKLIST
Submission Requirements

CITY OF AFTON

- 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) _____
- Survey by a registered land surveyor at a standard scale, illustrating: _____
 - 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
 - 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.

14949 62nd Street North PO Box 200
Stillwater, MN 55082-0200
(651) 430-6175 www.co.washington.mn.us

Property ID: **06.028.20.24.0002** Bill#: **88950**

Taxpayer: FOC LLC
1807 MARKET BLVD # 335
HASTINGS MN 55033-3492

**\$\$\$
REFUNDS?**

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

Property Address:

Description:

Section 06 Township 028 Range 020 ALL THAT PT E700FT NE1/4-NW1/4 LYING SLY OF A LN WHICH IS 50FT SLY OF & PARL WITH FOLL DESC LN: BEG AT SW COR SD NE1/4-NW1/4 THN N89DEG14'36" E ALG S LN SD 1/4-1/4 DIST 884.44FT THN ELY ALG TORV TO LFT RAD 1145.916FT & CENT ANG 22DEG33'39" DIST 451.21FT

TAX STATEMENT 2015			
2014 Values for Taxes Payable in			
VALUES AND CLASSIFICATION			
Taxes Payable Year:		2014	2015
Step 1	Estimated Market Value:	2,097,100	2,097,100
	Homestead Exclusion:		
	Taxable Market Value:	2,097,100	2,097,100
	New Improvements/Expired Exclusions:		
	Property Classification:	Ag Non-Hstd NH Rur Vac Land	Ag Non-Hstd NH Rur Vac Land
<i>Sent in March 2014</i>			
Step 2	PROPOSED TAX		
	<i>Did not include special assessments or referenda approved by the voters at the November election</i>		\$17,838.00
<i>Sent in November 2014</i>			
Step 3	PROPERTY TAX STATEMENT		
	First half taxes:	May 15	\$8,763.00
	Second half taxes:	November 15	\$8,763.00
	Total Taxes Due in 2015:		\$17,526.00

Tax Detail for Your Property:				
Taxes Payable Year:		2014	2015	
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.		<input type="checkbox"/>	\$0.00	
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$0.00		
Tax and Credits	3. Property taxes before credits	\$19,100.00	\$17,526.00	
	4. Credits that reduce property taxes			
	A. Agricultural market value credit	\$0.00	\$0.00	
	B. Other Credits	\$0.00	\$0.00	
	5. Property taxes after credits	\$19,100.00	\$17,526.00	
Property Tax by Jurisdiction	6. WASHINGTON COUNTY	A. County General B. County Regional Rail Authority	\$6,880.73 \$48.83 \$6,329.96 \$44.52	
	7. CITY OF AFTON		\$5,816.69	
	8. State General Tax		\$0.00	
	9. ISD 834 STILLWATER	A. Voter approved levies B. Other Local Levies	\$747.00 \$4,107.77 \$619.66 \$3,810.31	
	10. Special Taxing Districts	A. Metropolitan Council	\$220.28	\$197.78
		B. Metropolitan Mosquito Control	\$115.95	\$102.72
		C. Valley Branch Watershed	\$398.21	\$356.63
		D. County HRA	\$270.57	\$247.73
	11. Non-school voter approved referenda levies		\$0.00	
	12. Total property tax before special assessments		\$19,100.00	\$17,526.00
13. Special assessments		\$0.00	\$0.00	
14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS		\$19,100.00	\$17,526.00	

Agricultural homesteads may have received a supplemental agricultural homestead credit in October 2014. This credit was a reduction in property taxes payable in 2014.
Minnesota Laws 2014, Chapter 308, Article 1, Section 14.

PAYABLE 2015 2nd HALF PAYMENT STUB

TO AVOID PENALTY PAY ON OR BEFORE: November 15

Property ID: **06.028.20.24.0002** Bill #: **88950**



Taxpayer:
FOC LLC
1807 MARKET BLVD # 335
HASTINGS MN 55033-3492

Fold & detach at perforation & mail this stub with your 2nd half payment in the enclosed green envelope
NH Rur Vac Land Ag Non-Hstd

SECOND HALF TAX AMT DUE

\$8,763.00

MAKE CHECKS PAYABLE TO:
Washington County
P.O. Box 200
Stillwater MN 55082-0200

CHECK
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

0602820240002 2 00000000876300 2

PAYABLE 2015 1st HALF PAYMENT STUB

TO AVOID PENALTY PAY ON OR BEFORE: May 15

Property ID: **06.028.20.24.0002** Bill #: **88950**



Taxpayer:
FOC LLC
1807 MARKET BLVD # 335
HASTINGS MN 55033-3492

Fold & detach at perforation & mail this stub with your 1st half payment in the enclosed green envelope
NH Rur Vac Land Ag Non-Hstd

FIRST HALF TAX AMT DUE

\$8,763.00

MAKE CHECKS PAYABLE TO:
Washington County
P.O. Box 200
Stillwater MN 55082-0200

CHECK
 CASH

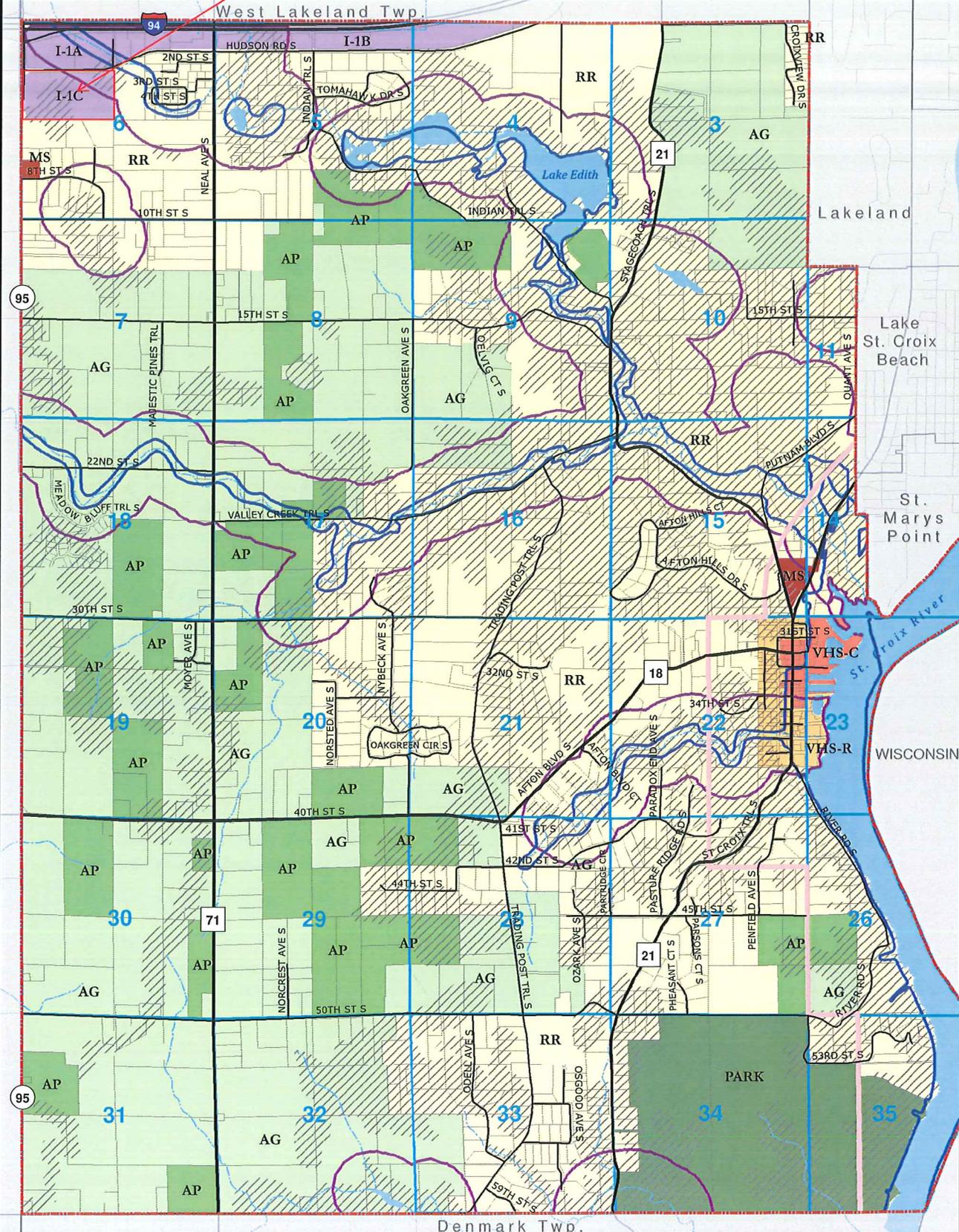
No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

0602820240002 1 00000000876300 4

Zoning Map

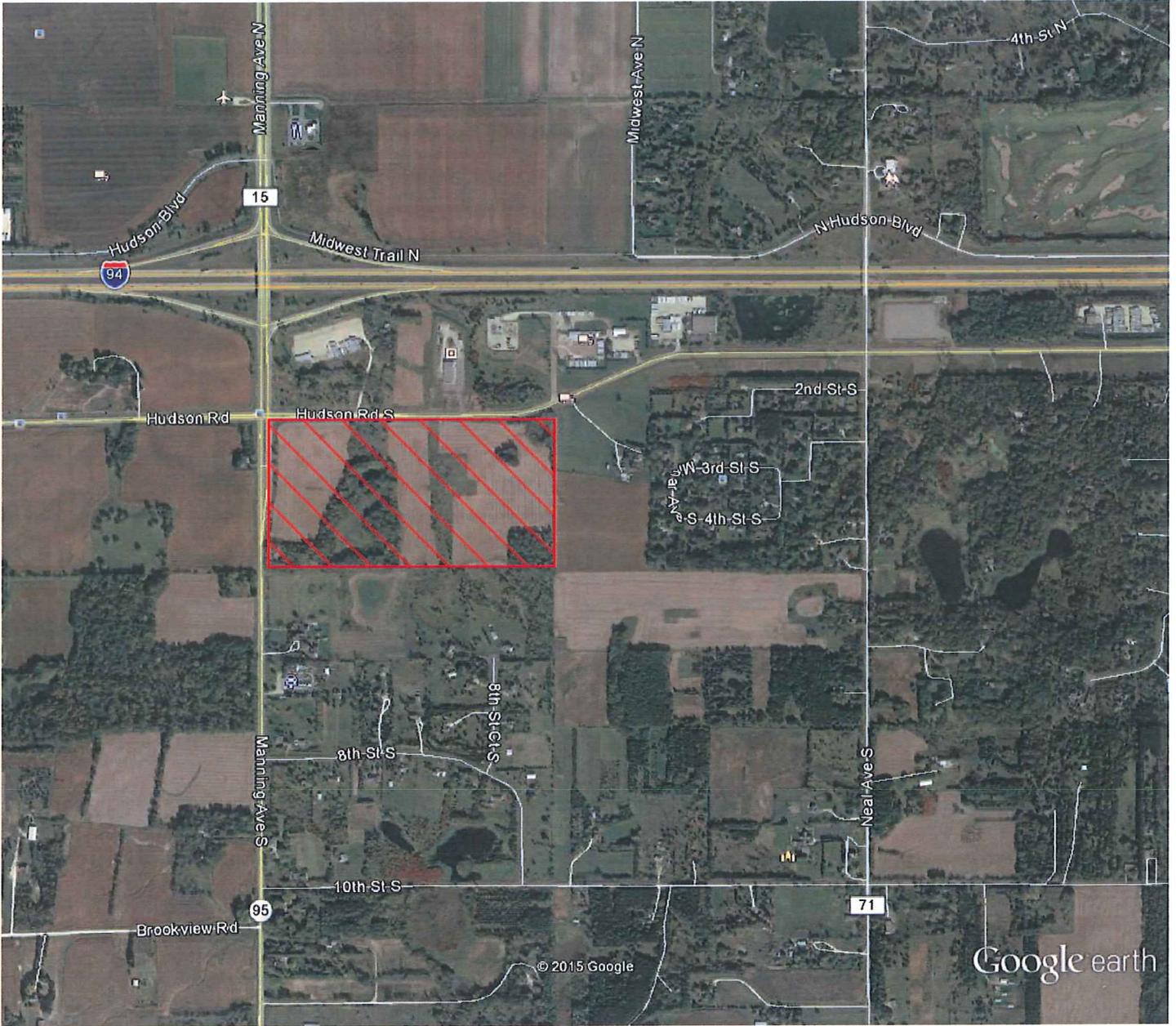
FOC, LLC SITE

MAP 11



Zoning Districts	State Park	City of Afton	Streams	0	0.5	1	Miles	
Agriculture	Marina Services	Parcel Boundaries	Lakes & Rivers					
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							
Rural Residential								





Google earth



Ed Eklin Septic System Design

2303 County Road F East • White Bear Lake, MN 55110
651-485-2300

May 10, 2015

Alan Catchpool
CEI Engineering Associates, Inc.
2025 Centre Pointe Blvd., Suite 210
Mendota Heights, MN 55120

Dear Alan:

At your request, a site evaluation was performed at the property located at Hudson Road and Manning Ave., Afton, MN for a subsurface sewage treatment system. PID #0602820240002.

This is a 69 acre, undeveloped parcel and there are plans to construct a 180' X 100' building for SaveATree, which performs tree removal, brush clearing, tree planting and other related services.

It is my understanding that there will be 10 full time employees and 50 that will be there for dispatch and departure for short time periods.

In the building will be 3 bathrooms, 2 kitchenettes, a shower and a shop sink.

If you believe my calculations of water use are too low, please let me know and I will correct it.

My estimation of water use is 25 gallons per person per day for the full time employees since there is a shower. I was informed that the shower will not be used frequently. This adds up to 250 gallons per day. For the dispatchers and others, I estimate 5 gallons per day per person which adds up to 250 gallons per day. I estimate no more than 500 gallons per day total. I assume the actual water use will be less than my calculation. A water meter should be installed to keep track of water use and I should be informed if the water use exceeds my estimation.

Since the area around the building will be driven on, I suggest installing the sewer pipe fairly deep to avoid freezing, insulating over the pipe and installing a lift tank. See drawing.

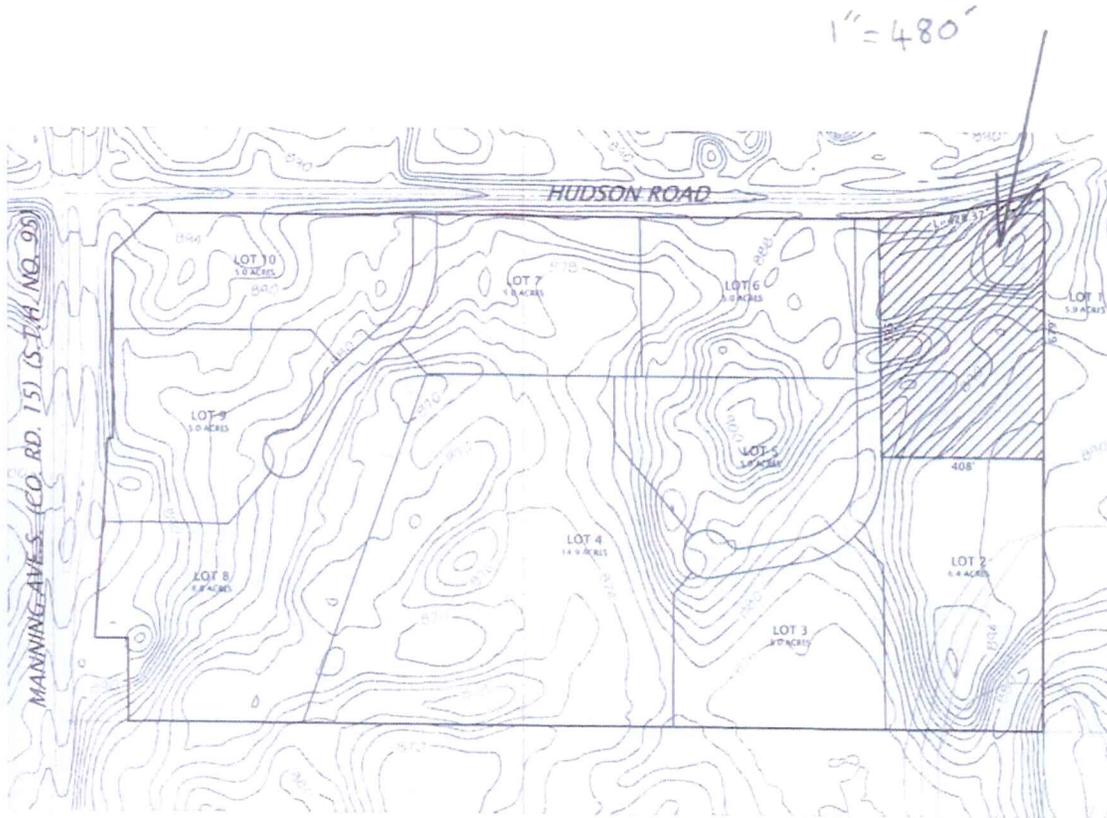
A temporary fence must be installed completely around the sewage treatment area before any construction begins on the lot. This area must remain totally undisturbed.

I have designed a Type 1 sewage treatment system.

MPCA License #3321

Certification #C3268

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



MINOR SUBDIVISION

DEVELOPMENT DATA:

TOTAL ACRES = 69.03 ACRES

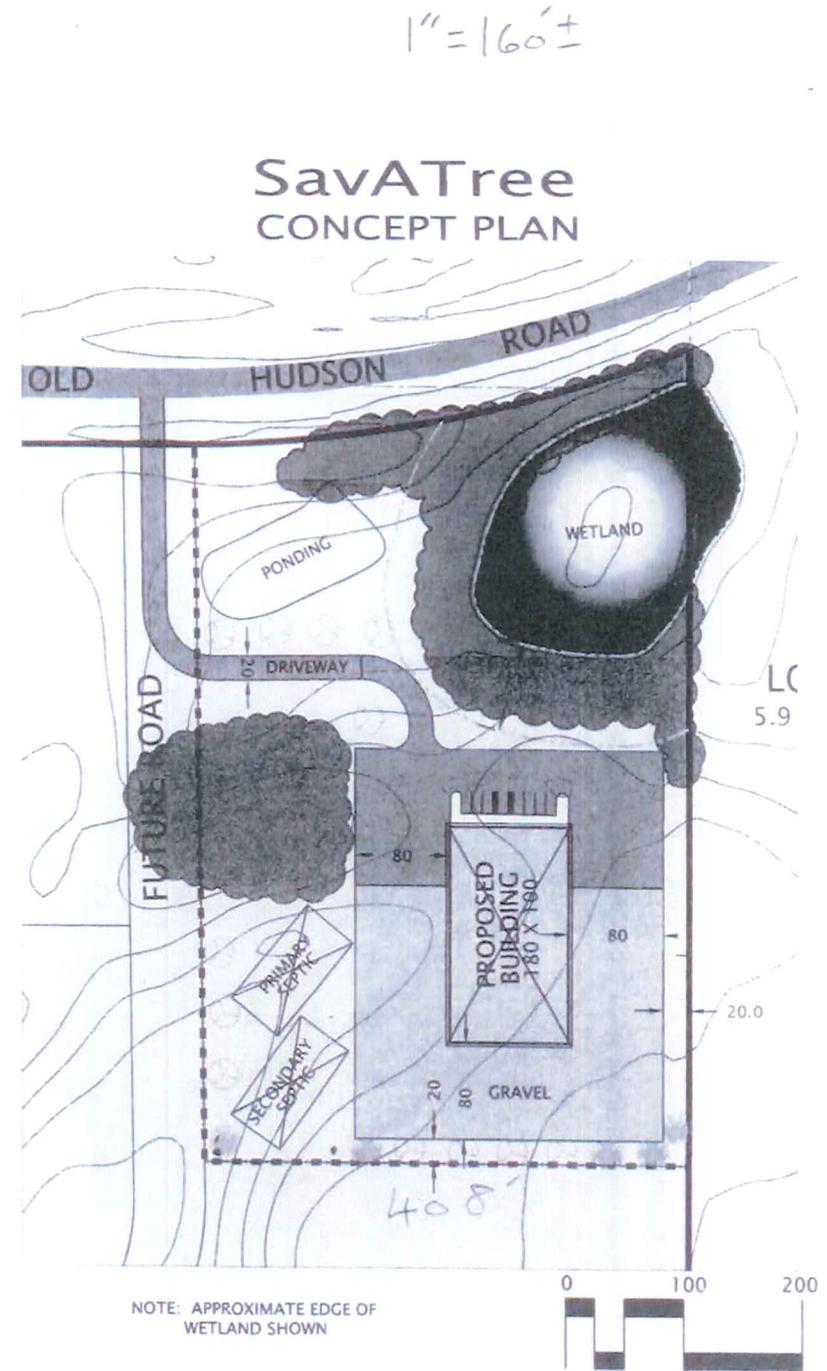
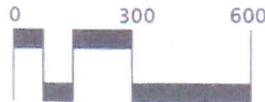
RESIDUE PARCEL = 62.48 ACRES
SavATree parcel = 5.92 ACRES

SavATree
PARCEL CALCULATION:

APPROXIMATE WETLAND AREA = 0.70 ACRES
TOTAL PARCEL AREA = 5.92 ACRES

DEVELOPMENT DATA:
SavATree PARCEL

TOTAL ACRES = 5.92 ACRES / 257,768 SQ. FT.
BUILDING = 18,000 SQ. FT.
BITUMINOUS = 28,114 SQ. FT.
GRAVEL = 41,603 SQ. FT.
CONCRETE = 1,379 SQ. FT.
TOTAL = 89,096 SQ. FT.
34.6% LOT COVERAGE





1. Contact Information v 12.04.25

Property Owner/Client: Client Phone Number:

Mailing Address: Project ID:

Site Address:

Parcel I.D. Township # Range # Section

Date Township name Legal Desc or Lat/Long

Evaluation for system type New Construction Replacement Parcel dimensions

2. Flow Information

Client-Provided Information

Type(s) of use (all that apply) Residential Commer Other Use (Specify)

No. of bedrooms* (if applicable) Unfinished space (ft²)

No. of residents in home Adults Children Teenagers Daycare

Existing flow measurements Yes (If Yes, attach readings) No

Water-using devices (check all that apply) Garbage Disposal Water Softener* Iron Filter* Dishwasher Sump Pump* Other (specify)

Large Bathing/Jacuzzi High Efficiency Furnace* Clear water source

Laundry/Large Tub on 2nd Floor Hot Tub*

Water use concerns (check all that apply) Faucet/Toilet Leaks Multiple Loads of Laundry/Day Long-Term Prescription Meds

In-Home Business No Lint Screen Use of Anti-Bacterial Soap Frequent Entertaining of Out-of-Town Guests

Any additional current or future uses on this parcel (specify)

Any non-sewage discharges to system (specify)

Sewage ejector or grinder pump in home Yes No

I acknowledge the above is complete and accurate (Client(s) signature and date)

Designer-determined Flow Information

A. Estimated Design Flow (gallons per day)

Anticipated waste strength values: Domestic High BOD: mg/L

CBOD: mg/L (TSS): mg/L O&G: mg/L

3. Preliminary Site Information

B(1). Water supply well(s) within 100 ft of absorption area Yes No

Well(s) were located Direct Observation County Well Index Maps Personal MN Unique Well Id #:

Depth of well(s) ft Well casing depth(s) ft Source

Impervious Layer No Yes If Yes, Define & Source: Required Setback: ft

B(2). Site within 200 ft of noncommunity transient supply well Yes No Source

B(3). Site within a drinking water supply management area Yes No Source

B(4). Location of all existing and proposed buildings and improvements on lot (see Site Evaluation map)

B(5). Buried water supply pipes within 50 ft of proposed system Yes No

C. Location of all easements on lot (see Site Evaluation map) Source

D. Elevation of ordinary high water level (OWHL) - MN DNR (if adjacent to parcel)

E. Floodplain designation and flood elevation Source

F. Determine property lines (see Site Evaluation map) Survey Plat Other verify

Site located in a shoreland district/area Yes No

G. Distance of setbacks Property Lines OHWL Easements Water Supply Pipes Well(s) Other Buildings

H. Soil Survey Information (from web soil survey) Map Map Units on Parcel

List landforms Slope Range

Parent materials - check all that apply Landscape Position (check all that apply)

Till Outwash Loess Bedro Alluvium Summit Shoulde Backslope Footsl Toeslope

Colluvium Lacustrin Organic Cut/Fill Depression Stream Terrace Manmade Plain

Minimum bedrock depth: inches Minimum bedrock depth: inches

Maximum bedrock depth: inches Maximum bedrock depth: inches

Map Unit Ratings

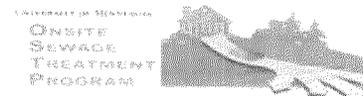
Septic Tank Absorption Field - Trench (MN)

Septic Tank Absorption Field - At-grade (MN)

Septic Tank Absorption Field - Mound (MN)

Additional Soil Observation Logs

Project ID:

