



# City of Afton

## PLANNING COMMISSION AGENDA

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**July 6, 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. June 1, 2015 Meeting Minutes

**6. REPORTS AND PRESENTATIONS – None**

**7. PUBLIC HEARINGS**

- a. Shelly and Brad Holz Variance Application at 4206 River Road
- b. Valley Branch Watershed District Conditional Use Permit Application for a Grading Project at properties northeast of 30th Street and Trading Post Trail with PIDs 2102820210001, 1602820340002, 1602820430004, and 2102820120001, and east of Neal Avenue and north of Valley Creek Trail on properties with PIDs 1702820210002, 170282010001 and 17028130004
- c. Larry Best/Chrome-X, LLC Sketch Plan Review Application at 13900 Hudson Road
- d. Ordinance Amendment Regarding Sewer Regulations

**8. NEW BUSINESS – None**

**9. OLD BUSINESS**

- a. Bill Scheel Application for minor subdivision at 13404 15th Street, PIDs 08.028.20.21.0003 and 08.028.20.14.0001
- b. Bruce Paddock Variance Application for the property on 33rd Street with PID# 22.028.20.14.0064
- c. Solar Array Draft Ordinance

- d. PC Training Opportunities –
  - 1. St. Croix Workshop-on-the-Water – August 6, 2015
  - 2. GTS Land Use Planning Workshops – Summer & Fall 2015
- e. 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  
June 1, 2015, 6:30 PM

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5 1. **CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 6:35 p.m.

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

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9 3. **ROLL CALL** – Present: Nelson, Patten, Kilmer, Seeberger, Wroblewski, and Chair Ronningen. **Quorum present.** (Kris Kopitzke arrived at 6:38 p.m.; Sally Doherty arrived at 6:50 p.m.)

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12 **ALSO IN ATTENDANCE** – City Administrator Ron Moorse and Council Liaison Stan Ross.

13  
14 4. **APPROVAL OF AGENDA** –

15 **Motion/Second: Patten/Seeberger. To approve the June 1, 2015 Planning Commission agenda as presented. Motion carried 6-0-0.**

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18 5. **APPROVAL OF MINUTES** –

19 a. May 4, 2015 Planning Commission Meeting Minutes – Amendments were as follows: Line 119, change  
20 “iterated” to “reiterated;” Line 169, check and modify the first sentence; line 182, change “reads” to “written;”  
21 Line 424, change “array” to “arrays;” Line 459, Rewrite the sentence as follows: “The City Council indicated it  
22 was supportive of the farmers market concept proposed by the Afton Area Business Association (AABA),  
23 however, Sec. 12-134 Use Chart, of the zoning code does not allow a farmers market in any zoning district.”

24  
25 (Commissioner Kopitzke arrived at 6:38 p.m.)

26  
27 **Motion/Second: Kilmer/Patten. To approve the May 4, 2015 Planning Commission Meeting minutes as amended. Motion carried 7-0-0.**

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30 6. **REPORTS AND PRESENTATIONS** – none.

31  
32 7. **PUBLIC HEARINGS**

33 a. FOC, LLC application for Minor Subdivision at the property on the SE Corner of Hudson Road and  
34 Manning Avenue with PID 06.028.20.24.0002 –

35 Chair Ronningen opened the public hearing at 6:40 p.m.

36 Moorse outlined the Minor Subdivision variance application, which involves subdividing an existing 69.2 acre  
37 parcel zoned I-1.C to create a 5.9 acre parcel in the northeastern corner of the property. The subdivision includes  
38 the dedication of a public road right-of-way easement to provide access to both the proposed 5.9 acre parcel and  
39 eventually to the remainder of the property. The applicant is proposing to initially construct a temporary gravel  
40 driveway in the roadway right-of-way to serve the 5.9 acre parcel, rather than a public road. The public road  
41 would be constructed when it was needed to serve additional parcels or an additional use on the larger parcel.  
42 The temporary driveway would avoid the City taking on the responsibility of maintaining a public road to serve  
43 one parcel. It would also avoid building a public road that could be damaged by the construction of a proposed  
44 facility on the 5.9 acre lot.

45 Chair Ronningen called for comments from the public.

46 **Motion/Second. Patten/Kopitzke. To close the public hearing at 6:45 p.m.**

47 Nelson advised that the proposed driveway is subject to a maximum slope of 10%, rather than the 12% listed in  
48 the memo to the Commission; if it exceeds 10% it would need to be paved.

49 Ronningen indicated the City should not take on responsibility for a public road.

50  
51 (Commissioner Doherty arrived at 6:50 p.m.)

52

53 **Motion/Second: Seeberger/Kopitzke. To recommend approval of the FOC, LLC application for Minor**  
54 **Subdivision at the property on the SE Corner of Hudson Road and Manning Avenue with PID**  
55 **06.028.20.24.0002, based on the finding that the proposed subdivision meets requirements, that a gravel**  
56 **driveway is allowed a maximum slope of 10%, and with conditions recommended by staff regarding park**  
57 **dedication, scenic easement on slopes greater than 18%, and other easements required by the City**  
58 **Engineer.**

59  
60 **Proposed conditions regarding public road right-of-way were excluded from the motion.**

61  
62 **Patten offered an amendment to the motion so as to include special conditions identified in the**  
63 **Washington County septic permit. The amendment was accepted by Seeberger and Kopitzke.**

64  
65 **Findings:**

66 The subdivision proposal meets the City's subdivision requirements.

67  
68 **Conditions:**

- 69 1. Easements as required by the City Engineer shall be granted.
- 70 2. Scenic easements shall be placed on all slopes greater than 18%.
- 71 3. The developer shall execute a scenic easement agreement.
- 72 4. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with
- 73 Section 12-1270 of the Subdivision Ordinance.
- 74 5. The developer shall dedicate a 60-foot right-of-way to the City through an agreement and that the developer
- 75 will build and maintain a gravel driveway, which is allowed with a grade less than 10% (grades between 10-
- 76 12% must be paved), shall obtain a permit for constructing a driveway in the road right-of-way, and shall be
- 77 responsible for the construction and maintenance of the driveway.
- 78 6. The developer shall follow the requirements in the septic system permit issued by the Washington County
- 79 Public Health Department.

80  
81 **Motion carried 7-0-1. (Doherty abstained because she was not present for the discussion of the**  
82 **application.)**

83  
84 b. Bill Scheel Application for Subdivision at 13404 15th Street and the property with PID  
85 08.028.20.14.0001 -

86 Chair Ronningen opened the public hearing at 6:50 p.m.

87 Moose outlined the application. Bill Scheel, a co-trustee of the subject property, has applied for a subdivision  
88 to create three lots on the property at 13404 15th Street South and the property with PID 08.028.20.14.0001,  
89 which is a large lot that is currently nonconforming due to having less than 300 feet of frontage on a public road.  
90 The subdivision would result in three conforming lots. The property and the subdivision meet subdivision  
91 requirements.

92 Chair Ronningen called for comments from the public, then called for a motion to close the public hearing.

93  
94 **Motion/Second: Patten/Wroblewski. To close the public hearing at 6:55 p.m. Motion carried 8-0-0.**

95  
96 Ronningen indicated the Comprehensive Plan does not allow property lines to cross qtr/qtr section lines. The  
97 subdivision would require a variance, but the City does not approve subdivisions with variances.

98  
99 Nelson indicated that even with Parcel 1 crossing the qtr qtr section line, the plan shows three dwellings in the  
100 qtr qtr section to the north, and less than three in the qtr qtr section to the south, so there is no violation of  
101 density restrictions. With an existing dwelling in Parcel 1, there could not be another dwelling in that parcel.

102  
103 Doherty indicated the City has been very consistent in following the three lot per qtr/qtr section requirement. It  
104 is difficult to see if the proposed subdivision will meet this requirement.

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It was suggested that the application be continued for further discussion regarding whether a variance is needed and to consult with the City Attorney regarding property lines crossing qtr/qtr section lines and whether that is prohibited and is not in compliance with the density standard.

Kopitzke suggested looking into whether there are variances that would work.

Nelson questioned whether there are nonconforming parcels under common ownership adjacent to the parcels in the plan.

Ronningen indicated the one survey that tries to show both the current parcels and the proposed parcels on one survey is difficult to understand. She suggested the applicant should provide two surveys, one showing the current property lines and qtr/qtr section lines and one showing the proposed property lines.

**Motion/Second: Ronningen/Wroblewski. To continue the Bill Scheel subdivision application to the July 6 Planning Commission meeting. Motion carried 8-0-0.**

c. Matt Twomey application for variance at 30th Street Property with PID 16.028.20.31.0001 –

Chair Ronningen opened the public hearing at 7:15 p.m.

Moore outlined the application. 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. 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%.

The applicant is also requesting that the variance be valid for a period of two years rather than expiring after one year if construction has not commenced.

Chair Ronningen called for comments from the public.

Chair Ronningen called for a motion to close the public hearing

**Motion/Second: Patten/Seeberger. To close the public hearing at 7:17 p.m. Motion carried 8-0-0.**

Ronningen asked the applicant why he was requesting the expiration period for the variance to be extended from one year to two years.

Matt Twomey indicated that, given the timing of designing a house, it would not be possible to begin construction in 2015. In 2016, depending on the weather and other factors, the construction could run up against the one year variance expiration date.

Nelson asked how wide the driveway was planned to be.

Mr. Twomey indicated the proposed width is 12 feet.

Nelson indicated there will be a problem matching the driveway into the steep slope of 30<sup>th</sup> Street. He suggested it will be important that the city Engineer review and approve the driveway plans.

157 Doherty asked whether there is a house on the property currently.

158  
159 Mr. Twomey indicated there is currently no house or other structures on the property.

160  
161 Doherty indicated the proposal seems to meet all three of the variance criteria.

162  
163 **Motion/Second: Ronningen/Kilmer. To approve the Twomey variance application, based on the findings**  
164 **listed below, and with the conditions recommended by staff, and with a two year variance expiration**  
165 **period.**

166  
167 **Findings:**

- 168 1. The property has practical difficulties that were not created by the applicant.  
169 2. The configuration and topography of the parcel are unique. The parcel has frontage on two public roads,  
170 and each frontage has steep slopes that require a variance to enable access to the property.  
171 3. This is a pre-existing lot that exceeds lot size and density requirements, but is not buildable without a  
172 variance.

173  
174 **Conditions:**

175 A grading and drainage plan for the driveway is required, and shall be subject to review and approval by the  
176 City Engineer.

177  
178 **Motion carried 8-0-0.**

179  
180 d. Bruce Paddock Variance Application for the Property on 33rd Street with PID# 22.028.20.14.0064 -  
181 Chair Ronningen opened the public hearing at 7:27 p.m.

182 Moose outlined the application. Bruce Paddock is requesting a variance to the minimum lot size  
183 requirement to enable the parcel on 33<sup>rd</sup> Street with PID# 22.028.20.14.0064 to be approved as a buildable lot.  
184 The minimum lot size requirement is 22,500 square feet, which is commonly three historically platted 50 foot by  
185 150 foot parcels (7,500 sq. ft. each) combined to create one parcel. The Paddock parcel is made up of two  
186 historically platted parcels of 7,500 square feet each, plus 4,384 square feet of vacated 33<sup>rd</sup> St. right-of-way, for  
187 a total of 19,384 square feet.

188 While the lot is generally large enough to accommodate a principal structure and garage while meeting  
189 required setbacks, the amount of land with slope less than 12% is limited. The Lower St. Croix Bluffland and  
190 Shoreland District ordinance provides that no structures shall be placed or grading done on any slopes greater  
191 than 12%. The applicant provided a survey demonstrating that the parcel could accommodate a house and  
192 garage on land with a slope less than 12%.

193 There is sufficient capacity in the planned wastewater treatment system to serve this parcel.

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

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

207 6. Dave Snyder, representing the applicant, indicated there are no immediate plans to build on the lot. He  
208 also indicated the sketch plan provided to the Commission shows there is room for a house on land with  
209 less than 12% slope.

210  
211 Ronningen called for comments from the public.  
212 Ronningen called for a motion to close the public hearing.

213  
214 **Motion/Second: Patten/Doherty. To close the public hearing at 7:32 p.m. Motion carried 8-0-0.**

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216 Kopitzke asked whether the property can get access from 33<sup>rd</sup> Street, and whether the driveway would be  
217 outside of the 12% slope area.

218 Nelson indicated the driveway would be in the 12% slope area.

219 Mr. Snyder indicated he believes the applicant can show access from 33<sup>rd</sup> street meeting requirements.

220 Wroblewski indicated the applicant needs to show a driveway in an area of less than 12% slope before she  
221 would approve a variance.

222  
223 **Motion/Second: Ronningen/Nelson. To continue the Bruce Paddock variance application for property on  
224 33<sup>rd</sup> Street to the July 6 Planning Commission meeting to enable the driveway slope issue to be addressed.  
225 Motion carried 8-0-0.**

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227 **8. NEW BUSINESS –**

228 a. Sewer Ordinance Amendment -

229 Moore explained that the planned wastewater collection and treatment system to serve the Old Village area  
230 requires revisions to the current ordinances regarding septic and sewage, and a draft ordinance amendment  
231 reflecting the necessary changes has been provided. Moore also indicated that Breanne Rothstein, the planner  
232 for WSB, the City's engineering consultant, was in attendance to review the draft ordinance and answer  
233 questions from the Commission members, with the goal of obtaining direction from the Planning Commission to  
234 enable the ordinance amendment to be finalized for a public hearing at the July Planning Commission meeting.

235 Ronningen indicated that, in the definitions section, the term "B.O.D." should be spelled out; the term  
236 "F.O.G." could be deleted if the term O.G. is being used, and "O.G. should be spelled out; and the term "PH"  
237 should be better defined and spelled out.

238 Kopitzke asked whether, in section 1957, all violation penalties are being eliminated, or if these penalties  
239 are included in another section.

240 Breanne Rothstein, consultant planner, indicated the penalties are included in a different section.

241 Patten indicated in section 1981 "NPDES/SDS" should be spelled out.

242 Ronningen indicated language regarding illicit discharge to ISTS should be included in the ordinance, not  
243 just illicit discharge to the LSTS.

244 Kopitzke asked if the illicit discharge language should also be applied to the stormwater section of the  
245 ordinance.

246 Kopitzke asked if the ordinance prohibits hot tub and pool water from the sanitary sewer system, where can  
247 it be disposed? Does this language indirectly prohibit hot tubs and pools?

248 Patten suggested that in Section 12-2201. User Categories, the term "permanent residential user" needs to be  
249 clarified/corrected.

250 Kopitzke asked why, in section 2201, there is not a system that is more consistent across users vs. individual  
251 properties.

252 Patten indicated that, in section 2203, the language includes both annual and semi-annual billing.

253 Rothstein indicated the Wastewater Service Charge System language will be revised to refer to a fee  
254 schedule rather than including specific fee and billing language in the ordinance.

255 Kopitzke agreed that section 2214 should be retained.

256 Ronningen indicated that, in section 2226, the language "within the" should be retained.

257 Rothstein indicated the ordinance language will be revised to reflect the Planning Commission's comments.

258 Kopitzke inquired of time constraints for completion of the ordinance amendment.

259 Moose indicated it will be needed before users connect to the system in Spring of 2016, but that it is  
260 desirable to expedite the amendment and have the new ordinance in place earlier. Properties within the service  
261 area will be required to connect by the end of 2024.

262 Kopitzke felt the ordinance should not prohibit system users from seeking damages against the City, as the  
263 users are mandated to connect to the system, and that indemnification of the City by the users is inappropriate.

264 Rothstein indicated that at the City's direction those items would be removed.

265 Kilmer questioned whether the contractor constructing the LSTS system would also be the contractor  
266 connecting the user's premises to the system. Moose answered that the user will need to hire a contractor to  
267 make the connection, and it may or may not be offered by the City's contractor. The user must choose the  
268 contractor for connection, and the work will be subject to a permit, inspection, and approval by the City.

269 Ronningen and Kopitzke advised that any ordinance language regulating ISTS needs to be retained,  
270 notwithstanding decommission of the existing 201 cluster system.

271 Several commissioners questioned applicability of water meters for billing associated with the new system.

272 Rothstein offered that use of meters may be found desirable for calculation of user fees.

273 Patten questioned whether the new system would accommodate boat wastewater.

274 Moose responded that boat wastewater will be trucked to the Metro Council wastewater system.  
275

## 276 9. OLD BUSINESS -

### 277 a. Residential Solar Array Ordinance -

278 The Planning Commission reviewed a draft solar ordinance. The Commission agreed that goals 3 and 4 should  
279 be eliminated. It was also pointed out that the ordinance amendment should also include an update to the table of  
280 uses in Sec. 12-134 of the zoning code to reflect the new uses allowed by the solar ordinance.  
281

282 Wroblewski indicated she had a concern and question about the language regarding the height above the roof  
283 allowed for roof-mounted solar energy systems. Staff was directed to reconcile the height allowed above the roof  
284 with solar array installation requirements and make it consistent throughout the ordinance.  
285

286 Ronningen indicated that not all solar energy system electrical components have a UL listing. She suggested the  
287 language regarding the UL listing requirement should be changed to "regulatory agency approval" or something  
288 similar.  
289

290 Kopitzke indicated the ordinance has two sections with the same Roman numeral IV. He suggested the two  
291 sections should be merged.  
292

293 Nelson suggested that a height of 20 feet for a ground mounted array may be too great for smaller lots. The  
294 Commission agreed that on lots of 10 to 20 acres, when the array is not fully screened, the maximum height  
295 should be 15 feet.

296 Ronningen suggested that, in the VHS districts, in addition to meeting historic preservation standards, the  
297 language should specify review by the Design Review/Heritage Preservation Commission.  
298

299 Kopitzke suggested, and the Commission agreed, that the language in Section V. Variance be eliminated.  
300

301 Nelson suggested, and the Commission agreed, that the language in Section VIII. Renewable Energy Condition  
302 for Certain Permits be eliminated.  
303

304 The draft ordinance will be revised to reflect the Planning Commission's comments, and will be brought to the  
305 July 6 Planning Commission meeting for a public hearing.  
306

### 307 b. Manning Avenue Corridor -

308 Ronningen indicated, based on the feedback from the public meetings, she sees no need for an overlay district  
309 along Manning Avenue. She suggested that, based on the numerous comments about the speed and amount of  
310 traffic on Manning Avenue, a traffic count for Manning Avenue should be requested from the State.

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Kopitzke suggested contacting the Minnesota Department of Transportation regarding managing the speed of traffic on Manning Avenue, including traffic calming measures.

Doherty concurred regarding the need to address the speed of traffic. She also questioned whether comments regarding a number of properties along Manning Avenue being rented indicate the corridor is not a desirable location to live. If so, an overlay district may be needed for a new type of land use.

c. Draft City Council Minutes - Update on City Council Actions – City Council Liaison Stan Ross reported that the Council, at its May 19 meeting, approved a Conditional Use Permit (CUP) for a Bed & Breakfast for the Kroschels at 15106 50<sup>th</sup> Street, approved an ordinance amendment to define and allow a farmers market use in the VHS districts and approved a special event permit for a farmers market sponsored by the AABA, approved the South Washington Watershed District (SWWD) CUP Application for grading for water quality improvements at 12788 50th St. S, and approved a Comprehensive Plan Amendment related to the planned wastewater collection and treatment system to serve the Old Village area.

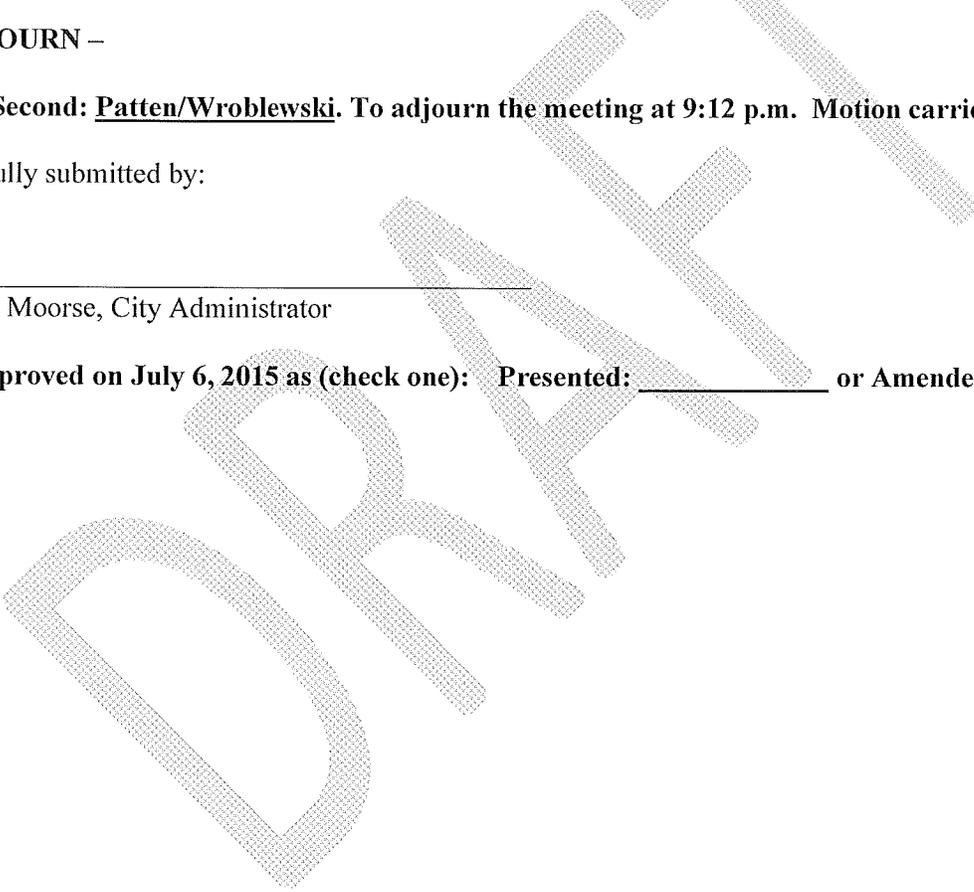
**10. ADJOURN –**

**Motion/Second: Patten/Wroblewski. To adjourn the meeting at 9:12 p.m. Motion carried 8-0-0.**

Respectfully submitted by:

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

**To be approved on July 6, 2015 as (check one): Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_**



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

# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 26, 2015  
Re: Shelly and Brad Holz Variance Application at 4206 River Road – **Public Hearing**

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### Attachments

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

### Background

The Holz property currently has a two-story house that is substandard in terms of its setback from River Road and its setback from the Ordinary High Water Line of the St. Croix River. The house backs up to a long steep slope. The house meets the setback from the St. Croix River bluffline. The Holzes are proposing to tear down the existing house and build a new two-story house that has an increased setback from the Road and the OHWL. The proposed house would be expanded to the north and south sides, and a portion would be expanded to the rear. The house is connected to the “201” community septic system, so a septic drainfield is not required.

### Zoning requirements met

1. Meets the side yard and rear yard setback requirements.
2. Meets the bluffline setback requirement
3. The proposed house would be screened from view from the river during leaf-on conditions.
4. The proposed house is below the 35 foot maximum allowed height.
5. Meets the 10% impervious coverage limitation

### Zoning requirements not met

1. The south and north side expansions will involve grading on slopes greater than 12%. In addition, the proposal includes a retaining wall at the rear of the house built several feet into the steep slope, which also involves grading in slopes greater than 12%.
2. Portions of the proposed house are at a height greater than the existing house. Sec. 12-580. C.4 provides that a substandard house shall not be increased in height. The attached house plans show the peak of the roof would be five feet higher than the existing roof.
3. The proposed house has a 92 foot setback from the centerline of River Road vs. the existing 89 foot setback and the required 105 foot setback.

4. The proposed house has a 177 foot setback to the Ordinary High Water Line of the St. Croix River vs. the existing 172 foot setback and the required 200 foot setback.

#### Variations Requested

The proposal includes four variations:

1. A variance to allow a 92 foot front yard setback vs. the required 105 foot setback
2. A variance to allow a 177 foot setback from the Ordinary High Water Line of the St. Croix River vs. the required 200 foot setback
3. A variance to allow grading in areas with slopes greater than 12%
4. A variance to allow the roof height to be 5 feet higher than the roof of the existing house

#### Variance Factors

In addition to the three factors used to determine practical difficulty, the St. Croix Bluffland and Shoreland ordinance requires that when considering a proposal or zoning amendment within the St. Croix River District, the Council shall address the following items in making its decisions:

- A. Preserving the scenic and recreational resources of the St. Croix Riverway, especially in regard to the view from and use of the river.
- B. The maintenance of safe and healthful conditions.
- C. The prevention and control of water pollution, including sedimentation.
- D. The location of the site with respect to floodways, floodplains, slopes, and blufflines.
- E. The erosion potential of the site based on degree and direction of slope, soil type, and vegetative cover.
- F. Potential impact on game and fish habitat.
- G. Location of the site with respect to existing or future access roads.
- H. The amount of wastes to be generated and the adequacy of the proposed disposal systems.
- I. The anticipated demand for police, fire, medical, and school services and facilities.
- J. The compatibility of the proposed development with uses on adjacent land.

#### Grading, Drainage and Erosion Control

There are currently no stormwater management facilities on the property. The stormwater runs down the hill and driveway to River Road, then down to the river. There is limited space available to manage stormwater drainage from the roof. The plans propose a rain garden in the southeast corner of the house, which would capture about one-third of the drainage from the roof. The northeast corner of the property may not have space for a significant rain garden. It may be possible to capture the stormwater from the roof in a swale in the area between the house and the northern property line. The City Engineer has indicated rain gardens are generally not recommended in areas of steep slopes. He is reviewing the plans and will provide recommendations prior to the Commission meeting.

#### Findings

The Planning Commission will need to provide findings to support its recommendation. The findings should address the relevant variance factors from the St. Croix Bluffland and Shoreland Ordinance.

#### Conditions

If the Planning Commission recommends approval of the application, the recommendation may include conditions. The following conditions are recommended.

1. City Engineer review and approve grading, drainage and erosion control plans

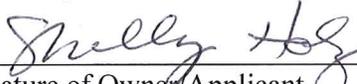
2. City Engineer review and approve retaining wall design
3. City Engineer specifications and recommendations for all work shall be met for the duration of the permit.
4. The grading plan shall be constructed according to plans approved by the City Engineer. Silt fences or other types of erosion control shall be properly installed prior to construction; and shall be maintained in good condition until the construction is complete.
5. House color shall be earth tone
6. The house shall be constructed according to the plans dated May 28, 2015, the site plan dated May 27, 2015 and the survey dated May 29, 2015, subject to revisions as required or approved by the City Engineer
7. Existing vegetative screening shall be maintained, with the exception of one large tree to be removed on the southern property line.

**PLANNING COMMISSION RECOMMENDATION REQUESTED:**

**Motion regarding the Shelly and Brad Holz Variance Application at 4206 River Road, with findings, and conditions if needed.**

## CITY OF AFTON VARIANCE APPLICATION

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

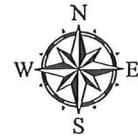
|  |                          |                           |                          |                     |              |
|--|--------------------------|---------------------------|--------------------------|---------------------|--------------|
| Owner  | Address                  | City                      | State                    | Zip                 | Phone        |
| Brad & Michelle (Shelly) Holz  | 4206 River Rd S          | Afton                     | MN                       | 55001               | 952-210-7746 |
| Applicant<br>(if different than owner)   | Address                  | City                      | State                    | Zip                 | Phone        |
|  |                          |                           |                          |                     |              |
| Project Address  |                          |                           |                          |                     |              |
| 4206 River Rd S  |                          | AFTON                     | MN                       | 55001               |              |
| Zoning Classification  | Existing Use of Property | PID# or Legal Description |                          |                     |              |
| Rural Residential  | Residential              | 2602820220007             |                          |                     |              |
| Please list the section(s) of the code from which the variance(s) are requested.   |                          |                           |                          |                     |              |
| 12-637 A, 12-637 B, 12-580 C4, 12-132 A6   |                          |                           |                          |                     |              |
| Description of Request   |                          |                           |                          |                     |              |
| Remove current home and rebuild a more energy efficient residence of conservative size further away from the river that improves water drainage to better protect water quality of the adjacent St. Croix River, while continuing to remain visually inconspicuous from the Lower St. Croix National Scenic Riverway   |                          |                           |                          |                     |              |
|  |                          |                           |                          |                     |              |
| 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. |                          |                           |                          |                     |              |
| <br>Signature of Owner/Applicant  |                          |                           | 6-4-15<br>Date           |                     |              |
| Make checks payable to: <b>City of Afton</b>   |                          |                           |                          |                     |              |
| If multiple variances are necessary from the applicant only <b>one</b> fee is required. However, the deposit fee must be multiplied by the number of variances sought.   |                          |                           |                          |                     |              |
| <b>FEES:</b>   |                          | <b>ESCROWS:</b>           |                          | TOTAL: <u>2,350</u> |              |
| Variance   | \$250                    | \$600                     | DATE PAID: <u>6-4-15</u> |                     |              |
| Renewal/Extension  | \$250                    | \$350                     | CHECK #: <u>1867</u>     |                     |              |
|  |                          |                           | RECVD BY: _____          |                     |              |

**CITY OF AFTON  
VARIANCE CHECKLIST**

| <b>APPLICANT</b>   | <b>CITY</b> |
|--|-------------|
| <u>NA</u> Design Review/Historic Preservation Commission notification (VHS-R, VHS-C, I, or MS)   | _____       |
| <input checked="" type="checkbox"/> Completed application form, including full legal name (first, middle, and last) and address of the applicant, fee owner, and any other persons having a legal interest in the property.  | _____       |
| <input checked="" type="checkbox"/> Fee as set forth in the current Fee schedule as adopted by the City.   | _____       |
| <input checked="" type="checkbox"/> Location map showing the general location of the proposed use within the City.   | _____       |
| <input checked="" type="checkbox"/> Legal description of the property, including street address, if any, property identification   | _____       |
| <input checked="" type="checkbox"/> Written statement explaining requested use of the property or building and reasons variance from code standards is needed (hardship). Also address impact on adjacent properties and measures (if any) that will be taken to minimize impacts.   | _____       |
| <input checked="" type="checkbox"/> Site Plan (and/or Certificate of Survey) drawn to scale showing:   | _____       |
| Property dimensions<br>Adjacent roads and location of existing and proposed curb cuts, driveways, and parking spaces<br>Location of existing and proposed buildings, including setbacks, dimensions and Location of bluffline or distance from crest of slope of <del>10</del> percent or greater<br>General existing topographic and soils information <i>12 - shaded in green on Survey</i><br>General existing vegetation and landscaping/screening information<br>Location of wetlands (if applicable)<br>Location of existing and proposed wells and septic systems (if applicable)<br>Grading and drainage plans (if applicable) |             |
| <input checked="" type="checkbox"/> If request involves a building, drawing (or photographs) of building elevations showing:   | _____       |
| Height of building<br>Exterior building materials and colors<br>Floor plan   |             |
| <input checked="" type="checkbox"/> An accurate list showing names and mailing addresses (and labels) of the recorded owners of all property within a minimum of 500 feet of the boundaries of the property for which the application is submitted. Obtain from Washington County Survey & Land Management 651-430-6875  | _____       |
| <input checked="" type="checkbox"/> Any other such information as the Zoning Administrator may reasonably require to complete the review of the request <i>photo from River</i>  | _____       |

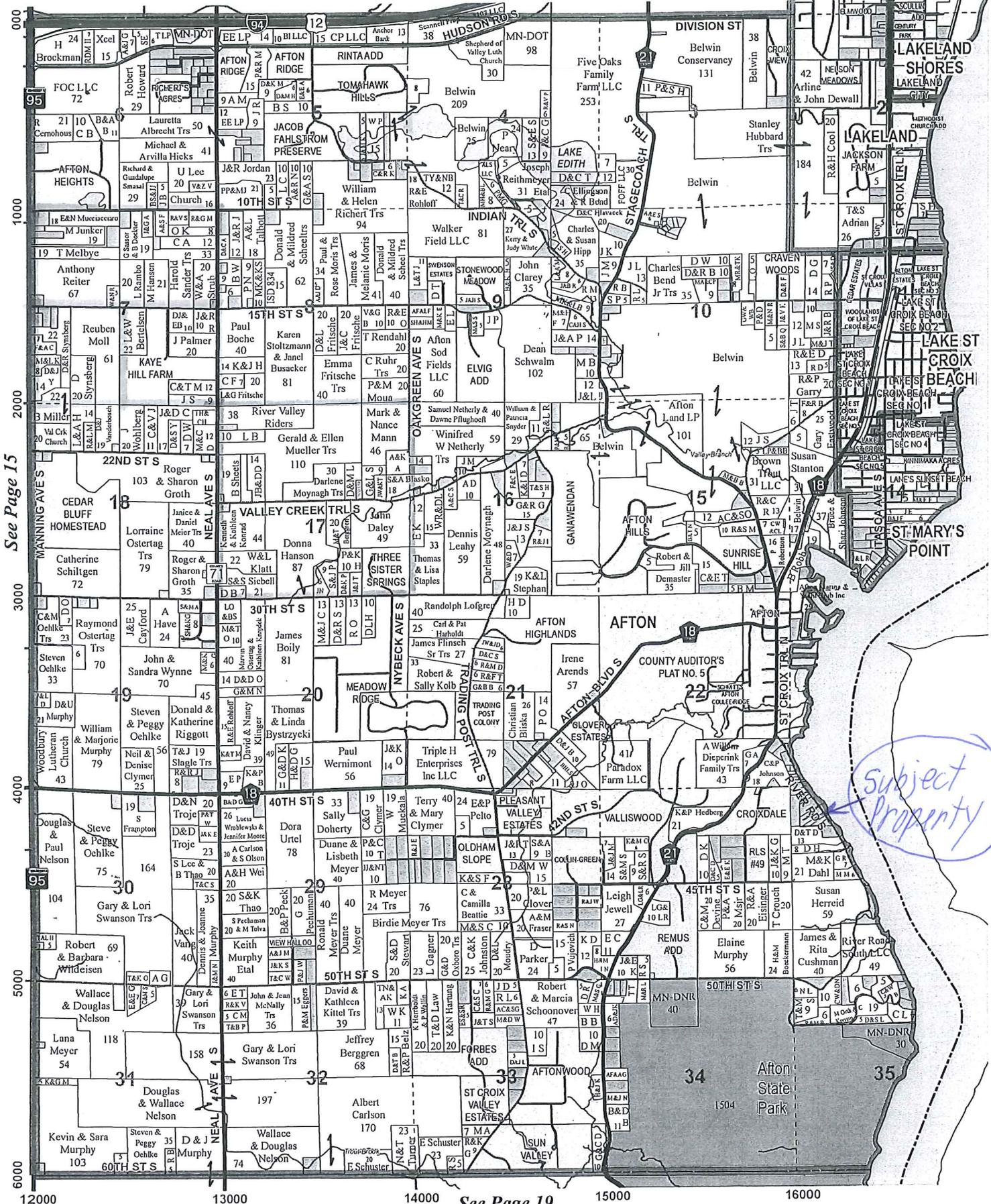
**Note: The City may waive or modify some of these submittal requirements if appropriate to the specific situation. Call Sara Irvine at (651) 436-3674 if you have questions about specific submittal requirements.**

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



T.28

See Page 14



See Page 15

See Page 19



Parcel ID: 2602820220007

Parcel Address:  
4206 RIVER RD S, CITY OF AFTON

0 225 450 900 Feet

MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Property ID: 26.028.20.22.0007 Bill #: 5934

**Taxpayer:** BRAD L & MICHELLE M HOLZ  
 4206 RIVER RD S  
 AFTON MN 55001-9366

| TAX STATEMENT                         |  |            |            |
|---------------------------------------|--|------------|------------|
| 2014 Values for Taxes Payable in 2015 |  |            |            |
| VALUES AND CLASSIFICATION             |  |            |            |
| Step 1                                | Taxes Payable Year:  | 2014       | 2015       |
|                                       | Estimated Market Value:  | 395,500    | 411,300    |
|                                       | Homestead Exclusion:   | 1,600      | 200        |
|                                       | Taxable Market Value:  | 393,900    | 411,100    |
|                                       | New Improvements/<br>Expired Exclusions:   |            |            |
| Property Classification:              | Res Hstd   | Res Hstd   |            |
| Sent in March 2014                    |  |            |            |
| Step 2                                | <b>PROPOSED TAX</b>  |            |            |
|                                       | Did not include special assessments or referenda approved by the voters at the November election |            | \$4,336.00 |
| Sent in November 2014                 |  |            |            |
| Step 3                                | <b>PROPERTY TAX STATEMENT</b>  |            |            |
|                                       | First half taxes:  | May 15     | \$2,139.00 |
|                                       | Second half taxes:   | October 15 | \$2,139.00 |
|                                       | Total Taxes Due in 2015:   |            | \$4,278.00 |

**\$\$\$**  
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:**  
 4206 RIVER RD S  
 AFTON MN 55001

**Description:**  
 Section 26 Township 028 Range 020 PT OF GOV LOT 4 COM AT PT 188.5FT N OF S LINE OF SD GOV LOT 4 & 254.5FT E OF W LINE OF SD GOV LOT 4 SD DIST BEING MEAS AT R ANG TO SD S & W LINES RESPECTIVELY THN N88DEG18'39"E ON A LINE PAR WITH S LINE OF SD GOV LOT 4 DIST 29.80FT TO PT OF BEG OF LAND

**Line 13 Special Assessment Detail:**  
 COUNTY ENVIRONMENTAL CHARGE PHE DEP 300

Principal: 3.00  
 Interest: 0.00

| 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"/>          | \$4,275.00        |            |
| 2. Use these amounts on Form M1PR to see if you are eligible for a special refund.  |                                       | \$4,503.00                        |                   |            |
| Tax and Credits   | 3. Property taxes before credits      | \$4,503.00                        | \$4,275.00        |            |
|   | 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       | \$4,503.00                        | \$4,275.00        |            |
| Property Tax by Jurisdiction  | 6. WASHINGTON COUNTY                  | A. County General                 | \$1,292.81        | \$1,241.33 |
|   |                                       | B. County Regional Rail Authority | \$9.17            | \$8.73     |
|   | 7. CITY OF AFTON                      |                                   | \$1,185.34        | \$1,140.26 |
|   | 8. State General Tax                  |                                   | \$0.00            | \$0.00     |
|   | 9. ISD 834 STILLWATER                 | A. Voter approved levies          | \$900.01          | \$631.26   |
|   |                                       | B. Other Local Levies             | \$909.15          | \$1,059.56 |
|   | 10. Special Taxing Districts          | A. Metropolitan Council           | \$41.38           | \$38.77    |
|   |                                       | B. Metropolitan Mosquito Control  | \$21.78           | \$20.14    |
|   |                                       | C. Valley Branch Watershed        | \$74.80           | \$69.91    |
|   |                                       | D. County HRA                     | \$50.82           | \$48.56    |
|   |                                       |                                   | \$17.74           | \$16.48    |
| 12. Total property tax before special assessments   |                                       | \$4,503.00                        | \$4,275.00        |            |
| 13. Special assessments   |                                       | \$3.00                            | \$3.00            |            |
| <b>14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS</b>   |                                       | <b>\$4,506.00</b>                 | <b>\$4,278.00</b> |            |

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 2<sup>nd</sup> HALF PAYMENT STUB**  
 TO AVOID PENALTY PAY ON OR BEFORE: October 15

Property ID: 26.028.20.22.0007 Bill #: 5934



**Taxpayer:**  
 BRAD L & MICHELLE M HOLZ  
 4206 RIVER RD S  
 AFTON MN 55001-9366

Fold & detach at perforation & mail this stub with your 2<sup>nd</sup> half payment in the enclosed green envelope  
 Res Hstd

**\*\*ESCROW NOTE\*\*** Your taxes have been sent to escrow agent CHASE HOME FINANCE LLC. If you do not escrow your taxes, please pay the amount indicated in the box.

**SECOND HALF TAX AMT DUE**  
**\$2,139.00**

**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.

2602820220007 2 00000000213900 6

**PAYABLE 2015 1<sup>st</sup> HALF PAYMENT STUB**  
 TO AVOID PENALTY PAY ON OR BEFORE: May 15

Property ID: 26.028.20.22.0007 Bill #: 5934



**Taxpayer:**  
 BRAD L & MICHELLE M HOLZ  
 4206 RIVER RD S  
 AFTON MN 55001-9366

Fold & detach at perforation & mail this stub with your 1<sup>st</sup> half payment in the enclosed green envelope  
 Res Hstd

**\*\*ESCROW NOTE\*\*** Your taxes have been sent to escrow agent CHASE HOME FINANCE LLC. If you do not escrow your taxes, please pay the amount indicated in the box.

**FIRST HALF TAX AMT DUE**  
**\$2,139.00**

**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.

2602820220007 1 00000000213900 8

## LEGAL DESCRIPTION

That part of Government Lot 4, Section 26, Township 28, Range 20 in said Washington County, Minnesota described as follows:

Commencing at a point 186.5 feet North of the South line of Said Government Lot 4 and 254.5 feet East of the West line of said Government Lot 4, said distances being measured at right angles to said South and West lines respectively; thence North  $88^{\circ}18'39''$  East on a line parallel with the South line of said Government Lot 4 a distance of 29.80 feet to the point of beginning of land to be described; thence continue North  $88^{\circ}18'39''$  East on said parallel line a distance of 193.95 feet; thence North  $57^{\circ}26'17''$  East a distance of 637 feet more or less, to the Southwesterly shore line of Lake St. Croix; thence Northwesterly along said shore line to its intersection with a line produced Northeasterly from the point of beginning on a bearing of North  $57^{\circ}30'00''$  East; thence South  $57^{\circ}30'00''$  West a distance of 873 feet, more or less, to the point of beginning.

Subject to all rights for railroad right of way purposes and public road across said above described property as now located thereon and acquired.

## Holz Project Setbacks for 4206 River Rd

Existing house to OHW = 172ft at closest point  
Proposed house to OHW = 177ft at closest point

Existing house to Major Bluffline along river = 140ft at closest point  
Proposed house to Major Bluffline along river = 145ft at closest point

Existing house to centerline of Road = 89ft at closest point  
Proposed house to centerline of Road = 92ft at closest point

Existing house to neighbor averaging line = 81ft back at closest point  
(109ft back at it's furthest point)  
Proposed house to neighbor averaging line = 78ft back at closest point  
(119ft back at it's furthest point)

Parcel Search: April 14, 2015 at 9:20 a.m. by SURVPUB  
500 feet surrounding 2602820220007. 14 parcels, 13 labels.

2602820220003  
2602820220005  
2602820220007  
2602820220008  
2602820220010  
2602820220012  
2602820220013  
2602820230003  
2602820230004  
2602820230006  
2702820110006  
2702820110007  
2702820110008  
2702820140001



ROUTIER ANN  
or Current Resident  
4233 PENFIELD AVE S  
AFTON MN 55001

REARDON ROBERT F & JULIANNE  
or Current Resident  
4117 PENFIELD CT S  
AFTON MN 55001

THUMA MARGARET H TRS  
or Current Resident  
1094 BEAVER CREEK PKWY  
MAPLEWOOD MN 55119

TILTON LOUIS R & LINDA K  
or Current Resident  
5620 COVINGTON RD  
SHOREWOOD MN 55331

MCLAURIN MARY D & JULIE D MARCUS  
or Current Resident  
PO BOX 276  
AFTON MN 55001

WIRTH CHRISTINA & SIMON  
or Current Resident  
4135 PENFIELD CT S  
AFTON MN 55001

HOLZ BRAD L & MICHELLE M  
or Current Resident  
4206 RIVER RD S  
AFTON MN 55001

DEMING DAVID D & TERESA B  
or Current Resident  
16200 45TH ST S  
AFTON MN 55001

XIONG KONG & YING THAO  
or Current Resident  
4123 PENFIELD CT S  
AFTON MN 55001

HEFFRON DANIEL A  
or Current Resident  
4350 RIVER RD S  
AFTON MN 55001

WOODFILL JANEL L  
or Current Resident  
PO BOX 333  
AFTON MN 55001-0333

WOLTMAN HENRY L & VIRGINIA H  
or Current Resident  
4220 RIVER RD S  
AFTON MN 55001

LEONARD A EVANOFF JR TRS  
or Current Resident  
219 3RD AVE S  
SOUTH SAINT PAUL MN 55075



Applicant(s): Brad & Michelle (Shelly) Holz  
Phone: Shelly's Cell: 952-210-7746, Brad's Cell: 651-829-0853  
Mailing Address: 4206 River Rd S, Afton MN 55001  
Property Address for variance: 4206 River Rd S, Afton MN 55001

Variance request description: **Remove the current primary home and rebuild a more energy efficient, primary residence of conservative size further away from the river that improves water drainage to better protect water quality of the adjacent St. Croix River, while remaining visually inconspicuous as seen from the St. Croix National Scenic Riverway. The new house will be built over the existing footprint and is wider to the sides and rear. A variety of variances are requested due to the unique practical difficulties of our lot and current structure.**

**Special care was made in selecting the Architect for the project. It was important for us to select an architect who is familiar with the St. Croix River Valley and protecting it as a natural scenic riverway; Tod Drescher has received awards for his environmental design and has been practicing green architecture since the 1970s. The proposed project was done with great thought, effort and planning. From the onset of exploring a home remodel, Molly Shodeen from the DNR and Ron Moore from the city of Afton was invited to the property for a meeting to give feedback on what was the most reasonable way to conservatively expand the home and what we should keep in mind during initial design. It was our desire to involve the DNR and city early on in the project to ensure the plan was most reasonable right from the start and a win-win for all involved. At that meeting, Molly Shodeen stated she would prefer the home expand out instead of going up in living space. After discovering the difficulty with updating an outdated, obsolete structure to today's building codes, we asked Ron Moore how the ordinances change when tearing down a home instead of remodeling. At that time he explained we try to move homes further away from the bluff but in our case we are limited with the cliff behind us, so therefore the rules for a tear down would be similar to that of an extensive remodel. Many revisions of the plan have been made throughout the process. In trying to honor the DNR's request, we explored keeping the entire home on one level with no basement, however the size and shape of the lot would not allow the all-one-level structure to fit. We then explored keeping most of the living space to one level with no basement and positioning minimal living spaces on the upper level similar to the current structure. We also explored how far back we could position the new home away from the bluff while preserving the cliff behind. This is how the current design evolved to what you are reviewing today and we believe results in a home/property that will benefit the St. Croix Scenic Riverway and city.**

City Ordinance Section number(s), that variance is requested for:  
**12-637 A, 12-637 B, 12-580 C4, 12-132 A6**

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: **The property is considered substandard. The intent of the code seems to allow for extending and altering substandard structures away from and parallel to the substandard setback in Article II and the bluff/river in Article IV.**

---

**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?

**The existing 1958 house is very energy inefficient, lacking insulation in many places with some rooms requiring space heaters to maintain temperatures during the winter months. It is built of 2 x 4 construction with abnormally low ceiling heights and has only 4" energy heels. The current roofline also directs a lot of rainwater to run off down the driveway directly east towards the St. Croix River. The owners would like to acquire the rights that other property owners commonly enjoy in the same zoning district to expand the home to accommodate their growing family, bring their property up to today's building code and energy efficiency standards while being good environmental stewards by protecting the water quality of the St. Croix River.**

**The property involves a substandard structure on a substandard lot:**

- **Section 12-57 D:** alterations of substandard structures are permitted if they don't meet minimum setback standards provided they meet 6 criteria; the house and proposed improvement meets all 6 criteria. Specifically the current setback from the centerline of the road is 85% of the required setback (although not part of this section, the setback from the OHW is 87% of the required setback).
- **Section 12-580 C2:** a substandard structure may extend parallel to the river or bluff when in compliance with the dimensional standards of article IV and side yard standards of the zoning ordinance article II. The proposed new house meets the side yard standards of the zoning ordinance article II and this particular lot presents a practical difficulty to adhere to some of the dimensional standards in article IV.
- **Section 12-637 D6:** the minimal dimensional requirement of article IV may be granted an exception if any new structure on a substandard lot is setback the average setback of the adjacent substandard structures plus 40 ft. The new house will actually be set back 78 ft from the neighbor averaging line at the closest point and 119 ft at its furthest point.

The current house is visually inconspicuous as seen from the river as well as the proposed new house. The new house will be built over the existing footprint with low roof pitches & earth tone colors. It will remain well below the tree canopy and screened with existing vegetation to continue to be visually inconspicuous as seen from the river. The trees and vegetation canopy are much taller than the current or future roofline as you can see from the enclosed picture. No tree screening will be altered with the new plan. Only one tree will be removed during construction on the rear south boundary of the home. This tree was damaged by a large falling oak tree that also damaged the current home during a wind storm, and left the tree leaning over the neighbor's home. We discussed the removal of this tree with the neighbor and they are in favor of removing it for peace of mind given it was hit by another large tree and increased the lean towards their home. Removing this tree will not alter the visual screening of the home from the river.

The current home is already built on a 12% slope, the new home will be built over the existing footprint and be extended directionally per DNR's preference; thus it will be positioned in the most reasonable location on the lot. Section 12-705 A1 states a grading permit may be issued if slopes greater than 12% are preserved to the greatest extent possible. The slopes surrounding the new structure will be preserved to the greatest extent possible and temporary erosion controls will be in place during construction.

In an effort to protect and improve the water quality of the St. Croix River, the roofline of the new structure also changes to drain water north-south, redirecting water runoff into natural vegetation, a green roof and a rain garden instead of directly down the driveway into the road through a culvert into the river. Per a letter from the DNR to the neighboring riverfront city of Lakeland dated March 31, 2015, the DNR states: "In the past, DNR has commented favorably on raising the roof of substandard structures for such reasons as improving roof drainage or increasing space for addition of insulation."

Even though the current lot presents some practical difficulties, the proposed new house conserves and protects the natural scenic values of the river valley in the following ways: 1) it is moved 3ft. – 5 ft. further back from the OHW (and centerline of the road), 2) the south section of the new structure will be 6 to 8 ft. lower than the current structure, and 3) the new structure will be built over the existing footprint and will not have a basement to minimize excavation needed.

**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 is the original size from when this area was first developed – it is long and narrow and the size/shape of it makes it substandard.**

The lot also has a continuous sloping topography throughout with an extreme bluff line/cliff behind the structure. The current structure is set on a 12% slope and the unique topography limits where the structure can be repositioned in relation to a 12% slope or setbacks from the OHW in article IV, and the centerline of the road in article II.

The current home was also originally built in 1958 prior to adoption of this ordinance with a lower than average ceiling heights. Currently there is only a 4" energy heel. This makes strictly adhering to section 12-580 C4 a practical difficulty when trying to adjust the roofline to bring the structure up to today's building code requirements & energy efficiency standards, while also trying to improve the water run-off and water quality of the St. Croix River.

*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 is common that residential homeowners replace out-of-date structures with new structures, and it is encouraged in our community to be good stewards of preserving water quality and energy conservation. Building the new design with modern technology will provide greater energy conservation, improve water run-off to enable greater long term protection of the river's water quality, position the structure even further back from the river & center line of the road, and all while still remaining visually inconspicuous from the river with the existing vegetation screening & tall tree canopy. When we replace our out-of-date house with a new house that meets today's building codes, we will be building over the existing footprint while also moving the front Southern corner of it 3 ft. – 5 ft. back, extending behind (as allowed in section 12-580 C1 and section 12-57 D), exceeding the required setback from our most visible major bluffline along the river as well as exceeding the average setback to the adjacent substandard structures per section 12-637 D6, and requesting a substandard exception to extend latterly as the intent seems to allow in 12-580 C2 and 12-57 D.**

**The size, shape and topography of our specific lot prohibit strict adherence to section 12-132 A6 and some of the minimum dimensional standards in section 12-637. The current home is already built on a 12% grade and most of the lot involves a 12% grade as seen with the green shading on the enclosed survey. Even though the lot size, shape & topography cause a conflict with the literal interpretation of these sections, it appears there is intent in the language of Section 12-580 C2 and 12-57 D to allow substandard exceptions for extending laterally.**

**In order to fully improve the structure to bring it up to today's building code requirements, energy efficiency standards, and improve water run-off to protect water quality of the St. Croix River, we need to adjust the roofline. This technically causes 2 minimal sections to rise only 2 ft. and 5 ft in the new low profile design; the section that rises an additional 2 ft is actually setback 24ft from the front of the house. Literal adherence to section 12-580 C4 deprives us the right to be good stewards of the following areas in unison together rather**

than sacrificing one in spite of the other: 1) energy conservation, 2) water quality protection, 3) scenic riverway preservation by keeping the new design low profile as viewed from the river. The elevation will NOT be raised to include any more levels than the current structure has and the roofline as a whole will NOT be raised; many areas of the new roofline will actually be lower than the current roofline and these lower areas are the sections outside the existing footprint of the current structure. The total average height of the current roofline is 18.5 ft, and the total average height of highest roofline for the new house will be 21.75ft with a maximum peak at one point of 26 ft; all well below the maximum structure height of 35 ft. as outlined in 12-637 A

*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:

**The lot size, shape and topography have always been there and cannot be adjusted. The current lot, structure and rooflines are part of the original 1958 built structure, prior to the ordinance adoption. The current structure already exists on a 12% slope.**

---

*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:

**Not to our knowledge. Per section 12-57D and 12-580 C2, substandard structures are allowed reasonable exceptions to being extended, enlarged or altered parallel with the substandard setback. Section 12-637 D allows exceptions to the minimal dimensional requirements. Removing the current substandard structure and replacing with the proposed new structure enables us to actually move the house further back from the center line of the road and OHW. Also, the design of the new house continues to keep the structure visually inconspicuous as seen from the river and under the natural tree canopy while maintaining the elevation and roofline in both a total average height and maximum peak height to remain well below the dimensional standard of 12-637 A. Section 12-705 A1 states a grading permit may be issued if slopes greater than 12% are preserved to the greatest extent possible. The current home is built on a 12% slope and the slopes surrounding the new structure will be preserved to the greatest extent possible.**

---

*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. The positioning on the lot and the low roof pitches were thoughtfully designed through multiple versions described in the introduction of this document to best minimize the impact of the new house as seen from the river, and in the community in general. Thus, requiring the minimum number of variances to alleviate the practical difficulties of this unique property. This small, 1958 built three bedroom existing house will just become a**

larger, conservatively sized three bedroom house with a den built over the same footprint that is drastically more energy efficient and better designed to protect the water quality of the St. Croix River.