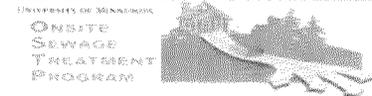


Client/ Address:			Legal Description/ GPS:						
Soil parent material(s): (Check all that apply) <input checked="" type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input checked="" type="checkbox"/> Loess <input type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter									
Landscape Position: (check one) <input type="checkbox"/> Summi <input type="checkbox"/> Shoulder <input checked="" type="checkbox"/> Back/Side Slope <input type="checkbox"/> Foot Slope <input type="checkbox"/> Toe							Slope shape		linear/linear
Vegetation	plowed		Soil survey map units	49B	Slope%	6.0	Elevation:		
Weather Conditions/Time of Day:		partly sunny 8:50 AM				Date	05/03/15		
Observation #/Location:		BH2			Observation Type:		<input checked="" type="checkbox"/> Auger <input type="checkbox"/> Probe <input type="checkbox"/> Pit		
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	----- Structure-----		
							Shape	Grade	Consistence
0-18	Silt Loam		10yr 3/2				Blocky		
18-30	Silt Loam		10yr 5/4				Blocky		
30-60	Fine Sand		10yr 6/4				Single grain		
60-78	Very Fine Sand		10yr 6/4		Concentrations		Single grain		
Comments		Redox. 5 feet deep							

Observation #/Location:		BH3			Observation Type:		Auger		
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	----- Structure-----		
							Shape	Grade	Consistence
0-26	Silt Loam		10yr 3/2				Blocky		
26-42	Silt Loam		10yr 5/3				Blocky		
42-48	Fine Sandy Loam		10yr 5/4				Blocky		
48-60	Loamy Very Fine Sand		7.5yr 5/3				Single grain		
60-84	Sand		10yr 6/3				Single grain		
Comments		OK 7 feet deep							

Additional Soil Observation Logs

Project ID:



Client/ Address:		Alan Catchpool			Legal Description/ GPS:		Hudson Rd. and Manning Ave., Afton, MN				
Soil parent material(s): (Check all that apply) <input checked="" type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input checked="" type="checkbox"/> Loess <input type="checkbox"/> Till <input type="checkbox"/> Alluvium <input type="checkbox"/> Bedrock <input type="checkbox"/> Organic Matter											
Landscape Position: (check one) <input type="checkbox"/> Summit <input type="checkbox"/> Shoulder <input checked="" type="checkbox"/> Back/Side Slope <input type="checkbox"/> Foot Slope <input type="checkbox"/> Toe Slope							Slope shape			linear/linear	
Vegetation		plowed		Soil survey map units		49B		Slope%	6.0	Elevation:	
Weather Conditions/Time of Day:			partly sunny 8:30 AM					Date		05/08/15	
Observation #/Location:			BH5				Observation Type:			<input checked="" type="checkbox"/> Auger <input type="checkbox"/> Probe <input type="checkbox"/> Pit	
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Structure				
							Shape	Grade	Consistence		
0-18	Silt Loam		10yr 3/2				Blocky				
18-36	Silt Loam		10yr 5/4				Blocky				
36-46	Fine Sand		7.5yr 5/4				Single grain				
46-66	Fine Sand		7.5yr 6/3				Single grain				
66-78	Fine Sand		7.5yr 6/3		Concentrations		Single grain				
Comments: Redox. 5 feet 6 inches deep											

Observation #/Location:			BH6				Observation Type:			Auger	
Depth (in)	Texture	Rock Frag. %	Matrix Color(s)	Mottle Color(s)	Redox Kind(s)	Indicator(s)	Structure				
							Shape	Grade	Consistence		
0-12	Silt Loam		10yr 3/2				Blocky				
12-18	Silt Loam		10yr 5/4				Blocky				
18-42	Fine Sand		7.5yr 5/3				Single grain				
42-66	Sand		7.5yr 6/3				Single grain				
Comments: OK 5 feet 6 inches.											

OSTP Percolation Data Sheet



1. Contact Information Project ID: v 12.04.25

Property Owner/Client:

Address:

2. General Percolation Information

Diameter in

Date prepared and/or soaked:

Method of scratching sidewall:

Is pre-soak required? * *Not required in sandy soils*

Soak* start time:

Soak* end time:

hrs of soak

Method to maintain 12 in of water during soak

3. Percolation Test Data

Test hole:

Location:

Date reading taken:

Elevation:

Starting time:

Depth**: inches

Soil texture description:

Depth (in)	Soil Texture
0-24	silt loam

*** 12 inches for mounds & at-grades,
depth of absorption area for trenches &
beds*

Reading	Start Time	End Time	Start Reading (in)	End Reading (in)	Perc rate (mpi)	% Difference Last 3 Rates	Pass
1	7:48 AM	8:18 AM	8.00	6.80	25.0	NA	NA
2	8:18 AM	8:48 AM	8.00	6.75	24.0	NA	NA
3	8:48 AM	9:18 AM	8.00	6.75	24.0	4.0	Yes
4							

Chosen Percolation Rate for Test Hole #1 mpi

Additional percolation test data may be included on attached pages

Design Percolation Rate (maximum of all tests) =

mpi

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

(Designer)

(Signature)

(License #)

(Date)



OSTP Design Summary Worksheet



Pressure Distribution Summary

No. of Perforated Laterals	<input type="text"/>	Perforation Spacing	<input type="text"/> ft	Perforation Diameter	<input type="text"/> in
Lateral Diameter	<input type="text"/> in	Supply Pipe Diameter	<input type="text"/> in	Minimum Dose Volume	#VALUE!
Flow Rate	<input type="text"/> GPM	Total Head	<input type="text"/> ft	Maximum Dose Volume	125

Holding Tanks Only

Number of Holding Tanks	<input type="text"/>	Total Volume of Holding Tanks	<input type="text"/> gallons
High Level Alarm?	<input type="text"/>		

4. Additional Info for Type IV/Pretreatment Design

Type of Pretreatment Unit Being Installed:

Organic Loading to Pretreatment Unit = Design Flow X Estimated BOD in mg/L in the effluent X 8.35 ÷ 1,000,000

$$\text{[] gpd} \times \text{[] mg/L} \times 8.35 \div 1,000,000 = \text{[] lbs BOD/day}$$

Calculate *System Organic Loading*: lbs. BOD/day ÷ Bottom Area = lbs/day/ft²

$$\text{[] lbs/day} \div \text{[] ft}^2 = \text{[] lbs/day/ft}^2$$

Comments/Special Design Considerations:

Large empty box for comments and special design considerations.

I hereby certify that I have completed this work in accordance with all applicable ordinances, rules and laws.

_____ (Designer) _____ (Signature) _____ (License #) _____ (Date)

J. Calculate *Rock Volume* : (*Sidewall Height* (2.B) + *Depth to Cover Pipe* (2.I)) X *Bottom Area* (2.C) = cubic feet

$$\left(\boxed{0.50} \text{ ft} + \boxed{0.50} \text{ ft} \right) \times \boxed{1230} \text{ ft}^2 = \boxed{1230} \text{ ft}^3$$

Divide ft^3 by 27 ft^3/yd^3 to calculate cubic yards:

$$\boxed{1230} \text{ ft}^3 \div 27 = \boxed{46} \text{ yd}^3$$

K. If using a registered product, enter the *Component Length* : in $\div 12 =$ ft

L. *Number of Components* = *Total Length Required* (2.E) divided by *Component Length* (2.K) (Round up)

$$\boxed{} \text{ ft} \div \boxed{} \text{ ft} = \boxed{} \text{ components}$$

3. BED CONFIGURATION: (for sites with less than 6% slope)

A. Select size *Multiplier* : 1.0 = pressurized or 1.5 = gravity

B. Req'd *Bottom Area* = *Bottom Area* (1.D) X *Size Multiplier* =

$$\boxed{1000.0} \text{ ft}^2 \times \boxed{} \text{ ft} = \boxed{} \text{ ft}^2$$

C. Select *Bed Width* : ft Maximum width = 25 ft. (pressurized)
Maximum width = 12 ft. (gravity)

D. Calculate *Bed Length*: *Designed Bottom Area* (3.B) \div *Bed Width* (3.C) = *Bed Length*

$$\boxed{} \text{ ft}^2 \div \boxed{} \text{ ft} = \boxed{} \text{ ft} =$$

E. If drainfield rock is being used, select *sidewall absorption*

$$\boxed{} \text{ inches} = \boxed{} \text{ ft}$$

F. If drainfield rock is used, calculate *Media Volume* : (*Media Depth* (3.E) + *depth to cover pipe*) X *Designed Bottom Area* (3.B) = ft^3

$$\left(\boxed{} \text{ ft} + \boxed{} \text{ ft} \right) \times \boxed{} \text{ ft}^2 = \boxed{} \text{ ft}^3$$

Calculate *Volume in cubic yards* : *Media volume in cubic feet* (3.F) $\div 27 =$ cubic yards

$$\boxed{} \text{ ft}^3 \div 27 = \boxed{} \text{ yd}^3$$

G. If using a registered product, enter the *Component Length* : in $\div 12 =$ ft

H. If using a registered product, enter the *Component Width* : in $\div 12 =$ ft

I. *Number of Components per Row* = *Bed Length* (2.E) divided by *Component Length* (2.K) (Round up)

$$\boxed{} \text{ ft} \div \boxed{} \text{ ft} = \boxed{} \text{ components}$$

J. *Number of Rows* = *Bed Width* (2.E) divided by *Component Width* (2.K) (Round up)

Adjust *Bed Width* (3.C) until this number is a whole number

$$\boxed{} \text{ ft} \div \boxed{} \text{ ft} = \boxed{} \text{ rows}$$

K. *Total Number of Components* = *Number of Components per Row* X *Number of Rows*

$$\boxed{} \times \boxed{} = \boxed{} \text{ components}$$

Comments:



OSTP Pump Tank Sizing, Dosing and Float and Timer Setting Design Worksheet



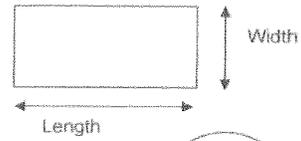
DETERMINE AREA AND/OR GALLONS PER INCH

Project ID:

v 11.09.22

1. A. Rectangle area = Length (L) X Width (W)

ft X ft = ft²



B. Circle area = 3.14r² (3.14 X radius X radius)

3.14 X ² ft = ft²



C. Tank model and manufacturer:

D. Get area from manufacturer

ft²

E. Get gallons per inch from manufacturer

Gallons per inch

2. Calculate Gallons Per Inch:

There are 7.48 gallons per cubic foot. Therefore, multiply the area from 1.A, 1.B, or 1.C by 7.48 to determine the gallons per foot the tank holds. Then divide that number by 12 to calculate the gallons per inch.

(Area X 7.48 gallons/ft³)/(12 in/ft) =

ft² X 7.48 gal/ft³ ÷ 12 in/ft = Gallons per inch

TANK CAPACITY

3. Enter the Designed Pump Tank Capacity (minimum provided in the table): Gallons

4. Calculate Total Tank Volume

A. Depth from bottom of inlet pipe to tank bottom: in

B. Total Tank Volume = Depth from bottom of inlet pipe (Line 4.A) X Gallons/Inch (Line 2)

in X Gallons Per Inch = Gallons

5. Calculate Volume to Cover Pump (The inlet of the pump must be at least 4-inches from the bottom of the pump tank & 2 inches of water covering the pump is recommended)

(Pump and block height + 2 inches) X Gallons Per Inch (1D or 2)

(in + 2 inches) X Gallons Per Inch = Gallons

DOSING VOLUME

6. Minimum Pumpout Volume - 4 X Volume of Distribution Piping: Gallons

- Line 17 of the Pressure Distribution or Line 11 of Non-level

7. Calculate Maximum Pumpout Volume (25% of Design Flow)

Design Flow: GPD X 0.25 = Gallons

8. Select a pumpout volume that meets both items above (Line 6 & 7): Gallons

9. Calculate Doses Per Day = Design Flow ÷ Dosing Volume

gpd ÷ gal = Doses

10. Calculate Drainback:

A. Diameter of Supply Pipe = inches

B. Length of Supply Pipe = feet

C. Volume of Liquid Per Lineal Foot of Pipe = Gallons/ft

D. Drainback = Length of Supply Pipe X Volume of Liquid Per Lineal Foot of Pipe

ft X gal/ft = Gallons

11. Total Dosing Volume = Dosing Volume (Line 8) plus Drainback (Line 10.D)

gal + gal = Gallons

12. Minimum Alarm Volume = Depth of alarm (2 or 3 inches) X gallons per inch of tank (Line 1 or 2)

in X gal/in = Gallons

Volume of Liquid in Pipe

Pipe Diameter (inches)	Liquid Per Foot (Gallons)
1	0.045
1.25	0.078
1.5	0.110
2	0.170
3	0.380
4	0.661

STATE OF MN-DOT
or Current Resident
1500 COUNTY ROAD B2 W
ROSEVILLE MN 55113

BERT MARY L TRS
or Current Resident
5829 WOODLANE BAY
WOODBURY MN 55129

HUDSON ROAD LLC
or Current Resident
7571 9TH ST N
OAKDALE MN 55128

ISLAMIC SOCIETY WOODBURY/EAST METRO
or Current Resident
680 COMMERCE DR # 130
WOODBURY MN 55125

DRISCOLL MICHAEL L & BRENDA NELSON
or Current Resident
501 MANNING AVE S
AFTON MN 55001

DPS-WOODDALE LLC
or Current Resident
6007 CULLIGAN WAY
MINNETONKA MN 55345

HOELDERLE CLARE A & PAUL T JR
or Current Resident
589 MANNING AVE S
AFTON MN 55001

XCEL ENERGY
or Current Resident
414 NICOLLET MALL
MINNEAPOLIS MN 55401

BENNETT CHARLES J
or Current Resident
12340 8TH STREET CT S
AFTON MN 55001

LAMB DOUGLAS K
or Current Resident
15 POINT RD
BAYPORT MN 55003

CITY OF WOODBURY
or Current Resident
8301 VALLEY CREEK RD
WOODBURY MN 55125

CRAIG ANDREW A & MELISSA J
or Current Resident
510 MANNING AVE S
WOODBURY MN 55129

FOC LLC
or Current Resident
1807 MARKET BLVD # 335
HASTINGS MN 55033

BECHEL BRADLEY J & ANGELA G
or Current Resident
12350 8TH ST CT
AFTON MN 55001

RDM II CO LLC
or Current Resident
12225 HUDSON RD S PO BOX 284
AFTON MN 55001

GOEBEL ALVIN F & JOAN M
or Current Resident
12060 110TH ST S
HASTINGS MN 55033

BROCKMAN THOMAS J ETAL
or Current Resident
12175 HUDSON BLVD
AFTON MN 55001

MN DEPT OF TRANSPORTATION
or Current Resident
395 JOHN IRELAND BLVD
ST PAUL MN 55155

ALBRECHT LAURETTA O TRS
or Current Resident
1911 NOBLE RD
ARDEN HILLS MN 55112-7832

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

Planning Commission Memo

Meeting: June 1, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: May 26, 2015
Re: Bill Scheel Application for Subdivision at 13404 15th Street and the property with PID 08.028.20.14.0001

Attachments

Minor subdivision application
Surveys showing the existing and subdivided parcel
List of properties within 500 feet
Letter from Washington County re: suitable soils for septic systems
Property location map

Background

Bill Scheel, a co-trustee of the subject property, has applied for a subdivision to create three lots on the property at 13404 15th Street South and the property with PID 08.028.20.14.0001. The property with PID 08.028.20.14.0001, while a large lot, is currently nonconforming due to having less than 300 feet of frontage on a public road. The subdivision would result in three conforming lots.

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

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 |

Drainage and Utility Easements

The City Code requires 10 foot wide drainage and utility easements along the perimeter of the new lots.

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
- Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with Section 12-1270 of the Subdivision Ordinance.

Findings

The Planning Commission will need to provide findings to support its recommendation.

1. The subdivision meets all subdivision requirements
2. The subdivision would enlarge the property with PID 08.028.20.14.0001 to enable it to meet the requirement for 300 feet of frontage on a public road.

PLANNING COMMISSION DIRECTION REQUESTED:

Motion regarding the Bill Scheel Application for Subdivision at 13404 15th Street, and PID 08.028.20.14.0001 with findings and conditions.

2-17-15

CITY OF AFTON
MINOR SUBDIVISION PERMIT APPLICATION

Owner	Address	City	State	Zip	Phone
Bill Scheel	301 W. Lynwood St.	Phoenix	AZ	85003	602.909.0795
Applicant (if different than owner)	Address	City	State	Zip	Phone
Carverstone Land Surveying, Inc.	6750 Stillwater Blvd. N #1	Stillwater	MN	55082	651.275.4869
Project Address					
13404 15 th Street S.	AFTON MN 55001				
Zoning Classification	Existing Use of Property	PID# or Legal Description			
(removed 11-21-2000) AG	Farm	#0802820210008			
AG Reserve on Map		#0802820140001			
Description of Request					
Divide 2 Existing Parcels of 62.55 62.55 Acres into 3 parcels					
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.					
BM H. Schief, Co-Trustee				5/4/2015	
Signature of Owner/Applicant				Date	
Make checks payable to City of Afton:					
<u>FEES:</u>		<u>DEPOSITS:</u>			
Minor Subdivision	\$250.00	Minor Subdivision	\$1,500.00	TOTAL:	\$1,750.00
				DATE PAID:	5/20/15
				CHECK #:	103941040
				RECVD. BY:	R. J. [Signature]
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) _____
- Survey by a registered land surveyor at a standard scale, illustrating: _____
 - 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
 - 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.

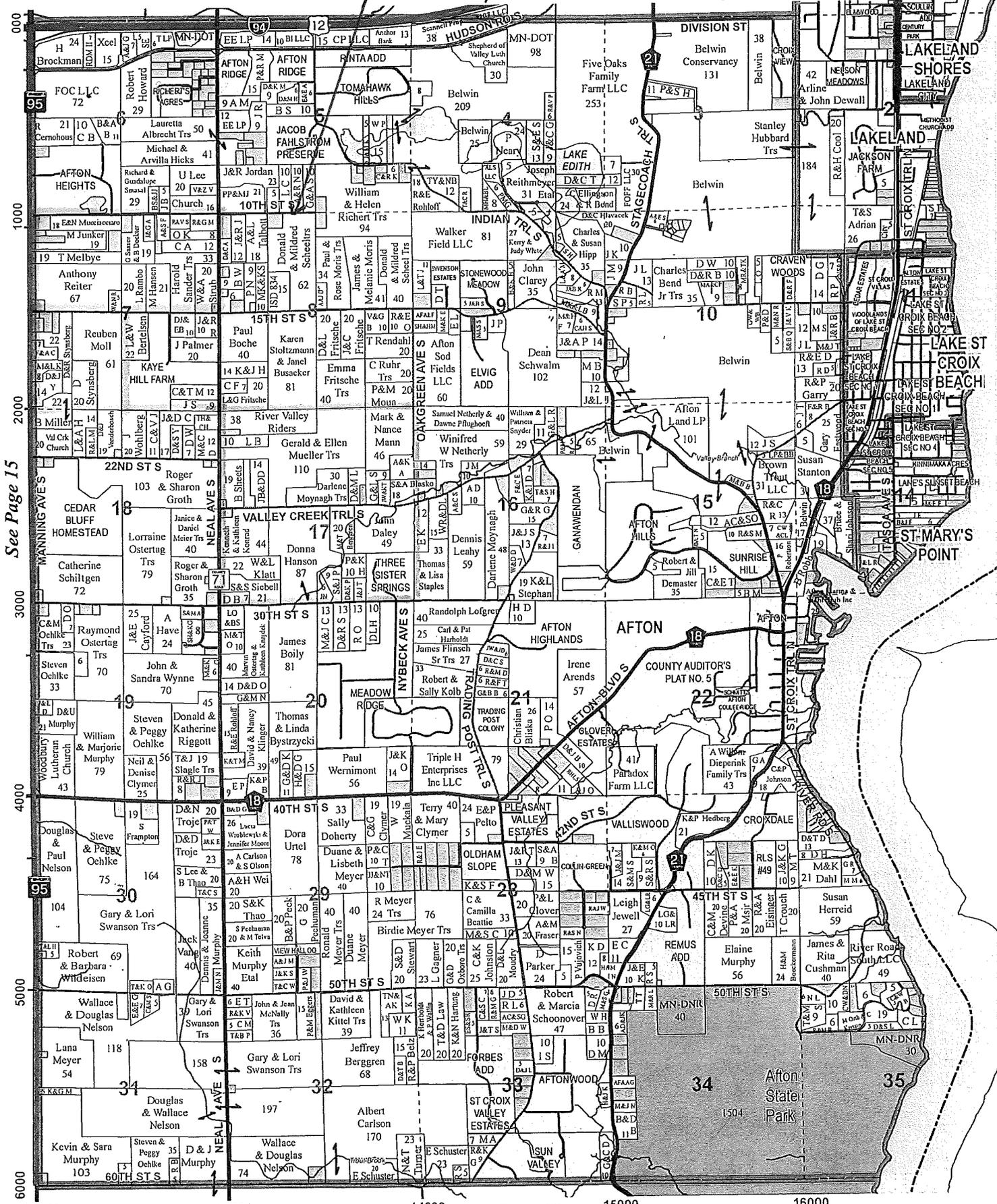
Cities of Afton, St. Marys Point, Lakeland, Lake St. Croix Beach & Lakeland Shores

T.28



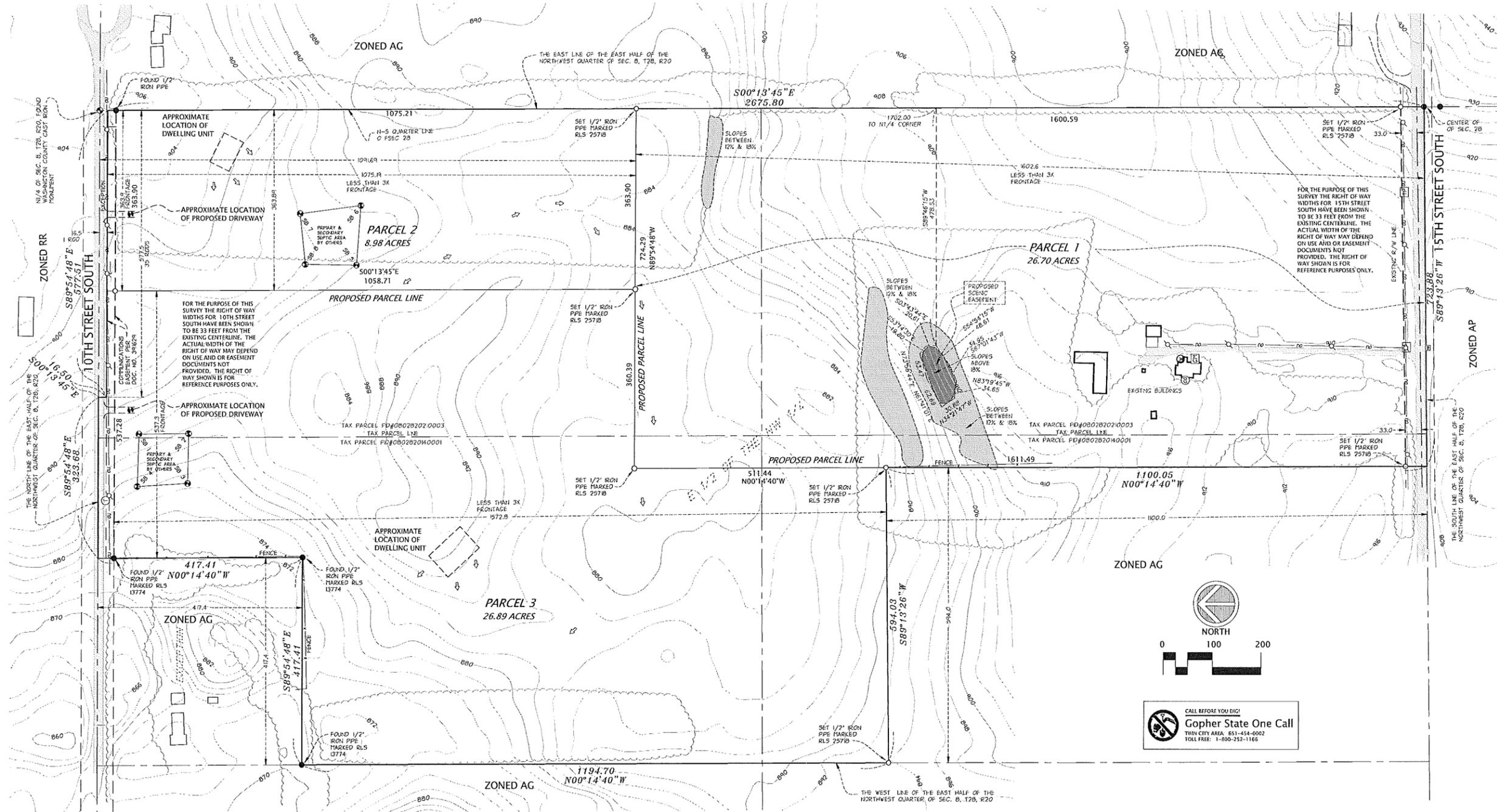
subject property

See Page 14



See Page 15

See Page 19



CONTACT:
 Bill Scheel
 13404 15th St. S.
 Afton, Mn 55001
 602-909-0795

COUNTY/CITY:
 WASHINGTON COUNTY
 CITY OF AFTON



REVISIONS:

DATE	REVISION
4-29-15	CITY SUBMITTAL
5-11-15	CITY SUBMITTAL
5-13-15	CITY SUBMITTAL

CERTIFICATION:
 I hereby certify that this plan 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.
 Daniel L. Thurmes Registration Number: 25718
 Date: 4-29-15

PROJECT LOCATION:
 13404
 15TH STREET S.
 PID#080282010003
 PID#0802820140001

Suite #1
 6750 Stillwater Blvd. N.
 Stillwater, MN 55082
 Phone 651.275.8969
 Fax 651.275.8976
 dan@cssurvey.net

CORNERSTONE LAND SURVEYING, INC.
 FILE NAME: Z215335
 PROJECT NO.: SURVZ2335
 MINOR SUBDIVISION

EXISTING LEGAL DESCRIPTION:

The East Half of the Northwest Quarter of Section 8, Township 28, Range 20, excepting the north 417.4 feet of the west 417.4 feet thereof and subject to an easement for roadway purposes per Book 96 of Deeds, Page 46, also excepting the north 1 Rod of the east 35 rods, also excepting the south 1,100.00 feet of the west 594.00 feet thereof.