---

**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:

**No. The proposed new house will setback and hide itself almost totally from the river in summer due to the existing vegetation and tall tree canopy. Side yard house setbacks to neighbors will meet ordinance and the new design will not obstruct anyone's view to the river. Owner applicants have the support from both immediately adjacent neighbors per the attached letters. The use of earth-tone materials and local stone on the residence will blend with the natural setting and should enhance the neighborhood and property values.**

There have been many structures remodeled or rebuilt on this street and in neighboring riverfront communities with the same Lower St. Croix River Bluffland and Shoreland Management Ordinance which required the same needed variances. Many were much larger and located much closer to the river:

- 3934 River Rd, Afton
  - 3936 River Rd, Afton
  - 641 Quixote Ave N, Lakeland: tear down one story & rebuild into two story, 5 ft setback from bluff (approved October 2013)
  - 737 Quentin Ave S, Lakeland: tear down to foundation & rebuild, 0 ft. setback from bluff (approved April 2015)
- 

**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. The owner applicants are actually spending extra money to keep the roof pitches low compared to other homes in the area and to direct immediate roof water away from the river by using good design, a green roof and a rain garden.**

---

**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:

**Yes, the low, organic architectural style of the new house will blend well and be visually inconspicuous as seen from the river behind existing vegetation and under the tall tree canopy. The new setbacks will be even further from the substandard distance than they are now, the new structure will extend behind and parallel the current structure which the intent of the ordinance allows and existing slopes surrounding the home will be preserved to the greatest extent possible. It will also enable the owner applicants to bring the structure up to today's building code and help control water quality of the St. Croix River. The new home keeps in character of the neighboring homes, is much more modest than several of the surrounding houses and continues to be set further back than the required distance from the immediate adjacent properties and major bluff as seen from the river. The updated design will also support property values for 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, the design of the new home redirects water runoff into a green roof, natural vegetation and a rain garden instead of directly down the driveway/into the road in an effort to help protect the water quality of the scenic St. Croix river.**

**\*\*\*\*\*If you have any questions, please contact us for clarifications. We welcome you to come visit the site in person to experience the unique practical difficulties of this lot.\*\*\*\*\***

Members of the Planning Commission,

I support the Holz family project at 4206 River Rd S. in Afton, MN to remove the current home and replace with a new home including the variances necessary.

We have reviewed the plan and feel its focus on controlling water run off, low profile, and minimal impact to existing topography is in the spirit of the Wild and Scenic Riverway. We feel the proposed home will enhance and bring great value to the neighborhood.

*Henry & Virginia Woltman*      *Henry & Virginia Woltman*      *5/17/15*  
Henry and Virginia Woltman  
651.436.5697  
4220 River Road South(immediate property to South)

## Members of the Planning Commission

I am in agreement with the Holz family plan to replace their existing family residence with a modern energy efficient home that has the necessary space to raise their family here in Afton.

In discussing the plan with Brad Holz I was surprised at the length he has gone to minimize the impact this house will have to the existing building lot site because of his concern for the scenic river environment & this community.

I believe this project meets the requirements of the plan And should receive the variances necessary to proceed.

Leonard Evanoff Jr

651-337-2068

4102 River Road (Second property North)

June 5, 2015

To: The City of Afton

From: Louis and Linda Tilton, 4201 River Road South, Afton  
55001

Re: The new home proposed by Brad and Shelly Holz

We are the next door neighbors to Brad and Shelley Holz and have owned our property since 1982. We have looked at their plans to build a new home over the existing footprint of the existing home. We support their desire to complete this project. Looking at the plan, it is evident that it protects the scenic views from the river with the existing tree screening. Preserving views and water quality is very important and the new plans do both. The size of the home is very reasonable and will fit in well in the neighborhood.

The Holz family has lived here several years and plans to continue living here. The setting is unique with respect to grade and the existing home was constructed on the 12% grade and, as indicated, the new home will be built over the footprint. The style will, in fact, not alter the character of the area but will enhance the neighborhood.

Thus we strongly support Brad and Shelly Holz in their desire to build their new home.

Linda and Louis Tilton



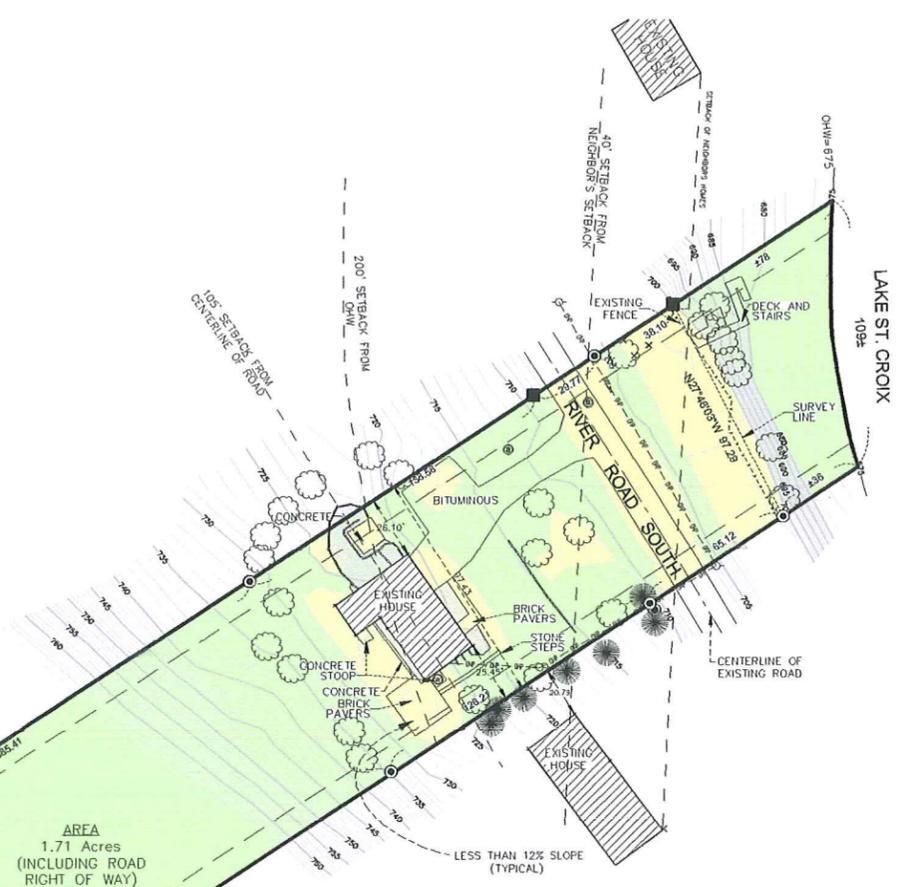
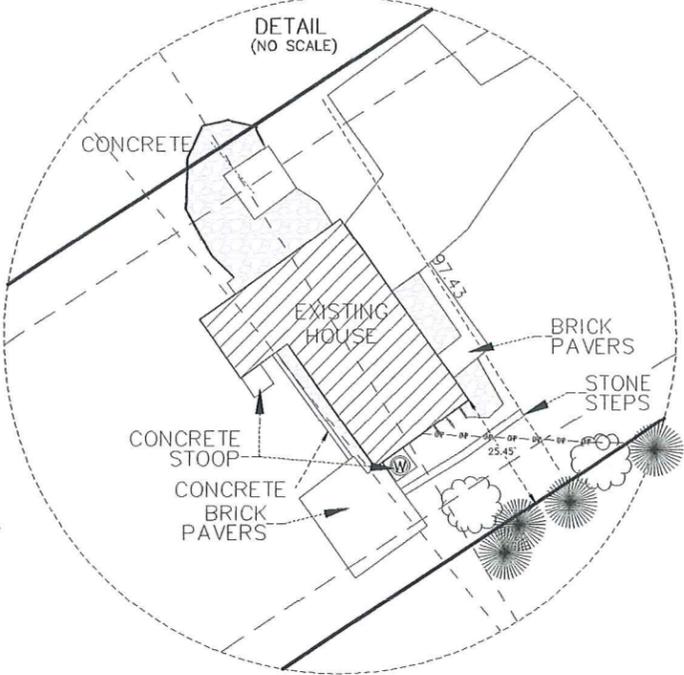
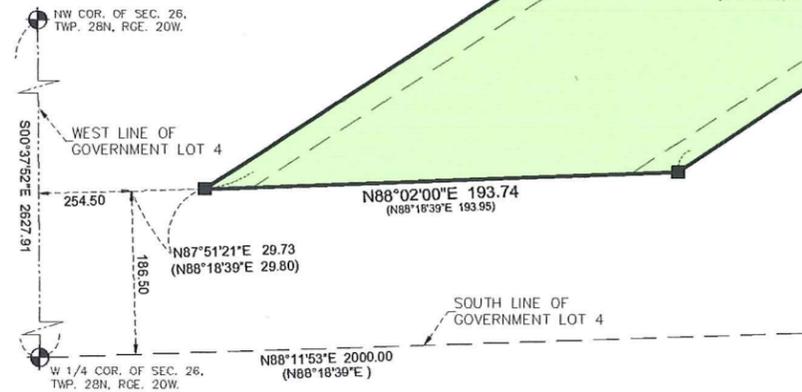
- x-x-x-x- DENOTES EXISTING FENCE.
- ===== DENOTES EXISTING RETAINING WALL.
- ↑ DENOTES EXISTING SIGN.
- ⊙ DENOTES EXISTING SEPTIC MANHOLE.
- ⊙ DENOTES EXISTING WELL.
- ⊙ DENOTES EXISTING POWER POLE.
- ⊙ DENOTES EXISTING OVERHEAD POWER.
- DENOTES EXISTING DECIDUOUS TREE.
- DENOTES EXISTING CONIFEROUS TREE.
- ⊙ DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND JUDICIAL LANDMARK.
- ⊙ DENOTES FOUND COUNTY MONUMENT.
- ( ) DENOTES A RECORD DIMENSION.
- DENOTES EXISTING ROCK LANDSCAPING.

**NOTES:**

- GARAGE FLOOR ELEVATION = 720.1
- ROOF PEAK ELEVATION = 740.8



BEARINGS SHOWN HEREON ARE ORIENTED TO THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN)



**RECORD PROPERTY DESCRIPTION**  
(PER DOC. NO 1195244)

That part of Government Lot 4, Section 26, Township 28, Range 20 in said Washington County, Minnesota described as follows:

Commencing at a point 186.5 feet North of the South line of said Government Lot 4 and 254.5 feet East of the West line of said Government Lot 4, said distances being measured at right angles to said South and West lines respectively; thence North 88°18'39" East on a line parallel with the South line of said Government Lot 4 a distance of 29.80 feet to the point of beginning of land to be described; thence continue North 88°18'39" East on said parallel line a distance of 193.95 feet; thence North 57°26'17" East a distance of 637 feet more or less, to the Southwesterly shore line of Lake St. Croix; thence Northwesterly along said shore line to its intersection with a line produced Northeasterly from the point of beginning on a bearing of North 57°30'00" East; thence South 57°30'00" West a distance of 873 feet, more or less, to the point of beginning.

Subject to all rights for railroad right of way purposes and public road across said above described property as now located thereon and acquired.

**CERTIFICATE OF SURVEY FOR:**

**SHELLY HOLZ**

**JOHNSON & SCOFIELD INC.**  
**SURVEYING AND ENGINEERING**

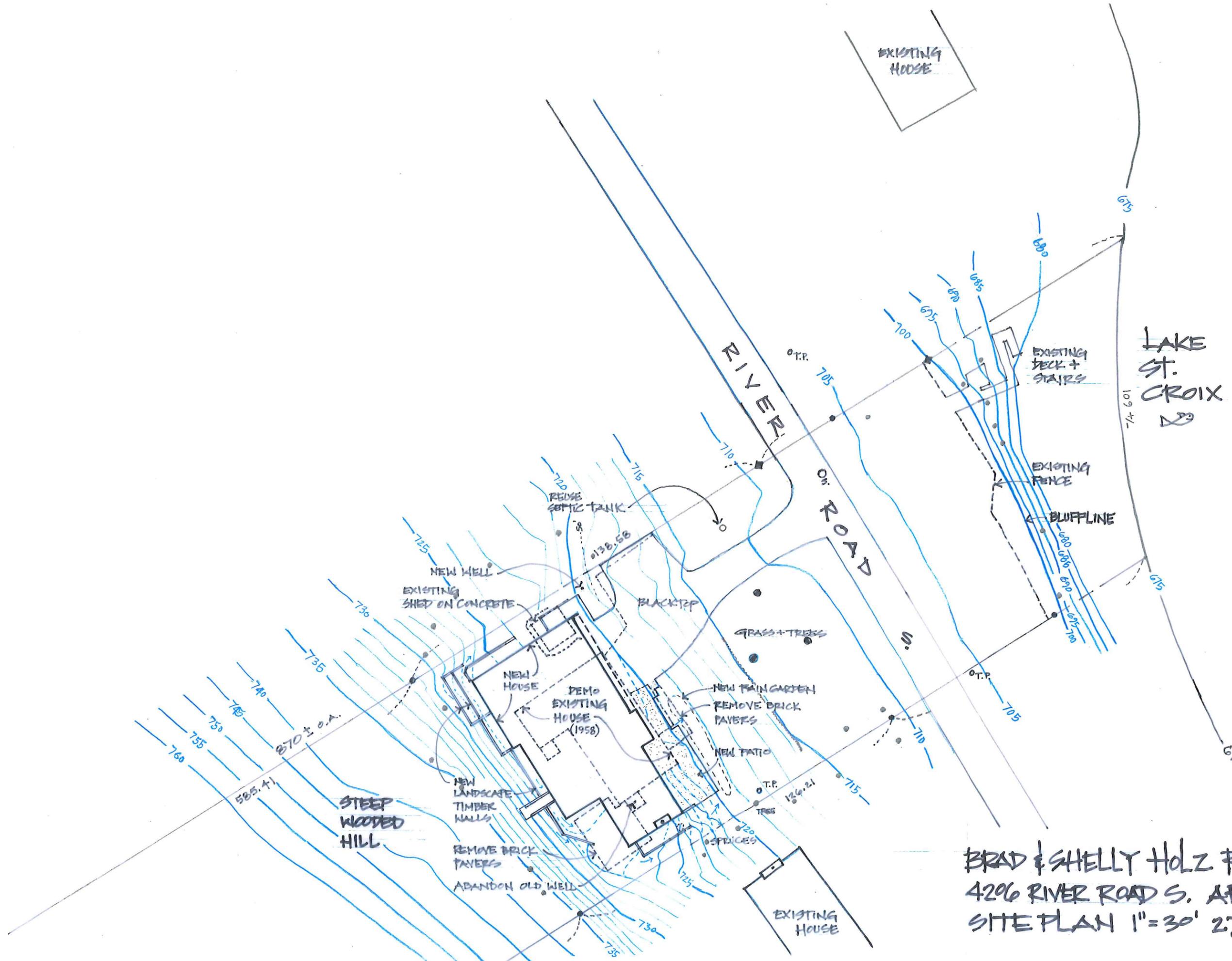
1112 HIGHWAY 55, SUITE 201, HASTINGS, MN 55033  
(651)438-0000

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.

*Mitchell A. Scofield*  
Mitchell A. Scofield  
Minnesota License No. 48634  
Date: January 3, 2014

Revised: May 29, 2015  
Revised: May 14, 2015  
Revised: February 14, 2014

|                     |        |        |                |
|---------------------|--------|--------|----------------|
| BK. NA              | PG. NA | W.O.#  | DRAWING NUMBER |
| SHEET 1 OF 2 SHEETS | 13-563 | R-2601 |                |



BRAD & SHELLY HOLZ RESIDENCE  
 4206 RIVER ROAD S. APTON MN  
 SITE PLAN 1"=30' 27 MAY 15 HKD.

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

# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 30, 2015  
Re: Valley Branch Watershed District Conditional Use Permit Application for a Grading Project at properties northeast of 30th Street and Trading Post Trail with PIDs 2102820210001, 1602820340002, 1602820430004, and 2102820120001, and east of Neal Avenue and north of Valley Creek Trail on properties with PIDs 1702820210002, 170282010001 and 17028130004  
– **Public Hearing**

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### Attachments

- CUP Application and related materials
  - Property surveys
  - Property aerial photos with topography
  - List of properties within 500 feet
  - Property location maps

### Background

The Valley Branch Watershed District (VBWD) is proposing two ravine stabilization projects, one at the northeast corner of Trading Post Trail and 30<sup>th</sup> Street, and one east of Neal Avenue and north of Valley Creek Trail. The attached maps show the project locations and the topography of each location. As indicated above, both locations are steep ravines that experience substantial erosion during significant rain events. The project will stabilize the ravines, prevent erosion and help protect the water quality of Valley Creek.

The application materials provided by the VBWD included a lengthy wetland delineation report. Rather than copy the report for the packet, the report has been scanned and is available on the City website in the same area as the agenda packet.

The VBWD does not own any of the properties involved in the ravine stabilization project. The VBWD is in the process of obtaining easements from the property owners to allow the work. The application packet includes materials related to the easement acquisition process. The City of Afton has approved the easement over the City’s property near Trading Post Trail and 30<sup>th</sup> Street.

### Engineer Review

The City Engineer is in the process of reviewing the grading plans for the project. The Engineer’s report will be provided to the Planning Commission as soon as it is received.

### 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. Staff recommends the following conditions:

1. All appropriate provisions of the Afton Code of Ordinances shall be complied with for the duration of the permit.
2. Grading plans shall be reviewed and approved by the City Engineer
3. City Engineer specifications and recommendations for all work shall be met for the duration of the permit.
4. The grading plan shall be constructed according to plans approved by the City Engineer. Silt fences or other types of erosion control shall be properly installed prior to construction; and shall be maintained in good condition until the construction is complete.
5. Non-compliance with the conditions of this permit shall be considered a violation, and may result in revocation of this permit.
6. Compliance with conditions of this permit shall be monitored on a periodic basis.
7. Construction shall begin within one year of the date of issuance of this permit or the permit shall become null and void.
8. All necessary easements to enable the project work shall be acquired

**PLANNING COMMISSION DIRECTION REQUESTED:**

**Motion regarding the Valley Branch Watershed District Conditional Use Permit Application for a Grading Project at properties northeast of 30th Street and Trading Post Trail with PIDs 2102820210001, 1602820340002, 1602820430004, and 2102820120001, and east of Neal Avenue and north of Valley Creek Trail on properties with PIDs 1702820210002, 170282010001 and 17028130004, with findings, and conditions if needed.**



6/12/2015

Ron Moorse  
City of Afton  
3033 St. Croix Trail  
PO Box 219  
Afton, MN 55001

**Re: VBWD Ravine Stabilization Projects – CUP Permit Application for City of Afton Grading Permit**

Dear Mr. Moorse:

We are submitting this CUP application on behalf of the Valley Branch Watershed District (VBWD) for the two proposed ravine stabilization projects located within the City of Afton. The purpose of the CUP application is to obtain a grading permit from the City, as the projects may disturb more soil than outlined for an administrative grading permit.

The two ravine stabilization projects are located within the Valley Creek watershed and will stabilize existing erosion and reduce sediment delivery to Valley Creek. The first project includes stabilization work a ravine located on property owned by Landucci Homes, Inc., east of Neal Avenue and north of Valley Creek Trail. Log vanes will be placed at intervals across the ravine to help control grade by temporarily retaining flows and promoting sedimentation along the length of the stabilized ravine. Additionally, a stepped log drop structure will be constructed in smaller adjacent ravine to help prevent head cutting into the surrounding upland area. The second project is located in a ravine northeast of 30<sup>th</sup> Avenue and Trading Post Trail (on private property and property owned by the City of Afton) and includes the installation of a concrete drop structure (tying in the three existing culverts) and an energy dissipation basin where discharge from the existing culverts currently is causing ravine bank erosion and undercutting of mature trees on the bank.

The CUP submittal package includes the required application form & submittal checklist, checks for payment of fees, the construction plan set, and three memos summarizing the status of the easements and agreements, the hydrologic and hydraulic modeling used to support the stabilization design, and the wetland determination investigations. Also included in the package are figures that summarize the property dimensions, general soils, and land use information within the project areas, a list of all property owners within 500 feet of the impacted parcels, and printed mailing labels with these addresses.

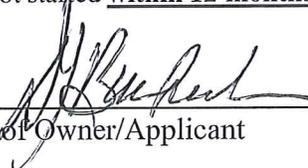
Please feel free to contact me at (952) 832-2750 if you have any questions about the project or the items in the CUP submittal. If necessary, we will plan to attend the July 6 planning commission and July 21 city council meeting.

Thanks,

A handwritten signature in blue ink that reads "Jen Koehler". The signature is fluid and cursive.

Jen Koehler, P.E.

## CITY OF AFTON CONDITIONAL USE PERMIT APPLICATION

|   |  |  |           |   |              |
|---|--|--|-----------|---|--------------|
| Owner   | Address                                  | City   | State     | Zip   | Phone        |
| Valley Branch Watershed District, David Buecheck  | PO Box 838                               | Lake Elmo  | MN        | 55042   | 952-832-2622 |
| Applicant<br>(if different than owner)  | Address                                  | City   | State     | Zip   | Phone        |
| Valley Branch Watershed District, David Buecheck  | PO Box 838                               | Lake Elmo  | MN        | 55042   | 952-832-2622 |
| Project Address   |  |  |           |   |              |
| (1) Unaddressed Neal Ave S & (2) Unaddressed Trading Post Trail S   |  | <b>AFTON</b>   | <b>MN</b> | <b>55001</b>  |              |
| Zoning Classification   | Existing Use of Property                 | PID# or Legal Description  |           |   |              |
| (1) Agricultural & (2) Rural Residential  | (1) Agricultural & (2) Rural Residential | 1702820210002, 1702820120001, 17028130004, 2102820210001, 1602820340002, 1602820430004 |           |   |              |
| Description of Request  |  |  |           |   |              |
| <small>The VBWD is proposing two ravine stabilization projects within the City of Afton. Both sites currently act as existing drainages, conveying watershed runoff to Valley Creek. To construct the stabilization measures, grading permits from the City of Afton are required.</small>  |  |  |           |   |              |
| <small>The VBWD is proposing two ravine stabilization projects within the City of Afton. Both sites currently act as existing drainages, conveying watershed runoff to Valley Creek. To construct the stabilization measures, grading permits from the City of Afton are required.</small>  |  |  |           |   |              |
| <p>By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City. If work authorized by this Conditional Use Permit is not started <b>within 12 months of the date issued</b>, this CUP will EXPIRE and be INVALID.</p> |  |  |           |   |              |
|    |  |  |           |  |              |
| Signature of Owner/Applicant  |  |  |           | Date  |              |
| Make checks payable to <b>City of Afton</b> :   |  |  |           |   |              |
| <b>FEES:</b>  |  | <b>ESCROW DEPOSIT:</b>   |           |   |              |
| CUP   | \$250                                    | CUP Escrow   | \$600     | TOTAL: <u>\$850</u>   |              |
| Amended CUP   | \$250                                    | Amend CUP Escrow   | \$350     | DATE PAID: <u>6-11-15</u>   |              |
| City Engineer   | _____                                    | Engineer Escrow  | _____     | CHECK #: <u>208468</u>  |              |
| Other   | _____                                    | Other  | _____     | RECVD. BY: <u>[Signature]</u>   |              |
| <b>ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION</b>   |  |  |           |   |              |

Items with strikethrough not required based on 5/21/2015 phone conversation with Ron Moorse (as not applicable to project)

**CITY OF AFTON  
CONDITIONAL USE PERMIT CHECKLIST**

**APPLICANT**

**CITY**

~~\_\_\_\_\_ Design Review/Historic Pres. Commission notification (VHS-R or VHS-C) \_\_\_\_\_~~

Completed application form, including full legal name (first, middle, and last) and address of the applicant, fee owner, and any other persons having a legal interest in the property. \_\_\_\_\_

Fee as set forth in the current Fee schedule as adopted by the City. See Attached Checks \_\_\_\_\_

Location map showing the general location of the proposed use within the City See Plan Set \_\_\_\_\_

Legal description of the property, including street address, if any, property identification number, and proof of legal ownership. See Easement Summary Memo \_\_\_\_\_

Written statement explaining requested use of the property. See application form and attached memos \_\_\_\_\_

Site Plan (and/or Certificate of Survey) drawn to scale showing: See Plan Set \_\_\_\_\_

Property dimensions See two (2) Property Dimension Figures

~~\_\_\_\_\_ Adjacent roads and location of existing and proposed curb cuts, driveways, and parking spaces \_\_\_\_\_~~

~~\_\_\_\_\_ Location of existing and proposed buildings, including setbacks, dimensions and square footage \_\_\_\_\_~~

~~\_\_\_\_\_ Building setbacks from the crest of slopes greater than 16 percent \_\_\_\_\_~~

Existing topographic information and finished grading and drainage plan See Plan Set, H&H Modeling Memo

~~\_\_\_\_\_ Existing and proposed wells and septic systems \_\_\_\_\_~~

~~\_\_\_\_\_ Sewer and water plan with estimated use per day (if applicable) \_\_\_\_\_~~

Existing vegetation and proposed landscaping and screening plans, including species and sizes of trees and shrubs See Plan Set

Location of wetlands See Plan Set, Wetland Determination Memo

Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application See two (2) Soil Type Figures

~~\_\_\_\_\_ Type of business or activity and proposed number of employees (if applicable) \_\_\_\_\_~~

~~\_\_\_\_\_ Proposed floor plan, with uses indicated, and elevations of buildings (if applicable) \_\_\_\_\_~~

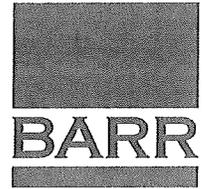
~~\_\_\_\_\_ Photometric lighting plan \_\_\_\_\_~~

Map showing principal land uses within five hundred (500) feet of the subject parcel See two (2) Land Use Figures \_\_\_\_\_

An accurate list of the names and mailing addresses of the recorded owners of all property within a minimum of 500 feet of the boundaries of the property for which the application is submitted, and mailing labels for listed owners See Parcel List and Printed Labels \_\_\_\_\_

**ALL ITEMS REQUIRED UNLESS SPECIFICALLY WAIVED BY ADMINISTRATOR!**

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



## Memorandum

**To:** Ron Moose, City of Afton  
**From:** Jennifer Koehler, Barr Engineering and Gregg Larson, Henning Professional Services  
**Subject:** VBWD Ravine Stabilization Project – Summary of Easements for CUP Application for the City of Afton Grading Permit  
**Date:** June 12, 2015  
**Project:** 23/82-1067

For the two ravine stabilization projects proposed by the Valley Branch Watershed District (VBWD), several permanent surface water drainage easements needed to be obtained for the construction of the projects. Henning Professional Services was hired to help coordinate and negotiate the easements with the landowners and is working with the VBWD attorney to record the easements. The following table summarizes the status of the easements as they apply to each ravine stabilization project site. Attached are copies of the easements and agreements, signed if available, at time of submittal.

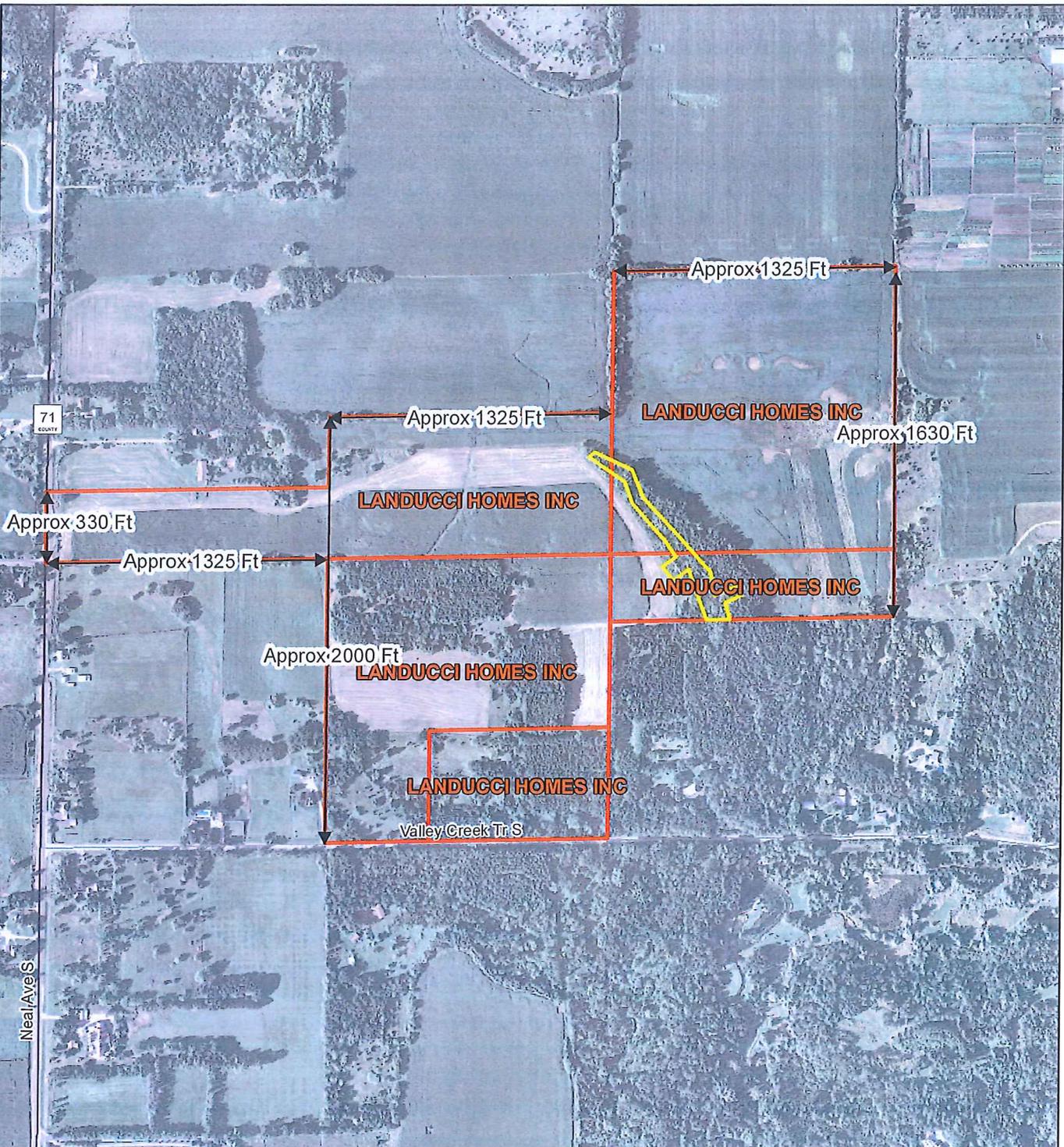
| Parcel ID  | Owner Names   | Status of Easement/Agreement  |
|--|---|---|
| <i>Ravine 2 Stabilization on the Landucci Property (Unaddressed Neal Ave S)</i>                        |   |   |
| 1702820210002, 1702820120001, 17028130004  | Landucci Homes, Inc.  | A meeting with Nathan Landucci, VBWD Managers and Attorney was originally scheduled for June 11, 2015 to negotiate the permanent surface water drainage easement and consent to enter/waiver of trespass agreement. Nathan Landucci was unable to make this meeting, and we are in the process of rescheduling the meeting within the next week or two. |
| <i>Stabilization at 30<sup>th</sup> Avenue and Trading Post Trail (Unaddressed Trading Post Trail)</i> |   |   |
| 2102820210001  | Marion M. Lindstrom, Lori B. Sirek, Gail A. Billington, Michael Billington, Randy A. Lindstrom, & Debra | Verbally agreed to a Permanent Surface Water Drainage Easement. Working to obtain signatures from all property owners – several owners live out of state and signatures are being completed via mail.   |

**To:** Ron Moore, City of Afton  
**From:** Jennifer Koehler, Barr Engineering and Gregg Larson, Henning Professional Services  
**Subject:** VBWD Ravine Stabilization Project – Summary of Easements for CUP Application for the City of Afton Grading Permit  
**Date:** June 12, 2015  
**Page:** 2

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|               |                         |   |
|---------------|-------------------------|---|
|               | Lindstrom               |   |
| 1602820340002 | Norman and Helen Lee    | Permanent surface water drainage easement signed on May 14, 2015 and will be recorded.  |
| 1602820430004 | City of Afton           | Gregg Larson of Henning Professional Services discussed the permanent surface water drainage easement with Ron Moore and the easement will be presented to the City of Afton City Council at the June 16, 2015 city council meeting for approval. |
| 2102820120001 | Haiwei Du & Xuemei Tran | Have an ingress/egress easement over a portion of the Lindstrom party's property which will be encumbered by the proposed permanent surface water drainage easement. Agreement signed on June 9, 2015.  |

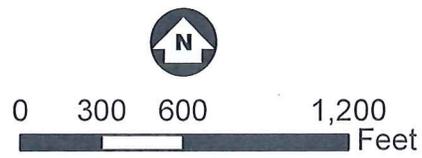
Barr Footer: ArcGIS 10.3, 2015-06-10 11:13 File: I:\Client\VBWD\District\Work Orders\2014\2014 Clean Water Fund Grant\Figure Landucci Parcel\_CUPApplication\_06122015.mxd User: lad

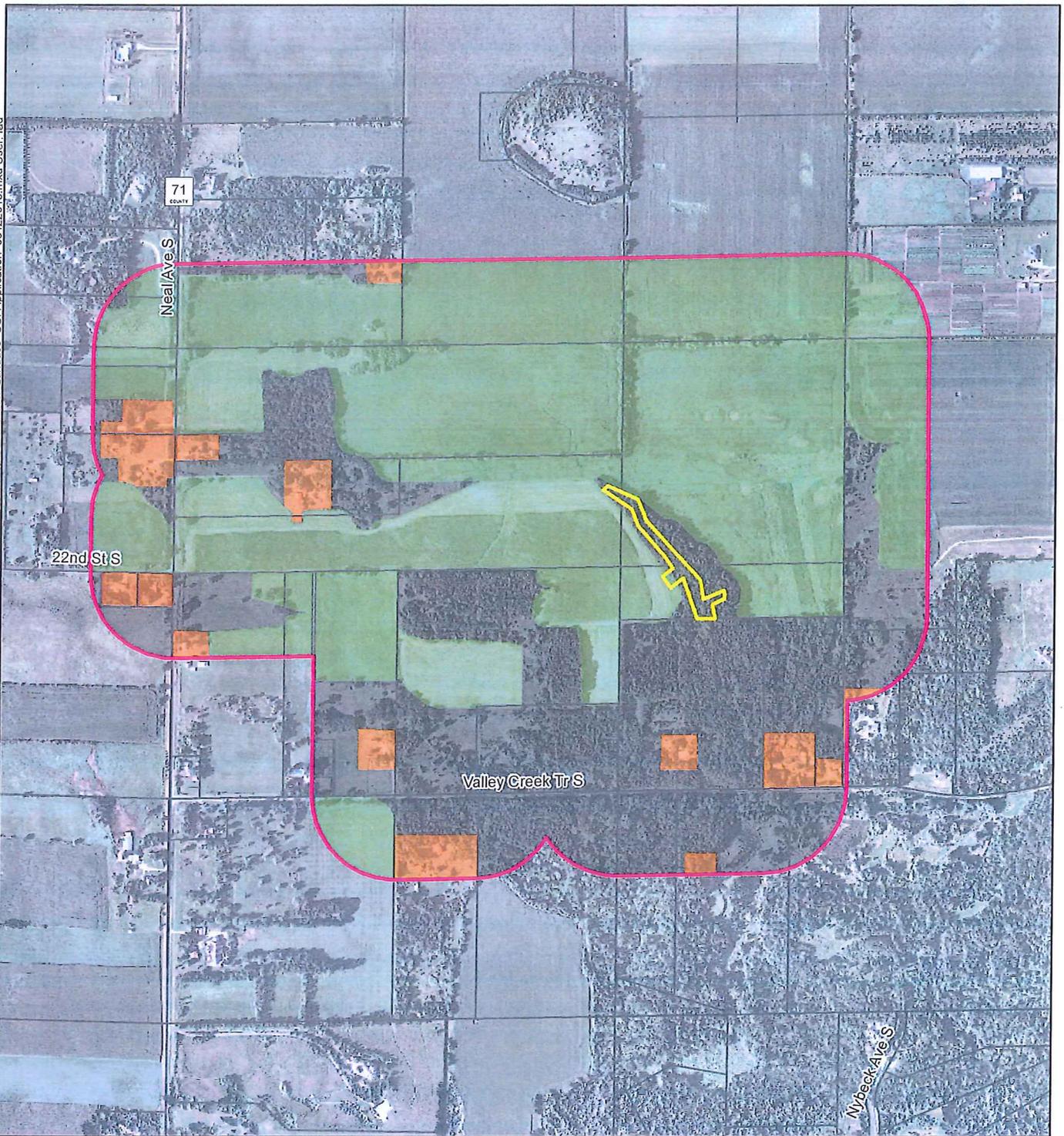


- Easement Boundary
- LANDUCCI HOMES INC PARCELS

Approximate Property Area (including 5 Parcels) = 120 Acres  
 3 parcels impacted by proposed project.

**FIGURE**  
 Property Dimensions  
 Landucci Ravine Site  
 Valley Branch Watershed District  
 Afton, MN





-  Easement Boundary
-  500 Foot Buffer (from Project Parcels)
-  Washington County Parcels
-  Single Family Detached
-  Agricultural
-  Undeveloped

FIGURE  
Landuse  
Landucci Ravine Site  
Valley Branch Watershed District  
Afton, MN



Barr Footer: ArcGIS 10.3, 2015-06-10 11:39 File: I:\Client\VBWD\District\Work\_Orders\2014\2014 Clean Water Fund Grant\Figure Landucci Soils\_CUPApplication\_06122015.mxd User: lad



- |  |  |
|--|--|
|  Easement Boundary                          |  Chetek sandy loam, 6 to 12 percent slopes              |
|  Washington County Parcels                  |  Dorerton-Rock outcrop complex, 25 to 65 percent slopes |
|  Antigo silt loam, 0 to 2 percent slopes    |  Gale silt loam, 25 to 50 percent slopes                |
|  Antigo silt loam, 2 to 6 percent slopes    |  Hubbard loamy sand, 1 to 6 percent slopes              |
|  Baytown silt loam, 6 to 12 percent slopes  |  Lindstrom silt loam, 2 to 4 percent slopes             |
|  Campia silt loam, 0 to 8 percent slopes    |  Mahtomedi loamy sand, 25 to 40 percent slopes          |
|  Chaska silt loam                           |  Ripon silt loam, 2 to 6 percent slopes                 |
|  Chetek sandy loam, 0 to 6 percent slopes   |  Rosholt sandy loam, 1 to 6 percent slopes              |
|  Chetek sandy loam, 12 to 25 percent slopes |  Rosholt sandy loam, 6 to 15 percent slopes             |

**FIGURE**  
Soil Type  
Landucci Ravine Site  
Valley Branch  
Watershed District  
Afton, MN



0 60 120 240 360  
 Feet

Source: Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture, Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed [May 2015].

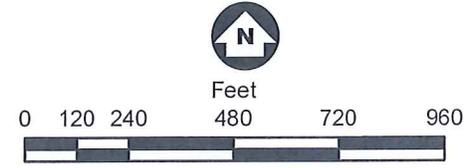
Barr Footer: ArcGIS 10.3, 2015-06-10 12:11 File: I:\Client\BVD\District\Work\_Orders\2014\2014\_Clean\_Water\_Fund\_Grant\Figure\_30th&TradingPost\_Parcel\_CUPApplication\_06122015.mxd User: lad



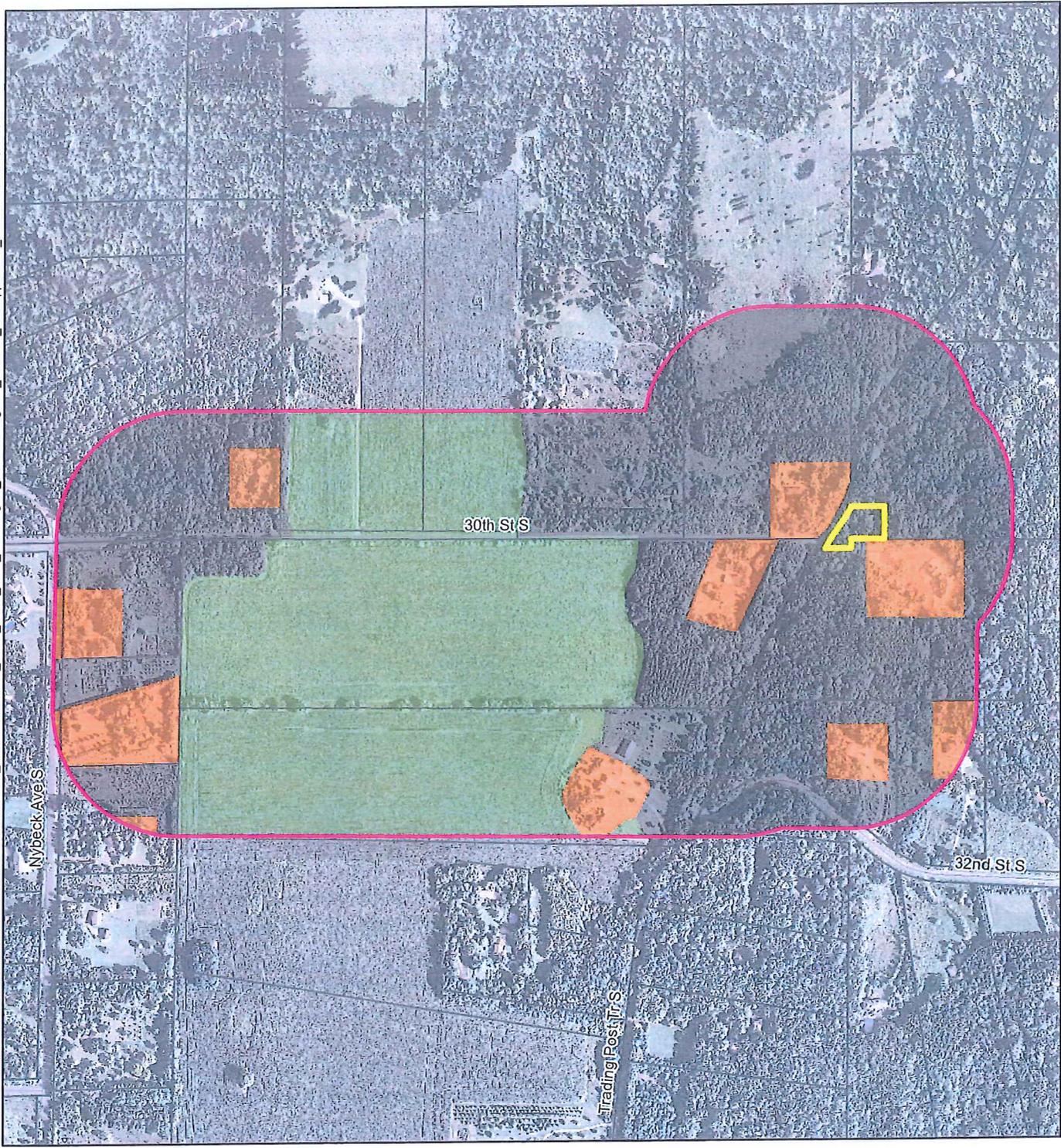
- Easement Boundary
- Parcels

Approximate Property Area (including 4 Parcels) = 43 Acres  
 3 parcels impacted by proposed project.

**FIGURE**  
 Property Dimensions  
 30th Ave & Trading Post Trail Ravine Site  
 Valley Branch Watershed District  
 Afton, MN

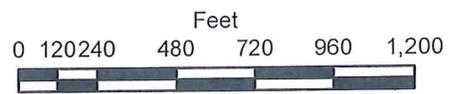


Barr Footer: ArcGIS 10.3, 2015-06-10 12:14 File: I:\Client\VBW\District\Work\_Orders\2014\2014\_Clean\_Water\_Fund\_Grant\Figure\_30th&TradingPost\_Landuse\_CUPApplication\_06122015.mxd User: lad



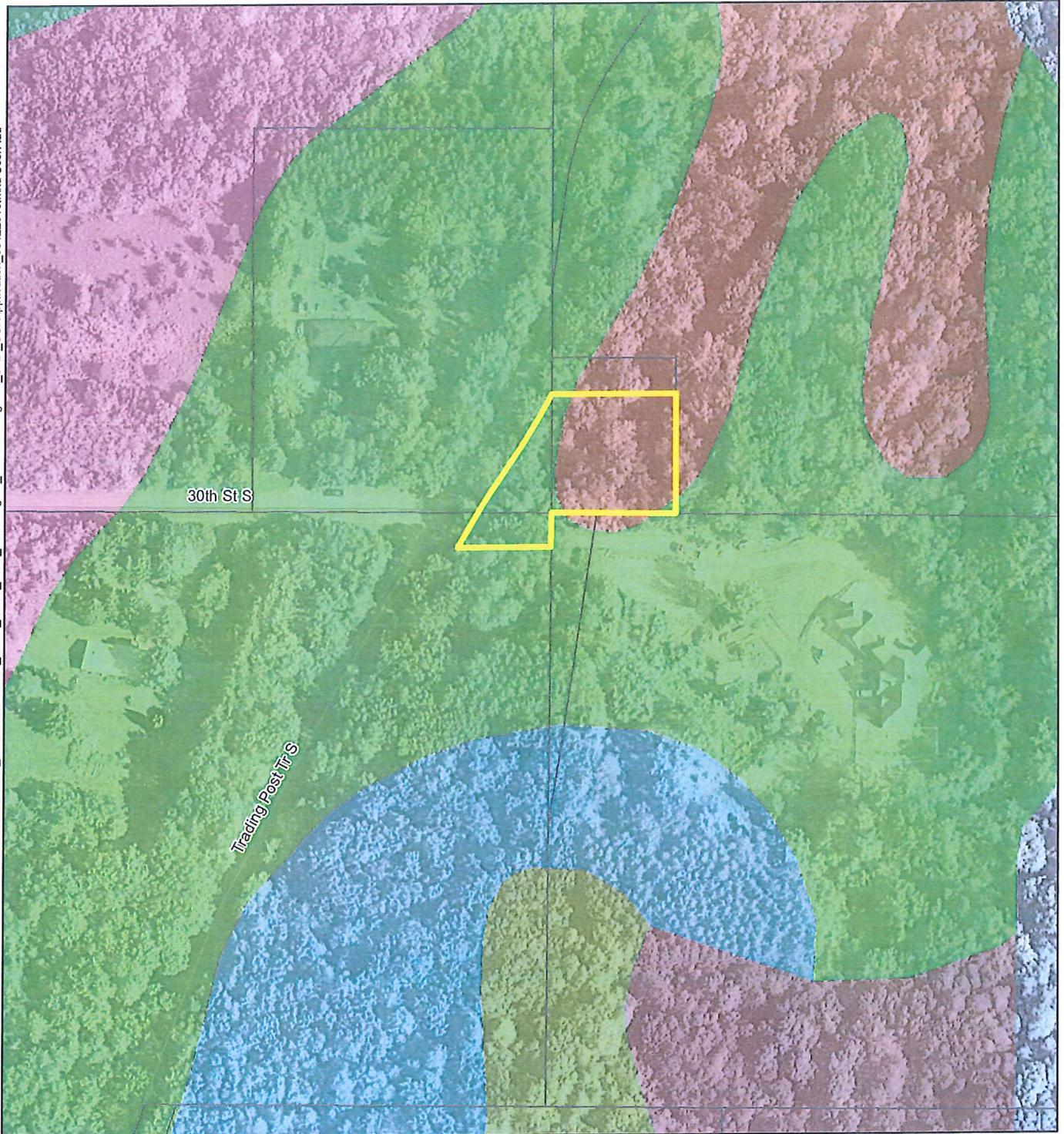
- 500 Foot Buffer (from Project Parcels)
- Easement Boundary
- Washington County Parcels
- Single Family Detached
- Agricultural
- Undeveloped

**FIGURE**  
**Landuse**  
 30th Ave & Trading Post Trail Ravine Site  
 Valley Branch Watershed District  
 Afton, MN



Source: Metropolitan Council 2010 Generalized Land Use Inventory dataset

Barr Footer: ArcGIS 10.3, 2015-06-10 11:31 File: I:\Client\VBWD\District\Work\_Orders\2014\2014\_Clean\_Water\_Fund\_Grant\Figure\_30th&TradingPost\_Soils\_CUPApplication\_06122015.mxd User: lad



- Easement Boundary
- Washington County Parcels
- Brodale flaggy loam, 20 to 50 percent slopes
- Channahon silt loam, 1 to 6 percent slopes
- Channahon silt loam, 12 to 18 percent slopes
- Channahon silt loam, 6 to 12 percent slopes
- Chetek sandy loam, 12 to 25 percent slopes
- Mahtomedi loamy sand, 25 to 40 percent slopes
- Ostrander silt loam, 2 to 6 percent slopes
- Ripon silt loam, 2 to 6 percent slopes
- Ripon silt loam, 6 to 12 percent slopes
- Rosholt sandy loam, 6 to 15 percent slopes
- Santiago silt loam, 2 to 6 percent slopes
- Whalan silt loam, 1 to 6 percent slopes
- Whalan silt loam, 6 to 12 percent slopes

**FIGURE**  
**Soil Type**  
 30th Ave & Trading  
 Post Trail Ravine Site  
 Valley Branch  
 Watershed District  
 Afton, MN



Source: Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture, Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed [May 2015]



Landucci Property site 5/14/15



Landucci Property site 4/14/15



Landucci Property site 6/18/14



Landucci Property site 6/18/14



Landucci Property site 6/18/14



Landucci Property site 6/18/14



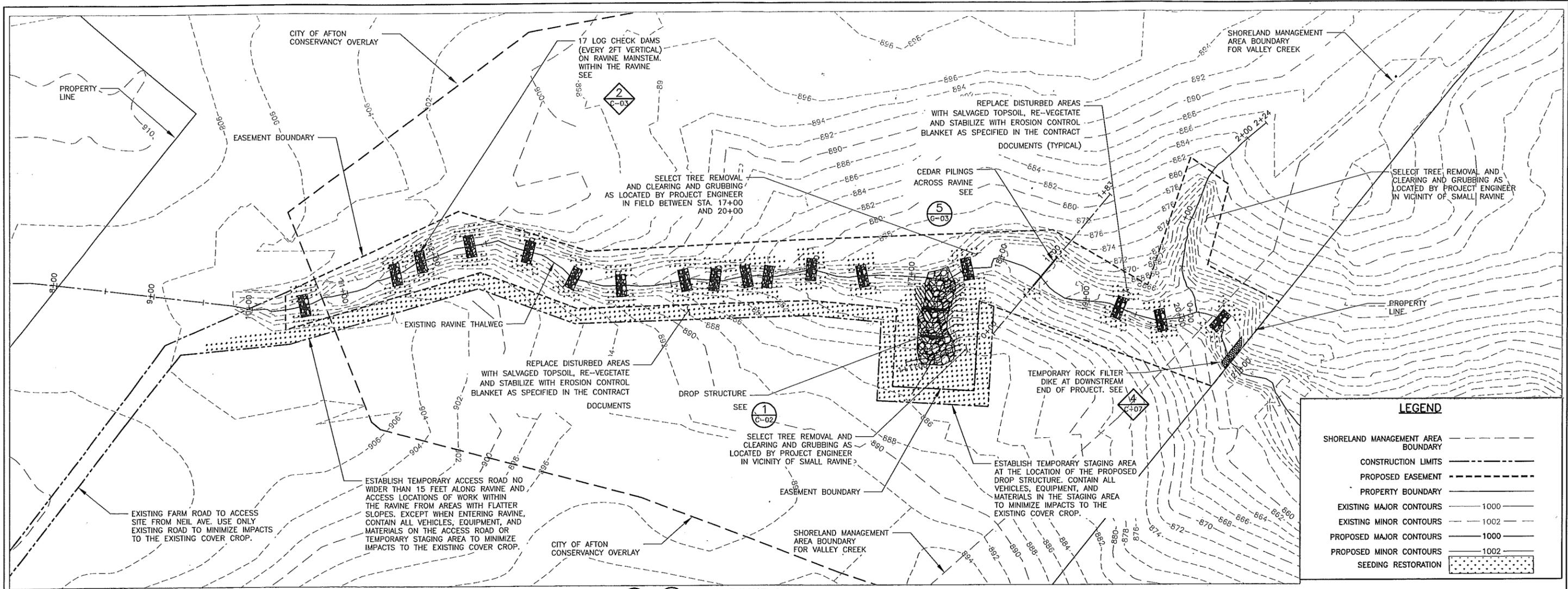
30<sup>th</sup> St. and Trading Post Trail site 4/14/15