PROPOSED LEGAL DESCRIPTION:

(PROPOSED PARCEL 1)
 That part of the East Half of the Northwest Quarter of Section 8, Township 28, Range 20, Washington County, Minnesota lying southerly of the north 1091.69 feet and which lies east of the west 594.00 feet thereof.

(PROPOSED PARCEL 2)
 The south 1075.19 feet of the north 1091.69 feet of the east 363.89 feet of the East Half of the Northwest Quarter of Section 8, Township 28, Range 20, Washington County, Minnesota.

(PROPOSED PARCEL 3)
 The south 1075.19 feet of the north 1091.69 feet lying west of the east 363.89 feet of the East Half of the Northwest Quarter of Section 8, Township 28, Range 20, Washington County, Minnesota, EXCEPT the north 417.40 feet of the west 417.40 feet thereof.

and

That part of the west 594.00 feet of the East Half of the Northwest Quarter of Section 8, Township 28, Range 20, Washington County, Minnesota lying southerly of the north 1091.69 feet and which lies north of the south 1,100.00 feet thereof.

and

That part of the north 16.50 feet of the East Half of the Northwest Quarter of Section 8, Township 28, Range 20, Washington County, Minnesota lying east of the west 417.4 feet thereof and which lies west of the east 577.50 feet thereof.

EASEMENT INFORMATION

EASEMENTS SHOWN ARE LIMITED TO THOSE SHOWN ON COUNTY HALF SECTION MAPPING OR LISTED IN THE ABOVE LEGAL DESCRIPTION. NO TITLE COMMITMENT WAS PROVIDED TO US FOR REVIEW. OTHER EASEMENTS AMY EXIST THAT ARE NOT SHOWN.

BENCHMARKS

ELEVATIONS BASED ON GPS DERIVED VALUES BASED ON NAVD 88.

LEGEND

- FOUND CAST IRON MONUMENT
- FOUND MONUMENT (AS NOTED)
- SET IRON PIPE MARKED WITH MN LICENSE NO. 25718
- ▭ CABLE TV PEDESTAL
- ⊕ ELECTRIC METER
- ⊕ ELECTRIC TRANSFORMER
- GUY WIRE
- ⊕ POWER POLE
- ⊕ GAS METER
- ⊕ TELEPHONE PEDESTAL
- ⊕ SANITARY CLEANOUT
- ⊕ WATER WELL
- ⊕ MAIL BOX
- ▨ BUILDING LINE
- ▨ BITUMINOUS SURFACE
- ▨ CONCRETE SURFACE
- UT — UNDERGROUND TELEPHONE
- OU — OVERHEAD UTILITY
- UC — UNDERGROUND GAS
- — — — — FENCE

DEVELOPMENT DATA:

TOTAL AREA = 62.55 ACRES
 EXISTING TAX PARCEL #080282010003 = 40.59 ACRES
 EXISTING TAX PARCEL #0802820140001 = 21.96 ACRES

PROPOSED PARCEL 1 = 26.70 ACRES
 AREA LESS THAN 13% SLOPES = 25.61 ACRES
 AREA BETWEEN 13% - 18% SLOPES = 0.98 ACRES
 AREA ABOVE 18% SLOPES = 0.11 ACRES
 AREA OF EXISTING RIGHT OF WAY = 0.76 ACRES
 BUILDABLE = 25.83 ACRES

PROPOSED PARCEL 2 = 8.98 ACRES
 AREA LESS THAN 13% SLOPES = 8.98 ACRES
 AREA BETWEEN 13% - 18% SLOPES = 0 ACRES
 AREA ABOVE 18% SLOPES = 0 ACRES
 AREA OF EXISTING RIGHT OF WAY = 0.14 ACRES
 BUILDABLE = 8.84 ACRES

PROPOSED PARCEL 3 = 26.87 ACRES
 AREA LESS THAN 13% SLOPES = 26.87 ACRES
 AREA BETWEEN 13% - 18% SLOPES = 0 ACRES
 AREA ABOVE 18% SLOPES = 0 ACRES
 AREA OF EXISTING RIGHT OF WAY = 0.20 ACRES
 BUILDABLE = 26.67 ACRES

SURVEY NOTES:

- BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE WASHINGTON COUNTY SURVEYORS OFFICE.
- UNDERGROUND UTILITIES NOT SHOWN.
- CONTOURS SHOWN PER MNTPO WEBSITE. 2012 DNR LIDAR GENERATED CONTOURS.
- SEPTIC BORINGS LOCATED ON 4-28-15. SEPTIC REPORT BY ED EKLIN SEPTIC DESIGN.

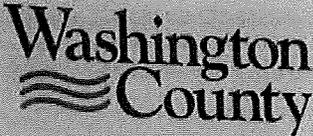
SCENIC EASEMENT

(PROPOSED SCENIC EASEMENT)
 An easement for Scenic Purposes over and across that part of the East Half of the Northwest Quarter of Section 8, Township 28, Range 20, Washington County, Minnesota, said easement is described as COMMENCING at the North 1/4 corner of said Section 8; thence on an assumed bearing of South 00 degrees 13 minutes 45 seconds East along the north-south quarter line of said Section 8 a distance of 1,702.00 feet; thence South 89 degrees 46 minutes 15 seconds West a distance of 478.53 feet to the POINT OF BEGINNING of the easement to be described; thence South 54 degrees 54 minutes 15 seconds West a distance of 48.61 feet; thence South 67 degrees 01 minutes 43 seconds West a distance of 34.95 feet; thence North 83 degrees 19 minutes 45 seconds East a distance of 34.65 feet; thence North 34 degrees 21 minutes 47 seconds West a distance of 30.88 feet; thence North 61 degrees 41 minutes 01 seconds East a distance of 62.69 feet; thence North 73 degrees 58 minutes 44 seconds East a distance of 53.47 feet; thence South 53 degrees 14 minutes 30 seconds East a distance of 19.80 feet; thence South 03 degrees 43 minutes 44 seconds East a distance of 20.61 feet to the POINT OF BEGINNING.

STATE OF MINNESOTA)
) SS.
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this _____ day of May, 2013 by
DIANA RONK.


Notary Public



Department of Public
Health and Environment

Lowell Johnson
Director

David Brummel
Deputy Director

May 15, 2015

Bill Scheel
301 W. Lynwood Street
Phoenix AZ 85003

GEO Code: 0802820210003

LOT SPLIT

On May 4, 2015, the Department received a Septic Permit Application for a Lot Split at 13404 15th Street South in Afton, Minnesota, Geo Code 0802820210003. On May 11, 2015 the Department reviewed the soils of the proposed lot split. Based on the soil observations submitted with the application and the soil observations conducted by the Department on May 11, 2015, the proposed lot appears to have suitable soil for individual sewage treatment systems and the Department is approving the proposed subdivision as suitable to accommodate long-term sewage treatment.

It should be noted that the soil testing conducted by Ed Eklin was preliminary and was conducted only for the purpose of determining suitability of this lot to support long-term sewage treatment. Section 9.5 of the Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations (Washington County Ordinance #196) states:

Complete soil testing on each individual lot must be conducted prior to permit issuance independent of any prior subdivision or lot approval testing. For permit issuance, a minimum of four (4) soil observations encompassing the proposed sewage treatment area are required. At least one soil observation must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions. Larger areas may be required where conditions of use, soils, topography, or vegetation require.

Before permits will be issued by this Department for a specific individual sewage treatment system design, at least four additional soil borings and at least one percolation test must be conducted by a designer licensed by the Minnesota Pollution Control Agency. The preliminary soil borings conducted by Ed Eklin may not be used by another designer for a specific SSTS design.

For each lot, rope off and protect the area reserved for the primary and secondary individual sewage treatment system from all traffic. Any excavation in the primary and secondary individual sewage treatment system would nullify this approval and may subsequently cause the lot to be declared unbuildable.

If you have any questions or comments, please contact me at 651-430-6673.

Sincerely,

Christopher W. LeClair, R.E.H.S.
Senior Environmental Specialist
Washington County Department of
Public Health & Environment
Chris.LeClair@co.washington.mn.us

Government Center • 14949 82nd Street North — P.O. Box 6, Stillwater, Minnesota 55082-0006
Phone: 651-430-6655 • Fax: 651-430-8730 • TTY: 651-430-6246

Service Centers also located in Cottage Grove and Forest Lake

www.co.washington.mn.us

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County Recorder
Washington County, MN

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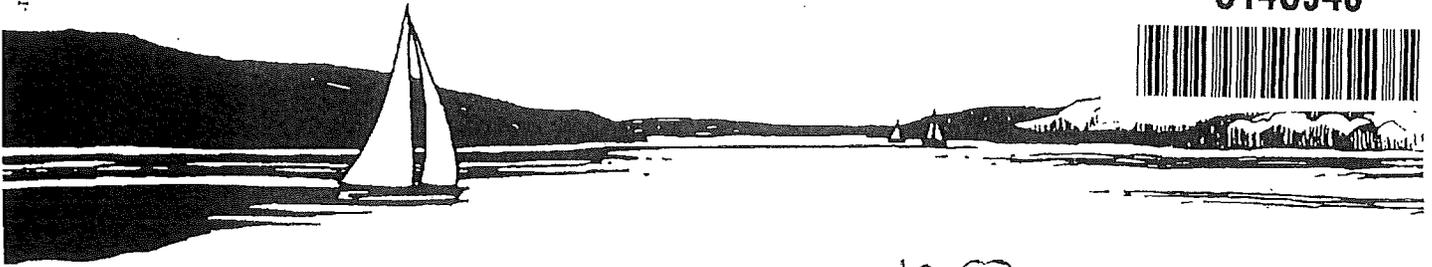
3145943



Cindy Koosmann
County Recorder

By: *Cindy Koosmann*

3145943



*Mayor
Jerry Kellogg*

*City Administrator
Larry Whittaker*

19.50

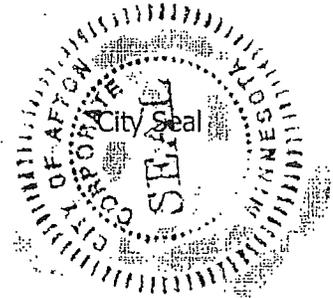
*Council Members
Ward 1 - Pat Tierney
Ward 2 - Gary Swanson
Ward 3 - Pat Snyder
Ward 4 - Mark Borgwardt*

CERTIFICATION

I certify this to be a true and correct copy of Ordinance 1997-36, adopted by the Afton City Council on November 21, 2000.

Twyla Dudley
Twyla Dudley
Deputy Clerk

2-1-01
Date



ORDINANCE 1997 - 36

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE APPROVING DON SCHEEL'S
APPLICATION TO REZONE PROPERTY FROM AG PRESERVE TO AGRICULTURAL

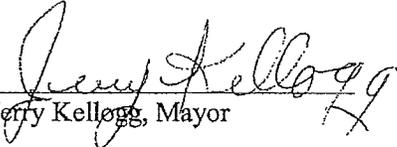
- WHEREAS, the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS, the City Council of the City of Afton has adopted zoning, subdivision and building regulations as part of the Afton Code of Ordinances to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS, Don Scheel has made an application to the City of Afton to rezone from Ag Preserve to Agricultural the property located in the ELY 1/2 OF THE NW 1/4 OF SECTION 8, T28, R20 at 13404 15th Street South in Afton; and
- WHEREAS, the Afton Planning Commission conducted a public hearing regarding this application and recommended the City Council approve the applicant's request to rezone the parcel from Ag Preserve to Agricultural.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Afton that Don Scheel's application to rezone the property identified in the attached legal descriptions from Ag Preserve to Agricultural is approved pursuant to the following Findings:

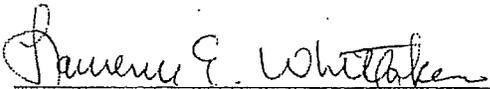
FINDINGS:

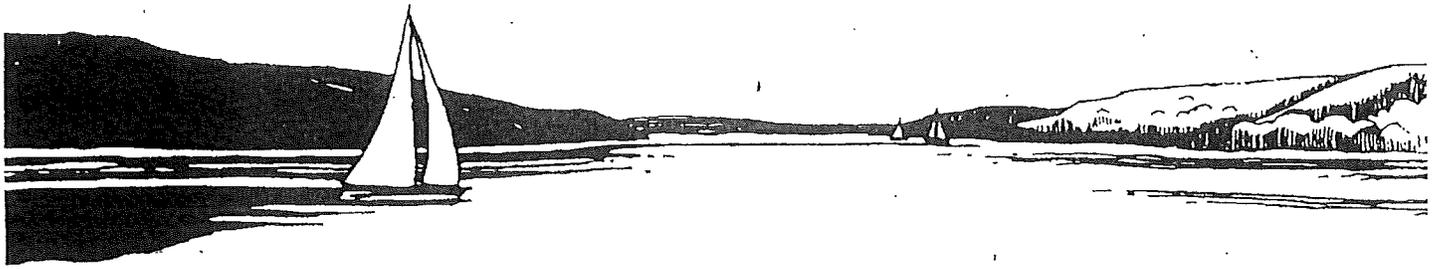
1. These parcels were in the City's Agricultural Zoning District prior to the applicant's voluntary participation in the Metropolitan AG Preserve program; and
2. Said parcels were removed from the program in January 1989; and Mr. Scheel waited until January 6, 1997 for the eight-year waiting period to end; and
3. The density of 3/40 in the AG zoning districts is in keeping with the City's overall density of one dwelling unit per 10 acres and is in conformance with the Comprehensive Plan; and
4. The properties have Rural Residential zoning and use to the west and northwest and AG (3/40) zoning to the east and south borders of the parcels.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 21ST DAY OF
NOVEMBER, 2000:


Jerry Kellogg, Mayor

ATTEST:


Laurence E. Whittaker, City Administrator



Mayor

Jerry Kellogg

City Administrator

Larry Whittaker

LEGAL DESCRIPTION

Council Members

Ward 1 - Pat Tierney

Ward 2 - Gary Swanson

Ward 3 - Pat Snyder

Ward 4 - Mark Borgwardt

Township Twenty-eight (28), Range Twenty (20), Section Eight (8); the West Half of the East Half ($W\frac{1}{2}$ of $E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), except the north one rod of the East Thirty-five (35) rods and except the North 417.4 feet of the West 417.4 feet, and except the South 1,100 feet of the West 594 feet thereof; (20.78 acres) and the East Half of the East Half ($E\frac{1}{2}$ of $E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), except the North one rod (39.75 acres).



Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160
label size 1" x 2 5/8" compatible with Avery®5160/8160

RICHERT WILLIAM E TRS & HELEN K RICHERT TRS
or Current Resident
13507 10TH ST S
AFTON MN 55001

STOLTZMANN KAREN L & JANEL M BUSACKER
or Current Resident
805 MIDWEST TRAIL CT N
LAKE ELMO MN 55042

RICHERT LOREN O & CHERYL A
or Current Resident
13544 10TH ST S
AFTON MN 55001

NOVALANY ANTHONY F & RACHEL C
or Current Resident
13406 10TH ST S
AFTON MN 55001

PAUL L & ROSE MORIS TRS
or Current Resident
9910 BROOKVIEW RD
WOODBURY MN 55125

PARTRIDGE CARROLL O & MARY L JORDAN
or Current Resident
6163 22ND ST N
OAKDALE MN 55128

DOMIAN ARIK E & JOLENE M
or Current Resident
13578 15TH ST S
AFTON MN 55001

KIEFFER MARK & SCHMITZ KIM
or Current Resident
13228 15TH ST S
AFTON MN 55001

CITY OF AFTON
or Current Resident
3033 ST CROIX TRL S PO BOX 219
AFTON MN 55001-0219

DONALD G SCHEEL & MILDRED L SCHEEL FAMILY TRS
or Current Resident
4046 AMICK AVE
DES MOINES IA 50310

FRITSCH DENNIS C & LOIS K
or Current Resident
13601 15TH ST S
AFTON MN 55001

TLC HOLDINGS LLC
or Current Resident
893 HIGHLANDER TRL
HUDSON WI 54016

IND SCH DIST #834
or Current Resident
1875 GREELEY ST S
STILLWATER MN 55082

NAVARRO PAULA CATHERINE
or Current Resident
13192 15TH ST S
AFTON MN 55001

FREDKOVE CHAD M & LISA F KOENIG
or Current Resident
13276 10TH ST S
AFTON MN 55001

JORDAN JOHN L & ROBIN M
or Current Resident
821 NEAL AVE S
AFTON MN 55001-9326

LOREN CONRAD TRS
or Current Resident
13288 10TH ST S
AFTON MN 55001

DONALD G SCHEEL & MILDRED L SCHEEL TRS
or Current Resident
13404 15TH ST S
AFTON MN 55001

SCHMIDT GARY L & ALVINA E
or Current Resident
13430 10TH ST S
AFTON MN 55001

NICHOLAS A MUCCIACCIARO FAMILY TRS
or Current Resident
10123 COUNTRY CLUB CURV
WOODBURY MN 55129



label size 1" x 2 5/8" compatible with Avery®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

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

Planning Commission Memo

Meeting: June 1, 2015

To: Chair Ronningen and members of the Planning Commission
 From: Ron Moorse, City Administrator
 Date: May 26, 2015
 Re: Matt Twomey Application for Variance at 30th Street Property with PID 16.028.20.31.0001

Attachments

Variance application
 Variance questionnaire
 Survey showing the property's topography and potential driveway location options
 List of properties within 500 feet
 Property location map

Background

Matt Twomey has applied for a variance to allow a driveway to be built on a slope greater than 18% to serve a 47 acre parcel on 30th Street with PID # 16.028.20.31.0001. While the parcel has steep slopes along its public road frontage, the interior of the lot is flat and open. Mr. Twomey has previously applied for variances and a subdivision to create two lots on the property. He is now requesting a variance to enable a driveway to serve the property as one lot.

The need for the variance is due to both frontages of the property (along both 30th Street and Valley Creek Trail) having steep slopes along the entire frontage. There is no area along the public road frontage for access to serve the property that would not require a driveway to cross a steep slope. The property is not buildable as a separate lot without the requested variance. The access from 30th Street would cross the least steep area along the frontage of the property. The slope is approximately 19% vs. the maximum allowed slope of 18%. In the attached variance questionnaire, Mr. Twomey has addressed the criteria related to the granting of a variance.

Variance Criteria

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.

Variance Expiration

The City Code provides that a variance must be implemented within one year from the date of approval. Mr. Twomey is requesting that this time period be extended to two years to provide a longer timeframe before a house would need to be constructed on the property.

Findings

The Planning Commission will need to provide findings to support its recommendation.

Conditions

If the Planning Commission recommends approval of the application, the recommendation may include conditions. A recommended condition is that a grading and drainage plan for the driveway is required, and shall be subject to review and approval by the City Engineer.

PLANNING COMMISSION DIRECTION REQUESTED:

Motion regarding the Matt Twomey Application for a Variance at the 30th Street Property with PID 16.028.20.31.0001, with findings and conditions.

Z-15-15

RECEIVED

MAY 18 2015

CITY OF AFTON
VARIANCE APPLICATION

CITY OF AFTON

(Reference Sections: 12-55, 12-77, 12-328 12-835, 12-1020, 12-1266, 12-1955, 12-2228)

Owner	Address	City	State	Zip	Phone
Highview Afton, LLC	1234 S Wasson Lane	River Falls	WI	54022	715-441-6610
Applicant (if different than owner)	Address	City	State	Zip	Phone
Matt Twomey					
Project Address					
30th Street near Trading Post Trail, to and Across Valley Creek Trail		AFTON	MN	55001	
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.					
12-132 Lot Depth to Width Ratio and 12-132 Maximum Buildable Slope for Structures of 18%					
Description of Request					
<i>This parcel is 3,500 feet deep by 340 feet wide. It has been this shape for 50+ years. A small portion of the driveway will cross a 19% slope. This will result in one 47 acre parcel that has 15 acres of buildable area.</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.					
			5/18/15		
Signature of Owner/Applicant			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:		ESCROWS:			
Variance	\$250	\$600	TOTAL:	850.00	
Renewal/Extension	\$250	\$350	DATE PAID:	5/18/15	
			CHECK #:	1375	
			RECVD BY:	KAL	

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79-287-918

1375

MATTHEW OR MONIQUE TWOMEY
396 CEDAR COURT
HUDSON, WI 54016

5/14/2015

PAY City of Affon \$ 650.00
to the order of
Eight hundred fifty & no/100 DOLLARS

FIRST NATIONAL BANK
RIVER FALLS, WI 54022
(715) 425-2401

for Variance one driveway Matthew

⑆091802877⑆ 3115227⑆ 1375

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City of Afton, Minnesota {Variance Questionnaire}

Applicant(s): Highview Afton, LLC (Matt Twomey-LLC Owner)
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: I am seeking variances to be allowed to build one driveway across a 19 % slope and to be allowed to build a home on a rectangular parcel that currently exceeds the depth to width ratio required in the Afton Ordinance. I am not seeking to subdivide my property at this point. I have accepted an offer to sell the land and the buyers simply want city approval of variances so they may build one home on the 47 acre parcel in the future.

City Ordinance Section number for which the variance is required:

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: This lot is substantially bigger than the five acre minimum lot size required for a lot in the Rural Residential District. My proposed lot would have far more than the required amount of buildable area and will not change the overall character of the area.

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 configuration of my parcel 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 my 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 my property, in combination with the large amount of buildable area and total street frontage, should warrant the ability to build a home on this lot. One home on 47 acres is a

reasonable use for the land. Due to the irregular shape and steep slopes of our property, it is necessary to pursue a variance.

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 the 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 with the existing 19% slope under the Western driveway is very uniform in slope with no substantial undulations.

I have tried to do the most reasonable and minimal amount of disruption to this slope. This 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 my land is located, and in Afton in general, slopes are so prevalent that it is often challenging to access buildable area.

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. I 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 it will not. Every one of the homes that adjoins my property would need a variance if they were built under the current ordinance. 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. I am not seeking to subdivide the parcel and building one home on 47 acres is reasonable.

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?

No. This is a parcel that pre-exists the current Afton ordinance and there is no way possible way to make it conform to the Afton depth vs. width ratio. Building one home on 47 acres with a driveway that crosses a slope that exceeds the ordinance by 1% will not set a bad precedent.

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

Explain: No. I am simply trying to make my land buildable for one home.

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: I feel that the character of the area will only be enhanced. There will be a nice home built in a beautiful area and on a lot that far exceeds the minimum size. The buildable area of the lot 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 house is eventually built, it will be completely unseen unless a person turns into the driveway and drives about 500 feet.

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

Explain: There will be a beautiful home that adds to the tax base while meeting the low density goal of the Afton Comprehensive Plan. My 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.”*

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

CERTIFICATE OF SURVEY

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

Folz, Freeman, Erickson, Inc.
LAND PLANNING • SURVEYING • ENGINEERING
12445 55TH STREET NORTH
LAKE ELMO, MINNESOTA 55042
Phone (651) 439-8831 www.fleinc.com

SURVEY FOR:

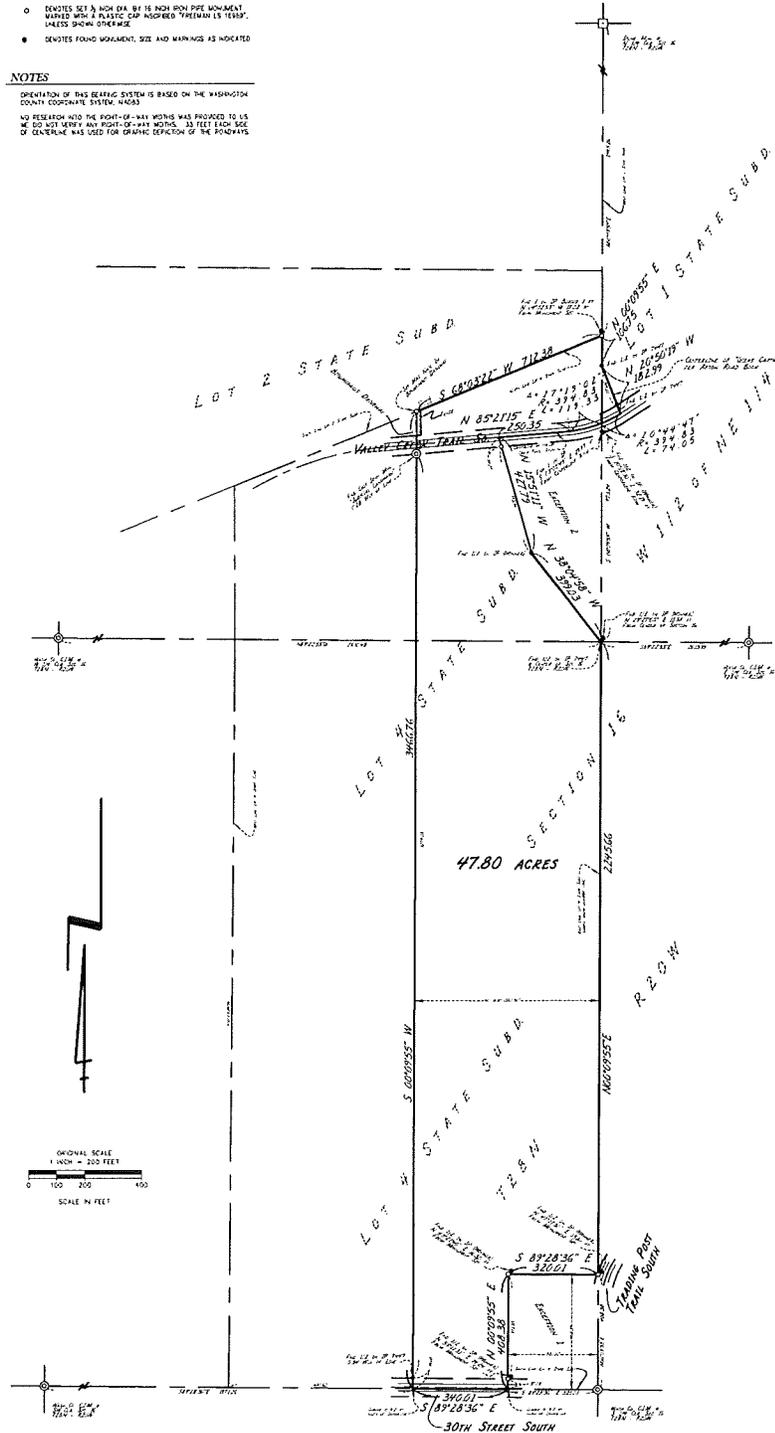
Darlene Moynagh
13506 Valley Creek Trail South
Afton, Minnesota 55001

LEGEND

- DENOTES SET IN 1/2" DIA. BY 1/2" DIA. IRON PIPE MOVEMENT MARKED WITH A PLASTIC CAP AND/OR WIREMAN IS TYPED, UNLESS SHOWN OTHERWISE
- DENOTES FOUND MOVEMENT, SIZE AND MARKING AS INDICATED

NOTES

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD83
NO REFERENCE INTO THE SOUTH-OF-RAY POINTS WAS PROVIDED TO US WE DO NOT VERIFY ANY POINT-OF-RAY POINTS, 33 FEET EACH SIDE OF CENTERLINE WAS USED FOR GRAPHIC DEPICTION OF THE ROADWAYS



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 Gleke Cartway, 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 to the State of Minnesota, in trust for the taxing districts concerned, all minerals and mineral rights as provided by law in the 165 acre part of Lot Four (4) lying East of Cartway No. Three (3) E X C E P T I N G 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 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 78° 28' 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 descriptions that were written by Leroy H. Winner, Land Surveyor (Minnesota Registration No. 4997), during the course of his surveys performed and signed November 15, 1983 (northern exception 2) and April 25, 1964 (southern exception 1). These surveys were presumably prepared for the owner to create these parcels to be sold off.

The legal description of the first exception (southern parcel) is a good clean legal description and it is easy to layout on the ground. In the course of retracing the survey, I find that the monuments 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 architect 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 line". I did in fact find the fence posts and iron in the locations that Mr. Winner shows on his survey, based on his incorrect section subdivision locations. 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 1964 when they were set by Mr. Winner. The legal description of his 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 surveyable. 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 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.

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 Gleke Cartway, 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 to the State of Minnesota, in trust for the taxing districts concerned, all minerals and mineral rights as provided by law in the 165 acre part of Lot Four (4) lying East of Cartway No. Three (3) E X C E P T I N G 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.

Both parcels subject to existing roadways.

Revision 7/11/12

Revised north and curve data on centerline 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] **DATE**
Minnesota License No. 10249

Note: Official Copies of this map are stamp sealed.



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

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

Planning Commission Memo

Meeting: June 1, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: May 26, 2015
Re: Bruce Paddock Variance Application for the Property on 33rd Street with PID#
22.028.20.14.0064

Attachments

Variance application
Variance questionnaire
Property survey
Property aerial photo with topography
List of properties within 500 feet
Property location map

Background

Bruce Paddock is requesting a variance to the minimum lot size requirement to enable the parcel on 33rd Street with PID# 22.028.20.14.0064 to be approved as a buildable lot. The minimum lot size requirement is 22,500 square feet, which is commonly three historically platted 50 foot by 150 foot parcels (7,500 sq. ft. each) combined to create one parcel. The Paddock parcel is made up of two historically platted parcels of 7,500 square feet each, plus 4,384 square feet of vacated 33rd St. right-of-way, for a total of 19,384 square feet.

The Planning Commission and Council have reviewed the issue of the buildability of lots in the Village Historic Site district (VHS) that are nonconforming in size and undeveloped. The direction from both is that the variance process is to be used to provide flexibility regarding the buildability of lots that do not meet the minimum size requirement. The Planning Commission agreed on five standards to be used in its review of these variance applications. They are as follows:

1. The principal structure, including a garage for a residential parcel, must be able to meet all required setbacks, including creek and bluff setbacks.
2. A commercial property must have sufficient area for off-street parking.
3. If two contiguous substandard parcels could be combined and not meet the 22,500 sq. ft. size requirement, they are not separately buildable.
4. The capacity of the planned wastewater treatment system needs to be taken into consideration prior to granting a variance for buildability.
5. If a need is demonstrated, the expiration period of the variance may be extended beyond one year.

- The Paddock parcel is zoned Village Historic Site-Residential (VHS-R).

- While the lot is generally large enough to accommodate a principal structure and garage while meeting required setbacks, the amount of land with slope less than 12% is limited. The Lower St. Croix Bluffland and Shoreland District ordinance provides that no structures shall be placed or grading done on any slopes greater than 12 percent. It is not clear whether the parcel could accommodate a house and garage without impacting the area with slope greater than 12%.
- There is sufficient capacity in the planned wastewater treatment system to serve this parcel.

Findings

The Planning Commission will need to provide findings to support its recommendation.

Conditions

If the Planning Commission recommends approval of the application, the recommendation may include conditions.

PLANNING COMMISSION DIRECTION REQUESTED:

Motion regarding the Bruce Paddock Variance Application for the Property on 33rd Street with PID# 22.028.20.14.0064, with findings and conditions.

2-16-15

CITY OF AFTON VARIANCE APPLICATION

(Reference Sections: 12-55, 12-77, 12-328 12-835, 12-1020, 12-1266, 12-1955, 12-2228)

Owner	Address	City	State	Zip	Phone
Bruce Paddock	PO Box 373	Afton	MN	55001	
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
VHS R	Residential/Open	22.028.20.14.0064			
Please list the section(s) of the code from which the variance(s) are requested.					
Sec. 12-132 Minimum requirements. A. 1. lot area per dwelling unit.					
Description of Request					
Request to confirm buildability of parcel 22.028.20.14.0064 to provide for and confirm provision of sewer stub to this lot. The lot measures 19,000 square feet.					
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				Date	
[Signature]				5/18/15	
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:		ESCROWS:			
Variance	\$250	\$600	TOTAL:	850.00	
Renewal/Extension	\$250	\$350	DATE PAID:	5/28/15	
			CHECK #:	5816	
			RECVD BY:	[Signature]	



Views

Base Layer

- Imagery On
- Imagery Off

Overlays

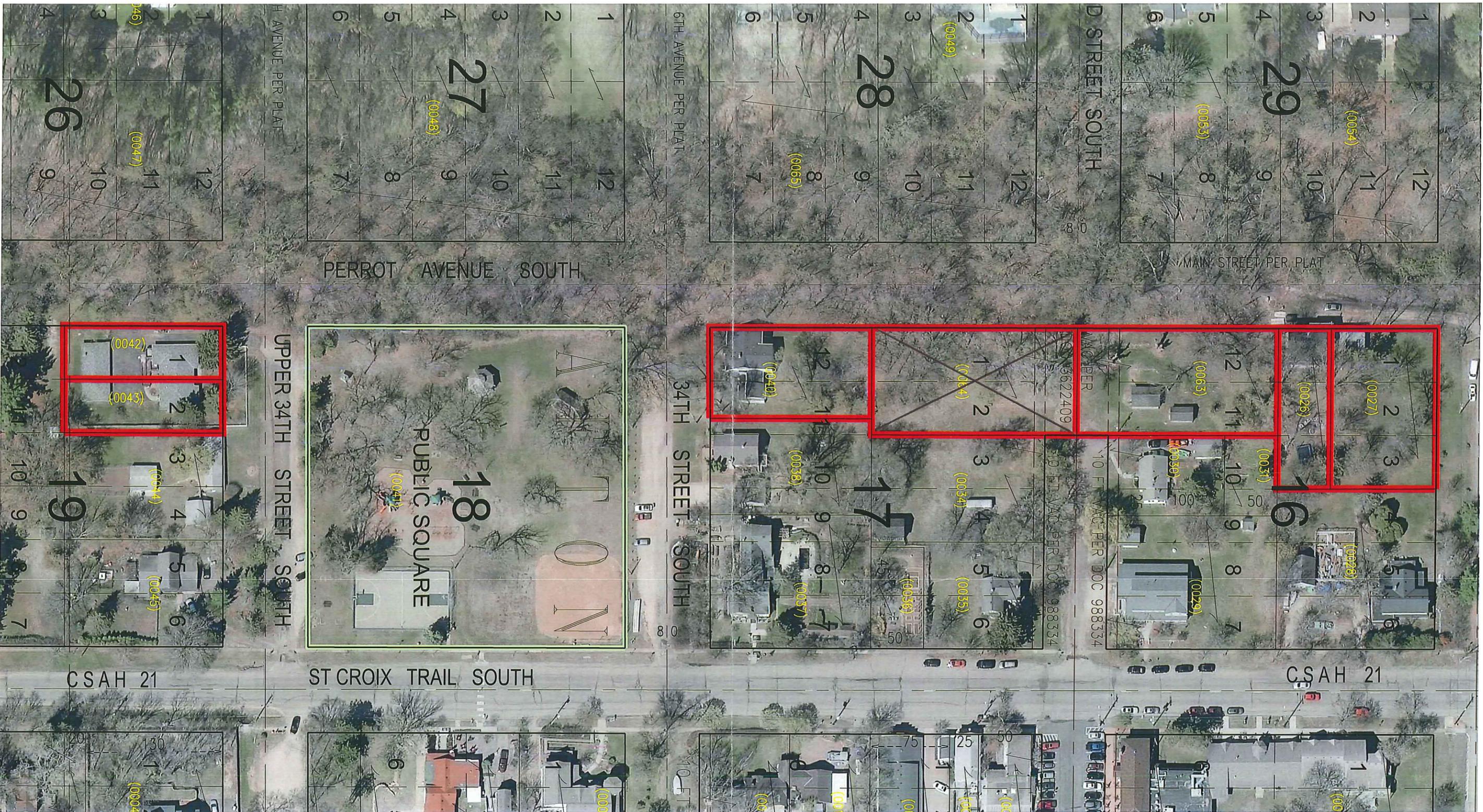
- Parcel Dimensions
- Water
- Roads
- Parcel Number
- Sales from 10/1/13 to 9/30/14
- Sales from 10/1/12 to 9/30/13

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Washington County
 PUBLIC WORKS DEPARTMENT
 SURVEY AND LAND MANAGEMENT DIVISION
 14949 62nd Street North, P.O. Box 6
 Stillwater, Minnesota 55082-0006
 (651) 430-6875
 surveyor@co.washington.mn.us
 www.co.washington.mn.us/surveyor

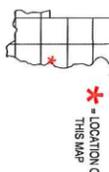
- LEGEND**
- DNR PROTECTED WATERS
 - DNR PROTECTED WETLAND
 - DNR PROTECTED WATERCOURSE
 - MUNICIPAL BOUNDARY
 - PARK BOUNDARY

NORTH

 SCALE: 1 inch = 90 feet

SECTION/TOWNSHIP/RANGE INDEX

1802820	1802820	1402820
2102820	2202820	2302820
2802820	2702820	2602820



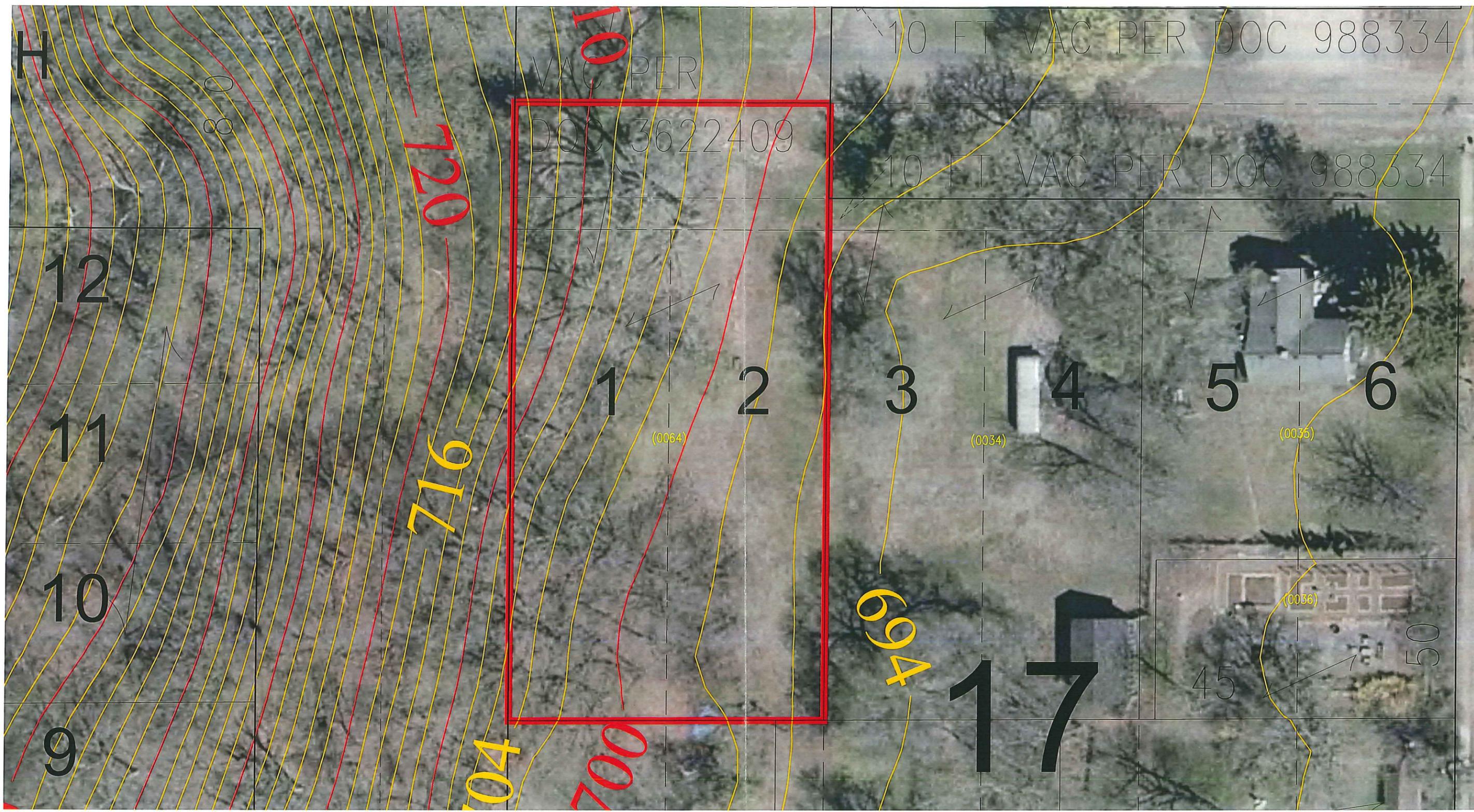
SECTION VIGNETTE MAP

22	21	12	11
NW	NE		
23	24	13	14
32	31	42	41
SW	SE		
33	34	43	44

PROPERTY IDENTIFICATION NUMBER FORMAT (GEOCODE)

SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER	QUARTER	SPECIFIC PARCEL
###	###	###	###	####
- LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER				
(0001)				

THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.
PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.
 MAP LAST UPDATED: December 15, 2014
 NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE
 DATE OF CONTOURS: November, 2011 DATE OF PHOTOGRAPHY: May, 2013



Washington County
 PUBLIC WORKS DEPARTMENT
 SURVEY AND LAND MANAGEMENT DIVISION
 14949 62nd Street North, P.O. Box 6
 Stillwater, Minnesota 55082-0006
 (651) 430-6875
 surveyor@co.washington.mn.us
 www.co.washington.mn.us/surveyor

CONTOUR LEGEND
 10 FOOT INTERVAL CONTOUR
 2 FOOT INTERVAL CONTOUR

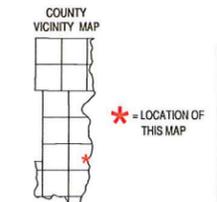
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LEGEND
 DNR PROTECTED WATERS
 DNR PROTECTED WETLAND
 DNR PROTECTED WATERCOURSE
 MUNICIPAL BOUNDARY
 PARK BOUNDARY

NORTH
 SCALE: 1 inch = 30 feet

SECTION-TOWNSHIP-RANGE INDEX

1602820	1502820	1402820
2102820	2202820	2302820
2802820	2702820	2602820



SECTION VICINITY MAP

22	21	12	11
NW	+	NE	
23	24	13	14
32	31	42	41
SW	+	SE	
33	34	43	44

PROPERTY IDENTIFICATION NUMBER FORMAT (GEOCODE)

SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER	QUARTER	SPECIFIC PARCEL
##	###	##	##	####

(0001) - LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER

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 PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.
 MAP LAST UPDATED: December 15, 2014
 NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE
 DATE OF CONTOURS: November, 2011 DATE OF PHOTOGRAPHY: May, 2013

Applicant(s): Bruce Paddock c/o Dennis Amoth & David K. Snyder
Phone: (651) 464-7292
Mailing Address: 56 E. Broadway Ave, Suite 206
Forest Lake, Minnesota 55025
Property Address for variance: None. PID No. 22.028.20.14.0064

Variance request description: Requesting confirmation of build ability for this lot which measures ...

City Ordinance Section number(s), that variance is requested for: VHS Required minimum of 22,500 S.F. per 12-132

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.

Background: This questionnaire is designed to help you and the City of Afton determine whether a variance should be granted. Please consult with the City Administrator who can help you with your variance application and explain the Variance Ordinance to you. The City Administrator will work with you to ensure that the variance you request is the minimum variance required to provide the same rights commonly enjoyed by other properties in the same zoning district. Because of special provisions for certain types of construction, the City Administrator will also determine whether the property is in the Flood Plain District. There are also special provisions for earth-sheltered construction.

Criteria #1a *The property in question cannot be put to a reasonable use- if used under the conditions allowed by this Ordinance.* **Applicant** - Can the property in question be used in a reasonable manner if used under the conditions allowed by the Afton Use Code? Explain: No, it is claimed to not be buildable and thus the variance is required to confirm build ability.

Criteria #1b *The requested use, must be a reasonable use in order to receive a variance.* **Applicant** - Please explain why the proposed use which requires a variance is a reasonable use for this property? Building on the property is reasonable because older nearby lots of similar size are built on.

Criteria #2 *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the property owner, since enactment of this Ordinance, have had no control.* **Applicant** - 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 other circumstances over which you, as the property owner, have no control?

Explain? The lot size was created years ago by platting.

Criteria #3 *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

Applicant - 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: It would eliminate reasonable investment backed expectations and render the lot essentially valueless.

Criteria #4 *The special conditions or circumstances do not result from actions of the applicant.*

Applicant - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain: It was platted at this size long ago.

Criteria #5 *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.*

Applicant - 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. Other lots of similar size have been built upon.

Criteria #6 *The variance requested is the minimum variance which would alleviate the hardship.*

Applicant - Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain: Yes. Request is to allow a parcel to have utility service and the parcel nearby meets the minimum.

Criteria #7 *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.* **Applicant (Optional)** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity?

Explain: It will not be detrimental. It will have buildings in an area that has buildings now on lots of equal or less size.

Criteria #8 *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.* **Applicant** - Is the requested variance for economic reasons?

Explain: No.

Criteria #9 *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.* **Applicant (optional), PC** - Is the property in a Flood Plain District? Yes No

Criteria #10 *Variances shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance.* **Applicant** - Is the variance for earth-sheltered construction? Yes 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 *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance.* **Applicant (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 allowed) affect the essential character of the area?

Explain: It will not change it, because it will allow buildings on a lot that is equal to or similar to other lots in the area.

Criteria #12 *Variances shall only be permitted when they are in harmony with the general purposes and intent of the Afton Comprehensive Plan.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton comprehensive plan?

Explain: Yes. It will allow modest use of a parcel that is similar to others in the area.

**STATUTORY SHORT FORM POWER OF ATTORNEY
MINNESOTA STATUTES, SECTION 523.23**

Before completing and signing this form, the principal must read and initial the IMPORTANT NOTICE TO PRINCIPAL that appears after the signature lines in this form. Before acting on behalf of the principal, the attorney(s)-in-fact must sign this form acknowledging having read and understood the IMPORTANT NOTICE TO ATTORNEY(S)-IN-FACT that appears after the notice to the principal.

PRINCIPAL (Name and Address of the Person Granting the Power)

Bruce G. Paddock
1500 Bracketts Point Road
Wayzata, MN 55391-9395

ATTORNEY(S)-IN-FACT
(Name and Address)

David K. Snyder
Johnson / Turner Legal
56 East Broadway Avenue, Suite 206
Forest Lake, MN 55025

SUCCESSOR ATTORNEY(S)-IN-FACT
(Optional) To act if any named attorney-in-fact dies, resigns, or is otherwise unable to serve.

(Name and address)

First Successor: _____

NOTICE: If more than one attorney-in-fact is designated to act at the same time, make a check or "x" on the line in front of one of the following statements:

_____ Each attorney-in-fact may independently exercise the powers granted.

_____ All attorneys-in-fact must jointly exercise the powers granted.

EXPIRATION DATE (Optional)

_____ Use Specific Month _____ Day _____ Year Only

I, Bruce G. Paddock, hereby appoint the above named Attorney(s)-in-Fact to act as my attorney(s) in fact:

FIRST: To act for me in any way that I could act with respect to the following matters, as each of them is defined in Minnesota Statutes, Section 523.24:

(To grant to the attorney-in-fact any of the following powers, make a check or "x" on the line in front of each power being granted. You may, but need not, cross out each power not granted. Failure to make a check or "x" on the line in front of the power will have the effect of deleting the power unless the line in front of the power of (N) is checked or X-ed.)

Check or "x"

 X (A) real property transactions;
I choose to limit this power to real property in the City of Afton, Washington County, Minnesota, described as follows: (Use legal description. Do not use street address.)

PID: 22.028.20.14.0064

AFTON LOT 1, BLOCK 17 & LT 002 TOG/W THAT PT S ½ VAC 33RD ST ADJ BOUNDED BETW LTS 011 & 012 BLK 016 AND LTS 001 & 002 BLK 017 SUBJ TO EASE.

(If more space is needed, continue on the back or an attachment.)

- (B) tangible personal property transactions;
- (C) bond, share and commodity transactions;
- (D) banking transactions;
- (E) business operating transactions;
- (F) insurance transactions;
- (G) beneficiary transactions;
- (H) gift transactions;
- (I) fiduciary transactions;
- (J) claims and litigation;
- (K) family maintenance;
- (L) benefits from military service;
- (M) records, reports, and statements;
- (N) all of the powers listed in (A) through (M) above and all other matters, other than health care decisions under a health care directive that complies with Minnesota Statutes, chapter 145C.