30<sup>th</sup> St. and Trading Post Trail site 8/28/14



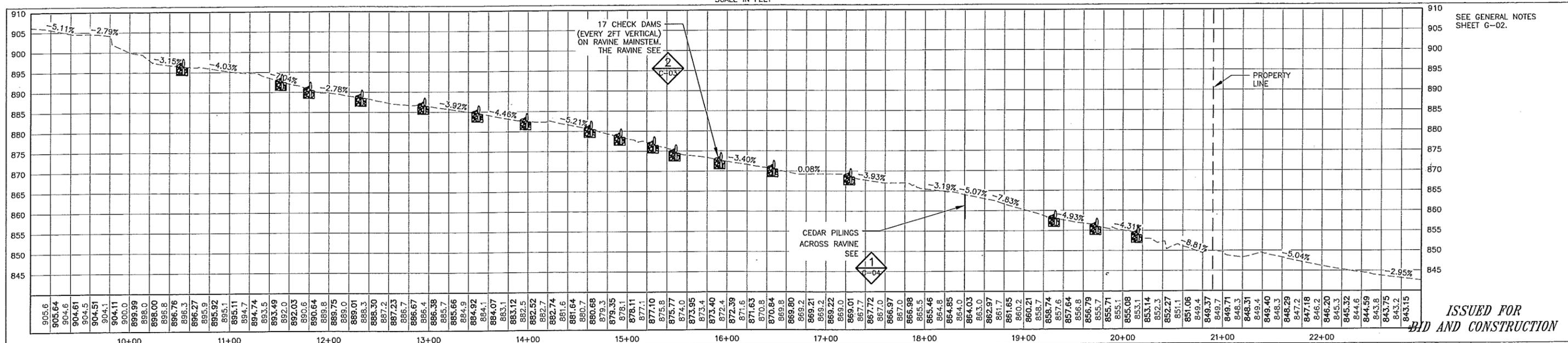
Pipes directing stormwater into 30<sup>th</sup> St. and Trading Post Trail site 11/19/13



**LEGEND**

- SHORELAND MANAGEMENT AREA BOUNDARY
- CONSTRUCTION LIMITS
- PROPOSED EASEMENT
- PROPERTY BOUNDARY
- EXISTING MAJOR CONTOURS
- EXISTING MINOR CONTOURS
- PROPOSED MAJOR CONTOURS
- PROPOSED MINOR CONTOURS
- SEEDING RESTORATION

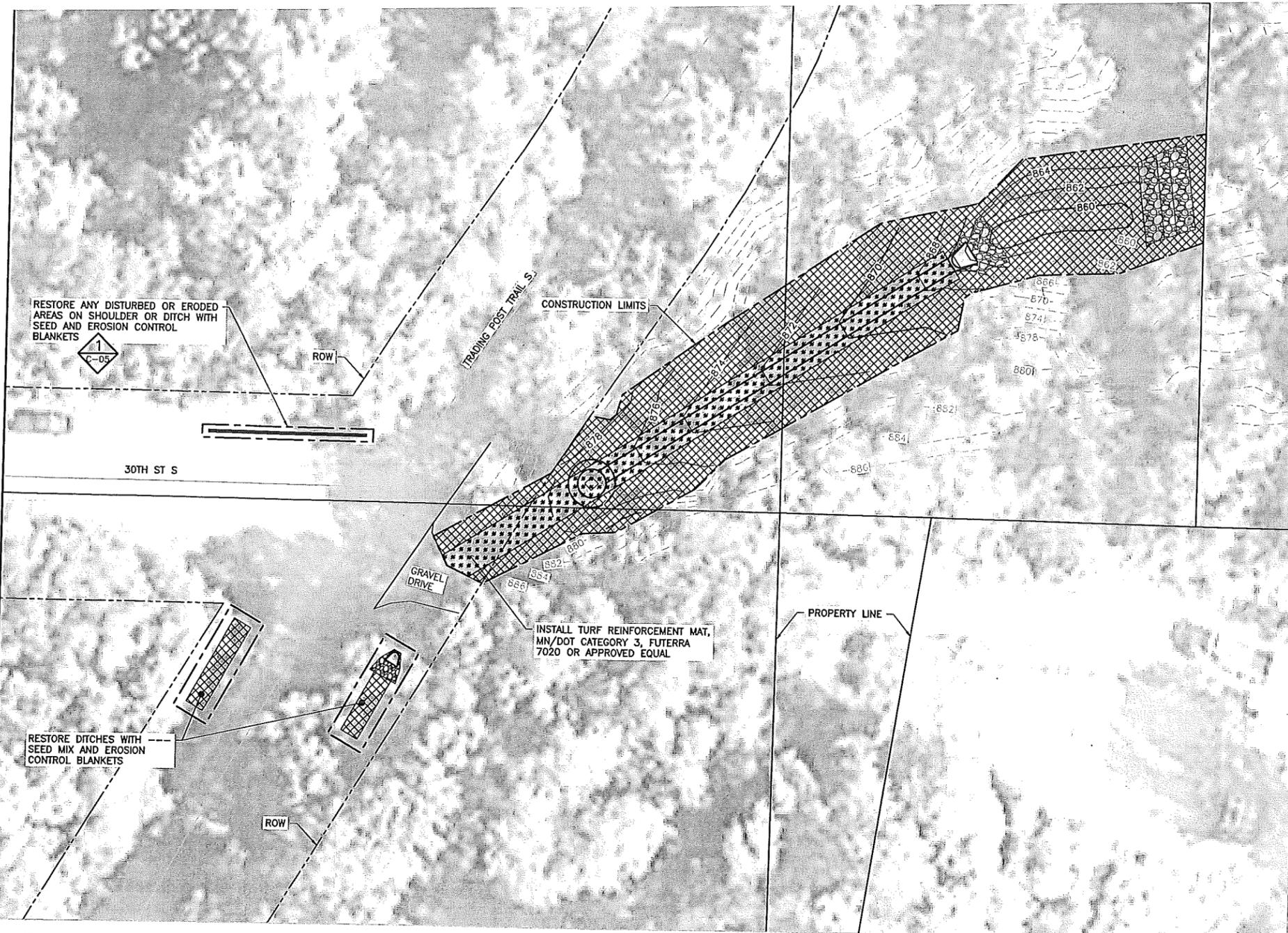
**1 PLAN: RAVINE 2**  
 0 100 200  
 SCALE IN FEET



CADD USER: ADAM K. HOWARD FILE: M:\DESIGN\23821067.00\2382106700\_C-01.DWG PLOT SCALE: 1:2 PLOT DATE: 6/11/2015 8:33 AM

ISSUED FOR  
 BID AND CONSTRUCTION

|  |     |                               |                               |  |  |   |   |  |  |
|--|-----|-------------------------------|-------------------------------|--|--|---|---|--|--|
| I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.<br>PRINTED NAME: MATTHEW METZGER<br>SIGNATURE: <i>[Signature]</i><br>DATE: 6/12/2015 LICENSE # 47651 |     | CLIENT<br>BID<br>CONSTRUCTION | 5/12/15<br>5/12/15<br>5/12/15 | <b>BARR</b><br>Project Office:<br>BARR ENGINEERING CO.<br>4700 WEST 77TH STREET<br>MINNEAPOLIS, MN.<br>55435-4803<br>Corporate Headquarters:<br>Minneapolis, Minnesota<br>Ph: 1-800-632-2277 | Scale: AS SHOWN<br>Date: 6/12/2015<br>Drawn: AKH/LAD<br>Checked: MRM<br>Designed: MRM/TEM<br>Approved: MRM | VALLEY BRANCH WATERSHED DISTRICT<br>LAKE ELMO, MN | CWF RAVINE STABILIZATIONS<br>AFTON, MN<br>LANDUCCI RAVINE<br>PLAN AND PROFILE | BARR PROJECT No.<br>23/82-1067.00<br>CLIENT PROJECT No.<br>DWG. No. C-01<br>REV. No. 0 |  |
| NO.  | BY  | CHK.                          | APP.                          | DATE   | REVISION DESCRIPTION   |   |   |  |  |
| 0  | AKH | LAD                           | MRM                           | 6/12/2015  | ISSUED FOR BID AND CONSTRUCTION  |   |   |  |  |



RESTORE ANY DISTURBED OR ERODED AREAS ON SHOULDER OR DITCH WITH SEED AND EROSION CONTROL BLANKETS

ROW

CONSTRUCTION LIMITS

TRADING POST TRAIL S

30TH ST S

GRAVEL DRIVE

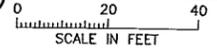
PROPERTY LINE

INSTALL TURF REINFORCEMENT MAT, MN/DOT CATEGORY 3, FUTERRA 7020 OR APPROVED EQUAL

RESTORE DITCHES WITH SEED MIX AND EROSION CONTROL BLANKETS

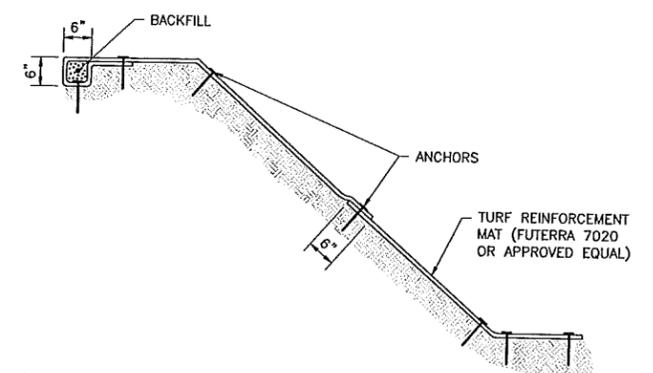
ROW

**1 PLAN: RESTORATION PLAN**



**SITE RESTORATION NOTES:**

- INSTALL SEED (SITE STABILIZATION SEEDING WITH COVER CROP) AND EROSION CONTROL BLANKET ON ALL DISTURBED AREAS ACCORDING TO SPECIFICATIONS, SEE
- INSTALL SEED (SITE STABILIZATION SEEDING WITH COVER CROP) AND TURF REINFORCEMENT MAT (TRM), SEE



**NOTES:**

1. TURF REINFORCEMENT MAT (TRM) SHALL BE FUTERRA 7020 OR APPROVED EQUAL, CONFORMING TO MN/DOT STANDARD SPECIFICATION 3885, CATEGORY 3, TABLE 3885-6.
2. REFER TO MANUFACTURER RECOMMENDATIONS FOR INSTALLATION METHODS, INCLUDING STAPLE PATTERNS FOR SLOPE INSTALLATIONS.
3. PREPARE SOIL BY LOOSENING TOP 1-2 INCHES AND APPLY SEED PRIOR TO INSTALLING TRM. GROUND SHOULD BE SMOOTH AND FREE OF DEBRIS.
4. FOLLOWING INSTALLATION OF TRM, FILL TRM WITH APPROXIMATELY 1 INCH OF TOPSOIL AND APPLY ADDITIONAL SEEDING.

**2 DETAIL: TURF REINFORCEMENT MAT - ANCHOR TRENCH**  
NOT TO SCALE

ISSUED FOR  
BID AND CONSTRUCTION

CADD USER: PATRICK E. BROCKAMP FILE: M:\DESIGN\23821067.DWG PLOT SCALE: 1:2 PLOT DATE: 6/11/2015 8:43 AM

|     |  |   |  |                               |  |                                       |  |  |  |                     |  |  |  |  |  |  |  |
|-----|--|---|--|-------------------------------|--|---------------------------------------|--|--|--|---------------------|--|--|--|--|--|--|--|
|     |  | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. |  | CLIENT<br>BID<br>CONSTRUCTION |  | DATE<br>6/12/15<br>6/12/15<br>6/12/15 |  | <b>BARR</b>  |  | Scale<br>AS SHOWN   |  | VALLEY BRANCH WATERSHD DISTRICT<br>LAKE ELMO, MN |  | CWF RAVINE STABILIZATIONS<br>AFTON, MN |  | BARR PROJECT No.<br><b>23/82-1067.00</b> |  |
|     |  | PRINTED NAME: MATTHEW METZGER   |  |                               |  |                                       |  | Corporate Headquarters:<br>Minneapolis, Minnesota<br>Ph: 1-800-632-2277<br>Fax: (952) 832-2601<br>www.barr.com |  | Date<br>6/12/2015   |  |  |  |  |  |  |  |
| 0   |  | PEB MRM   |  | 6/12/2015                     |  | ISSUED FOR BID AND CONSTRUCTION       |  |  |  | Checked<br>MRM      |  | 30TH & TRADING POST<br>RESTORATION PLAN          |  | DWG. No.<br>C-06                       |  | REV. No.<br>0                            |  |
| NO. |  | BY CHK APP.   |  | DATE                          |  | REVISION DESCRIPTION                  |  | RELEASED TO/FOR  |  | Designed<br>MRM/TEM |  |  |  |  |  |  |  |
|     |  |   |  | DATE 6/12/2015                |  | LICENSE # 47651                       |  | DATE RELEASED  |  | Approved<br>MRM     |  |  |  |  |  |  |  |



## Memorandum

**To:** Ron Moose, City of Afton  
**From:** Jennifer Koehler, Pat Brockamp, and Adam Howard, Barr Engineering  
**Subject:** VBWD Ravine Stabilization Project – Summary of Hydrologic and Hydraulic Modeling for the CUP Application for the City of Afton Grading Permit  
**Date:** June 12, 2015  
**Project:** 23/82-1067

The following memo summarizes the hydrologic and hydraulic modeling performed for the two ravine stabilization projects that the Valley Branch Watershed District (VBWD) plans to construct in the Valley Creek watershed in 2015. The goals of these projects are to stabilize erosion and reduce sediment delivery to Valley Creek.

The first project includes stabilization work in Ravine 2 on the Landucci Property, east of Neal Avenue and north of Valley Creek Trail where there is currently erosion occurring along the length of the ravine. Log vanes will be placed at intervals across the ravine to help control grade by temporarily retaining flows and promoting sedimentation and limited infiltration along the length of the stabilized ravine. Additionally, a stepped log drop structure will be constructed in smaller side ravine to Ravine 2 to help prevent head cutting into the upland area surrounding the ravine. The second project location in a ravine northeast of 30<sup>th</sup> Avenue and Trading Post Trail includes the installation of a concrete drop structure (tying in the three existing culverts) and an energy dissipation basin where discharge from the existing culverts currently is causing ravine bank erosion and undercutting of mature trees on the bank.

The existing watersheds to each of the projects were delineated and are shown on Figures 1 & 2. No changes are expected to the contributing watersheds as a result of the proposed projects (e.g. no increase in imperviousness, etc.). The project sites were modeled with HydroCAD using the SCS runoff methodology. We utilized the current SSURGO hydrologic soils group data (2014), published runoff curve numbers for the given land cover and soil type, and current LiDAR data to develop the watershed input parameters. We modeled the 2-, 10-, and 100-year Atlas 14 design storm events and the nested storm distribution, as outlined in the VBWD stormwater management rules.

Table 1 summarizes the modeling results for the design storm events for existing and proposed conditions at the two projects sites.



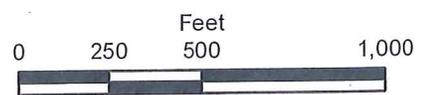
Barr Footer: ArcGIS 10.3, 2015-06-04 11:22 File: I:\Client\VBW\District\Work\_Orders\2014\2014\_Clean\_Water\_Fund\_Grant\Figure1\_Watersheds\_CUPA-application\_06122015.mxd User: jak2

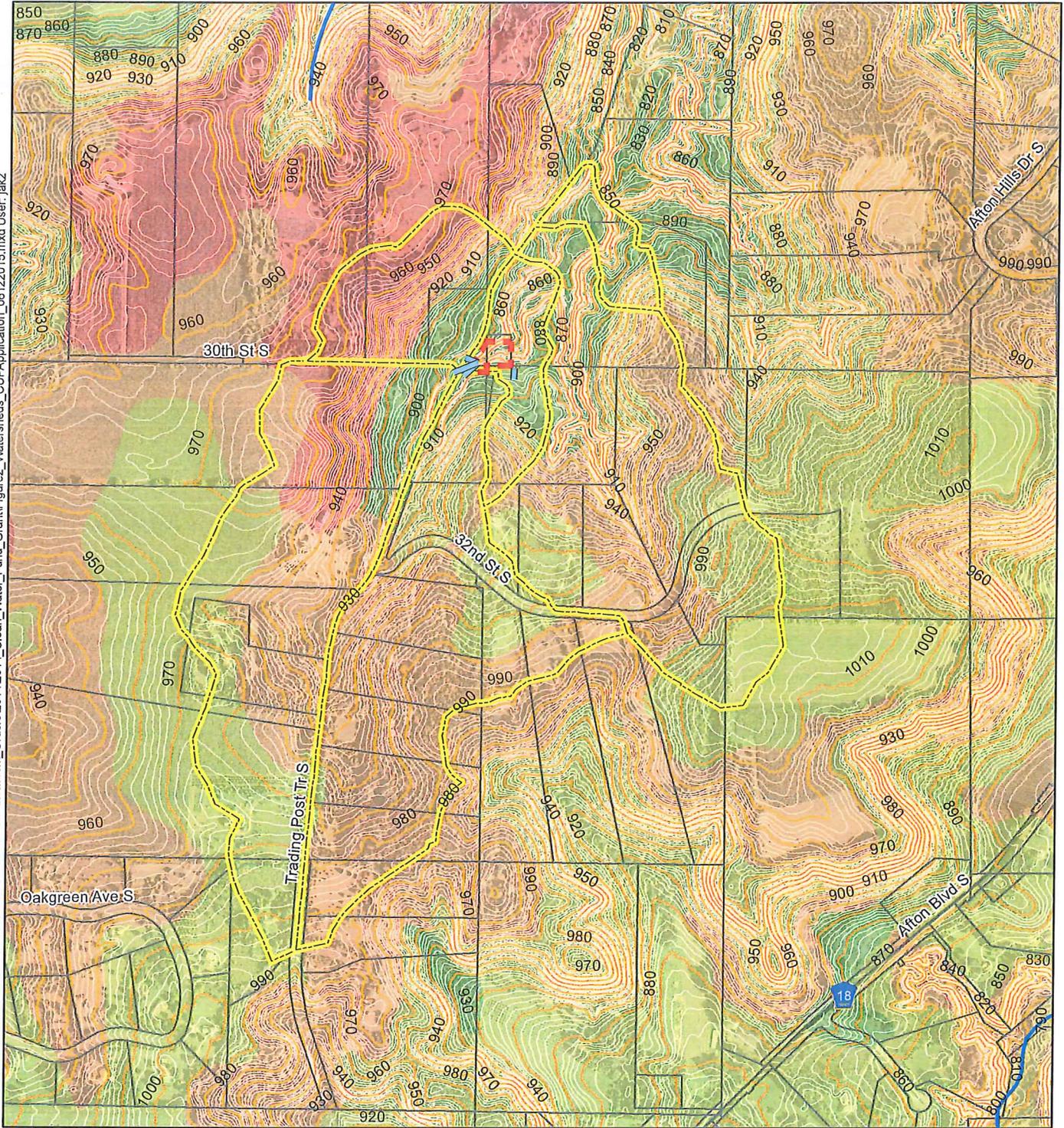


-  Existing Culverts
-  Public Water Inventory Watercourses
-  Landucci/Ravine2 Easement
-  Subwatersheds
- Contours**
-  10-Foot Contour
-  2-Foot Contour
-  Washington County Parcels

- Hydrologic Soil Group**
-  A
  -  A/D
  -  B
  -  B/D
  -  C
  -  C/D
  -  D

**FIGURE 1**  
 Watersheds to Ravine 2 on Landucci Property  
 Valley Branch Watershed District  
 Afton, MN



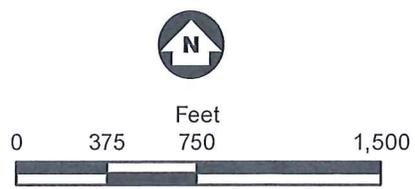


-  Existing Culverts
  -  Public Water Inventory Watercourses
  -  30th and Trading Post Easement
  -  Subwatersheds
  -  Washington County Parcels
- Contours**
-  10-Foot Contour
  -  2-Foot Contour

**Hydrologic Soil Group**

|   |     |
|---|-----|
|  | A   |
|  | A/D |
|  | B   |
|  | B/D |
|  | C   |
|  | C/D |
|  | D   |

**FIGURE 2**  
 Watersheds to 30th Ave & Trading Post Trail  
 Valley Branch Watershed District  
 Afton, MN



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3180 TRADING POST TRL S  
AFTON MN 55001

JAMES L WRIGHT &  
JEANNE M DONAHER  
3255 TRADING POST TRL S  
AFTON MN 55001

RIVER VALLEY RIDERS  
8362 TAMARACK VILLAGE  
WOODBURY MN 55125

DONNA L HANSON  
13277 VALLEY CREEK TRL S  
AFTON MN 55001

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

DENNIS M LEAHY  
3616 NORSTED AVE S  
AFTON MN 55001

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

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3065 NYBECK AVE S  
AFTON MN 55001

KENNETH H & KATHLEEN KONRAD  
13150 VALLEY CREEK TRL S  
AFTON MN 55001

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

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1261 DONEGAL ALCOVE  
WOODBURY MN 55125

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13230 20TH STREET CT N  
STILLWATER MN 55082

MICHAEL J & JANE M HARTIGAN  
14480 32ND ST S  
AFTON MN 55001

SANDRA J & MARY A LAMBERT  
1980 NEAL AVE S  
AFTON MN 55001

KURT A & LINDA A STEPHAN  
2771 TRADING POST TRL S  
AFTON MN 55001

JOHN J & JENNIFER HANNAHAN  
14515 32ND ST S  
AFTON MN 55001

JAMES D FLINSCH SR  
3346 TRADING POST TRL S  
AFTON MN 55001

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13230 20TH STREET CT N  
STILLWATER MN 55082

CAROL ANN FRITSCHÉ  
11306 32ND ST N  
LAKE ELMO MN 55042

ERIC & LAURA BURGER  
2115 NEAL AVE S  
AFTON MN 55001

JONATHAN C & RACHEL J VAN WYK  
14560 32ND ST S  
AFTON MN 55001

LANDUCCI HOMES INC  
13230 20TH STREET CT N  
STILLWATER MN 55082

NANCE L MANN  
9684 WELLINGTON CT  
WOODBURY MN 55125

JAMES H WAY & KATHLEEN M THOMAS  
13736 VALLEY CREEK TRL S  
AFTON MN 55001

RANDOLPH LOFGREN  
272 DEER PATH CT  
STILLWATER MN 55082

KENNETH H & KATHLEEN KONRAD  
13150 VALLEY CREEK TRL S  
AFTON MN 55001

THOMAS L & LISA R STAPLES  
14040 30TH ST S  
AFTON MN 55001

KIMBERLY DWYER  
3233 NYBECK AVE S  
AFTON MN 55001

NORMAN F & HELEN C LEE  
14460 30TH ST S  
AFTON MN 55001

ROGER E & SHARON M GROTH  
12431 22ND ST S  
AFTON MN 55001

HIGHVIEW AFTON LLC  
PO BOX 439  
RIVER FALLS WI 54022

THOMAS L & LISA R STAPLES  
14040 30TH ST S  
AFTON MN 55001

GARY L & LENORE G SCANLON  
13726 VALLEY CREEK TRL  
AFTON MN 55001

LANDUCCI HOMES INC  
13230 20TH STREET CT N  
STILLWATER MN 55082

HAIWEI DU  
8565 TIMBERWOOD RD  
WOODBURY MN 55125

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

EMMA L FRITSCHÉ  
13681 15TH ST S  
AFTON MN 55001

JENNIFER KONRAD & TERREL BACKES  
2333 NEAL AVE S  
AFTON MN 55001

LANDUCCI HOMES INC  
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STILLWATER MN 55082

JOHN R DALEY  
325 ST ANNES PKWY  
HUDSON WI 54016

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13277 VALLEY CREEK TRL S  
AFTON MN 55001

DONALD P & MARY A LACHO  
13676 VALLEY CRK TRL S  
AFTON MN 55001

MELVIN D & CORA M DORSEY  
2134 NEAL AVE S  
AFTON MN 55001

JEFF & DONNA CAMPBELL  
12740 22ND ST S  
AFTON MN 55001

DARLENE D MOYNAGH  
13506 VALLEY CREEK TRL S  
AFTON MN 55001

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

MARK RISBERG & SARA MABIE  
3131 NYBECK AVE S  
AFTON MN 55001

MICHAEL V & TRUDY A BERGGREN  
13645 VALLEY CREEK TRL S  
AFTON MN 55001

THEODORE J & CHRISTINE N HALAND  
2088 NEAL AVE S  
AFTON MN 55001

DONNA L HANSON  
13277 VALLEY CREEK TRL S  
AFTON MN 55001

MONICA M TAYLOR  
12999 22ND ST  
AFTON MN 55001

LORI SIREK  
272 DEER PATH CT  
STILLWATER MN 55082

PATRICK B & MAI YANG MOUA  
1916 OAKGREEN AVE S  
AFTON MN 55001

JEFFREY S BROWER &  
DONNA M DALTON  
13258 VALLEY CRK TRL  
AFTON MN 55001

LUCILLE BURGER  
2149 NEAL AVE S  
AFTON MN 55001

BRION L HYBERTSON &  
STACY L SURRATT  
13710 VALLEY CREEK TRL S  
AFTON MN 55001

JAMES L WRIGHT &  
JEANNE M DONAHER  
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Afton, MN 55001

# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 30, 2015  
Re: Larry Best/Chrome-X, LLC Sketch Plan Review Application for Luxury Storage Garages at 13900 Hudson Road – **Public Hearing**

---

### Attachments

Sketch Plan Application  
Property survey  
Property aerial photo with topography  
List of properties within 500 feet  
Property location map  
SUP resolution and minutes from similar 2004 application

### Background

The applicant is proposing to build a set of luxury storage garages on the property at 13900 Hudson Road. The proposal includes six storage unit buildings, each with sixteen garages. It also includes a community building. The individual garages are proposed to be sold to individual owners through a condominium ownership structure. A similar use was proposed in 2004. The proposal was approved with a Special Use Permit (now called a Conditional Use Permit) but was never built. A copy of the Special Use Permit and related meeting minutes are attached. The proposed general use – enclosed storage as a principal use - is allowed as a conditional use. However, a number of elements of the proposed use are unique and different from common enclosed storage uses. For example, each garage is to be separately owned, and the interior of each garage will be custom-improved by the owner. This could include an area for storage, display and minor maintenance of a vehicle; as well as other customized improvements and furnishings.