SECOND: (You must indicate below whether or not this power of attorney will be effective if you become incapacitated or incompetent. Make a check or "X" on the line in front of the statement that expresses your intent.)

_____ This power of attorney shall continue to be effective if I become incapacitated or incompetent.

 X This power of attorney shall not be effective if I become incapacitated or incompetent.

THIRD: My attorney(s)-in-fact MAY NOT make gifts to the attorney(s)-in-fact, or anyone the attorney(s)-in-fact are legally obligated to support, UNLESS I have made a check or an "x" on the line in front of the second statement below and I have written in the name(s) of the attorney(s)-in-fact. The second option allows you to limit the gifting power to only the attorney(s)-in-fact you name in the statement. Minnesota Statutes, section 523.24, subdivision 8, clause (2), limits the annual gift(s) made to my attorney(s)-in-fact, or to anyone the attorney(s)-in-fact are legally obligated to support, to an amount, in the aggregate, that does not exceed the federal annual gift tax exclusion amount in the year of the gift.

 X I do not authorize any of my attorney(s)-in-fact to make gifts to themselves or to anyone the attorney(s)-in-fact have a legal obligation to support.

_____ I authorize _____, as my attorney(s)-in-fact, to make gifts to themselves or to anyone the attorney(s)-in-fact have a legal obligation to support.

FOURTH: (You must indicate below whether or not the attorney-in-fact is required to make an accounting. Make a check or "X" on the line in front of the statement that expresses your intent.)

 X My attorney-in-fact need not render an accounting unless I request it or the accounting is otherwise required by Minnesota Statutes, Section 523.21.

_____ My attorney-in-fact must render _____ accountings to me
(Monthly, Quarterly, Annual)

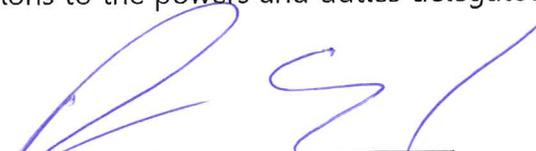
or

(Name and Address)

during my lifetime, and a final accounting to the personal representative of my estate, if any is appointed, after my death.

Acknowledgement of notice to attorney(s)-in-fact
and specimen signature of attorney(s)-in-fact.

By signing below, I acknowledge I have read and understand the IMPORTANT NOTICE TO ATTORNEY(S)-IN-FACT required by Minnesota Statutes, section 523.23, and understand and accept the scope of any limitations to the powers and duties delegated to me by this instrument.



David K. Snyder

Specimen Signature of Attorney(s)-in-Fact
(Notarization not required)



David K. Snyder

This instrument was drafted by:
David K. Snyder (#251392)
JOHNSON/TURNER LEGAL
56 East Broadway Avenue, Suite 206
Forest Lake, MN 55025
651-464-7292

IMPORTANT NOTICE TO THE ATTORNEY(S)-IN-FACT

You have been nominated by the principal to act as an attorney-in-fact. You are under no duty to exercise the authority granted by the power of attorney. However, when you do exercise any power conferred by the power of attorney, you must:

- (1) act with the interests of the principal utmost in mind;
- (2) exercise the power in the same manner as an ordinarily prudent person of discretion and intelligence would exercise in the management of the person's own affairs;
- (3) render accountings as directed by the principal or whenever you reimburse yourself for expenditures made on behalf of the principal;
- (4) act in good faith for the best interest of the principal, using due care, competence, and diligence;
- (5) cease acting on behalf of the principal if you learn of any event that terminates this power of attorney or terminates your authority under this power of attorney, such as revocation by the principal of the power of attorney, the death of the principal, or the commencement of proceedings for dissolution, separation, or annulment of your marriage to the principal;
- (6) disclose your identity as an attorney-in-fact whenever you act for the principal by signing in substantially the following manner:

Signature by a person as "attorney-in-fact for (name of the principal)" or "(name of the principal) by (name of the attorney-in-fact) the principal's attorney-in-fact";

- (7) acknowledge you have read and understood this IMPORTANT NOTICE TO THE ATTORNEY(S)-IN-FACT by signing the power of attorney form. You are personally liable to any person, including the principal, who is injured by an action taken by you in bad faith under the power of attorney or by your failure to account when the duty to account has arisen.

The meaning of the powers granted to you is contained in Minnesota Statutes, chapter 523. If there is anything about this document or your duties that you do not understand, you should seek legal advice.

3657862

Receipt#: 45845



CFD

\$46.00

Certified Filed and/or recorded on:
8/20/2007 1:55 PM

CRV Filed
No Delinquent Taxes
Transfer Entered

3657862

Office of the County Recorder
Property Records & Taxpayer Services
Washington County, MN

Return to:
ECKBERG LAMMERS BRIGGS WOLFF &
1809 NORTHWESTERN AVENUE
SUITE 110
STILLWATER MN 55082

Kevin J Corbid, County Recorder

22-028-20-14-0064
(Top 3 inches reserved for recording data)

CONTRACT FOR DEED
by Individual(s)

Minnesota Uniform Conveyancing Blanks
Form 30.1.1 (2006)

DATE: August 16, 2007
(month/day/year)

THIS CONTRACT FOR DEED (the "Contract") is made on the above date by G.M. Dennis Amoth
(insert name and marital status of each Seller)

a single person, ("Seller"),

and Bruce G. Paddock, a single person
(insert name of each Purchaser)

, ("Purchaser"). (Check box if joint tenancy.)

Seller and Purchaser agree to the following terms:

1. **Property Description.** Seller hereby sells and Purchaser hereby buys real property in Washington
County, Minnesota, described as follows:

See Exhibit A

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto (the "Property"). Unless otherwise specified, Seller hereby delivers
possession of the Property to Purchaser on the date hereof.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document.
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

2. **Title.** Seller warrants that title to the Property is, on the date of this Contract, subject only to the following exceptions:
- (a) Covenants, conditions, restrictions (without effective forfeiture provisions) and declarations of record, if any;
 - (b) Reservation of minerals or mineral rights by the State of Minnesota, if any;
 - (c) Utility and drainage easements which do not interfere with present improvements;
 - (d) Applicable laws, ordinances, and regulations;
 - (e) The lien of real estate taxes and installments of special assessments which are payable by Purchaser pursuant to paragraph 6 of this Contract; and
 - (f) The following liens or encumbrances:

3. **Delivery of Deed and Evidence of Title.** Upon Purchaser's full performance of this Contract, Seller shall:
- (a) Execute, acknowledge, and deliver to Purchaser a Warranty Deed, in recordable form, conveying marketable title to the Property to Purchaser, subject only to the following exceptions:
 - (i) Those exceptions referred to in paragraph 2(a), (b), (c), (d), and (e) of this Contract;
 - (ii) Liens, encumbrances, adverse claims or other matters which Purchaser has created, suffered or permitted to accrue after the date of this Contract; and
 - (iii) The following liens or encumbrances:

(b) Deliver to Purchaser the abstract of title to the Property, without further extension, to the extent required by the purchase agreement (if any) between Seller and Purchaser.

4. **Purchase Price.** Purchaser shall pay to Seller at 3326 St. Croix Trail South, Afton, MN 55001
the sum of Forty Thousand and no/100 Dollars
(\$40,000.00), as and for the purchase price (the "Purchase Price") for the Property, payable as follows:

The term of this Contract shall be a period of ten (10) years, commencing on August 16, 2007, and ending on August 15, 2017. ("Term"). Interest shall accrue on the Purchase Price of \$40,000.00 at the rate of 6% per annum, and shall be fixed at that rate for the Term of the Contract. Purchaser shall make interest payments during the Term of the Contract with annual interest being due on the first day of August each calendar year, commencing August 1, 2008 with the last payment of interest being due on August 1, 2017, it being understood that each interest payment is being made for the previous year's interest obligation. On or before August 15, 2017 Purchaser shall pay to Seller the Purchase Price along with all unpaid accrued interest.

5. **Prepayment.** Unless otherwise provided in this Contract, Purchaser shall have the right to fully or partially prepay this Contract at any time without penalty. Any partial prepayment shall be applied first to payment of amounts then due under this Contract, including unpaid accrued interest, and the balance shall be applied to the principal installments to be paid in the inverse order of their maturity. Partial prepayment shall not postpone the due date of the installments to be paid pursuant to this Contract or change the amount of such installments.

6. Real Estate Taxes and Assessments. Real estate taxes and installments of special assessments which are due and payable in the year in which this Contract is dated shall be paid as follows:

Taxes for the year 2007 shall be prorated as of the date of this contract.

Purchaser shall pay, before penalty accrues, all real estate taxes and installments of special assessments assessed against the Property which are due and payable in all subsequent years. Seller warrants that the real estate taxes and installments of special assessments which were due and payable in the years preceding the year in which this Contract is dated are paid in full. If the Property is subject to a recorded declaration providing for assessments to be levied against the Property by any owners' association, Purchaser shall promptly pay, when due, all assessments imposed by the owners' association or other governing body as required by the provisions of the declaration or other related documents.

7. Property Insurance.

(a) Insured Risks and Amounts. Purchaser shall keep all buildings, improvements, and fixtures now or later located on or a part of the Property insured against loss by fire, lightning and such other perils as are included in a standard "all-risk" endorsement, and against loss or damage by all other risks and hazards covered by a standard extended coverage insurance policy, including, without limitation, vandalism, malicious mischief, burglary, theft and, if applicable, steam boiler explosion. Such insurance shall be in an amount no less than the full replacement cost of the buildings, improvements, and fixtures, without deduction for physical depreciation. If any of the buildings, improvements, or fixtures are located in a federally designated flood prone area, and if flood insurance is available for that area, Purchaser shall procure and maintain flood insurance in amounts reasonably satisfactory to Seller.

(b) Other Terms. The insurance policy shall contain a loss payable clause in favor of Seller which provides that Seller's right to recover under the insurance shall not be impaired by any acts or omissions of Purchaser or Seller, and that Seller shall otherwise be afforded all rights and privileges customarily provided a mortgagee under the so-called standard mortgage clause.

(c) Notice of Damage. In the event of damage to the Property by fire or other casualty, Purchaser shall promptly give notice of such damage to Seller and the insurance company.

8. Damage to the Property.

(a) Application of Insurance Proceeds. If the Property is damaged by fire or other casualty, the insurance proceeds paid on account of such damage shall be applied to payment of the amounts payable by Purchaser under this Contract, even if such amounts are not then due to be paid, unless Purchaser makes a permitted election described in the next paragraph. Such amounts shall be first applied to unpaid accrued interest and next to the installments to be paid as provided in this Contract in the inverse order of their maturity. Such payment shall not postpone the due date of the installments to be paid pursuant to this Contract or change the amount of such installments. The balance of insurance proceeds, if any, shall be the property of Purchaser.

(b) Purchaser's Election to Rebuild. If Purchaser is not in default under this Contract, or after curing any such default, and if the mortgagees in any prior mortgages and sellers in any prior contracts for deed do not require otherwise, Purchaser may elect to have that portion of such insurance proceeds necessary to repair, replace, or restore the damaged Property (the "Repairs") deposited in escrow with a bank or title insurance company qualified to do business in the State of Minnesota, or such other party as may be mutually agreeable to Seller and Purchaser. The election may only be made by written notice to Seller within sixty (60) days after the damage occurs. Also, the election will only be permitted if the plans and specifications and contracts for the Repairs are approved by Seller, which approval Seller shall not unreasonably withhold or delay. If such a permitted election is made by Purchaser, Seller and Purchaser shall jointly deposit, when paid, such insurance proceeds into such escrow. If such insurance proceeds are insufficient for the Repairs, Purchaser shall, before the commencement of the Repairs, deposit into such escrow sufficient additional money to insure the full payment for the Repairs. Even if the insurance proceeds are unavailable or are insufficient to pay the cost of the Repairs, Purchaser shall at all times be responsible to pay the full cost of the Repairs. All escrowed funds shall be disbursed by the escrowee in accordance with generally accepted sound construction disbursement procedures. The costs incurred or to be incurred on account of such escrow shall be deposited by Purchaser into such escrow before the commencement of the Repairs. Purchaser shall complete the Repairs as soon as reasonably possible and in a good and workmanlike manner, and in any event the Repairs shall be completed

by Purchaser within one (1) year after the damage occurs. If, following the completion of and payment for the Repairs, there remains any undisbursed escrow funds, such funds shall be applied to payment of the amounts payable by Purchaser under this Contract in accordance with paragraph 8(a) above.

(c) Owners' Association. If the Property is subject to a recorded declaration, so long as the owners' association maintains a master or blanket policy of insurance against fire, extended coverage perils and such other hazards and in such amount as are required by this Contract, then: (i) Purchaser's obligation in the Contract to maintain hazard insurance coverage on the Property is satisfied; (ii) the provisions of paragraph 8(a) of this Contract regarding application of insurance proceeds shall be superseded by the provisions of the declaration or other related documents; and (iii) in the event of a distribution of insurance proceeds in lieu of restoration or repair following an insured casualty loss to the Property, any such proceeds payable to Purchaser are hereby assigned and shall be paid to Seller for application to the sum secured by this Contract, with the excess, if any, paid to Purchaser.

9. Injury or Damage Occurring on the Property.

(a) Liability. Seller shall be free from liability and claims for damages by reason of injuries occurring on or after the date of this Contract to any person or persons or property while on or about the Property. Purchaser shall defend and indemnify Seller from all liability, loss, cost, and obligations, including reasonable attorneys' fees, on account of or arising out of any such injuries. However, Purchaser shall have no liability or obligation to Seller for such injuries which are caused by the negligence or intentional wrongful acts or omissions of Seller.

(b) Liability Insurance. Purchaser shall, at Purchaser's own expense, procure and maintain liability insurance against claims for bodily injury, death and property damage occurring on or about the Property in amounts reasonably satisfactory to Seller and naming Seller as an additional insured.

10. Insurance Generally. The insurance which Purchaser is required to procure and maintain pursuant to paragraphs 7 and 9 of this Contract shall be issued by an insurance company or companies licensed to do business in the State of Minnesota and acceptable to Seller. The insurance shall be maintained by Purchaser at all times while any amount remains unpaid under this Contract. The insurance policies shall provide for not less than ten (10) days written notice to Seller before cancellation, non-renewal, termination or change in coverage, and Purchaser shall deliver to Seller a duplicate original or certificate of such insurance policy or policies.

11. Condemnation. If all or any part of the Property is taken in condemnation proceedings instituted under power of eminent domain or is conveyed in lieu thereof under threat of condemnation, the money paid pursuant to such condemnation or conveyance in lieu thereof shall be applied to payment of the amounts payable by Purchaser under this Contract, even if such amounts are not then due to be paid. Such amounts shall be applied in the same manner as a prepayment as provided in paragraph 5 of this Contract. Such payments shall not postpone the due date of the installments to be paid pursuant to this Contract or change the amount of such installments. The balance, if any, shall be the property of Purchaser.

12. Waste, Repair, and Liens. Purchaser shall not remove or demolish any buildings, improvements, or fixtures now or later located on or a part of the Property, nor shall Purchaser commit or allow waste of the Property. Purchaser shall maintain the Property in good condition and repair. Purchaser shall not create or permit to accrue liens or adverse claims against the Property which constitute a lien or claim against Seller's interest in the Property. Purchaser shall pay to Seller all amounts, costs and expenses, including reasonable attorneys' fees, incurred by Seller to remove any such liens or adverse claims.

13. Compliance with Laws. Except for matters which Seller has created, suffered, or permitted to exist prior to the date of this Contract, Purchaser shall comply or cause compliance with all laws and regulations of any governmental authority which affect the Property or the manner of using or operating the same, and with all restrictive covenants, if any, affecting title to the Property or the use thereof.

14. Recording of Contract; Deed Tax. Purchaser shall, at Purchaser's expense, record this Contract in the Office of the County Recorder or Registrar of Titles in the county in which the Property is located within four (4) months after the date hereof. Purchaser shall pay any penalty imposed under Minn. Stat. 507.235 for failure to timely record the Contract. Seller shall, upon Purchaser's full performance of this Contract, pay the deed tax due upon the recording of the deed to be delivered by Seller.

15. **Notice of Assignment.** If either Seller or Purchaser assigns its interest in the Property, the assigning party shall promptly furnish a copy of such assignment to the non-assigning party.

16. **Protection of Interests.** If Purchaser fails to pay any sum of money required under the terms of this Contract or fails to perform any of the Purchaser's obligations as set forth in this Contract, Seller may, at Seller's option, pay the same or cause the same to be performed, or both, and the amounts so paid by Seller and the cost of such performance shall be payable at once, with interest at the rate stated in paragraph 4 of this Contract, as an additional amount due Seller under this Contract. If there now exists, or if Seller hereafter creates, suffers or permits to accrue, any mortgage, contract for deed, lien or encumbrance against the Property which is not herein expressly assumed by Purchaser, and provided Purchaser is not in default under this Contract, Seller shall timely pay all amounts due thereon, and if Seller fails to do so, Purchaser may, at Purchaser's option, pay any such delinquent amounts or take any actions reasonably necessary to cure defaults there under and deduct the amounts so paid together with interest at the rate provided in this Contract from the payments next coming due under this Contract.

17. **Defaults and Remedies.** The time of performance by Purchaser of the terms of this Contract is an essential part of this Contract. If Purchaser fails to timely perform any term of this Contract, Seller may, at Seller's option, elect to declare this Contract cancelled and terminated by notice to Purchaser in accordance with applicable law or elect any other remedy available at law or in equity. If Seller elects to terminate this Contract, all right, title, and interest acquired under this Contract by Purchaser shall then cease and terminate, and all improvements made upon the Property and all payments made by Purchaser pursuant to this Contract (including escrow payments, if any) shall belong to Seller as liquidated damages for breach of this Contract. Neither the extension of the time for payment of any sum of money to be paid hereunder nor any waiver by Seller of Seller's rights to declare this Contract forfeited by reason of any breach shall in any manner affect Seller's right to cancel this Contract because of defaults subsequently occurring, and no extension of time shall be valid unless agreed to in writing. After service of notice of default and failure to cure such default within the period allowed by law, Purchaser shall, upon demand, surrender possession of the Property to Seller, but Purchaser shall be entitled to possession of the Property until the expiration of such period. Failure by Seller to exercise one or more remedies available under this paragraph 17 shall not constitute a waiver of the right to exercise such remedy or remedies thereafter.

18. **Binding Effect.** The terms of this Contract shall run with the land and bind the parties hereto and the successors in interest.

19. **Headings.** Headings of the paragraphs of this Contract are for convenience only and do not define, limit, or construe the contents of such paragraphs.

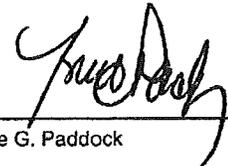
20. **Additional Terms:** Check here if an addendum to this Contract containing additional terms and conditions is attached hereto.

Seller



(signature) G.M. Dennis Amoth

Purchaser



(signature) Bruce G. Paddock

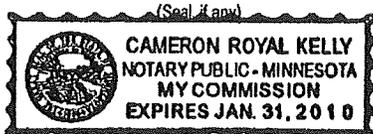
(signature)

(signature)

State of Minnesota, County of WASHINGTON

This instrument was acknowledged before me on August 16, 2005 by G.M. Dennis Amoth, a single person
(month/day/year)

(insert name and marital status of each Seller)



[Signature]
(signature of notarial officer)

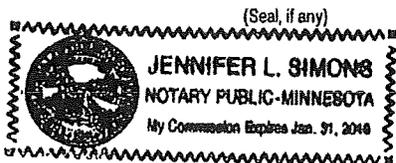
Title (and Rank): _____

My commission expires: _____
(month/day/year)

State of Minnesota, County of Hennepin

This instrument was acknowledged before me on 16th of August, 2007 by Bruce G. Paddock, a single person
(month/day/year)

(insert name of each Purchaser)



[Signature]
(signature of notarial officer)

Title (and Rank): Purchasing Manager

My commission expires: 8/16/09
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Eckberg Lammers (CRK)
1809 Northwestern Ave
Stillwater, MN 55082

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
(insert name and address of Grantee to whom tax statements should be sent)

Bruce G. Paddock
920 EAST SHADY LAKE
WAZATA, MN 55391

Note: Failure to record this contract for deed may give other parties priority over Purchaser's interest in the property.

HAAR BURL W & KATHLEEN A KILMER
or Current Resident
3369 PENNINGTON AVE S
AFTON MN 55001

PADDOCK BRUCE G
or Current Resident
1500 BRACKETTS POINT RD
WAYZATA MN 55391

BAGLIO WILLIAM J & LISA D
or Current Resident
PO BOX 336
AFTON MN 55001-0336

DEMATTEO DONNA M & THOMAS D
or Current Resident
PO BOX 40
AFTON MN 55001

GATHJE GEORGE L
or Current Resident
3193 PENNINGTON AVE S
AFTON MN 55001

MYHERS RICHARD P & KIMBERLY K
or Current Resident
3395 ST CROIX TRL S
AFTON MN 55001

LIND BONNIE L
or Current Resident
743 LUND ST N
HUDSON WI 54016

AFTON ST CROIX CO
or Current Resident
PO BOX 326
AFTON MN 55001

MULLE JESSICA
or Current Resident
9533 WYOMING AVE S
MINNEAPOLIS MN 55438-2902

RICHARD ARTHUR MEACOCK LIVING TRS
or Current Resident
3390 ST CROIX TRL
AFTON MN 55001

NELSON DEBORAH A
or Current Resident
25804 OLINDA TRL
LINDSTROM MN 55045

CASTELL-MILLER CLAUDIA
or Current Resident
14933 AFTON BLVD S
AFTON MN 55001

BONNESON KATHARINE & JEFFREY P
or Current Resident
3364 PENNINGTON AVE S
AFTON MN 55001

GUINDON THOMAS L
or Current Resident
3222 ST CROIX TRL S
AFTON MN 55001

BINDER MARK W
or Current Resident
3245 PENNINGTON AVE S
AFTON MN 55001

NAUMAN DOROTHY M & RICHARD L
or Current Resident
1101 LECUYER CT
STILLWATER MN 55082

LONE STAR ON SAINT CROIX LLC
or Current Resident
3321 ST CROIX TRL S
AFTON MN 55001

LEGUT CHERRIE D
or Current Resident
3296 PENNINGTON AVE
AFTON MN 55001

FEEHAN-SCHMIDT KATHLEEN & DAVID A SCHMIDT
or Current Resident
3343 ST CROIX TRL
AFTON MN 55001

CITY OF AFTON
or Current Resident
3033 ST CROIX TRL S PO BOX 219
AFTON MN 55001-0219

MORRIS JOHN J & KATHY
or Current Resident
3250 PENNINGTON AVE S
AFTON MN 55001

MEACOCK RICHARD A & MARTIN A STERN
or Current Resident
PO BOX 297
AFTON MN 55001-0297

WINKLER MARK
or Current Resident
3329 PENNINGTON AVE S
AFTON MN 55001

JOHNSON MARVIN S & BRENDA M
or Current Resident
3403 PENNINGTON AVE S
AFTON MN 55001

AMOTH GEORGE M
or Current Resident
PO BOX 373
AFTON MN 55001

BARRETT JEREMY S & BRIAN H
or Current Resident
3297 PENNINGTON AVE S
AFTON MN 55001

GJERDE MARK T & ELIZABETH B
or Current Resident
15858 34TH ST S PO BOX 213
AFTON MN 55001

SULLIVAN KATHLEEN M
or Current Resident
5431 HILLTOP AVE N
LAKE ELMO MN 55042

SCHOTZKO ANDREA P & LEE G
or Current Resident
3322 PENNINGTON AVE
AFTON MN 55001

SNYDER DAVID K
or Current Resident
56 E BROADWAY AVE SUITE 206
FOREST LAKE MN 55025





Label size 1" x 2 5/8" compatible with Avery 5160/8160
Etiquette format 20mm x 67mm compatible avec Avery 5160/8160

NICKERSON PAUL D & REBECCA
or Current Resident
1422 SETTLERS WAY
HOULTON WI 54082

Label size 1" x 2 5/8" compatible with Avery 5160/8160

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

Planning Commission Memo

Meeting: June 1, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: May 27, 2015
Re: Sewer Ordinance Amendment

Background

The planned wastewater collection and treatment system to serve the Old Village area requires revisions to the current ordinances regarding septic and sewage. Attached is a draft ordinance amendment reflecting the necessary changes. Breanne Rothstein, the planner for WSB-the City's engineering consultant, will attend the Planning Commission meeting to review the draft ordinance and answer questions from the Commission members. The goal is to obtain direction from the Planning Commission to enable the ordinance amendment to be finalized for a public hearing at the July Planning Commission meeting.

PLANNING COMMISSION DIRECTION REQUESTED:

Provide direction regarding the draft sewer ordinance amendment, and schedule a public hearing regarding the ordinance amendment.

ARTICLE II ZONING
DIVISION 2 ADMINISTRATION

Sec. 12-83. Septic permits.⁵⁸

A. No building permit for any use requiring on-site sewage treatment and disposal shall be issued until a septic permit has first been issued by the building official.

B. A septic permit shall be issued only after proof is furnished by the applicant that a suitable on-site sewage treatment and disposal system can be installed on the applicant's lot. ~~However, in the VHS zoning districts the City will provide utility easements on suitable city property, as far as practical, for existing buildings with failing septic systems and no area for the installation of a standard septic system exists on the subject lot.~~ All septic systems shall conform to all of the requirements of the sanitary sewer disposal ordinance, Article IX of this chapter.

C. ~~Notwithstanding the procedures and regulations specified in Section 12-1953.~~ Existing on-site sewage treatment systems shall be evaluated to determine location, condition and function, and shall be brought into conformance with this article and the sanitary sewer disposal ordinance, Article IX of this chapter when:

1. An application for a building permit for construction of an addition onto the principal structure or a structural alteration of the principal structure is submitted to and approved by the building official.
2. The use of a structure or property changes.
3. A Conditional Use Permit for a duplex is granted by the City Council.
4. The building official deems it necessary to upgrade the existing system, based upon evidence of the system failing to function properly, failing to adequately treat sewage, or otherwise posing a hazard to the public health.

D. ~~Notwithstanding the provisions specified in Section XXXX,~~ when an existing nonconforming septic system is required to be upgraded according to Section 12-83(C), the new on-site sewage treatment system shall be installed prior to the issuance of a building permit unless a financial guarantee equal to 125 percent of the cost of installing such a system and is valid for one year is issued to the City.

ARTICLE IX. SEWAGE¹

DIVISION 1. GENERALLY

Secs. 12-1901--12-1950. Reserved.

DIVISION 2. SEWER USE²

Subdivision I. Generally

Sec. 12-1951. Purpose.

This article is adopted for the purpose of:

¹~~Cross references—Zoning and water supply sanitary requirements for shoreline management, § 12-401 et seq.; Lower St. Croix River management requirements for sewage disposal, § 12-587; floodplain management on-site sewage treatment and water supply systems, § 12-1143. State law references—Authority to establish and maintain sewers, M.S.A. § 412.221, subd. 6; authority to build and construct sewers and sewage disposal plants, M.S.A. § 444.075.~~

²~~Cross references—Septic permits regarding zoning, § 12-83; sewers and subdivisions, § 12-142.~~

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Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left +
Aligned at: 0.78" + Indent at: 1.03"

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Large Subsurface/Sewage Treatment System (LSTS) means a subsurface sewage treatment system that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade and that is designed to receive sewage design flow of greater than 10,000 gallons per day.

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Natural outlet means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Normal domestic strength wastes means wastes which are characterized by a per capita discharge of 75 gallons per day at a loading of 3200 mg per liter BOD, and 22500 mg per liter total-suspended-solidsTSS, and 50 mg per liter FOG.

O&G means oil grease, a component of sewage typically originating from foodstuffs such as animal fats or vegetable oils or consisting of compounds of alcohol or glycerol with fatty acids such as soaps and lotions, typically expressed in mg/l (also known as FOG or fat, oil and grease).

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Operation and maintenance means activities required to provide for the dependable and economical functioning of the treatment system, throughout the useful life of the treatment works, and at the level of performance for which the treatment works were constructed. Operation and maintenance includes replacement.

Other wastes means garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and all other substances except sewage or industrial waste.

Passive maintenance means a maintenance program for community sewage treatment systems whereby the community in which the treatment system is situated is responsible for conducting operation, maintenance and replacement in a manner acceptable to the City.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Public sewage treatment system means any sewage treatment system owned or operated by a unit or agency of government.

Sanitary sewer means a sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally discharged.

Sanitary waste means the liquid and water carried wastes discharged from sanitary plumbing facilities.

Sewer means a pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

Sewer system means pipelines or conduits, pumping stations, forcemains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Slug means any discharge of water, wastewater or industrial waste which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24 hour concentration or flow during normal operation.

State Disposal System (SDS) Permit means any permit including any terms, conditions and requirements thereof issued by the MPCA pursuant to M.S.A. § 115.07 for a disposal system as defined by M.S.A. § 115.01, subd. 8.

Suspended solids means solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Toxic pollutant means the concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affects as defined in standards pursuant to section 307(a) of the Clean Water Act.

Unpolluted water means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental, or injurious to public health, safety, or welfare; to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Wastewater facility means the structures, equipment, or processes required to collect, ~~carry away~~ convey, and treat domestic, ~~and industrial~~ or commercial wastes and dispose of the effluent by means of a Large, Subsurface Treatment System (LSTS).

(Ord 08-2010, § 12-1952, 9/21/10)

Sec. 12-1953. Applicability and Process for connection.

This article shall apply and be in effect for the stated purposes within the "201" study Historic Village Sewage Treatment Service Area, as shown in the Comprehensive Plan. Any property outside of the HVSTSA shall be connected to an individual subsurface sewage treatment system (ISTS) meeting the requirements of Section 12-83 of the Zoning Code ("Septic Permits") or to a public or private Community sewage treatment system approved under the authority of the City.

~~B. A. At the time the LSTS becomes available to properties within the HVSTSA, the City Engineer shall contact the property owner in writing notifying them of the availability of the LSTS and requesting completion of a sewer permit and to schedule a connection. Properties previously connected to the "201" community sewage treatment system or with existing ISTS which are failing to adequately treat sewage, posing a hazard to the public health or otherwise deemed by the City to be non-complaint shall connect within 60 days from when the sewer becomes available.~~

~~C. B. All properties located in the HVSTSA shall be connected to the LSTS no later than December 31, 2023.~~

~~A. C. Properties within the HVSTSA where construction is proposed for a new structure with a building drain requiring sewage treatment shall not be granted final building permit approval without the issuance of a sewer permit to connect to the LSTS system.~~

~~1. In the event a property owner shall fail to connect to a sewer in compliance with this Ordinance, an official ten (10) day notice shall be served instructing the affected property owner to make the connection. If no action is taken at that time, the City will have said connection made and shall assess the cost against the benefited property.~~

~~1. D. All applicants shall agree not to seek damages or indemnification from the City for loss or injury resulting from back-up or other functioning or nonfunctioning of the system, unless the City has failed or refused to comply with the maintenance standards contained in this article.~~

~~E. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.~~

~~F. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the state building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9, shall apply.~~

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~~D.G.~~ The fee for new connections shall be established by the City, as outlined in the City's fee schedule.

Sec. 12-1954. Enforcement

~~C.A.~~ The City Administrator and his/her agent City Clerk/Zoning Administrator shall be responsible for administration and enforcement of this article.

~~B.~~ The City Clerk/Zoning Administrator or his agent shall be qualified and certified by the MPCA as competent in the design, evaluation and inspection of a Large Subsurface/Sewage Treatment System individual on-site sewage treatment systems, and shall carry a current Large Subsurface/Sewage Treatment System individual sewage treatment system certificate and a current class CD operators certificate.

~~B.~~

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Sec. 12-1955. Appeals and variance requests.

- A. The City Council shall hear and decide appeals and review any order, decision or determination made by the ~~City Administrator and his/her agent clerk/Zoning Administrator~~ regarding the enforcement of this article.
- B. The City Council shall hear and act upon all rate adjustment and variance requests.
- C. Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county, or state which is aggrieved by the decisions.

Sec. 12-1956. Inspections.

Inspections as required to determine compliance with this article shall be performed by the City Administrator or his/her ~~authorized~~ agent under the following circumstances:

- A. Duly authorized employees of the City shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.
- B. The owner or occupant of a property shall be responsible to provide access at reasonable times, to the City Administrator or his agent, for the purpose of performing inspections required under this article.
- C. While performing the necessary work on private property as referred to in Subsection (A) of this section, the authorized employees of the City shall observe all safety rules applicable to the premises.
- D. Fees for inspections, maintenance, or other services rendered under this article shall be as set by resolution of the City Council from time to time.

Sec. 12-1957. Violations and penalties.

~~D.~~ It is hereby declared unlawful for any person to violate any term or provision of this article. Violation thereof shall be a misdemeanor. Each day that a violation is allowed to continue shall constitute a separate offense.

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~~E. Upon a violation or a threatened violation of this article, the City Administrator, in addition to other remedies, may request appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it shall be the duty of the City attorney to initiate such action.~~

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A. Any person found to be violating any provisions of this article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the time period stated in such notice permanently cease all violation.

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~~F. If no action is taken at that time, the City will take corrective action, including, but not limited to, making a connection to the LSTS, and shall assess the cost against the benefited property.~~

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~~G. Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding \$700.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.~~

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H.C. Any person violating any of the provisions of this article shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

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I.D. Any taxpayer of the City may institute mandamus proceedings in district court to compel specific performance by the proper official or officials of any duty required by this article.

Commented [MP1]: I believe state law was changed in recent years allowing a maximum of \$1,000 per day. Would the city want to increase this?

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Secs. 12-1958--12-1980. Reserved.

Subdivision II. Use of Public Sewage Treatment Systems

Sec. 12-1981. Unlawful surface discharge.

It shall be unlawful to discharge to any natural outlet within the City or any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the City's NPDES/SDS permit.

Sec. 12-1982. Unlawful connection to public sewage treatment system, permit.

~~A. It shall be unlawful for any person to connect a building sewer to any public sewer the large subsurface treatment system in the HVSTSA without first obtaining a sewer permit from the City. The City shall permit new connections and flow increases only if there is additional available capacity in the particular public sewage treatment system being considered. No new construction will be permitted to connect for two years following start up of each public sewage treatment system.~~

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~~Sec. 12-1983. Lawful connections to public sewers.~~

~~New connections will be allowed, with a city permit, according to the following conditions:~~

~~A. Where an existing on-site septic sewer system is failing and where the property in question has frontage on the public sewage treatment system is located in the HVSTSA, a new connection may, shall be permitted if capacity is available in all components of the public sewage treatment system.~~

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~~B. New connections to any current or future the public sewage treatment systems will be permitted for new construction if capacity is available in the particular public sewage treatment system over what is needed to accommodate all the existing structures.~~

~~C. New connections shall be constructed according to the specifications of the City's permit for such connection. The permit conditions for new building sewer connections to public sewage treatment systems shall be as follows:~~

- ~~1. Applications for permits shall be made by the owner or authorized agent and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building or property for which the service connection permit has been given. The application shall contain an acknowledgment by applicants that the system, although owned by the City, was designed by a professional engineer to specifications established by the City and state and federal government and was constructed primarily with state and federal funds as an accommodation to applicants who had failed septic systems and could not comply with septic standards in any other manner are limited due to the development density of the area.~~
- ~~2. All applicants shall also agree not to seek damages or indemnification from the City for loss or injury resulting from back up or other functioning or nonfunctioning of the system, unless the City has failed or refused to comply with the maintenance standards contained in this article.~~
- ~~2.~~
- ~~3. There shall be two classes of building sewer permits:
a. For residential and commercial service; and
b. For service to establishments producing industrial wastes.~~

~~In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment for the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.~~

- ~~4. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.~~
- ~~5. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.~~
- ~~6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City to meet all requirements of this article.~~
- ~~7. The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall all conform to the requirements of the state building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9, shall apply.~~
- ~~8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The property owner shall provide and maintain such lifting mechanism as required at no expense to the City.~~

~~D.A. The fee for new connections shall be established by the City from time to time.~~

Sec. 12-1984. Unlawful discharge to LSTS public sewers.

No person shall discharge or cause to be discharged directly or indirectly any waste which, by volume or strength or nature, may harm the ~~wastewater treatment~~ LSTS facility or cause obstruction to the free flow in sewers or endanger life or cause a nuisance.

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Commented [MP2]: Division 4 Service charges indicates permanent or commercial. This should be consistent I would think.

Commented [MP3]: Here we do still have industrial mentioned. Should this be here still or not?

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Commented [BR4]: This whole section is moot because their comp plan does not allow "public systems" We were careful to call it a large subsurface sewage system.

Commented [DH5]: Expand here or assessment policy

- A. No person shall discharge or cause to be discharged directly or indirectly any stormwater, groundwater, roof runoff, subsurface drainage, waste from on-site disposal systems, unpolluted cooling or processing water to ~~any sanitary sewer~~ the LSTS except as permitted by the City.
- B. Stormwater and all other unpolluted water shall be discharged to a storm sewer ~~if available~~ or to the ground surface, and as allowed by MPCA, except that unpolluted cooling or processing water may be discharged to a storm sewer or natural outlet upon approval and the issuance of a discharge permit by the MPCA.
- C. No person shall discharge or cause to be discharged directly or indirectly to any treatment system the following substances:
 - 1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
 - 2. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works.
 - 3. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and people.
 - 4. Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in the sewers, or other interference with the proper continuation of the wastewater facilities such as, but not limited to, ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cuttings or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, sanitary napkins, paper dishes, cups, milk containers, and other paper products.
 - 5. Noxious or malodorous liquids, gases, or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repairs.
 - 6. Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, including wastes which may adversely affect⁴ the permeability of soils, such as dairy products and blood.
- D. No person shall discharge or cause to be discharged directly or indirectly the following described substances ~~to the LST~~ any public sewers unless in the opinion of the City such discharge will not harm the wastewater facilities, nor cause obstruction to free flow in ~~sewers~~ the LSTS, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. In forming its opinion as to the acceptability of the wastes, the City may give consideration to such factors as the materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment facilities, the City's SDS permit, and other pertinent factors. The City may make such determination either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur. The substances ~~prohibited are~~ include:
 - 1. Any liquid or vapor having a temperature in excess of 150 degrees Fahrenheit (65 degrees Celsius).
 - 2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of ~~5~~ 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65 degrees Celsius). Any garbage that has not been ground or comminuted to such degree that all particles will be carried freely in suspension under flows normally prevailing in the public sewers, with no particles greater than one-half inch in any dimension. Commercial sources shall have a grease interceptor internal or external prior discharge. FOG must be intercepted prior to discharge.

Commented [MP6]: is there a difference between sections C&D? is this repetitive or should the two sections be combined? (numbering was screwed up here. Did "D" get added from some other source perhaps?)

⁴ Amendment 02-2009, 4/21/2009

3. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not; substances not intended for use in household cleaning, including but not limited to solvents, pesticides, flammables, photo finishing chemicals, paint, and dry-cleaning chemicals, and medicines.
- 3.4. Chemically treated hot tub and all pool water; floor drains from garages.
- 4.5. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the state or federal government, or any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
- 5.6. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.
- 6.7. Any water or wastes having a pH in excess of 9.5.
- 7.8. Materials which exert or cause:
 - a. Unusual concentrations of suspended solids, (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD or chemical oxygen demand in such quantities as to constitute a significant load on the wastewater treatment facilities.
 - d. Unusual volume of flow or concentration of waste constituting a slug.

Sec. 12-1985. Pretreatment, control and refusal of extraordinary wastes.

- A. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the LST public sewers, which water or wastes do not meet the standards set out in or promulgated under this section, or which in the judgment of the City may have a deleterious effect upon the treatment facilities, processes, equipment, or receiving waters or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:
 1. Refuse to accept the discharges.
 2. Require control over the quantities and rates of discharge.
 3. Require pretreatment to an acceptable condition for the discharge to the public sewers.
 4. Require payment to cover the added cost of handling or treating the wastes.
- B. ~~The design and installation of a plant or equipment for pretreatment or equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled Pretreatment Standards, and the state pollution control agency.~~
 1. ~~Grease, oil, and mud interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 12-1984, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.~~
 2. ~~Where preliminary treatment, flow equalization, or interceptors are required for any water or waste, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense and shall be available for inspection by the City at all reasonable times.~~
 3. ~~When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment, when required, shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.~~
 4. ~~All measurements, tests, and analyses of the characteristics of water and waste to which reference is made in this article shall be determined in accordance with 40 CFR 136 Guidelines Establishing Test~~

~~Procedures for the Analysis of Pollutants; the latest edition of Standard Methods for the Examination of Water and Wastewater and shall be determined at the control structure provided, or upon suitable samples taken at such control structure. If no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards to life, health and property. Sampling methods location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the City.~~

- ~~5. The owner of any property serviced by a building sewer carrying industrial wastes shall, at the discretion of the City, be required to provide laboratory measurements, tests, and analyses of waters or wastes to illustrate compliance with this article and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state, and local standards are being met. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary the City reserves the right to take measurements and samples for analysis by an outside laboratory.~~
- ~~6. New connections to the sanitary sewer system shall be prohibited unless sufficient flow capacity is available in all downstream facilities.~~
- ~~7. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that national categorical pretreatment standards and the City's NPDES and/or state disposal system permit limitations are not violated.~~

Secs. 12-1986--12-2005. Reserved.

Subdivision III. Use of Individual Sewage Treatment Systems⁵

Sec. 12-2006. Reserved.⁶

Secs. 12-2007--12-2040. Reserved.

Subdivision IV. Maintenance

Secs. 12-2041 – 12-2044. Reserved.⁷

Secs. 12-2045 -- 12-2075. Reserved.⁸

DIVISION 3. SEWAGE TREATMENT⁹

Secs. 12-2076 -- 12-2200. Reserved.

⁵Cross reference—Buildings and building regulations, § 12-1771 et seq.

⁶Ord 08-2010, § 12-2006, 9/21/2010

⁷Ord 08-2010, § 12-2041 through 12-2044, 9/21/2010

⁸Ord 1997-9, 1/13/98

⁹Ord 1997-9, 1/13/98; Ord 08-2010, § Article IX, Division 3, 9/21/10

DIVISION 4. WASTEWATER SERVICE CHARGE SYSTEM

Subdivision I. Charge Established.

The City of Afton hereby establishes a Wastewater Service Charge System whereby revenue collected from users of the wastewater treatment facilities will be used to offset all expenditures incurred for administration, annual operation and maintenance and equipment replacement.

Sec. 12-2201. User Categories.

Users of the ~~“River Road 201” wastewater facilities~~ Historic Village Sewage Treatment service area of the City of Afton shall be classified into one of the following categories:

- A. Permanent Residential ~~?~~ User
- B. ~~Seasonal Commercial~~ User

Sec. 12-2202. Equivalent Residential Units.

Wastewater charges will be established based on Equivalent Residential Units (ERU). One ERU is defined as a unit of wastewater volume of ~~24025~~ gallons per day with a theoretical waste strength of ~~3200~~ mg/l of BOD, ~~and 20025~~ mg/l of ~~total suspended solids TSS, and 50 mg/L FOG~~. The assignment of ERUs will be made by the City. ~~Seasonal Commercial properties will have multiple units as identified by the City Clerk/Zoning Administrator or his agent, will have a value of sixty percent (60%) of an equivalent year-round unit.~~

- A. Equivalent Residential Units at a volume of ~~24025~~ gallons per day Normal Domestic Strength Wastewater will be assigned by the City ~~according to the following table:~~ residential parcels.

No. of Bedrooms in gal. per day	Sewage Flows	ERUs
1-2	225	1.0
3	300	1.3
4	375	1.7
5	450	2.0
6	525	2.3
7	600	2.7

Non-residential users shall be assigned ERUs according to ESTIMATES OF COMMERCIAL, INDUSTRIAL, AND RECREATIONAL WASTEWATER FLOWS as printed in the City of Afton Historic Village EDU Map on file with the City Clerk. On-Site Sewage Treatment Manual, which is printed annually by the University of Minnesota Agricultural Extension Service and the Minnesota Pollution Control Agency.

- B. Users may appeal the number of ERUs assigned to a particular connection by installing and maintaining, at their own expense, water meters of a type approved by the City. Such meters shall be equipped with remote registering recorders located at an accessible site on the owner's¹⁰ property.
- C. The City may, at its discretion require non-residential users to install water meters for the purpose of determining wastewater volume. The City may require residential connections to install water meters ~~as part of a comprehensive program to install meters throughout the City's water system~~. When so required, such meters shall be of a type approved by the City and equipped with remote registering recorders, and located at an accessible site on the owner's property.

¹⁰ Amendment 02-2009, 4/21/2009

Commented [MP7]: My suggestion is to simply say within the City so that they can be open to adding more cluster systems if needed in the future.

Commented [MP8]: this should be consistent with Sec. 12-1983. C.4

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Commented [MP9]: is this the map that shows the district? Being referred to as Historic Village Sewage Treatment Service Areas. If changed needs to be consistent throughout. If this is a different map/docuement may want to define what this is.

Sec. 12-2203. Annual User Charge Rates.

In accordance with Federal and State requirements, each user will be notified annually at the beginning of each calendar year of the User Charge Rates attributed to wastewater treatment services.

Sec. 12-2204. Records.

In accordance with Federal and State requirements, the City Administrator will be responsible for maintaining all records necessary to document with the Wastewater Service Charge System adopted.

Secs. 12-2205-12-2210. Reserved.

Subdivision II. Determination of Charges.

Sec. 12-2211. Recovery of Costs.

It is the intent of this Ordinance that the wastewater service charges shall cover the costs of operating and maintaining the wastewater systems, and that costs are recovered from all users in a proportionate manner. The City shall maintain a proper system of accounts suitable for determining the operation and maintenance and equipment replacement costs of the collection and treatment facilities. These costs shall be reviewed at regular annual intervals. The City shall determine whether or not sufficient revenue is being generated for the effective operation and maintenance and management of the wastewater system, and that user charges are being distributed proportionately to all users. Any inequities and/or shortages shall be corrected by adjusting the rates accordingly by resolution of the City.

Sec. 12-2212. Determination of User Charge.

All users shall be charged a ~~semi~~-annual wastewater service charge in accordance with the methodology described below:

$$Cs/ERU = \frac{Com + Cr}{No. of Erus}$$

Where Cs = Wastewater Service Charge per year
Com = Operation and Maintenance Charge per year
Cr = Equipment Replacement Charge per year

Commented [DH10]: Semi-annual fee?

Sec. 12-2213. ~~Semi - a~~Annual Fees and Payments.

All users of the wastewater treatment facilities shall be charged ~~semi~~-annually for sewer service based on the number of equivalent residential units assigned to each ~~and based on whether the unit is seasonal or year round~~. Payment shall be rendered in full within 30 days of the billing date.

Sec. 12-2214. ~~Septic Tank Effluent Pumping Surcharge.~~

~~An additional fee shall be charged to users of the community sewage treatment system who, for whatever reason, require septic tank pumping more frequently than once in two years. The surcharge for such frequent pumping shall be at the same rate, either per tank or per gallon, as established by contract for the routine pumping of each septic tank on the community sewage treatment system.~~

Commented [MP11]: i suggest leaving this in for potential new cluster systems in the future

Sec. 12-2215. Fees for Unusual Wastes.

If a user discharges toxic pollutants or wastes of unusual strength or character to the treatment facilities which cause or increase the operation and maintenance costs, he/she shall be ordered either to install pretreatment facilities or pay for the extra costs of treating the wastes. This decision will be made by the City, at the time the user begins to discharge extra strength wastes.

Sec. 12-2216. Toxic or Incompatible Waste Clean-Up.

Any additional costs caused by discharges to the treatment works of toxics or other incompatible wastes, including the costs of restoring wastewater treatment services, clean-up and restoration of ground and surface water and environs, and sludge disposal, shall be borne by the discharger(s) of said wastes, at no expense to the City.

Sec. 12-2217. Establishment of Special Accounts.

The City hereby establishes a Wastewater Service Fund into which all revenue collected from users will be deposited for disbursements into the general operating fund and the replacement fund. For the purpose of community and cost accounting records, this fund is designated as an income account. Revenue sufficient to insure adequate replacement shall be held in the replacement fund separate from the operation and maintenance fund proportionately to each fund.

Secs. 12-2218 – 12-2225. Reserved.

Subdivision III. Administration.

Sec. 12-2226. Applicability.

This Ordinance shall apply and be in effect for the stated purposes ~~within the "201" study areas~~ Historic Village Sewage Treatment service area in the City of Afton.

Sec. 12-2227. Enforcement.

- A. The City Administrator shall be responsible for administration and enforcement of this Ordinance.
- B. The City Administrator or his/her agent shall be qualified and certified by the MPCA as competent in the design, evaluation and inspection of the following sewage treatment systems as overseen or regulated by the City:
 - a. ~~a. Large Subsurface/Sewage Treatment Systems, and shall carry a current Large Subsurface/Sewage Treatment System certificate and a current class C operators certificate.~~
 - b. Individual on-site sewage treatment systems, and shall carry a current Individual Sewage Certificate and a current Class D Operations Certificate.
 - a.c. Public community Sewage Treatment Systems if any are established in the future.

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Sec. 12-2228. Appeals and Variances.

- A. The City shall hear and decide appeals and review any order, decision or determination made by the City Administrator regarding the enforcement of this Ordinance.
- B. The Board of Adjustment & Appeals shall hear and act upon all rate adjustment and variance requests.
- C. Any appeal of an administrative decision or determination may be filed by any person, department, bureau, town, city, county, or state which is aggrieved by a decision.

Secs. 12-2229 – 12-2235. Reserved.

Subdivision IV. Enforcement.

Sec. 12-2236. Violations and Penalties.