Because the proposal involves multiple buildings on one lot, and also involves a condominium ownership structure, it has some similarities to a subdivision/planned unit development. As indicated above, the previous similar proposal was reviewed as a Special Use Permit (Conditional Use Permit), with an initial sketch plan review. The applicant has applied for a sketch plan review to obtain feedback from the Planning Commission regarding the proposal prior to moving forward with detailed plans. Due to confusion regarding the type of application needed, the applicant submitted a design review application rather than a sketch plan review application. A signed sketch plan review application will be provided at the Planning Commission meeting.

This is an opportunity for the Planning Commission to ask questions about the use, the layout of the buildings on the lot, the grading and drainage plan, etc, and provide feedback regarding the use and to guide the detailed planning that would be reflected in a CUP application. During the review process for the 2004 SUP application, the following areas of questions and concerns were raised. These can guide the Commission in its review of the proposal.

- Hours of operation
- Bathroom facilities and septic
- Noise
- Number of units
- Storm water management
- Common building – meeting space, bathrooms, used oil recycling, vehicle wash area
- Hazardous materials - floor drains, holding tanks and pumping
- Concern that people will live in the units or store a motor home and live in it
- Traffic
- Adequate parking
- Landscaping/screening
- Lighting
- Car wash facility – is it allowed and how is the wastewater disposed of?
- On-going monitoring and enforcement of conditions
- Is the proposed use properly defined as “Enclosed storage as a principal use”?

**PLANNING COMMISSION DIRECTION REQUESTED:**

**Motion to provide feedback regarding the Larry Best/Chrome-X, LLC Sketch Plan Review Application for Luxury Storage Garages at 13900 Hudson Road.**

Chrome-X, LLC is very excited to be working with the city of Afton to build our new facility, and to be a positive and contributing part of the community.

Chrome-X is a luxury storage facility, which focuses on individuals that need additional storage, and want a high end luxurious storage unit for any thing from collections to collector/performance cars. A minimum build out requirement will be in place to ensure that the units are all luxury. While some owners will use their storage units to display their cars, no restoration, body or major mechanic work will be permitted. The owners are not required to have any type motorized item in their unit.

The facility will be a beautifully landscaped, gated facility, with a show place look. Inside, it will have a court yard community feel, consisting of six buildings around the perimeter and a common building in the center. The six buildings will be built in phases, and the common building is planned out to be build, in year two. Each of the storage building will contain 16 storage units that will be individually owned. This allows them the opportunity to design the inside under separated permits to their needs and make it as luxurious as they would like. The owners will also pay a monthly fee for maintaining the facility to a high standard.

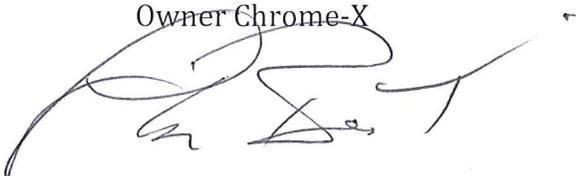
Luxury storage facilities have been very popular over the last 10 years, with approximately 20 facilities in 12 states; include a similar facility in the Twin Cities area. They have all been very successful and typically sell out quickly, with very little turnover.

We feel that this will be a big asset to the Afton community. Bringing in individuals to the community that take pride in their luxury storage units, which will bring additional tax dollars to the city. Throughout the year, Chrome-X and it's owners are excited to promote and give back to the community by charity benefits.

Chrome-X, will be going to great lengths to be well respected in the community. By having strict safety and security policies in place, as well a covenants in place to ensure we operate well within city ordinances or it's intended use.

We look forward to working with you on our application and becoming a part of Afton.

Sincerely,  
Larry Best  
Owner Chrome-X



RECEIVED

JUN 22 2015

CITY OF AFTON

**CITY OF AFTON  
SKETCH AND PRELIMINARY PLAT FOR  
MAJOR SUBDIVISION APPLICATION**

|   |                          |                           |       |                      |                  |
|---|--------------------------|---------------------------|-------|----------------------|------------------|
| Owner   | Address                  | City                      | State | Zip                  | Phone            |
| Chrome-X LLC  | P.O. box 221             | Afton                     | MN    | 55001                | 651-402-8600     |
| Applicant<br>(if different than owner)  | Address                  | City                      | State | Zip                  | Phone            |
| Larry Best  |                          |                           |       |                      |                  |
| Project Address   |                          |                           |       |                      |                  |
| 13900 Hudson Roads  |                          | AFTON                     | MN    | 55001                |                  |
| Zoning Classification   | Existing Use of Property | PID# or Legal Description |       |                      |                  |
| I-1B  | open land                |                           |       |                      |                  |
| Description of Request  |                          |                           |       |                      |                  |
| storage use permit to develop a luxury storage garages,<br>Built in phases.   |                          |                           |       |                      |                  |
| <b>By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton.</b>   |                          |                           |       |                      |                  |
| 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             |
| Make checks payable to: <b>City of Afton</b>  |                          |                           |       |                      |                  |
| <b><u>FEES: (Major Subdivision)</u></b>   |                          | <b><u>DEPOSITS:</u></b>   |       | <b><u>TOTAL:</u></b> |                  |
| 0-5ac   | \$500 + \$100/lot        | \$2,500                   |       |                      |                  |
| 6-40ac  | \$1,000 + \$100/lot      | \$5,000                   |       |                      |                  |
| 41-80ac   | \$2,000 + \$100/lot      | \$7,500                   |       |                      |                  |
| 81+acres  | \$5,000 + \$100/lot      | \$10,000                  |       |                      |                  |
| Other   | \$250                    | \$600                     |       |                      | \$850 RJM        |
|   |                          |                           |       |                      | DATE PAID: _____ |
|   |                          |                           |       |                      | CHECK #: _____   |
|   |                          |                           |       |                      | RECVD. BY: _____ |
| <b>ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION</b>   |                          |                           |       |                      |                  |

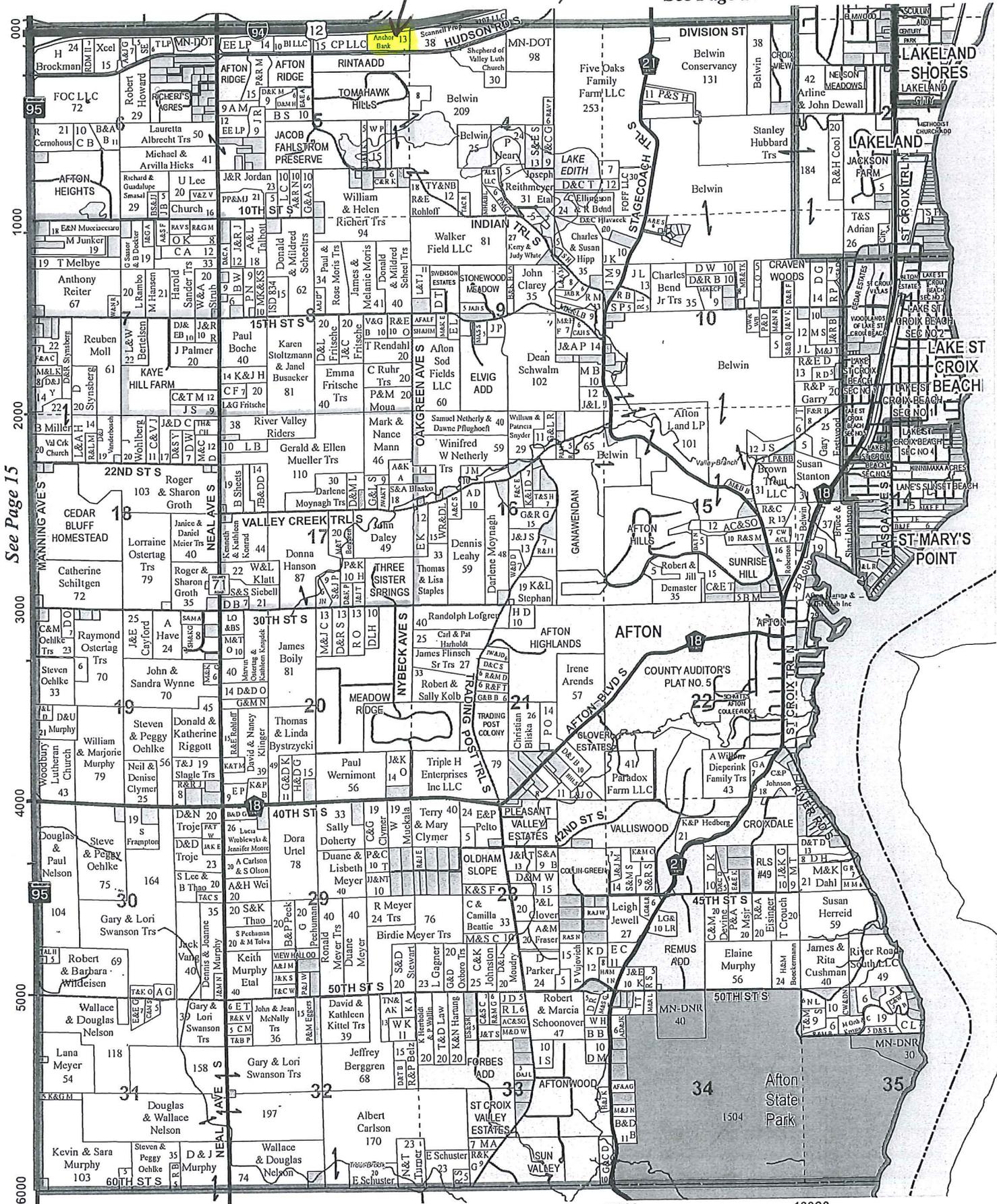
# Cities of Afton, St. Marys Point, Lakeland, Lake St. Croix Beach & Lakeland Shores

*subject Property*



T.28

See Page 14



See Page 15

See Page 19

**Consideration of SUP for Applicant Jim Zeller, to Erect a Commercial Storage Facility Along Hudson Road, in the Industrial District**

Planner Glomski reviewed the request with Council and indicated that the use should be warehousing rather than garage storage, any issues with regard to noise will be governed under the City's noise ordinance, and the ribbon curb proposed by the applicant is appropriate for the site based on the comments of the City Engineer.

Planner Glomski indicated that Staff recommends approval of this application subject to the conditions in the City Engineer's November 1, 2004 memo, any conditions that have not been met from the September 1, 2004 Planner's memo, and any additional conditions brought forth at the November Planning Commission meeting.

Council Member Mucciacciaro questioned what enforcement power the Association would have for handling issues with the units.

Kevin Foley of Trading Post Trail indicated that he has heard that the neighbors are worried about either a motorcycle or snowmobile club jointly purchasing something and that becomes the meeting and departure point causing traffic issues for the neighborhood.

Planning Chair Power indicated that Mr. Zeller responded by stating that the Homeowner's Association would come up with a set of covenants outlining what is allowed and what is not.

Mr. Zeller indicated that Staff was provided with a copy of the By-laws and covenants.

City Administrator Berg indicated that the noise ordinance would govern issues with revving up engines.

**MOTION/SECOND: Devine/Mucciacciaro. To Approve Resolution 2004-53, a Resolution Approving the Request for a Special Use Permit for a Warehouse Use in the Industrial District that Exceeds 25% Impervious Surface Based on a Finding that the Proposed Use is Consistent with the Intent of the Industrial District and has met the Requirements for Exceeding 25% Impervious Surface as Described in the Zoning Ordinance, Subject to the Following Conditions as Amended:**

- A. The Applicant must comply with comments of the City Engineer's November 1, 2004 memo;**
- B. The Applicant must comply with any suggestions by the Valley Branch Watershed District and receive any needed permits;**
- C. All bituminous areas within the site must have a continuous perimeter ribbon barrier;**
- D. Final building elevation plans identifying façade material that meet the architectural standards described in Section 12-143 are to be submitted and reviewed by Staff;**
- E. The construction material and design of the buildings must be approved by the Design Review Committee;**

- F. A revised landscape plan is to be submitted showing the type and number of landscaping to be used consistent with the requirements of Sections 12-191 and 12-192;**
- G. The Applicant must submit a fence detail including the height and type of fence to be utilized consistent with the requirements of Section 12-190;**
- H. All lighting on the site must meet the requirements of Section 12-195 of the City Code of Afton;**
- I. The Applicant is to submit a detailed signage plan for the two proposed signs that meet the requirements of Section 12-210 of the Zoning Ordinance;**
- J. The final grading, drainage, and erosion plan is subject to the review and approval of the City Engineer;**
- K. A park dedication fee of \$19,380 is to be paid prior to final City approval;**
- L. The covenants for the site are to be reviewed by City Staff;**
- M. A member of the community or City Staff appointed by the City Council is to be an advisory board member at the project's Association meetings;**
- N. The drainfield and septic is to be reviewed and approved by Washington County;**
- O. The holding tank plan is to be reviewed by the MPCA or any other applicable organization;**
- P. The SUP will be reviewed annually by the City.**

**ROLL CALL: Mucciacciaro/Nolz/Meyer/Devine**

**\*\*\*\*\* Ayes – 4 Nays – 0 Motion carried.**

**RESOLUTION 2004 –53**

**CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION APPROVING A SPECIAL USE PERMIT ALLOWING FOR ENCLOSED STORAGE AS A PRINCIPAL USE IN THE INDUSTRIAL DISTRICT VIA THE CONSTRUCTION OF 8 CONDOMINIUM STORAGE BUILDINGS AND ONE COMMON BUILDING ON A 13.22 ACRE SITE ON PARCEL B OF THE REMMELE MINOR SUBDIVISION IN THE CITY OF AFTON**

- WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS,** Mr. James Zeller submitted an application to the City for a special use permit to allow for enclosed storage as a principal use in the industrial district; and
- WHEREAS,** Mr. Zeller is proposing a nine building, 100 unit, condominium storage use to be known as the Grand Garages; and
- WHEREAS,** the Planning Commission held a Public Hearing on November 8, 2004 and recommended approval of the Special Use Permit by a 5 – 2 vote, subject to the following conditions:
- a. The applicant must comply with the conditions of the City Engineers memo dated November 1, 2004.
  - b. The applicant must receive any required permits and comply with any suggestions of the Valley Branch Watershed District.
  - c. All bituminous areas within the site must have a continuous perimeter ribbon barrier.
  - d. Final building elevation plans identifying façade material that meet the architectural standards described in Section 12-143 is to be submitted and reviewed by City Staff.
  - e. Final construction material and building designs are to be reviewed and approved by the design review committee.
  - f. A revised landscape plan is to be submitted showing the type and number of landscaping to be used consistent with the requirements of sections 12-191 and 12-192.
  - g. The applicant must submit a fence detail including the height and type of fence to be utilized consistent with the requirements of Section 12-190.
  - h. All lighting on the site must meet the requirements of section 12-195 of the Afton Zoning Ordinance.
  - i. The applicant is to submit a detailed signage plan for the two proposed signs that meet the requirements of section 12-210 of the Zoning Ordinance.
  - j. The final grading, drainage and erosion plans are subject to the review and approval of the City Engineer.

**RESOLUTION 2004-53**

- k. A park dedication fee of 19,380 dollars is to be paid prior to final City approval.
- l. Covenants for the site are to be reviewed by City Staff.
- m. A member of the community or City Staff is to be an advisory board member at the annual Grand Garages association meetings.
- n. Drainfield site and septic plans are to be reviewed and approved by Washington County.
- o. The holding tank plan is to be reviewed by the MPCA or any other applicable organization.
- p. The SUP will be reviewed annually by the City.

**WHEREAS,** the City Council considered all of the comments, concerns and recommendations of the Planning Commission, the neighboring property owners and the applicants at their regularly scheduled Council meeting on November 16, 2004, and;

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Afton hereby approves the Special Use Permit as requested by the applicant allowing enclosed storage as a principal use in the industrial district via the construction of eight condominium storage units and one common building as shown in the plans dated November 4, 2004, based on a finding that the use is consistent with that which is allowed in the industrial district and the project meets the requirements of the zoning ordinance, subject to the following conditions:

**CONDITIONS:**

- a. The applicant must comply with the conditions of the City Engineers memo dated November 1, 2004.
- b. The applicant must receive any required permits and comply with any suggestions of the Valley Branch Watershed District.
- c. All bituminous areas within the site must have a continuous perimeter ribbon barrier.
- d. Final building elevation plans identifying façade material that meet the architectural standards described in Section 12-143 is to be submitted and reviewed by City Staff.
- e. Final construction material and building designs are to be reviewed and approved by the design review committee.
- f. A revised landscape plan is to be submitted showing the type and number of landscaping to be used consistent with the requirements of sections 12-191 and 12-192.
- g. The applicant must submit a fence detail including the height and type of fence to be utilized consistent with the requirements of Section 12-190.
- h. All lighting on the site must meet the requirements of section 12-195 of the Afton Zoning Ordinance.
- i. The applicant is to submit a detailed signage plan for the two proposed signs that meet the requirements of section 12-210 of the Zoning Ordinance.
- j. The final grading, drainage and erosion plans are subject to the review and approval of the City Engineer.
- k. A park dedication fee of 19,380 dollars is to be paid prior to final City approval.
- l. Covenants for the site are to be reviewed by City Staff.
- m. A member of the community or City Staff appointed by the City Council is

**RESOLUTION 2004-53**

- to be an advisory board member at the Grand Garages association meetings.
- n.** Drainfield site and septic plans are to be reviewed and approved by Washington County.
  - o.** The holding tank plan is to be reviewed by the MPCA or any other applicable organization.
  - p.** The SUP will be reviewed annually by the City.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 16<sup>th</sup> DAY OF NOVEMBER, 2004.**

**SIGNED:**

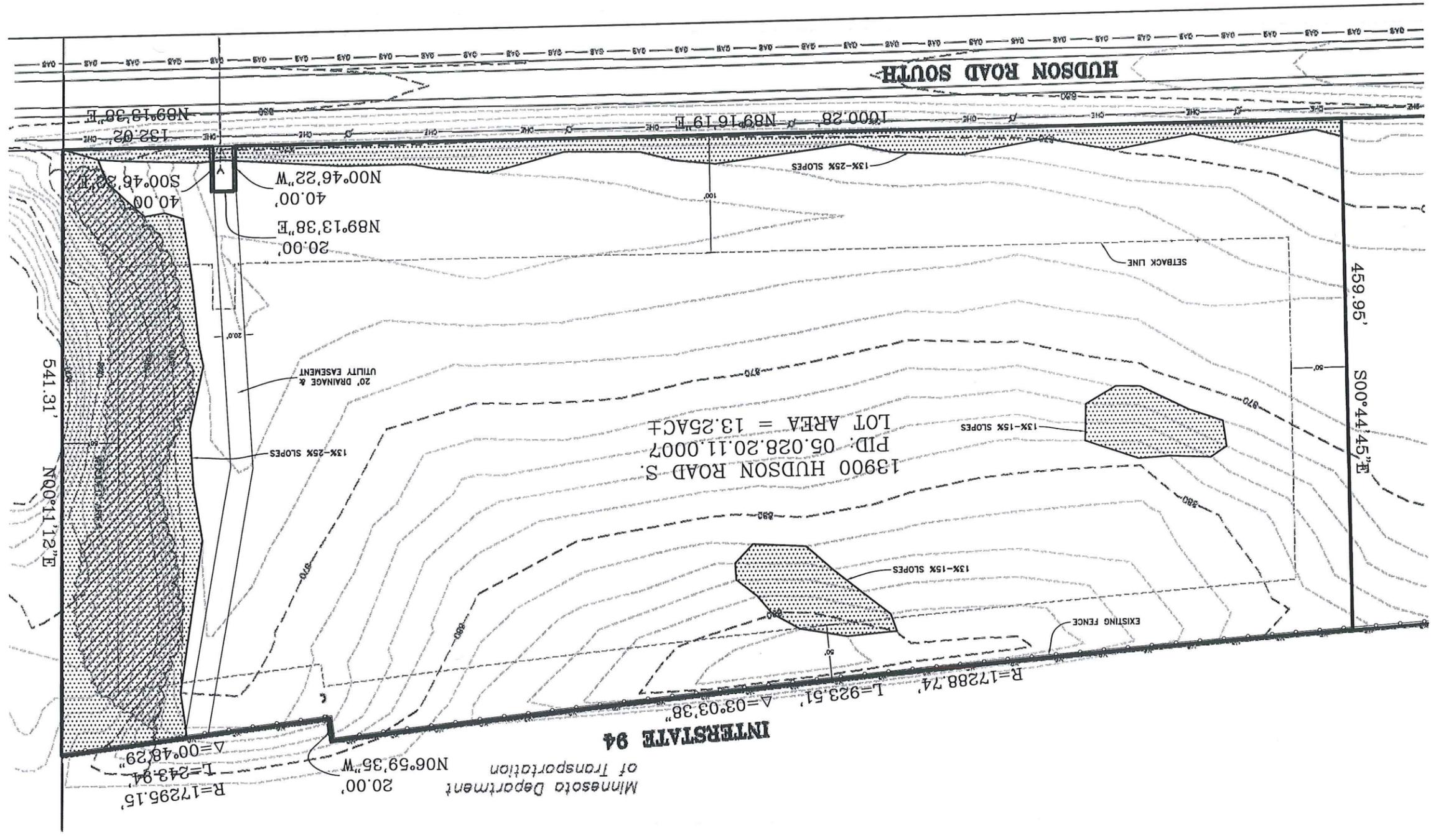
\_\_\_\_\_  
Charlie Devine, Mayor

**ATTEST:**

\_\_\_\_\_  
Mitch Berg, City Administrator

Motion By: Devine  
Second By: Mucciacciaro  
Mucciacciaro: Yes  
Meyer: Yes  
Noltz: Yes  
Kollmer: Absent  
Devine: Yes

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JUN 22 2015  
CITY OF AFTON



**REVIEW PLAN**  
NOT FOR CONSTRUCTION

SHEET  
C1  
OF 3 SHEETS

AFTON LUXURY STORAGE UNITS  
for:  
AFTON, MINNESOTA  
CHROME-X, LLC

EXISTING  
CONDITIONS

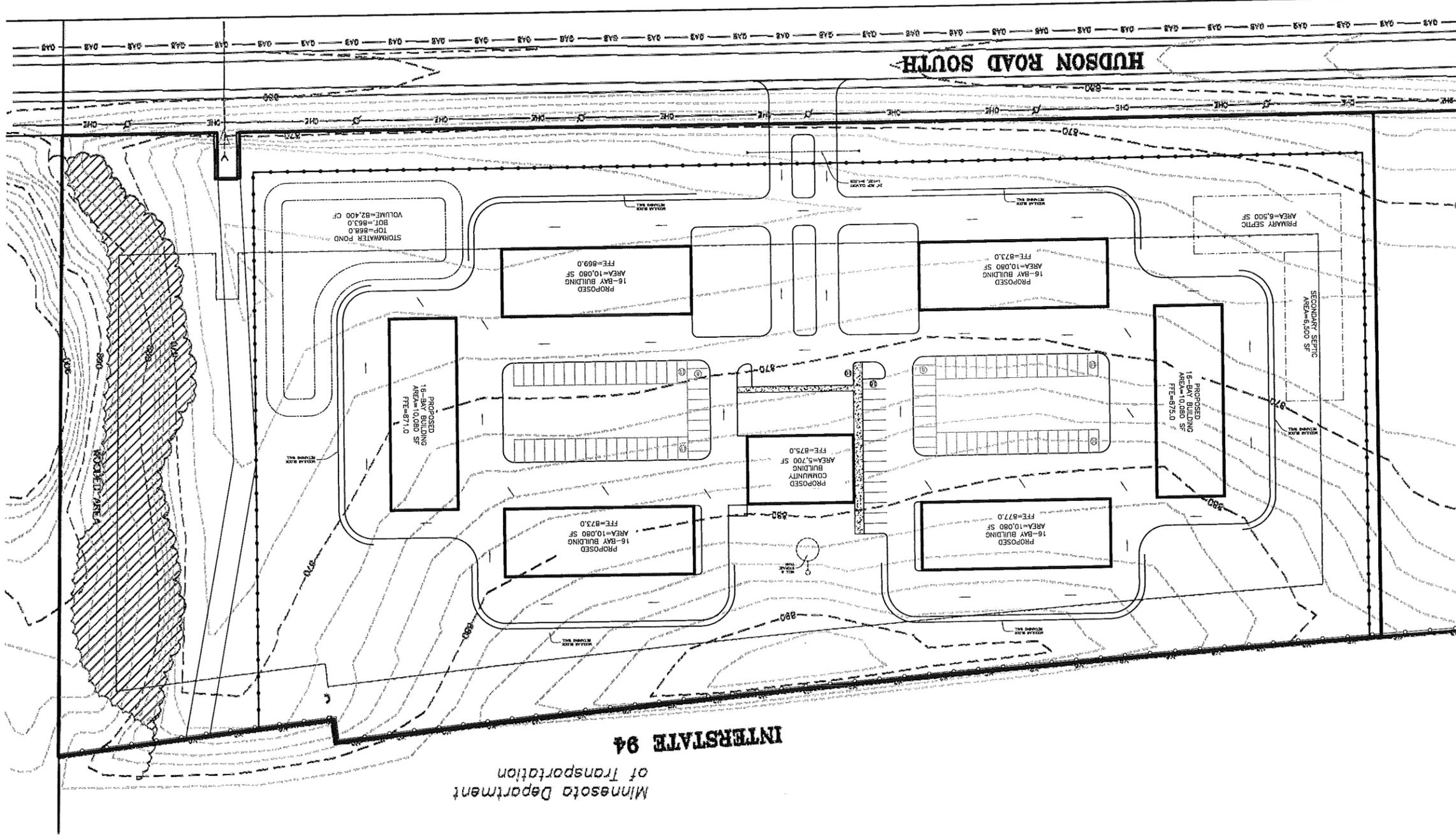
REVISIONS

**STARK**  
ENGINEERING

www.starkengineering.com  
320-248-2611  
Sauk Rapids, Minnesota



Minnesota Department  
of Transportation  
INTERSTATE 94



- NOTES:**
1. ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL ONLY CONTRACTOR SHALL CONFIRM ALL LOCATIONS AND CONTACT GOPHER STATE ONE-CALL.
  2. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF AFTON, AND THE LATEST EDITION OF MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
  3. THE FOLLOWING SEQUENCE SHALL BE USED FOR EROSION AND EROSION CONTROL DURING THE SITE DEVELOPMENT PROCESS:
    - A. INSTALL SILT FENCE, ROCK CONSTRUCTION ENTRANCE, AND ROCK LOGS AS SHOWN ON THE PLANS.
    - B. PERFORM GRADING, EXCAVATION AND EMBANKMENT MULCH ALL DISTURBED AREAS OUTSIDE OF PAVEMENT BUILDING AREAS WITHIN 72 HOURS OF THIS WORK.
    - C. INSTALL CONCRETE CURBS AND BITUMINOUS PAVEMENT BACKFILL BEHIND CURBS AND RESTORE GREEN AREAS PER LANDSCAPE PLAN.
    - D. INSPECT EROSION AND SEDIMENT CONTROL DEVICES AFTER EVERY 1/4" RAINFALL EVENT, CLEAN AND MAINTAIN THESE DEVICES AS NEEDED.
    - E. INSPECT EROSION AND SEDIMENT CONTROL DEVICES PER LANDSCAPE PLAN.
  4. CONTRACTOR SHALL MAINTAIN ALL ADJACENT STREETS, KEEPING THEM CLEAN AND SWEEP OF DIRT AND DEBRIS DURING CONSTRUCTION.