Any bill not paid four (4) weeks after date of billing shall be declared delinquent and a past-due notice shall be issued to the billed party. The past-due notice shall contain an additional charge to cover the costs of the rebilling. Additional delinquent notices including their respective charges shall be sent at eight (8) and twelve (12) weeks after the billing date. Should a bill still be delinquent after one hundred twenty (120) days, the City may elect to take the following actions.

- A. Whenever wastewater service charge bills become delinquent, the amount due shall be certified to the County Auditor for inclusion with the following year's tax statement.
- B. Lien. Whenever wastewater treatment bills become delinquent the same shall become and constitute a lien upon the real estate to which sewer service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the property served. The claim for lien shall be made in the¹¹ form of a sworn statement setting forth:
 - 1. a description of the real estate, sufficient for the identification thereof, upon or for which the sewage service was supplied;
 - 2. the amount of money due for such sewage service; and
 - 3. the date or dates when such amount or amounts became delinquent. If all amounts shown due remain unpaid after recording as provided by state statutes, the City may foreclose the lien in the same manner and with the same effect as the foreclosing of mortgages on real estate.

B.C. Civil Action. In the alternative of levying a lien, the City may, at its discretion, file suite in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

Sec. 12-2237. Interest on Unpaid Balances.

In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of twelve percent (12%) per annum.

Sec. 12-2238. Permit Revocation and Service Disconnection.

The City reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment becomes delinquent.

Sec. 12-2239. Effective Date.

This Ordinance takes effect upon passage and publication.

Sec. 12-2240 – 12-2300. Reserved.

7083.0020 DEFINITIONS.

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¹¹ Amendment 02-2009, 4/21/2009

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

Planning Commission Memo

Meeting: June 1, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: May 26, 2015
Re: Solar Energy Ordinance

Background

At its May 4, 2015 meeting, the Planning Commission reviewed and discussed draft language regarding the regulation of the size of residential solar arrays. The Commission directed staff to prepare a draft solar energy ordinance amendment reflecting the solar array size language for the Commission's review. The draft ordinance amendment is attached. Based on direction from the Planning Commission, the draft ordinance will be placed into a final form, including placing it into the zoning code where it best fits, and putting it into a format that matches its placement in the code.

PLANNING COMMISSION DIRECTION REQUESTED:

Provide direction regarding the draft solar energy ordinance amendment, and schedule a public hearing regarding the ordinance amendment.

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.

(4) Size Restrictions

In the VHS districts

- A total panel square footage equal to 150 sq. ft. or 1% of the total sq. footage of the lot, whichever is lesser, subject to meeting historical preservation standards.

In the RR and Ag districts, on lots up to 10 acres:

A. If not fully screened

- A maximum height of 15 feet at maximum vertical tilt and a total panel square footage equal to 300 sq. ft., at the required setback

B. If fully screened

- A maximum height of 20 feet and maximum total panel square footage up to 1,000 sq. ft. subject to being fully screened from public roads and neighboring properties, and subject to statutory and/or public utility power generation restrictions.

In the RR and Ag districts on lots 10 to 20 acres:

A. If not fully screened

- A maximum height of 20 feet at maximum vertical tilt and a total panel square footage equal to 300 sq. ft. at the required setback
- A maximum height of 20 feet and a total panel square footage of 500 sq. ft. if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.

B. If fully screened

- A maximum height of 20 feet and a total panel square footage of 1,000 sq. ft. if fully screened, subject to statutory and/or public utility power generation restrictions.

On lots 20 acres or greater:

A. If not fully screened

- A maximum height of 20 feet at maximum vertical tilt and a total panel square footage equal to 300 sq. ft. at the required setback
- A maximum height of 20 feet and a total panel square footage of 500 sq. ft. if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
- A maximum height of 20 feet and a total panel square footage 750 sq. ft. if setback 250 feet from all property lines, subject to statutory and/or public utility power generation restrictions.

B. If fully screened

- A maximum height of 20 feet and a total panel square footage of 2,000 sq. ft. if fully screened, subject to statutory and/or public utility power generation restrictions.

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. Solar farms are only allowed in the Industrial districts.

- (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. **Variance**– 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. A variance 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** - 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 City solar ready home, a designation that will be included in the permit home’s permit history.

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

Planning Commission Memo

Meeting: June 1, 2015

To: Chair Ronningen and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: May 26, 2015
Re: Manning Avenue Corridor

At its May 4, 2015 meeting, the Planning Commission held a public meeting to receive public comment from the owners of properties abutting Manning Avenue regarding future land use planning for the area along Manning Avenue. An outline of the comments received at the meeting is attached. The Commission may want to review and discuss the comments, including how the comments may impact the Commission's planning process for the Manning Avenue Corridor.

PLANNING COMMISSION DIRECTION REQUESTED:

Provide direction regarding the planning process for the Manning Avenue Corridor.

Manning Avenue Corridor Public comments
at the
May 4, 2015 Manning Avenue Corridor Public Meeting

Character of Manning Avenue

- Road is a speedway
- 7 agricultural uses in one mile
 - From Valley Creek to Bailey
- North of Valley Creek
 - Residential Agriculture
 - Transitional
 - Semi-industrial—Marine Use
 - Along Hudson—Commercial/Industrial
 - Not Quiet
 - Mixed-uses
- Owner of a 45 acre agricultural use wants to retain this use
 - Raise farm animals
 - Grow produce, such as sweet corn
- Transitional uses could act as a buffer for rural use to the east
- Traffic is biggest issue

What would you like to see changed?

- Lower the speed limit
- No development in Afton would affect traffic as significantly as Woodbury's development
- No more driveways on to Manning
- The Valley Creek Church sign makes it appear that commercial-type development is coming
 - (This parcel has now been sold for an agricultural use)
- Concern regarding Met Council involvement
- Speed enforcement
- Passing on the shoulder
- Rural quality is gone along Manning due to traffic
- What are traffic counts?

Future Plans of Property Owners

- Sell in near future—too noisy and fast traffic
- What is the eastern boundary of the Manning Avenue overlay district?
- Several properties are being rented

- Realtors are active
- Property owner wants to stay
- Property owners plan to stay until their age causes them to need/want to move
- Property owners are getting solar farm inquiries

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

**DRAFT Regular City Council Meeting Minutes
May 19, 2015
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 p.m.**

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

13
14 **2. PLEDGE OF ALLEGIANCE** was recited.

15
16 **3. ROLL CALL:** Council Members Palmquist, Richter, Ross, Nelson, and Mayor Bend. **Quorum present.**

17
18 **OTHERSPRESENT:** City Attorney Fritz Knaak, Planning Commission Chair Barbara Ronningen, City
19 Administrator Ron Moose and Deputy Clerk Kim Swanson Linner.

20
21 **4. APPROVAL OF AGENDA –**

22 **A. Approval of the Agenda for the Regular City Council Meeting of May 19, 2015 - Item 10C10, Special**
23 **Event Permit for a Farmer's Market in Town Square Park was moved to after Item 9, as Item 10; all subsequent**
24 **numbers were amended to follow. Added a new Item 11C10, to schedule a Council Work Session for next week.**

25
26 **Motion/Second: Palmquist/Nelson. To approve the May 19, 2015 Regular City Council Meeting agenda**
27 **as amended. Motion carried 5-0-0.**

28
29 **5. APPROVAL OF MINUTES**

30 **A. Minutes of the April 16, 2015 City Council Work Session –**

31 **Motion/Second: Palmquist/Ross. To approve the April 16, 2015 City Council Work Session minutes as**
32 **presented. Motion carried 4-0-1 (Abstain-Richter).**

33
34 **B. Minutes of the April 21, 2015 Regular City Council Meeting –**

35 **Motion/Second: Palmquist/Ross. To approve the minutes of the April 21, 2015 Regular City Council**
36 **Meeting minutes as presented. Motion carried 4-0-1 (Abstain-Richter).**

37
38 **6. PUBLIC INPUT – none.**

39
40 **7. REPORTS/PRESENTATIONS**

41 **A. Sheriff's Monthly Report – No Deputy in attendance.**

42 **B. Environmental Attorney – Administrator Moose reported that the Environmental Attorney from**
43 **Lindquist & Vennum left the firm for a private company; she gave the city two recommendations for other**
44 **environmental attorneys. Moose contacted Bill Heffner from the Environmental Law Group, as he was familiar**
45 **with the MPCA permit process and Afton's project. Mr. Heffner presented his qualifications to the Council.**

46 **C. Lower St. Croix Fire District – Kevin Wall presented the Fire District Pension Fund 2014 Audit Report**
47 **which has a \$1.5 million balance, for a 126% funding ratio.**

48 **D. Jim Bougie, Finance Committee Report – Reported on the \$301,000 surplus shown in the Afton 2014**
49 **Audit, but cautioned it may not be a "real" surplus, as the "bridge loan" for the Downtown Improvement**
50 **Projects was deposited into the 4M Fund. He indicated the ¾ of 1% interest rate on the bridge loan is quite**
51 **good; the call date for the loan is not until April 2017, at which time the City pays the loan back or refinances**
52 **the debt to a bond.**

53

- 54 **8. CONSENT AGENDA –**
55 **A. Just and Correct Claims**
56 **B. 4M Fund Transfer - APRIL - Resolution 2015-36**
57 **C. Annual MCFOA Membership – Deputy Clerk**
58

59 **Motion/Second: Richter/Palmquist. To approve the Consent Agenda as presented, including Resolution**
60 **2015-36. ROLL CALL: All Ayes. Motion carried 5-0-0.**
61

62 **9. Public Hearing**

63 **A. Ordinance Amendment -- Farmers Market – Ordinance 01-2015 – Mayor Bend opened the Public**
64 **Hearing at 7:23 p.m.**

65 Administrator Moose informed that the current zoning code prohibits the farmer’s market use in all zoning
66 districts, although there is no definition of farmers market in the zoning code. He explained, as background, that
67 the farmers market use was discussed by the Planning Commission in 2011, as part of its review of the Use
68 Table in Section 12-134 of the zoning code. The minutes of those meetings did not provide details of the
69 discussions, therefore, it was not clear what the Commission’s view of the farmers market use was. However, a
70 proposed revision of the Use Table included the farmers market use as a conditional use in the VHS-C zoning
71 district. This revision was not incorporated into the ordinance.

72 The Afton Area Business Association has proposed holding weekly farmers markets in Town Square Park
73 this summer. This would require an ordinance amendment to allow the farmers market use. Staff was directed to
74 draft an ordinance amendment for a definition of Farmers Market and modify the Use Table to allow the
75 Farmers Market use in the VHS-C zoning district, and in the VHS-R zoning district if held in a public park with
76 a Special Event Permit. The draft language also sets out performance standards for the Farmers Market use.

77 The Council directed that the public hearing regarding the ordinance amendment outlined above be held at
78 the May 19 Council meeting.
79

80 Public Comments

81 Q: Is the food and produce being sold coming from local farmers. A: Yes.

82 Q: Will there be a Starbucks? A: No, but they will be selling coffee that is a “Fair Trade” coffee.
83

84 **Motion/Second: Palmquist/Richter. To close the Public Hearing at 7:27 p.m. Motion carried 5-0-0.**
85

86 City Council Discussion

87 Council discussed whether the City would be liable for accidents or injuries, if it is being held on public
88 property such as Town Square Park.

89 City Attorney Knaak stated that the City is only “allowing” such a use and the City can require the event
90 holder to provide a Certificate of Insurance indemnifying the City.

91 It was clarified that ONLY those that were held on public city property needed a Certificate of Insurance.
92

93 **Motion/Second: Palmquist/Nelson. To adopt Ordinance 01-2015 amending Chapter 12, Sections 12-55**
94 **and 12-134 of the Afton City Code and adding a new section 12-131 regarding Farmers Markets. ROLL**
95 **CALL: All Ayes. Motion carried 5-0-0.**
96

97 **10. Farmer’s Market – Special Event Permit - Administrator Moose summarized the Afton Area Business**
98 **Association’s (AABA) proposal to hold weekly Farmers Markets on Thursday evenings from 4:00 p.m. to 7:00**
99 **p.m. in Town Square Park for the summer of 2015. The City requires a Special Event Permit for large**
100 **organized events within the City. To be allowed, the AABA Farmers Markets would need to comply with the**
101 **performance standards just adopted by Ordinance 01-2015.**
102

103 Council Discussion

104 Council discussed the amount of insurance the holder would be required to carry. Some council members
105 felt that requiring every Farmers Market to have insurance would be a burden.

106 It was clarified again that only events held on public city property would need the Certificate of Insurance,
107 therefore the AABA must submit a Certificate of Insurance for the period of May through October 2015 and list
108 the City as the "Certificate Holder" as a condition of approval for their request for a Special Event Permit for the
109 2015 Farmers Markets.

110 Council did not come to consensus about other insurance issues, so the item was to be added to a future
111 Council Work Session.

112
113 **Motion/Second: Palmquist/Bend. To approve the Special Event Permit for the Afton Area Business**
114 **Association (AABA) to hold weekly Farmers Markets on Thursday evenings from 4:00 p.m. to 7:00 p.m.**
115 **in Town Square Park, subject to submitting to the City a Certificate of Insurance as a condition of**
116 **approval that covers the dates of the proposed events. Motion carried 5-0-0.**

117
118 **11. CITY COUNCIL BUSINESS**

119 A. Planning Commission Report – Chair Ronningen was in attendance to report for the Planning Commission.

120 1. Kroschel Application for Conditional Use Permit for a Bed and Breakfast at 15106 50th Street
121 South – Resolution 2015-37 – Administrator Moorse summarized the Jon and Liz Kroschel application for a
122 Conditional Use Permit (CUP) for a Bed and Breakfast at the property at which they reside at 15106 50th Street,
123 which is an allowed use in the Rural Residential Zoning District with a Conditional Use Permit. The property is
124 5.2 acres, has a new septic system sized for the proposed use, and has an alternate septic site. The Kroschels
125 propose to operate the bed and breakfast initially using a bedroom on the lower walk-out level, and later use a
126 bedroom on the upper level. Smoke detectors were installed in all bedrooms as part of a remodel in 2008. The
127 house meets the side and rear yard setback requirements. The Planning Commission held a Public Hearing at its
128 May 4, 2015 meeting and recommended approval on a vote of 8-1-0, with the CUP Standards and Conditions as
129 listed below:

130
131 CUP Standards for Bed and Breakfast facilities:

- 132 1. The owner shall be in residence when the rooms are being rented by paying guests.
- 133 2. The rooms rented out shall be within the residence and not in any accessory building.
- 134 3. No more than two rooms shall be rented, and there shall be no more than four paying guests at one time.
- 135 4. Off-street parking shall be provided, with a minimum of one space per guest room and one space for the
136 operator. An additional space shall be provided for any type of trailer or other towed item belonging to a
137 paying guest.
- 138 5. The septic system shall be to code and sized for the proposed use, and the property must contain
139 adequate space for an alternate septic system.
- 140 6. There shall be no signs other than those allowed for the district.
- 141 7. There shall be no exterior indication that the residence is a bed and breakfast facility.
- 142 8. No paying guest shall stay in the facility for more than 14 consecutive days.
- 143 9. The facility shall not be used for commercial receptions, parties, etc., for the serving to paying guests of
144 meals other than breakfast or the serving of meals to nonresident guests for compensation. There shall
145 be no cooking in guestrooms.
- 146 10. Smoke alarms shall be installed. Certification that the facility has passed inspection by the fire district
147 shall be submitted to the City before the permit is issued.
- 148 11. The building official shall inspect and approve the facility, and certification that the facility has passed
149 inspection by the building official shall be submitted to the City before the permit is issued.
- 150 12. A license is required by the county public health department and a copy of the license issued by the
151 public health department shall be submitted to the City within ten days of its receipt by the operator of
152 the bed and breakfast facility.
- 153 13. Bed and breakfast facilities shall meet the current side and rear setback requirements for the zone in
154 which they are located.
- 155 14. Operators of bed and breakfast facilities are required to give clients directions for reaching the
156 residence.

- 157 15. Failure to meet the conditions of the Conditional Use Permit shall constitute grounds for withdrawal of
158 the permit.
159 16. If ownership is transferred, an amended CUP must be applied for by the new owner within 60 days of
160 the change in ownership.
161 17. The Conditional Use Permit will terminate if the amended permit is not requested within 60 days or if
162 there is no request for annual renewal.
163

164 Conditions

- 165 1. The conditional use permit shall not be issued until the city receives certification that the facility has
166 passed inspection by the fire district and the building official, and the city receives a copy of the license
167 issued by the county public health department.
168 2. The use must continuously meet all standards for the Bed and Breakfast use as listed in the zoning code
169 Section 12-222.
170 3. The CUP is subject to administrative review.
171

172 **Motion/Second: Bend/Richter. To approve the Kroschel application for a Conditional Use Permit (CUP)**
173 **for a Bed and Breakfast at 15106 50th Street per Resolution 2015-37 as written, including the following**
174 **Findings and Conditions:**

175
176 Findings

- 177 1. **The proposed use is allowed with a conditional use permit.**
178 2. **The use, as it is proposed, would meet the standards for the bed and breakfast use.**
179

180 Conditions

- 181 1. **The conditional use permit shall not be issued until the city receives certification that the facility**
182 **has passed inspection by the fire district and the building official, and the city receives a copy of**
183 **the license issued by the county public health department.**
184 2. **The use must continuously meet all standards for the Bed and Breakfast use as listed in the zoning**
185 **code Section 12-222.**
186 3. **The CUP is subject to annual administrative review.**
187

188 **ROLL CALL: All Ayes. Motion carried 5-0-0.**
189

190 2. South Washington Watershed District (SWWD) CUP Application for grading at 12788 50th Street
191 S. –Resolution 2015-38 – Administrator Moore reviewed the application by South Washington Watershed
192 District (SWWD) proposing to undertake a stormwater, erosion and drainage management project, located on
193 the property of Jack Vang at 12788 50th Street, to protect the quality of Trout Brook. The Planning Commission
194 held a Public Hearing on this CUP application at its May 4, 2015 meeting and recommended approval of the
195 conditional use permit, on a vote of 9-0-0, with conditions.
196

197 City Council Discussion

198 Council wanted clarification that the application is by the SWWD, with the permission and agreement of the
199 stated landowner.

200 Moore indicated that was correct.

201 James Landini, SWWD representative, informed Council that the project will be done through a grant for
202 improving water quality for Trout Brook. He confirmed the parcel has Neal to the east and the hill is to the west.

203 Council asked if the property owner will have full use of their land after the project.

204 Landini and Moore confirmed that Vang will continue to be an agricultural land use growing alfalfa hay,
205 which is an excellent erosion management plant material.
206

207 **Motion/Second: Palmquist/Richter. To approve the SWWD and Jack Vang application for a Conditional**
208 **Use Permit (CUP) for a stormwater management project to protect Trout Brook at 12788 50th Street in**
209 **Afton, per Resolution 2015-38 including the Findings and Conditions as listed:**

210
211 **Findings**

- 212 **1. The grading project is allowed with a conditional use permit.**
213 **2. The grading plan reflects the review and comments of the City Engineer.**

214
215 **Conditions**

- 216 **1. Applicant will sign all necessary papers required for this application and grant.**
217 **2. All appropriate provisions of the Afton Code of Ordinances shall be complied with for the**
218 **duration of the permit.**
219 **3. South Washington Watershed District requirements shall be met for the duration of the permit.**
220 **4. City Engineer specifications and recommendations for all work shall be met for the duration of**
221 **the permit.**
222 **5. The grading plan shall be constructed according to plans approved by the City Engineer and in**
223 **conformity with SWWD requirements. Silt fences or other types of erosion control shall be**
224 **properly installed prior to construction; and shall be maintained in good condition until the**
225 **construction is complete.**
226 **6. Non-compliance with the conditions of this permit shall be considered a violation, and may result**
227 **in revocation of this permit.**
228 **7. Compliance with conditions of this permit shall be monitored on a periodic basis. The conditions**
229 **of this permit shall apply to the property described and shall not in any way, except as herein**
230 **noted, be affected by any subsequent sale, lease, or other change in ownership.**
231 **8. Construction shall begin within one year of the date of issuance of this permit or the permit shall**
232 **become null and void.**

233
234 **ROLL CALL: All Ayes. Motion carried 5-0-0.**

235
236 **3. Comprehensive Plan Amendment for Village Wastewater Treatment Facility - Resolution 2015-39**
237 **– Administrator Moose summarized that the Met Council is requiring this Comprehensive Plan to add a chapter**
238 **on the City’s planned wastewater collection and treatment system. Because the planned wastewater system is to**
239 **serve only the Old Village area and the remainder of the City is to continue to be served by individual private**
240 **septic systems, the Comprehensive Sewer Plan amendment is limited in scope. Moose felt that because the**
241 **Comp Plan amendment for the sewer was required, he took the opportunity to draft a change to the**
242 **Environmental Resources Policy on the protection of steep slopes, as it relates to access for large lot**
243 **subdivisions.**

244 **Moose noted that Commissioner Kopitzke worked through the WSB drafted amendment and suggested**
245 **eliminating the detailed technical language, which he felt was inconsistent with the level of detail in the Comp**
246 **Plan. The Planning Commission held the Public Hearing at its meeting on May 4, 2015, where Commissioners**
247 **were in agreement with Kopitzke’s revisions to “minimize” changes to the Comp Plan. The Engineers agreed to**
248 **the proposed changes, with the exception of the information specifically required by the Met Council. It was**
249 **decided to provide the entire Facility Plan for the Wastewater Collection and Treatment System as Appendix M.**
250 **Final revisions were reviewed with the Planning Commission by Engineer Todd Hubmer, and final revisions**
251 **were made at the meeting for the Planning Commission’s recommendation.**

252 **Moose indicated that the Planning Commission felt they did not have sufficient time to review the proposed**
253 **amendments to the Environmental Resources Policy regarding steep slopes relating to large lot subdivisions.**

254 **Kopitzke reported to the Commission that the Council, at their April 21 meeting, directed the PC to look into**
255 **reviewing subdivision regulations for itmes such as shared driveways, steep slopes, conservation easements and**
256 **possible mitigation requirements if the city were to provide more flexibility for large lot subdivisions. The**
257 **proposed “steep slope” language was removed from the Comp Plan amendment prior to the Commission’s**
258 **recommendation to adopt, on a vote of 9-0-0.**

259 Planning Commission Chair Ronningen stated the Planning Commission felt they needed more time to review
260 and consider the implications that changing language regarding steep slopes in the Comprehensive Plan might
261 have. Several commissioners felt that an unstudied change to the Comprehensive Plan would go against the nature
262 of the document; also, updating the Comp Plan will begin in two years and they felt any changes could be
263 incorporated at that time.
264

265 City Council Discussion

266 Bend reported that the language regarding slopes on large lot subdivisions was proposed because of the
267 Twomey application to subdivide 47 acres into two parcels. He updated that Twomey now has an offer on the
268 land and the prospective buyer is interested in developing it with a single family dwelling. Twomey has applied
269 for a variance for one driveway on the excessive slope.

270 Ross questioned how a variance would be granted for one driveway, as opposed to two driveways from the
271 former variance application.

272 Bend affirmed that the construction of one driveway would be a condition of practical difficulty due to the
273 topography of the land, as opposed to the situation he would have created by subdividing and requiring
274 variances for two driveways. Bend reminded Council of the three prongs which are required to be met in order
275 to grant a variance: 1) Reasonableness: The property owner proposes to use the property in a reasonable manner
276 not permitted by the zoning ordinance. 2) Uniqueness: The plight of the landowners is due to circumstances
277 unique to the property not created by the landowner. 3) Essential Character: The variance, if granted, will not
278 alter the essential character of the locality. Bend felt each of these parameters could be met for the variance to
279 construct one driveway. He also indicated that several other cities have the 18% slope protection and he agrees
280 the Planning Commission needs to give very careful thought to considering any changes to the Comprehensive
281 Plan or ordinances regarding steep slopes, environment, and other issues Council identified that may allow large
282 lot subdivisions to have some flexibility for protections with conservation easements or mitigations.

283 Palmquist felt the Council still has support for allowing large lot subdivisions.

284 PC Chair Ronningen suggested that perhaps the Natural Resources and Groundwater Committee might
285 review the Comprehensive Plan and ordinances to consider and discuss any changes and their implications for
286 the whole of Afton, and report their recommendations to the Planning Commission for consideration at the time
287 of the next Comprehensive Plan.

288 Bend explained that he had brought the Council's issues on large lot development to the Natural Resources
289 and Groundwater Committee, whose members have a great deal of environmental experience, and the
290 recommendation from the Planning Commission comes from members who have vast knowledge about both the
291 Comprehensive Plan and ordinances. He stated he is confident that their reactions have been studied on a
292 scientific front, an ordinance front, and by staff on an administrative front.

293 Palmquist felt the Planning Commission should take more time to discuss the issues. He hoped this
294 recommendation for eliminating the proposed language to the Comprehensive Plan doesn't just drop the issue.