SCALE: 1"=100'



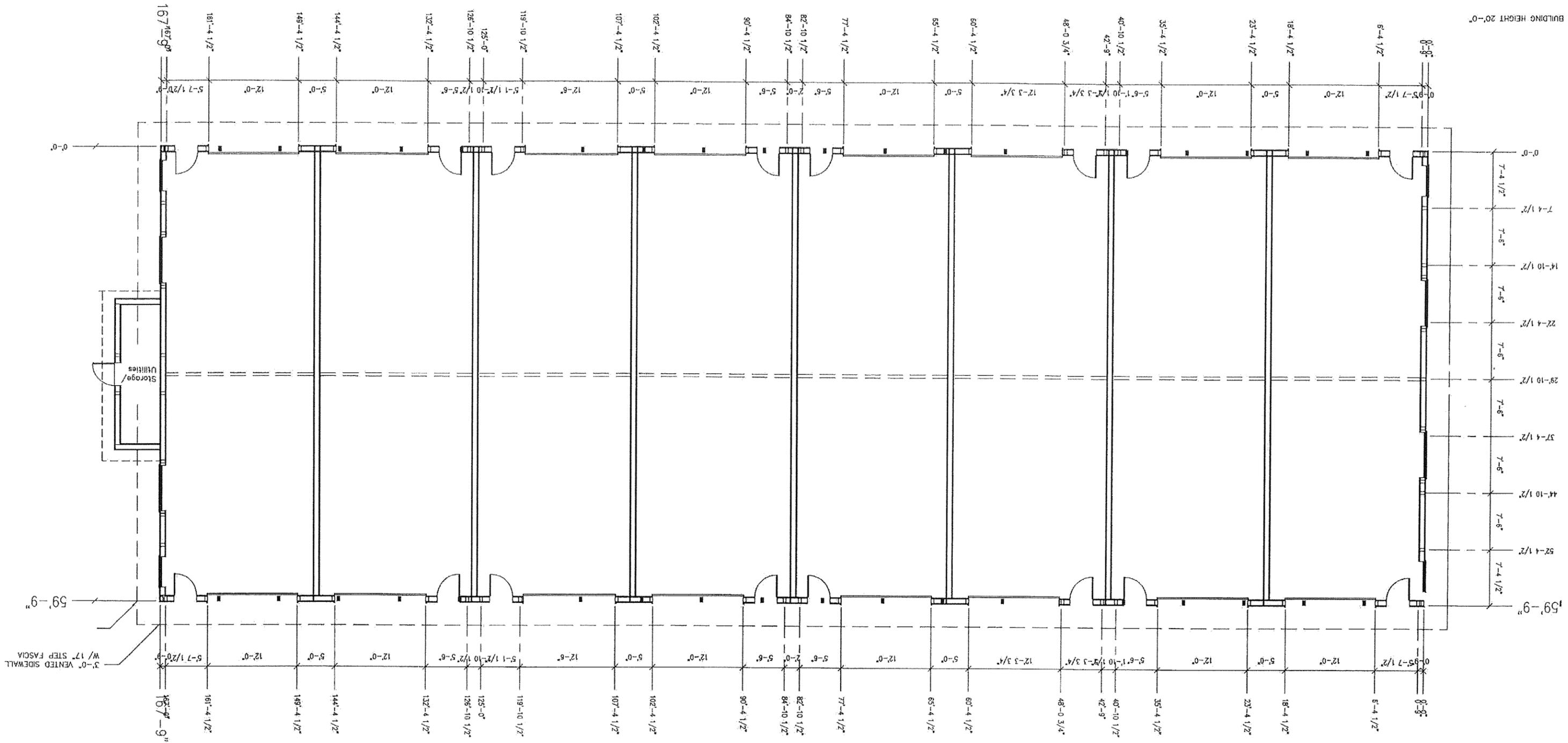
**REVIEW PLAN**  
NOT FOR CONSTRUCTION

SHEET 03 OF 3 SHEETS  
AFTON LUXURY STORAGE UNITS  
for:  
AFTON, MINNESOTA  
CHROME-X, LLC

GRADING PLAN

REVISIONS

STARK ENGINEERING  
www.starkengineer.com  
320-249-2611  
Stark, Rapid, Minnesota



# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 30, 2015  
Re: Sewer Ordinance Amendment – **Public Hearing**

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### **Background**

At the June 1, 2015 Planning Commission meeting, a draft sewer ordinance amendment was presented and reviewed. The Planning Commission provided substantial feedback, and the feedback has been reflected in the attached sewer ordinance amendment. A public hearing has been noticed for the ordinance amendment. Breanne Rothstein, of WSB, will attend the Commission meeting to address any additional questions or concerns regarding the ordinance.

A question raised by the Commission was whether prohibiting hot tub and pool water from being discharged into the sanitary sewer system would effectively prohibit hot tubs and pools in the Old Village. Ms. Rothstein has indicated her understanding is that the hot tub and pool water can be discharged to a yard or a stormwater system. The main reason to prohibit hot tub and pool water from the sanitary sewer system is the volume of water. She will follow-up to confirm her understanding prior to the Commission meeting.

### **PLANNING COMMISSION RECOMMENDATION REQUESTED:**

**Motion regarding a recommendation concerning the sewer ordinance amendment.**

**ARTICLE II ZONING**

**DIVISION 2 ADMINISTRATION**

**Sec. 12-83. Septic permits.<sup>58</sup>**

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. In the Historic Village Septic Treatment Service Area, no new permits will be issued for Individual Septic Treatment System. 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.
- 5. Upon sale of transfer of the property.

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. SEWAGE<sup>1</sup>**

**DIVISION 1. GENERALLY**

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

**DIVISION 2. SEWER USE<sup>2</sup>**

**Subdivision I. Generally**

<sup>1</sup>Cross references—Zoning and water supply sanitary requirements for shoreline management, § 12-401 et seq.; Lower St. Croix River management requirements or 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.

<sup>2</sup>Cross references—Septic permits regarding zoning, § 12-83; sewers and subdivisions, § 12-1428.

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*Industrial wastes* means the solid, liquid, or gaseous waste resulting from industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.

*Industry* means any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, categorized in Divisions A, B, D, E and I.

*Large Subsurface Sewage Treatment System (LSTS)* means a subsurface collection and 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.

*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-solids TSS, and 50 mg per liter FOG & G.

*O&G (also known as FOG)* means oil and grease (or fat, oil and 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, false known as FOG or fat, oil and grease.

*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.

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*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-commercial wastes and dispose of the effluent by means of Treatment System.

(Ord 08-2010, § 12-1952, 9/21/10)

**Sec. 12-1952. Connection to Individual Subsurface Septic Treatment System (ISTS).**

- A. All improved properties not located in the Historic Village Sewage Treatment Service Area shall be connected to a compliant ISTS, per Minnesota Rules.

**Sec. 12-1953. Applicability. Connection to Large Subsurface Treatment System (LSTS).**

A. 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 community sewage treatment system approved under the authority of the City.

- A. The sewer permit fee and sewer connection charges shall be established by the City, as outlined in the City's fee schedule.

- B. 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.

- B-C. All properties located in the HVSTSA shall be connected to the LSTS no later than December 31, 2024.

- A-D. 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.

- E. 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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~~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.~~

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**Sec. 12-1954. Inspections.**

~~Inspections of ISTS or connections to LSTS as required to determine compliance with this article shall be performed by the City Administrator or his/her 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/her 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. 12-1954. Enforcement**

- ~~A. The City Administrator and his/her agent City Clerk/Zoning Administrator shall be responsible for administration and enforcement of this article.~~
- ~~B.A. The City Administrator, Clerk/Zoning Administrator or his/her agent shall be qualified and certified by the MPCA as competent in the design, evaluation and inspection of ISTS and connections to LSTS, individual on-site sewage treatment systems and, and shall carry a current individual sewage treatment system certificate and a current class CD operators certificate.~~

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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 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.

~~C.B.~~ 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.

~~D.C.~~ 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.

~~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.

~~E.~~

~~B. 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.~~

~~F.C.~~ 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.

~~G.D.~~ 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.

~~H.E.~~ 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.

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 National Pollutant Discharge Elimination System (NPDES) SDS permit.

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

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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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~~A. It shall be unlawful for any person to connect a building sewer to any public sewerage 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 sewerage treatment system being considered. No new construction will be permitted to connect for two years following start up of each public sewerage 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 sewerage treatment system located in the HVSTSA, a new connection may shall be permitted if capacity is available in all components of the public sewerage treatment system.~~

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~~B. New connections to any current or future the public sewerage treatment systems will be permitted for new construction if capacity is available in the particular public sewerage 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 sewerage 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.~~

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~~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.~~

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~~2.  
3. There shall be two classes of building sewer permits:~~

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- ~~a. For residential and commercial service; and  
b. For service to establishments producing industrial wastes.~~

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~~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.~~

**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?

~~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.~~

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~~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.

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.

A-B. ~~No person shall connect a sump pump to the LSTS. Unlawful connections shall be subject to penalty, per city's fee schedule.~~

B-C. ~~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-D. 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.

**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

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 affect<sup>4</sup> 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 LSTSan~~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 ~~sewer~~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 ~~540~~ 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 to discharge. FOG must be intercepted prior to discharge.
  - ~~3.~~ 3-4. Chemically treated hot tub and all pool water; floor drains from garages. 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.
  - ~~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 LSTSp~~ublic~~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.

<sup>4</sup> Amendment 02-2009, 4/21/2009

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 Systems<sup>5</sup>

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

Sec. 12-2006. Reserved.<sup>6</sup>

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

#### Subdivision IV. Maintenance

Secs. 12-2041 – 12-2044. Reserved.<sup>7</sup>

Secs. 12-2045 -- 12-2075. Reserved.<sup>8</sup>

### DIVISION 3. SEWAGE TREATMENT<sup>9</sup>

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

### DIVISION 4. WASTEWATER SERVICE CHARGE SYSTEM

#### Subdivision I. Charges Established.

1. Sewer Utility Charge. The City of Afton hereby establishes a Wastewater Service Sewer Utility Charge System whereby revenue collected from users of the LSTS wastewater treatment facilities will be used to offset all expenditures incurred for administration, annual operation and maintenance and equipment replacement.
2. Sewer Connection Charge. The City of Afton hereby establishes a Sewer Connection Charge whereby a one-time connection fee will be collected from new properties to cover the costs related to capital investments in the LSTS. New properties shall include any properties connected to the LSTS that were not originally assessed for the construction, including those newly created lots through lot split or subdivision.

#### 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. Residential User

B.A. 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 Administrator or his/her agent City Clerk/Zoning Administrator or his agent will have a value of sixty percent (60%) of an equivalent year round unit.

<sup>6</sup>Ord 08-2010, § 12-2006, 9/21/2010

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

<sup>8</sup>Ord 1997-9, 1/13/98

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

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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 to residential parcels:~~

| Sewage Flows    |                 | ERUs |     |
|-----------------|-----------------|------|-----|
| No. of Bedrooms | in gal. per day |      |     |
| 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 EU 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.A. ~~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's<sup>10</sup> property.~~

C.B. ~~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 or wastewater meters within the HVSTSA 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.~~

**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. At the beginning of each calendar year, the city will update its user charge rates as part of the city Fee Schedule approval.~~

**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.

<sup>10</sup> Amendment 02-2009, 4/21/2009

**Commented [MP6]:** 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/document may want to define what this is.

**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:

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

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

Commented [DH7]: Semi-annual fee?

**Sec. 12-2213. ~~Semi-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.

**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, ~~prior to 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 Subdivision.
- 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 the<sup>11</sup> 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

<sup>11</sup> Amendment 02-2009, 4/21/2009

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 [set forth in the City's Fee Schedule 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.**

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# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 30, 2015  
Re: Bill Scheel Application for Subdivision at 13404 15th Street and the property with PID 08.028.20.14.0001

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### Attachments

Surveys showing the existing and subdivided parcel

### Background

Bill Scheel, a co-trustee of the subject property, has applied for a subdivision to create three lots on the property at 13404 15<sup>th</sup> 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.

At its June 1, 2015 meeting, the Planning Commission had questions and concerns about two of the proposed lots crossing a quarter-quarter section line, and the potential impact on density. The Commission requested revised surveys that clearly showed the current lots vs. the proposed lots and the relationship of the current and proposed lots to the quarter-quarter section line. The surveys are attached. The surveys are shaded to show the quarter-quarter section line.

The Commission also requested staff to obtain advice from the City Attorney regarding whether the zoning code allows lot lines to cross quarter-section section lines. The City Attorney has advised that, while the Ag Preserve Zone requirements prohibit lot lines from crossing quarter-quarter section lines, the Ag Zone requirements do not include a similar prohibition. He is not aware of any other language that prohibits property lines from crossing quarter-quarter section lines in the Ag Zone.

Staff has reviewed the Comprehensive Plan, and did not find any language restricting property lines from crossing quarter-quarter section lines.

### Density

It is staff's understanding that the concern regarding property lines crossing quarter-quarter section lines is that this could allow a density greater than the 3 lots per quarter-quarter section allowed in the Ag Zone. The proposed subdivision would result in five lots in two quarter-quarter sections. However, the boundaries of two of the lots would extend across a quarter-quarter section line. This could result in more than three dwelling units in a quarter-quarter section if a house was built in the portion of the lot in the quarter-quarter section that already contained three dwelling units. This potential could be prevented by placing the following conditions on the subdivision:

1. The approval to allow a subdivision with lots crossing quarter-quarter section lines shall not be used at any time to allow the density of either of the quarter-quarter sections to exceed three lots per quarter-quarter section.
2. A dwelling unit on a lot can be placed only in the quarter-quarter section in which the majority of the lot area is located.

#### Adjacent Lots

At the June 1 meeting, Commissioner Nelson asked whether there are any non-conforming lots adjacent to the property proposed for subdivision. There is an existing developed lot to the east of the subject property that is a 3 acre lot. There is also a large lot to the east of the 3 acre lot that does not have access to a public road. It appears that 10<sup>th</sup> Avenue would need to be extended to the east to enable this lot to be developable.

#### Conditions

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

1. The approval to allow a subdivision with lots crossing quarter-quarter section lines shall not be used at any time to allow the density of either of the quarter-quarter sections to exceed three lots per quarter-quarter section
2. A dwelling unit on a lot can be placed only in the quarter-quarter section in which the majority of the lot area is located.
3. Easements as required by the City Engineer shall be granted
4. Scenic easements shall be placed on all slopes greater than 18%
5. The applicant shall execute a scenic easement agreement
6. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with Section 12-1270 of the Subdivision Ordinance.

#### Findings

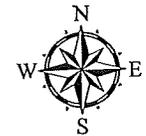
The Planning Commission will need to provide findings to support its recommendation.

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 RECOMMENDATION REQUESTED:**

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

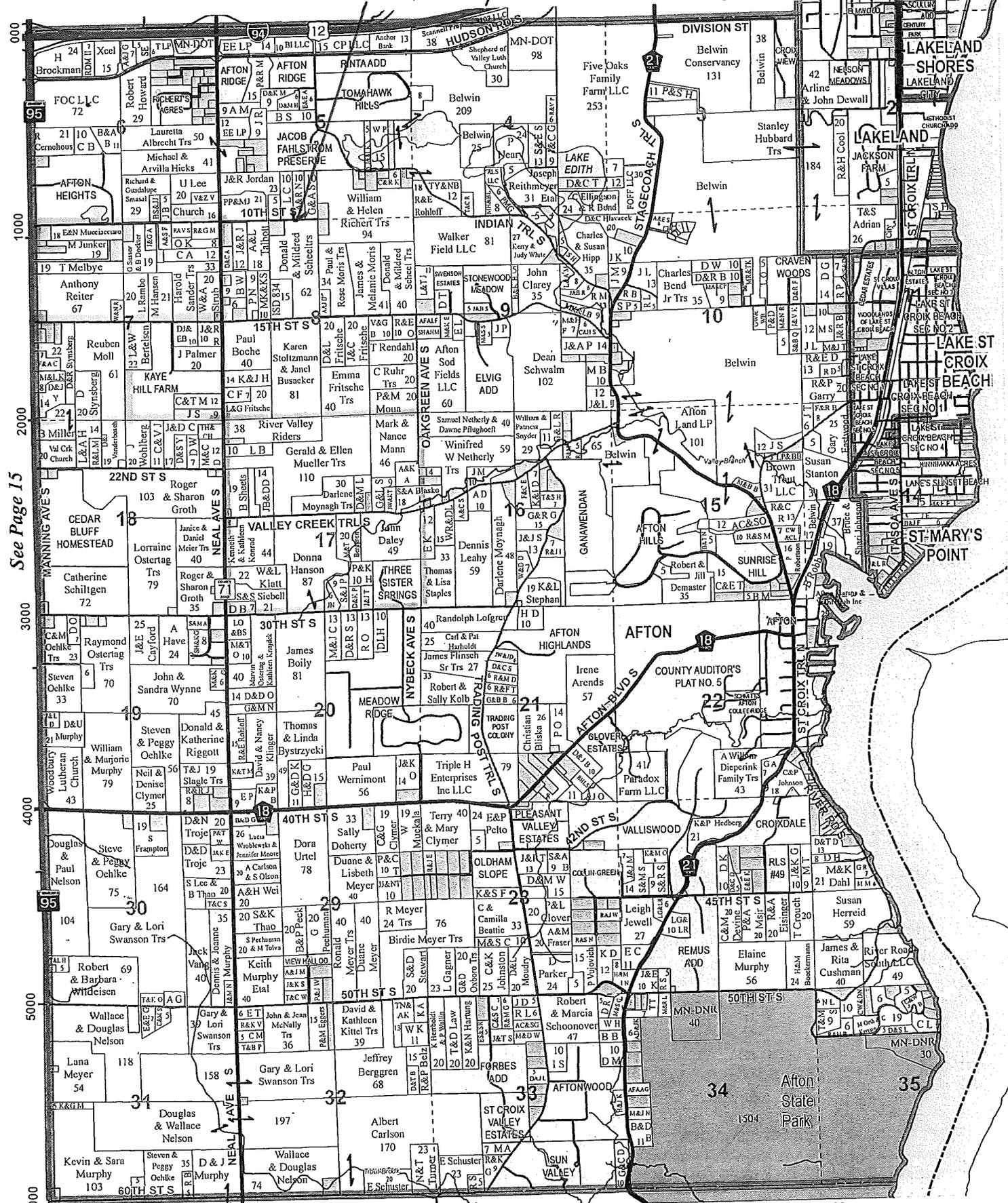
# Cities of Afton, St. Marys Point, Lakeland, Lake St. Croix Beach & Lakeland Shores



T.28

*subject property*

See Page 14



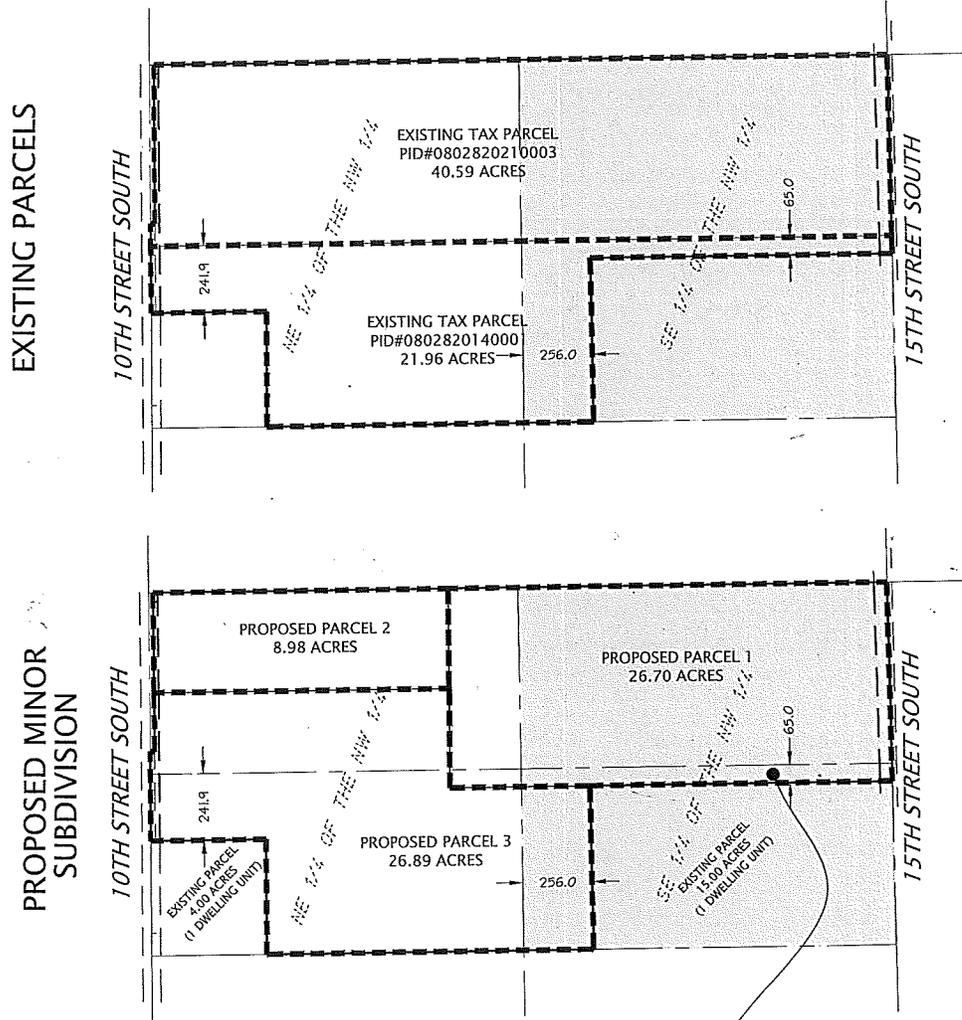
See Page 15

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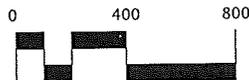
**SUBDIVISION EXHIBIT**

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

**PROJECT LOCATION:**  
 13404 15TH ST. SOUTH



1 POSSIBLE FUTURE  
 DWELLING UNIT IN  
 THE SE 1/4 OF THE  
 NW 1/4



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

**CORNERSTONE**  
 LAND SURVEYING, INC.

# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorese, City Administrator  
Date: June 29, 2015  
Re: Bruce Paddock Variance Application for the Property on 33<sup>rd</sup> Street with PID# 22.028.20.14.0064

### Attachments

Property survey with driveway  
Property location map

### Background

Bruce Paddock is requesting a variance to the minimum lot size requirement to enable the parcel on 33<sup>rd</sup> 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 33<sup>rd</sup> St. right-of-way, for a total of 19,384 square feet.

The Planning Commission agreed on five standards to be used in its review of these variance applications. One of the standards is that the principal structure, including a garage for a residential parcel, must be able to meet all required setbacks, including creek and bluff setbacks. 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 less than 12 percent.

At the June 1 Commission meeting, a site plan was provided showing that a house and garage could be located on slopes less than 12% and could meet setbacks. However, it was not clear that a driveway to serve the house could meet the side yard setbacks and could be located on land with slopes less than 12%. The applicant has provided a survey showing a driveway that meets setback requirements and is on land with slope less than 12%, with the exception that a portion of the west edge of the driveway would encroach on an existing retaining wall which is shown on the survey as an area with slope greater than 12%. However, the land west of the retaining wall, which would be disturbed if the retaining wall was moved to accommodate the driveway, has a slope less than 12%. The survey and application are attached for Planning Commission consideration and recommendation.

### Findings

The Planning Commission will need to provide findings to support its recommendation. The findings should address the general variance criteria and the five standards the Planning Commission has agreed to use in its review of variances regarding the buildability of substandard-sized lots in the VHS zones.