295 Bend agreed that careful deliberation should continue on the multitude of issues that may be considered for
296 more flexibility for large lot developments.
297

298 **Motion/Second: Bend/Richter. To approve the Comprehensive Plan Amendment required by**
299 **Metropolitan Council to add the Historic Village Sewage Treatment Area into the Afton Comprehensive**
300 **Plan, which was amended by the Planning Commission at their May 4, 2015 meeting to eliminate detailed**
301 **technical language, to place the Facility Plan into Appendix M, and to remove the proposed amendment**
302 **to the Environmental Resources Policy regarding steep slopes relating to large lot subdivisions, per**
303 **Resolution 2015-39, and to authorize submission to the adjacent communities and to the Metropolitan**
304 **Council for review. ROLL CALL: All Ayes. Motion carried 5-0-0.**
305

306 4. Manning Avenue Corridor Planning Process Update – Administrator Moose and Chair Ronningen
307 updated Council on feedback received from property owners adjacent to Manning Avenue. It was noted that
308 residents along Manning are most concerned about the speed and volume of traffic and reckless driving
309 occurring on Manning, the noise from which makes it virtually impossible to have a conversation in their yard.
310 Most did not want to change density at all, and some were definitely against a Rural Residential density.

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B. Engineering Report – none submitted.

C. Administration

1. Sail Away Café Special Event Permit Application for 2015 Music Festivals – Resolution 2015-40 –

Administrator Moose reported that Oliver Weir has applied for Special Event Permits for two music festivals to be held from 3:00 p.m. to 11:00 p.m. on Saturday, July 25, 2015 and Saturday, October 3, 2015. The events are planned to include the sale of intoxicating liquor off the premises of the Sail Away Café, within the parking lot of the Afton Market Square building. The Sail Away Café is licensed to sell intoxicating liquor and holds a caterers permit through the State of Minnesota that allows off-premises liquor sales. Because the events are planned to continue until 11:00 p.m., Mr. Weir will need to be aware of the City’s noise ordinance.

Weir added that the July 25th Music Festival will accept food donations which will be given to area food shelves.

Council asked if there have been noise complaints in the past for the music past 10:00 p.m.

Staff indicated there had been no complaints reported to the City.

Motion/Second: Richter/Palmquist. To approve Special Event Permits for two music festivals to be held by the Sail Away Café on July 25 and October 3, 2015 from 3:00 to 11:00 p.m. per Resolution 2015-40, including the condition that the music shall be in compliance with the City’s noise ordinance. ROLL CALL: All Ayes. Motion carried 5-0-0.

2. 2014 Audit Report – Michael Pofahl – Auditor Michael Pofahl presented the 2014 Audit Report to the Council. He summarized the information contained in each section and pointed out the Reconciliation of Accounting Reports vs Audit Financial Statements, which was provided to Council. He noted that upon approval, staff will provide the City Accountant with the CD and paper copy, to be submitted to the State Auditor by June 30, 2015. He will work with staff on the required Financial Statement to be published in the official newspaper.

Motion/Second: Palmquist/Richter. To adopt the audited financial statements and financial information for the fiscal year ending December 31, 2014. Motion carried 5-0-0.

3. Archeological Survey – Administrator Moose explained that, in early April, the City hired a consultant to conduct an archeological survey related to the planned wastewater collection and treatment system to determine if it would impact historic burial mounds. He stated this work did not include the area of the planned levee and storm water pond improvements. Because there was some possibility that, particularly the south stormwater pond, was in the area of an historically identified burial mound that may not be disturbed, staff determined an archeological survey of the area of the levee and the storm water improvements should also be conducted. It was determined that a consultant specifically certified regarding the authentication of burial mounds should be hired. Staff contacted the State Archeologist, who provided the names of two archeologists certified regarding the authentication of burial mounds, one of which was Connie Arzigian, who is with the Archeological Studies Program at UW La Crosse. Staff contacted Ms. Arzigian, who was available within the City’s time constraints, and obtained a proposal for the archeological survey. Staff was directed to have the archeological survey work continued, in anticipation of formal action by Council on the proposal, which was at a cost not to exceed \$8,082.

Moose indicated the field work was completed on Friday, May 15. The archeologist has verified exact locations of the burial mound site, has catalogued findings and the city awaits the report. The archeologist is working with the City Engineers to very accurately overlay the coordinates of the proposed southerly pond with the locations of the burial mound, with the understanding that if the pond interferes with the archeological area, the pond will be relocated as required.

Motion/Second: Palmquist/Bend. To approve the proposal from Connie Arzigian for an archeological survey of the levee and stormwater pond areas, at a cost not to exceed \$8,082. Motion carried 5-0-0.

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4. Speed and Noise Enforcement Special Detail by Sheriff's Department – Administrator Moose explained that Council Members have heard from residents concerned with motorcycles touring through Afton; substantial numbers, substantial speeds, particularly on CR 21 going south out of town up the coulee. Moose contacted the Sheriff's Department to request that the deputies assigned to Afton focus their patrol on a warm weekend on speed enforcement on the coulee. They are able to provide that focus, but will be called away periodically to respond to calls in their service area. Moose explained he also requested cost information for scheduling one or two additional deputies to specifically provide speed enforcement for a minimum four hour period. The cost of one additional deputy would be \$70/hour, or \$280 for four hours The City could also consider assigning additional deputies on two different weekends to provide the message that Afton is not the place for speeding or loud motorcycles.

City Council Discussion

Bend wondered if additional deputies as a deterrent is worth the money. He noted from the monthly citation report, the deputies are already citing speeding along Manning and on the Coulee.

Ross wanted to know what the fine would be for speeding at 90 mph in a 30 mph zone, and for passing on a double line. He has witnessed both and feels it is very dangerous for all concerned.

City Attorney Knaak opined that noise from motorcycles must have proof for giving citations.

It was noted that deputies have devices to measure the decibel level of noise.

Public Works staff, Ken Johnson, informed that he had spoken to the deputies about the extra enforcement shifts, and they indicated to him that it does help in curtailing the speeding and noise, especially if done in the early summer.

Motion/Second: Palmquist/Ross. To schedule one additional deputy for four afternoons (sunny, weekend day from 11:00 a.m. – 3:00 p.m., dates to be determined by the City) to provide speed enforcement in and around the Afton coulee. Motion carried 4-1-0 (Richter).

5. Department of Employment and Economic Development (DEED) Financial Assistance Grant Application Support – Resolution 2015-41 – Administrator Moose described to Council that a new business is planning to build a facility in the City's Industrial Zoning District. The business is Sava Tree, which is a tree and shrub care company. The proposed site for the facility is to be located on a five acre parcel to be created in the northeast corner of the 70 acre parcel at Hudson Road and Manning Avenue. Sava Tree is applying for financial assistance through the Department of Employment and Economic Development's (DEED) Job Creation Fund. The application requires a "resolution of support" from the local City Council, and requires the City to sign the application as the local government contact.

City Council Discussion

Council members discussed whether "qualifiers" were needed in the Resolution. Some were concerned about the "concept" based on a subdivision that hasn't yet been approved. It was noted that the Resolution of Support is only for the application to the DEED, there is no obligation to a Minor Subdivision application or for a future Building Permit.

Motion/Second: Bend/Palmquist. To adopt Resolution 2015-41 as presented in the Supplemental Packet in support of the Sava Tree application for financial assistance through the Department of Employment and Economic Development's (DEED) Job Creation Fund. ROLL CALL: All Ayes. Motion carried 5-0-0.

6. Environmental Attorney Appointment – Administrator Moose reported that the City had been obtaining advice and assistance regarding the MPCA's permit process for the City's wastewater collection and treatment system from Katie Roek of Lindquist and Vennom, but that Ms. Roek recently left the firm of Lindquist and Vennom to work for Cargill, therefore, she is no longer able to represent the City. She recommended two attorneys with firms specializing in environmental law as possible replacements. These were Bill Hefner of Environmental Law Group and Sara Peterson of Parkway Law. Moose explained that Peter

414 Miller of Wenck was familiar with Bill Hefner. Staff contacted Mr. Hefner and found that he is familiar with the
415 circumstances of the City's MPCA permit process, and is well qualified to assist the City in this process.
416 Environmental Law Group's proposal for legal services and a retention letter was attached; Mr. Hefner would
417 be the lead attorney at \$280/hour, and would be assisted by Jeremy Greenhouse at \$250/hour.

418
419 City Council Discussion

420 Bend asked Moose if he had contacted the other attorney that was recommended.

421 Moose indicated he had not, due to the information he received from Attorney Roek that Mr. Hefner was
422 familiar with Afton's project and with the MPCA permit process.

423 Bend maintained that, in the future, all candidates should be contacted and their information included for
424 Council's consideration, so that at least Council can be "assured of the competence of the choice made" by staff.

425 It was clarified that this agreement is similar to the Lindquist and Vennum agreement, being on retainer for
426 services as needed.

427 Moose indicated that was correct, and that the City expects that the Environmental Law Group will review
428 information in order to give advice for the MPCA hearing.

429
430 **Motion/Second: Nelson/Palmquist. To approve the execution of the retention letter and legal services
431 agreement with Bill Hefner and Environmental Law Group, on an as-needed basis. Motion carried 5-0-0.**

432
433 7. Revised Right-of-Way Vacation Resolution for Trading Post Trail Preserve Plat – Resolution
434 2015-42 – Administrator Moose explained that the Trading Post Trail Preserve subdivision included the
435 vacation of two areas of public right-of-way. One area was the bulb of the cul-de-sac on Osgood Avenue. The
436 other was a narrow strip on the lot with the existing house. As part of the final plat process, the Council adopted
437 a resolution vacating both areas of right-of-way. The County informed the City that the resolution as written
438 could not be recorded because each of the right-of-way areas needed to be vacated by separate processes. Upon
439 further clarification, the City learned that only the Osgood cul-de-sac needed a resolution of vacation and
440 Exhibit A showing just the cul-de-sac right-of-way map needed to be attached to the revised Resolution.

441
442 **Motion/Second: Palmquist/Richter. To adoption Resolution 2015-42, a revised right-of-way vacation for
443 the Osgood Avenue South cul-de-sac related to the Lakeview Investment #1, LLC Trading Post Trail
444 Preserve subdivision per Resolution 2015-42. ROLL CALL: All Ayes. Motion carried 5-0-0.**

445
446 8. Appoint a City Representation on the Middle St. Croix Water Management Organization Board –
447 Administrator Moose explained that the annual appointments for 2015 included the temporary appointment of
448 Council Member Nelson as the primary representative to the Middle St. Croix Water Management Organization
449 (MSCWMO) and Mayor Bend as the alternate, with the intention of appointing members from the Natural
450 Resources and Groundwater Committee (NRGC) once the Committee was formed and operating. The NRGC is
451 now formed and operating, and Council Member Nelson has resigned from his position as representative to the
452 MSCWMO.

453
454 **MotionSecond: Palmquist/Bend. To appoint Sondra Larson as the Afton representative to the Middle St.
455 Croix Water Management Organization (MSCWMO) Board per Resolution 2015-43. ROLL CALL: All
456 Ayes. Motion carried 5-0-0.**

457
458 9. Establish Regular Work Session Schedule – Administrator Moose explained that with the
459 continuing need to address issues related to the Downtown Improvement Projects and the growing number of
460 needed zoning ordinance language updates, as well as other issues that Council directs, staff saw a need to
461 schedule monthly Council Work Sessions. Moose felt, rather than individually scheduling work sessions, it
462 would be more effective to establish a regularly scheduled monthly work session. He explained the work
463 sessions would be held when there are work items to be addressed. If there were no items to be addressed in a
464 given month, the work session would be cancelled. He recommended scheduling the work session the second

465 Monday of each month. Moore identified the following list of items that need to be addressed at upcoming
466 work sessions:

467

468 Zoning Code items

469 Ordinance amendment regarding accessory buildings

470 Ordinance amendment regarding contiguous nonconforming parcels under common ownership

471 Ordinance amendment regarding large lots and steep slopes

472 Ordinance amendment requiring the installation of a shared conduit for cable TV, phone, etc. as part of
473 all subdivision approvals

474 Ordinance amendment regarding thresholds for a grading CUP vs. a grading permit, particularly in
475 relation to water quality projects by local watershed districts

476 Review of variance questionnaire currently used with variance applications

477 Ordinance amendment to update the sewer policies to reflect the downtown sewer project

478 Ordinance amendment to reflect the implementation of Minimal Impact Design Standards (MIDS)

479 Other items:

480 Street CIP and funding needs and options

481 Paperless office solution

482 Project management/task management expectations and tools

483

484 **Council Members agreed to NOT establishing a regularly scheduled monthly Council Work Session.**

485

486 10. Schedule a Council Work Session for next week – Administrator Moore added this item to the
487 agenda, stating there are a number of items that need timely discussion by Council. They were identified as:
488 Downtown Improvement Projects; Schedule Work Sessions/Calendaring software; Land Use Items.

489

490 **Motion/Second: Bend/Nelson. To schedule a Council work session for May 27 with the agenda items as**
491 **articulated above. Motion carried 5-0-0.**

492

493 **D. Committee Reports –**

494 1. Public Works – none.

495 2. Personnel – Ross reported they have considered Calendaring software for the City Administrator to
496 utilize in scheduling meetings. They also feel Project Management software will help the Administrator
497 facilitate better tracking of tasks that need to get done. They want the City to migrate to a paperless office. [Staff
498 keeps electronic city documents. Property files are still paper.] Bend commented that the Complaint Log shows
499 “cracks” and they felt perhaps placing a deadline for resolving issues might help move enforcement issues to
500 completion.

501 Deputy Clerk Swanson Linner asked to be consulted on the project management software, calendaring, and
502 paperless office software items, as her expertise in the city processes and organization and her professional
503 experience in project management could assist the Personnel Committee and Council in understanding the
504 City’s issues.

505 3. Parks – The Parks Committee is meeting on May 27.

506 4. HPC/DR – Moore reported the HPC meeting on May 20. They will discuss the RFP process for a
507 consultant historian and discuss conceptual designs for a City Garage additional onto City Hall.

508

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

510 **A. Ward 1 Council Member Palmquist – reported the upcoming St. Croix River event featuring former**
511 **Vice President Walter Mondale.**

512 **B. Ward 2 Council Member Richter – none.**

513 **C. Ward 3 Council Member Ross – reported that representatives from CenturyLink and Comcast were**
514 **getting quotes for an Afton build-out for Internet service. The High Speed Internet Committee is having**
515 **representatives from the MN Office of Broadband attend their May 21 meeting.**

516 **D. Ward 4 Council Member Nelson – none.**

517 **E. Mayor Richard Bend** – reported that the NRGC has made appointments of members to monitor, serve,
518 and/or attend meetings of designated committees pertaining to water and environmental issues. He asked how
519 Council would like to receive reports.

520 **F. City Attorney Knaak** – The prosecution report was on file. He noted an uptick in citations and reported
521 that the city is in the condemnation process for six parcels in the Village.

522 **G. City Administrator Moorse** – none.

523

524 **11. ADJOURN**

525

526 **Motion/Second: Richter/Bend. To adjourn the meeting at 10:15 p.m. Motion carried 5-0-0.**

527

528 Respectfully submitted by:

529

530

531

532 _____
Kim Swanson Linner, Deputy Clerk

533

534

535 **Approved by Council (at the 6/16/2015 meeting) as: Presented: _____ or Amended: _____**

536

537

538 **Signed by Mayor Richard Bend: _____ Date: _____**

SUPPLEMENTAL PACKET



Department of Public Health and Environment
 14949 62nd Street North PO Box 6
 Stillwater MN 55082-0006
 Office: 651-430-6655 TTY: 651-430-6246 Fax: 651-430-6730

T.A.

Review Fee:	\$290.00
Permit Fee:	\$730.00
Total Fee:	\$1,020.00
Previous Payment	\$1,020.00
Balance Due	\$0.00

Community: Afton
Permit Number: 0100-15-13
Owner: FOC LLC
 1807 Market BLVD
 Hastings MN 55033-
Applicant: FOC LLC

PERMISSION IS HEREBY GRANTED

To execute the work specified in this permit on the following identified property upon express condition that said persons and their agents, and employees shall conform in all respects to the provisions of Ordinance #179, Washington County Development Code, Chapter Four, Subsurface Sewage Treatment System Regulations. This permit may be revoked at any time upon violation of any of the provisions of said ordinance.

Project Address: 0
Geo Code: 06-028-20-24-0002
Designer: Eklin Soil Testing & Inspections, Inc.

Type of System: Drainfield		Pressure Distribution	
		N / A	
Design Criteria	Drainfield Sizing		
Percolation Rate: 25	Square Feet:	1230	
Depth To Restriction: 60	Lineal:	410	Feet
Land Slope: 6.00%	Depth Of Rock Below:	6	Inches
Flow Rate: 500	Maximum Trench Depth:	24	Inches
Number of Bedrooms: 0	Number Of Trenches:	10	
<input type="checkbox"/> Gravelless	Length Of Trenches:	41	Feet
<input type="checkbox"/> Chambered	Spacing Of Trenches:	7.5	Feet
Tank Sizes			
Tank 1: 1500	Tank 2: 1000	Tank 3: 0	Lift Station: 1000

Authorized Work/Special Conditions

1. Building sewer can be no closer than 20' to well and must be pressure tested within 50 feet of well.
2. Domestic strength waste only. Industrial waste and hazardous wastes cannot enter the septic system.
3. Effluent Filter with alarm required.
4. Establish a vegetative cover over the soil treatment area within 30 days of the installation. Protect the soil treatment area from erosion until the vegetative cover is established.
5. Install individual sewage treatment system as per approved design in area tested and shown on the site plan.
6. Maximum trench depth 24 inches into natural soil.
7. Rock only. No chambers. No gravelless.
8. This system must be installed by a certified/licensed sewage treatment system installer holding a current license with the Minnesota Pollution Control Agency. (A list of installers is available at your request.)
9. Use of tanks registered with the Minnesota Pollution Control Agency required.

Permit Issue Date: 5/28/2015
 Permit Expiration Date: 5/27/2016

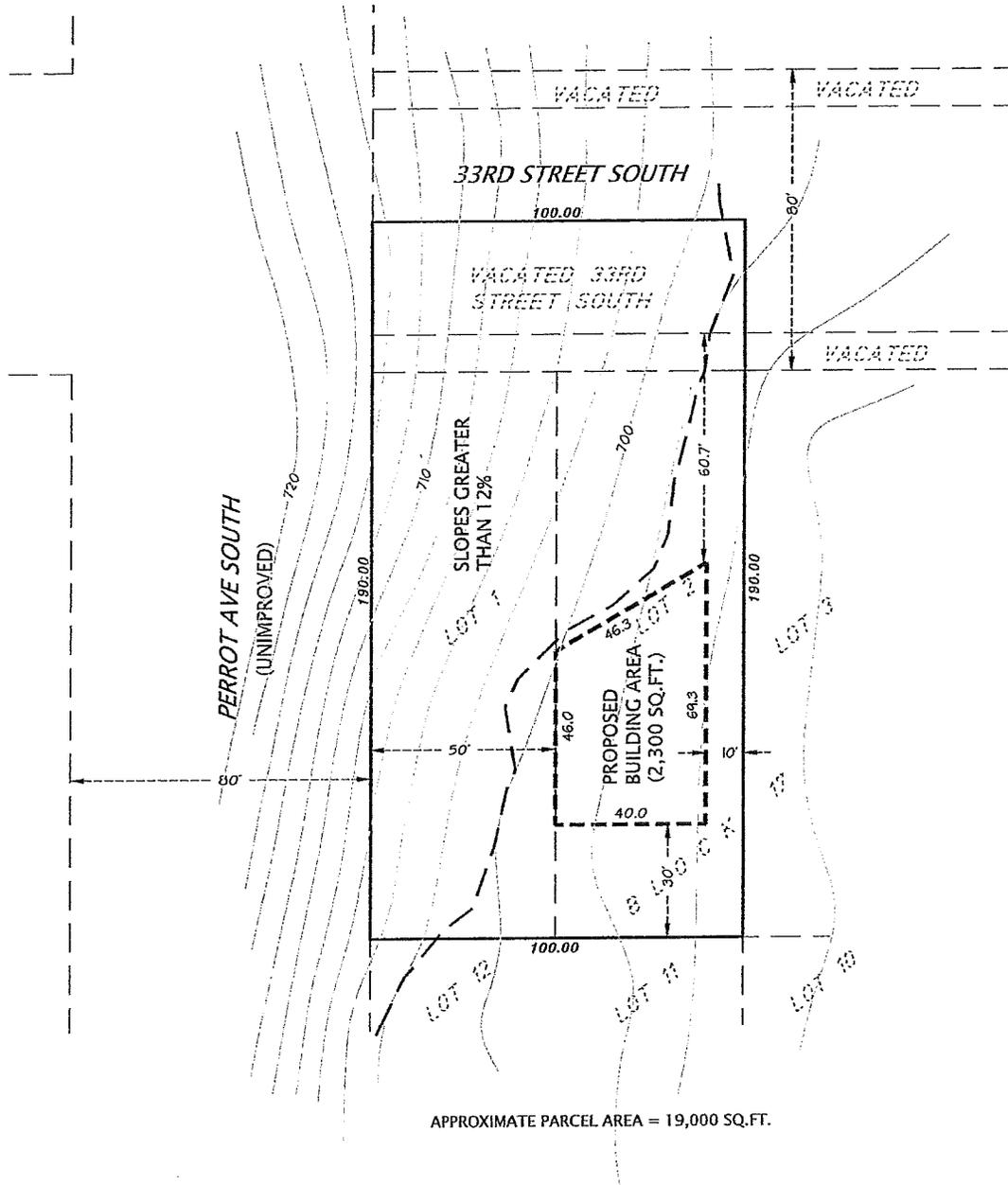
Christopher W. LeClair, REHS
 Senior Environmental Specialist

T.d.

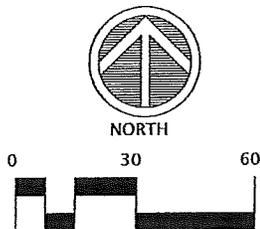
SKETCH PLAN

FOR: BRUCE PADDOCK
828 SOLAR ISLE DRIVE,
FORT LAUDERDALE, FLA 33302

PROJECT LOCATION:
UNASSIGNED STREET ADDRESS
AFTON, MN



LOTS 1 AND 2, BLOCK 17, AFTON, WASHINGTON COUNTY, MINNESOTA, TOGETHER WITH THAT PORTION OF VACATED 33RD STREET SOUTH WHICH ACCRUES TO SAID LOT BY VACATION THEREOF.



CONTOURS SHOWN PER ORTHO PHOTO DATED NOVEMBER, 2011 FROM THE WASHINGTON COUNTY SURVEYING OFFICE.

CORNERSTONE LAND SURVEYING, INC HAS NOT BEEN TO THE SITE TO VERIFY EXISTING CONDITIONS OR THE PARCEL BOUNDARY. THIS SKETCH PLAN IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE USED IN ANY OTHER MANNER.

THIS IS NOT A BOUNDARY SURVEY.

Suite #1
6750 Stillwater Blvd. N.
Stillwater, MN 55082
Phone 651.275.8969
Fax 651.275.8976
dan@
cssurvey
.net

CORNERSTONE
LAND SURVEYING, INC.

A. D.

Ron, Barb,

I've attached an actual and popular Micro-inverter manual for solar conversion from DC to 120 VAC, as you will notice this device is not UL (Underwriters Laboratory), ETL (Electric Testing Labs. This unit is used in approximately 50% of US installed systems. It is very similar to the unit I've purchased with my system.

As far as solar panels themselves none of them are UL or ETL or otherwise registered. They do meet ANSI (American National Standards Institute) specifications for safety and certification and are described as such in respective documentation.

In the case of the inverters, solar panels, and wind turbines, each unit has a requirement of being installed and wired meeting National Electric Code (NEC), and International Electric Code (IEC)... However rarely are these apparatus actually safety registered.

This being said, in all cases the back-feeding meter has a safety registrant requirement and must be registered with UL, ETL, CSA etc... there are several safety registrants accepted in the US for this type of registration... The back-feeding meters are only provided by Excel Energy and they reserve the right to provide equipment all equipment connecting to their grid regardless of registration at their sole discretion...

I can tell you the system I just purchased although not delivered and installed as yet, does not have registration on the panels, however, it does meet and states as such it meets ANSI safety certification.

One other note worthy of correction, many of the newer high efficiency solar panels require 2 feet of ventilation under neath them so when roof mounted they may extend of the peak by this distance. The panel I've purchased require 2 feet, I have not seen any panels this distance however the 1 foot requirement is quite restrictive and in contrary to many required solar panel clearances. I'm not certain at this point if there is an NEC requirement for minimum but this may need review prior indoctrinating an ordinance.

Turbines

Finally the kicker... Wind turbine size, a wind turbine of 5-7 kw, requires a minimum of 50' ground clearance and has a 9' diameter blade, 1-3 kw, requires a minimum of 40' and has a typical diameter of 6'. A 40kw turbine has a blade diameter of 30' and requires a height of 80' (minimum, obviously something we don't want in Afton), anything above