Conditions

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

**PLANNING COMMISSION RECOMMENDATION REQUESTED:**

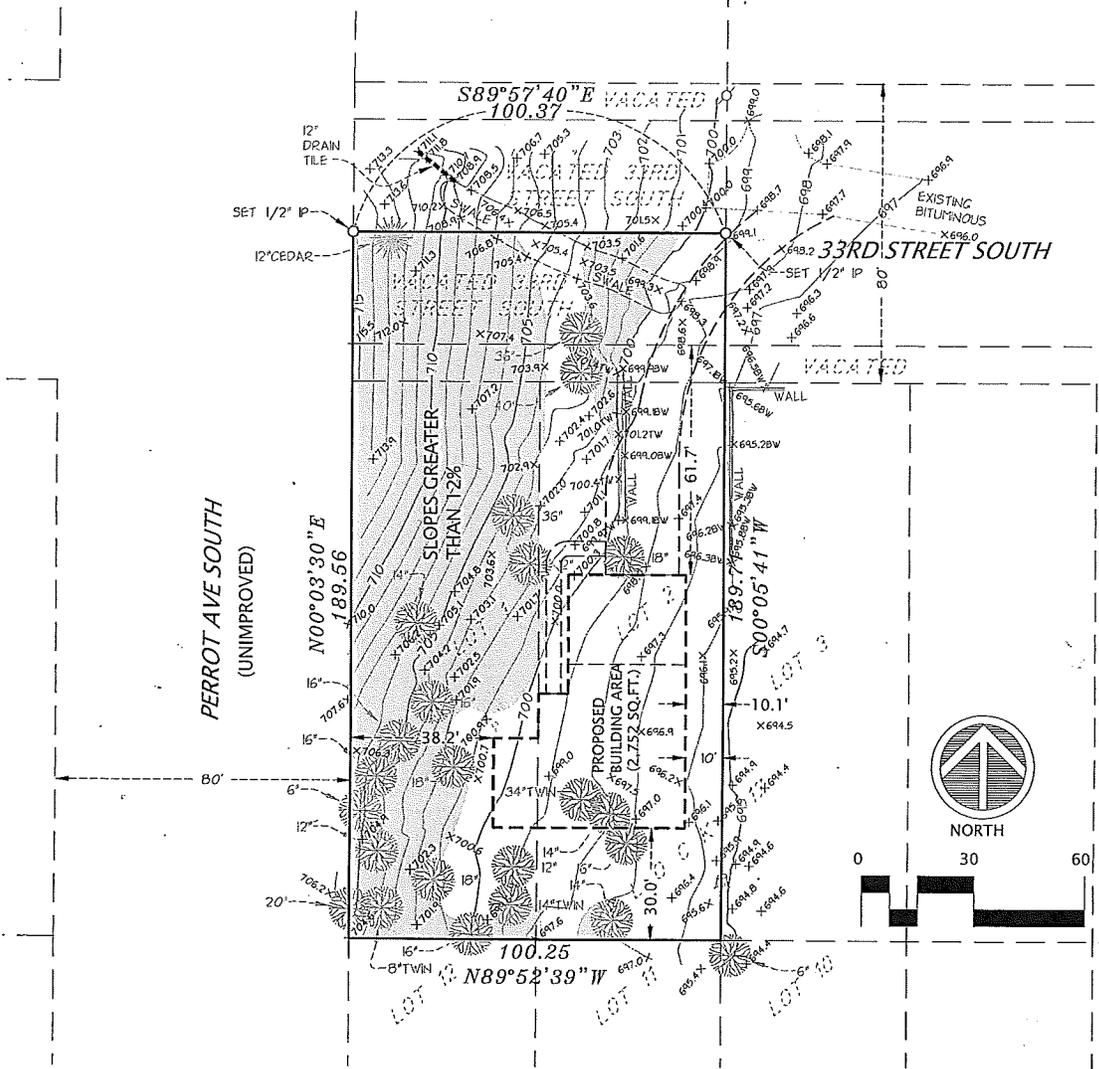
**Motion regarding the Bruce Paddock Variance Application for the Property on 33rd Street with PID# 22.028.20.14.0064, with findings, and conditions if needed.**

**CERTIFICATE OF SURVEY**

FOR: BRUCE PADDOCK  
828 SÓLAR ISLE DRIVE,  
FORT LAUDERDALE, FLA 33302

**PROJECT LOCATION:**

XXX 33RD ST. S.  
AFTON, MN



**LEGAL DESCRIPTION**

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.

**AREAS SUMMARY**

PROPOSED AREAS  
AREA OF PARCEL = 19,021 SQ. FT.  
HOUSE = 2,752 SQ. FT.  
DRIVEWAY = 1,693 SQ. FT.  
SIDEWALK = 205 SQ. FT.  
TOTAL IMPROVEMENTS = 4,650 SQ. FT.

AREA ABOVE 12% SLOPE = 9,245 SQ. FT.

**CERTIFICATION**

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.

*Daniel L. Thurmes* 6-9-15 REVISED  
DANIEL L. THURMES Date: 6-9-15  
License No. 25718 Project: JT15004

**SURVEY NOTES:**

1. BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE WASHINGTON COUNTY SURVEYORS OFFICE. (NAD 83)
2. UNDERGROUND UTILITIES NOT SHOWN.

**LEGEND**

- ⊕ FOUND CAST IRON MONUMENT
- FOUND MONUMENT (AS NOTED)
- SET IRON PIPE MARKED WITH MN LICENSE NO. 25718
- TV CABLE TV PEDESTAL
- EM ELECTRIC METER
- ET ELECTRIC TRANSFORMER
- ← GUY WIRE
- POWER POLE
- GM GAS METER
- TP TELEPHONE PEDESTAL
- ⊙ SANITARY CLEANOUT
- ⊕ WATER WELL
- MB MAIL BOX
- U
- TREES

■ DENOTES SLOPES GREATER THAN 12%

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

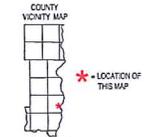
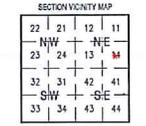
**CORNERSTONE**  
LAND SURVEYING, INC.



THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES. THIS DRAWING IS 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

PROPERTY IDENTIFICATION NUMBER FORMAT (EXCEEDED)

|                                 |          |       |       |                |       |       |       |
|---------------------------------|----------|-------|-------|----------------|-------|-------|-------|
| SECTION                         | TOWNSHIP | RANGE | INDEX | PARCEL         | OWNER | STATE | LOCAL |
| ##                              | ##       | ##    | ##    | ##             | ##    | ##    | ##    |
| (0001) - 1st parcel in township |          |       |       | - continuation |       |       |       |



SECTION-TOWNSHIP-RANGE INDEX

|         |         |         |
|---------|---------|---------|
| 1602820 | 1502820 | 1402820 |
| 2102820 | 2202820 | 2302820 |
| 2802820 | 2702820 | 2602820 |



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

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

# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 30, 2015  
Re: Solar Array Ordinance

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### **Background**

At its June 1, 2015 meeting, the Planning Commission provided substantial input regarding revisions to the draft language of the solar array ordinance. The Commission directed staff to finalize the solar array ordinance amendment reflecting the Commission's input, and to schedule a public hearing for the ordinance. Based on direction from the Planning Commission, the ordinance has been 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. The ordinance amendment is attached. While the Planning Commission had directed that a public hearing be held at the July 6 Commission meeting, the proper notice was not published to enable the public hearing to be held. Because the ordinance has been revised substantially, both in terms of the Commission's comments and the reformatting of the ordinance, a final review by the Planning Commission prior to a public hearing in August would be helpful.

### **PLANNING COMMISSION DIRECTION REQUESTED:**

**Provide final direction regarding the draft solar array ordinance amendment prior to a public hearing regarding the ordinance amendment.**

ORDINANCE XX-2015

CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE ADOPTING SECTION 12-230 OF THE AFTON CITY CODE  
RELATING TO SOLAR ENERGY SYSTEMS

**BE IT ORDAINED** by the City Council of the City of Afton hereby amends the Afton Code of Ordinances by adopting Section 12-230 relating to Solar Energy Systems.

**Sec. 12-230. Solar Energy Systems.**

A. *Scope.* This article applies to all solar energy installations in the City of Afton.

B. *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:

1. *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:
  - a. **Goal** – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
  - b. **Goal** – Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
  - c. **Goal** – Assist local businesses to lower financial and regulatory risks and improve their economic, City and environmental sustainability.
  - d. **Goal** – Efficiently invest in and manage public infrastructure systems to support development and growth.
2. *Green House Gas Reduction (GHG).* 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 Green House Gas (GHG) emissions and other air and water pollution that results from the use of conventional energy sources.
3. *Local Resource.* Solar energy is an under-used local energy resource. Encouraging the use of solar energy will diversify the community's energy supply portfolio and exposure to fiscal risks associated with fossil fuels.
4. *Improve Competitive Markets.* Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

C. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where expressly defined in another section, article or the context clearly indicates a different meaning.

*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 burdened land on which the easement is placed 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 land on which the easement is placed, as defined in MN Statute 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~~ use of 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 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 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 Storage Unit* - A component of a solar energy device that is used to store solar generated electricity or heat for later use.

- D. *General requirements.* All solar energy systems shall comply with all applicable local, state and federal regulatory codes including all electrical, building and plumbing code requirements.
1. *Permitted accessory use.* Active solar energy systems shall be allowed as accessory to the primary land use in all zoning districts in which structures of any sort are allowed and are designed to supply energy for the primary use.
  2. *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. *Right to Solar Access.* No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners shall forbid installation of solar energy systems or create design standards that effectively preclude solar energy installations.
    - b. *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.

- c. 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.
3. *Safety Conditions.* All applicable health and safety standards shall be met.
  4. *Required Permits.* Building Permits, an Electrical Permits and/or a Plumbing Permits are required to construct and install solar energy systems in the City of Afton, whether residential , or commercial and whether ground-, pole-, building-, or roof-mounted. Electrical Permits are through the State of Minnesota. Building and Plumbing Permit applications shall include:
    - a. "To-scale" horizontal and vertical (elevation) drawings of the solar energy system, including:
      - i. For a Pitched Roof Mounted System - the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
      - ii. For a Flat Roof Mounted Systems - the distance to the roof edge or parapets on the building, identifying 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 and/or parapet.
    - b. Site drawing showing the type and locations of the systems and their placement on the property, including required setbacks and property lines.
  5. *Approved Solar Components.* Electric solar energy system components must have an Underwriters Laboratories (UL) listing and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) rating.
  6. *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.
- E. *Standards.* All solar energy systems are subject to the accessory use standards for the district in which it is located, including, but not limited to, setback, height, and coverage limits.
1. *Aesthetic.* Solar energy systems are subject to the following aesthetic standards:
    - a. Residential installations must be designed to blend into the architecture of the building.
    - b. Commercial installations. Commercial solar 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.
    - c. Must be screened from routine view from public rights-of-way other than alleys.
    - d. The color of the solar collector is not required to be consistent with other roofing materials.
    - e. Active solar energy systems that do not meet the aesthetic standards will require a Conditional Use Permit.
  2. *Size.* For residential applications, under no circumstances shall a solar array exceed 40 kW.
  3. *Height.*
    - a. Building- or Roof-mounted systems. Shall not exceed the maximum height allowed in any zoning district.
      - i. Shall be no higher than twelve (12) inches above the roof.

- ii. 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.

***(Conflicts with language in E1.c.)***

- b. Ground- or Pole-mounted systems. Shall not exceed 20 feet in height when oriented at maximum tilt.
4. *Set-backs.* 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.
- a. Building- or Roof-mounted 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.
  - b. Ground- or Pole-mounted systems. Must be set back from the property line the same distance as required for other accessory structures and may not extend into the side- or rear-yard setback when oriented at minimum design tilt.
5. *Impervious Coverage.* The surface area of pole- or ground-mount systems must comply with the City's overall impervious coverage requirements.
- a. Impervious coverage will be calculated based on the footprint of the system at minimum tilt.
  - b. Building- or Roof-mounted systems. Shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted.
  - c. Ground- or Pole-mounted system. The collector surface of any foundation, compacted soil, or other component of the solar installation is considered impervious surface.
  - d. Vegetated ground under the collector surface can be used to mitigate stormwater runoff.
6. *Glare.* All solar energy systems shall minimize glare so as not to affect adjacent or nearby properties.
- a. Measures to minimize glare include selective placement of the system, screening on the north and/or sides of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
7. *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 design review by the Heritage Preservation Commission (HPC).

F. *Zoning District and Lot Size requirements.*

- 1. *VHS districts:*
  - a. A total solar panel square footage of 150 square feet or 1% of the total square footage of the lot, whichever is less.
  - b. Must meet City of Afton historical preservation standards.
  - c. Requires an administrative permit and design review by the Heritage Preservation Commission (HPC).
- 2. *RR and Ag districts:*
  - a. *On lots up to 10 acres:*

- i. If not fully screened:
      - (1) A maximum height of 15 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
    - ii. If fully screened:
      - (1) A maximum height of 20 feet and a total panel square footage of 1,000 square feet, subject to being fully screened from public roads and neighboring properties, and subject to statutory and/or public utility power generation restrictions.
  - b. *On lots 10 to 20 acres:*
    - i. If not fully screened:
      - (1) A maximum height of 15 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
      - (2) A maximum height of 15 feet and a total panel square footage of 500 square feet if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
    - ii. If fully screened:
      - (1) A maximum height of 20 feet and a total panel square footage of 1,000 square feet, subject to statutory and/or public utility power generation restrictions.
  - c. *On lots 20 acres or greater:*
    - i. If not fully screened:
      - (1) A maximum height of 20 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
      - (2) A maximum height of 20 feet and a total panel square footage of 500 square feet if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
      - (3) A maximum height of 20 feet and a total panel square footage 750 square feet if setback 250 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
    - ii. If fully screened:
      - (1) A maximum height of 20 feet and a total panel square footage of 2,000 square feet if fully screened, subject to statutory and/or public utility power generation restrictions.

G. *Standards for specific solar uses.*

1. *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.
  - a. Rooftop community systems are permitted only in the Industrial districts.
  - b. Ground-mount community solar energy systems are allowed only in the Industrial districts and are allowed as conditional uses.
  - c. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
  - d. All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
  - e. Ground-mount systems must comply with all required standards for structures in the district in which the system is located.
2. *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.
  - a. Solar farms are only allowed in the Industrial districts.
  - a. Solar farms require a Conditional Use Permit.

- b. Solar farms are subject to the City's stormwater management and erosion and sediment control provisions and National Pollutant Discharge Elimination System (NPDES) permit requirements.
- c. 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.
- d. 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 City 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.
- e. 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 City. The site plan should also show all zoning districts, and overlay districts.
- f. 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.
- g. Agricultural Protection. Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.
- h. 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 six (6) 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 City's Solid Waste Ordinance. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

## Ron Moore

---

**From:** Brian Ross <bross@gpsid.net>  
**Sent:** Wednesday, July 01, 2015 10:37 AM  
**To:** Ron Moore  
**Subject:** RE: Decommissioning of Solar Arrays

Ron,

To the best of my knowledge, most cities are not requiring an escrow deposit for decommissioning (probably for the reason you mention). However, I believe that many counties require posting a bond for decommissioning of wind turbines, which is a little different than an escrow deposit. I think local governments with solar farm/garden are leaving the option open on a case by case basis for some type of financial surety, but I don't know how often they are exercising the option.

Also, just to be clear, the decommissioning bond/escrow question is really only applicable to principal use solar developments. Nobody requires financial assurances for accessory uses. Decommissioning is a performance standard for accessory uses, but since it is accessory to a principal use, there is no danger of someone walking away from the site due to the solar. Maybe for reasons that relate to the principal use, but not because of the solar.

Decommissioning a solar farm is also less of a challenge than other types of decommissioning. There are usually no foundations of consequence, and the materials have (at least for the foreseeable future) significant scrap value.

Hopefully that helps,

Brian Ross, AICP, LEED Green Associate  
Great Plains Institute for Sustainable Development  
[bross@gpsid.net](mailto:bross@gpsid.net)  
Office: 612-767-7296  
Mobile: 612-501-1531

**From:** Ron Moore [mailto:rmoorse@ci.afton.mn.us]  
**Sent:** Wednesday, July 1, 2015 7:39 AM  
**To:** Brian Ross  
**Subject:** Decommissioning of Solar Arrays

Brian,  
Is it common for cities to require an escrow deposit related to the cost of decommissioning a solar array? Since the life of a solar array is 25 years, that is a long time to hold a significant escrow deposit.  
Thanks,  
Ron

# St. Croix Workshop-on-the-Water for Local Leaders

An introduction to the water quality, land use, and health of the St. Croix River

August 6, 2015

5:00—9:00 pm

## ABOUT THIS WORKSHOP

This workshop on the St. Croix River for elected and appointed officials and community leaders focuses on building knowledge and providing skills to make informed decisions. Enjoy an evening on the river and learn about practices, policies and plans to protect and restore the St. Croix and other streams and lakes in your community.

## WHO SHOULD ATTEND?

Local elected and appointed officials and community leaders in the Minnesota and Wisconsin St. Croix watershed including city councils, county commissioners, city and county planning commissions and staff, zoning boards and staff, park board members, watershed district and organization board members, town and township boards and supervisors, agricultural commodity leadership groups, St. Croix Partnership Team, and members of the St. Croix River Association (SCRA) Board.

**A special invite this year to:** Newly elected and appointed leaders, communities adopting the MN MIDS Community Assistance Package (revised stormwater ordinances) and leaders who have not participated in years past.

## COMPONENTS OF THE 2015 WORKSHOP

- **The Watershed Game** – an exercise that applies plans, practices, and policies to meet water quality goals of the St. Croix River and community lakes and streams.
- **The Guided View** – a tour of specific locations along the River focusing on: water quality, river health, pollutants of concern, current challenges and why we should care, groundwater-surface water connections, and the impacts from tributaries and land use far away from the River.

## REGISTER ONLINE BY JULY 24, 2015 — [WWW.STCROIXRIVERASSOCIATION.ORG](http://WWW.STCROIXRIVERASSOCIATION.ORG)

- \$20/person includes a light dinner and refreshments.
- Board the Grand Duchess from Hudson Pier at 500 1st Street in Hudson, WI.
- Participation is limited so register early!

## FOR MORE INFORMATION, CONTACT:

**John Bilotta**, University of Minnesota Extension, 651-480-7708, [jbilotta@umn.edu](mailto:jbilotta@umn.edu)

**John Haack**, University of Wisconsin Extension, 715-635-7406, [john.haack@ces.uwex.edu](mailto:john.haack@ces.uwex.edu)

**Angie Hong**, East Metro Water Resource Education Program, 651-275-1136, [angie.hong@mnwcd.org](mailto:angie.hong@mnwcd.org)

**Jenifer Sorenson**, Minnesota Department of Natural Resources, 651-259-5802, [jenifer.sorenson@state.mn.us](mailto:jenifer.sorenson@state.mn.us)

**Monica Zachay**, St. Croix River Association, 715-483-3300, [monicaz@scramail.com](mailto:monicaz@scramail.com)

*Workshop presented by the East Metro Water Resource Education Program partners, Wisconsin Department of Natural Resources, Minnesota Department of Natural Resources, St. Croix River Association, National Park Service, University of Wisconsin Extension, and the University of Minnesota Extension and Sea Grant Program, with additional funding provided by the MN Board of Water and Soil Resources and the Clean Water, Land and Legacy Amendment.*



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NONPOINT EDUCATION FOR MUNICIPAL OFFICIALS  
[WWW.NORTHLANDNEMO.ORG](http://WWW.NORTHLANDNEMO.ORG)

## Kim Swanson Linner

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**From:** Stephanie Souter <Stephanie.Souter@co.washington.mn.us>  
**Sent:** Monday, June 29, 2015 12:02 PM  
**Subject:** NO July Water Consortium and other announcements  
**Attachments:** NEMO St. Croix 2015 on-the-water workshop invitation.pdf

Good afternoon consortium members!

Please note – there will be **NO Washington County Water Consortium meeting this Wednesday July 1<sup>st</sup>**. The consortium will reconvene in August, we are lining up a tour. Please see below for some other announcements.

- **St Croix Workshop on the Water for Local Leaders – August 6<sup>th</sup> from 5-9pm.** This workshop on the St. Croix River is geared towards elected and appointed officials and community leaders in the Minnesota and Wisconsin St. Croix watershed including city councils, county commissioners, city and county planning commissions and staff, zoning boards and staff, park board members, watershed district and organization board members, town and township boards and supervisors. Enjoy an evening on the river and learn about practices, policies and plans to protect and restore the St. Croix and other streams and lakes in your community.  
**Follow this link to register, the deadline is July 24, 2015**
  - \$20/person includes a light dinner and refreshments.
  - Board the Grand Duchess from Hudson Pier at 500 1st Street in Hudson, WI.
  - Participation is limited so register early!
- **St Croix River AIS Strategic Plan – Public Meeting July 9<sup>th</sup> in Washington County.** The St Croix River Association is developing a basin wide AIS Strategic Plan and is gathering input through a series of public meetings. There is a meeting Thursday, July 9, 2015, 4 – 6 PM at the Washington County Government Center Lower Level Room 16, 14949 62nd St. N. Stillwater, MN 55082. See the [SCRA website](#) for more details and to view the draft plan.

Finally, we are doing some cleanup of our water consortium email contact list. ***If you are no longer interested in receiving emails about the Washington County Water Consortium, please respond to this message to be removed from our list.***

Have a great day!

**Stephanie Grayzeck Souter, MS** | Planner II  
Washington County Public Health & Environment | 14949 62nd St North, P.O. Box 6. | Stillwater, MN 55082  
☎ 651-430-6701 | 📠 651-430-6730 | ✉ [stephanie.souter@co.washington.mn.us](mailto:stephanie.souter@co.washington.mn.us)  
[www.co.washington.mn.us/water](http://www.co.washington.mn.us/water)

Kim Swanson Linner

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**From:** Angie Storlie <cityclerk@bigfork.net>  
**Sent:** Wednesday, June 24, 2015 11:56 AM  
**To:** astorlie@mcfoa.org  
**Subject:** Training Opportunity - GTS Land Use Planning Workshops

Please share this information with any elected or appointed official or staff member who might be interested. Thank you!

## **SUMMER & FALL 2015 LAND USE PLANNING WORKSHOPS**

### **The Basics of Planning and Zoning**

Thursday, September 10, 2015 – Shoreview Community Center in Shoreview, MN (full-day) - \$135  
Wednesday, September 23, 2015 – Sanford Convention Center, Bemidji (in conjunction with the 2015 APA Minnesota Conference) (morning) - \$70

### **Beyond the Basics of Planning and Zoning** (full day)

Thursday, November 19, 2015, Shoreview Community Center in Shoreview, MN - \$135

### **Emerging Issues in Planning & Zoning for Professional Planners** (morning)

Thursday, July 23, 2015, League of Minnesota Cities in St. Paul, MN - \$70

### **A Practical Guide to Variances in Shorelands and Floodplains** (afternoon)

Thursday, October 22, 2015, Best Western Kelly Inn in St. Cloud, MN - \$70

### **Comprehensive Planning --- It's Not The Same Old, Same Old** (full day)

Wednesday, October 28, 2015, Doubletree by Hilton in Bloomington - \$110

*Dolly Parker*

Program Specialist

GTS Educational Events

2233 University Ave. W., Suite 150

Saint Paul, MN 55114

651-222-7409 ext 201

[dparker@mngts.org](mailto:dparker@mngts.org)

[Upcoming GTS Events](#)

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

DRAFT Regular City Council Meeting Minutes  
June 16, 2015  
Afton City Hall  
3033 St. Croix Trail  
Afton, MN 55001  
7:00 p.m.

12 1. **THE MEETING WAS CALLED TO ORDER** at 7:04 p.m. by Mayor Bend.

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

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

15  
16  
17 **OTHERSPRESENT:** City Attorney Fritz Knaak, Planning Commission Chair Barbara Ronningen, City  
18 Administrator Ron Moorse and Deputy Clerk Kim Swanson Linner.

19  
20 4. **APPROVAL OF AGENDA –**

21 A. Approval of the Agenda for the Regular City Council Meeting of June 16, 2015 – Move Item 7C and  
22 Item 9C1, Bill Isaacson Mount Hope Cemetery request to Item 7A as Mr. Isaacson was in attendance; Item  
23 9C10, Remove unused outhouse in Town Square Park was moved to Item 9D3, Parks Committee report.

24  
25 **Motion/Second: Palmquist/Nelson. To approve the June 16, 2015 Regular City Council Meeting agenda**  
26 **as amended. Motion carried 5-0-0.**

27  
28 5. **APPROVAL OF MINUTES**

29 A. Minutes of the May 19, 2015 Regular City Council Meeting –

30 **Motion/Second: Palmquist/Nelson. To approve the minutes of the May 19, 2015 Regular City Council**  
31 **Meeting minutes as presented. Motion carried 5-0-0.**

32  
33 B. Minutes of the May 27, 2015 City Council Work Session –

34 **Motion/Second: Palmquist/Nelson. To approve the May 27, 2015 City Council Work Session minutes as**  
35 **presented. Motion carried 5-0-0.**

36  
37 6. **PUBLIC INPUT** – none.

38  
39 7. **REPORTS/PRESENTATIONS**

40 A. Sheriff's Monthly Report – Deputy Sullivan and Sergeant Van Klie were in attendance. Deputy Sullivan  
41 reported that the monthly incidents include significantly higher traffic stops. They informed the bears are back  
42 and active; residents are urged to just leave them alone; if they are threatening your house or person, then call  
43 911. A rash of mail theft and mailbox bashings is a concern. [**RESIDENTS: DON'T HESITATE TO CALL**  
44 **911 TO REPORT SUSPICIOUS VEHICLES IN YOUR NEIGHBORHOOD-DAY OR NIGHT;** an immediate  
45 call can go a long way to catching perpetrators.] Deputy Sullivan advised on an Animal Control issue; residents  
46 DO NOT pay the Animal Control Officer for picking up animals; the City gets billed for Animal Control calls.

47  
48 B. Bill Isaacson Mount Hope Cemetery request – Jim Stanton, representing Bill Isaacson, 15616 Upper  
49 34<sup>th</sup> Street S, read Mr. Isaacson's letter requesting to inter the ashes of his wife, Chrismarie, her mother and  
50 father, and eventually his at Mount Hope Cemetery. He maintained the cemetery from 1985 until 2014.  
51 Item 9C1: Council discussed that former mayor, Pat Tierney, was allowed to be buried at Mount Hope  
52 Cemetery, for his service to the City, and this is a similar request. Council requested that the area for interment  
53

54 be coordinated with the Afton Historical Society, as they have a map of identified burials, and to ensure it will  
55 be within the boundaries of the cemetery; care should be taken that the existing cemetery and its pioneer burial  
56 sites be undisturbed.

57  
58 **Motion/Second: Richter/Palmquist. To approve interring the ashes of Bill Isaacson's wife, Chrismarie,**  
59 **her mother and father, and eventually his at Mount Hope Cemetery and to work with the Afton**  
60 **Historical Society for placement in the cemetery and to ensure and its pioneer burial sites be undisturbed.**  
61 **Motion carried 5-0-0.**

62  
63 C. Lower St. Croix Valley Fire District – Jim Stanton, presented the LSCV Fire District's 2016 Budget and  
64 Levy, which was passed at their meeting on June 15, 2015. Chief Chris Peterson and Asst Chief Jim Stanley  
65 were also in attendance. He reminded that the formula for costs is set by a unanimous vote of all the cities, and  
66 that Afton, being the largest contributor, has the right to call a meeting of all the cities to discuss the formula. He  
67 informed that the tax capacities this year have fluctuated quite a bit. He updated that this year's increases came  
68 essentially from three areas: 1) Training costs are going up, but they are working to bring it down. 2) They  
69 moved to hourly rates for callouts, instead of one flat rate per call, as LSCV Fire District was losing firefighters  
70 to other cities. 3) The higher gas prices of last year caused increases in expenses.

71  
72 D. Mary Planten Krell, Youth Service Bureau – updated the Council on services provided to Afton  
73 families; she reviewed the formula on which the request for 2015 contribution was based: 2014 services  
74 requested from Afton families totaled \$12,200. They typically request a 10% contribution, which resulted in the  
75 request for \$1,200. She thanked the City for the contributions they have made in recent years.

76  
77 **Motion/Second: Bend/Nelson. To approve an additional \$250 to the \$500 contribution approved last**  
78 **month. Richter asked why the city would not meet its contribution obligation of 10% and felt the motion**  
79 **should be amended to \$700. The amendment was accepted by Bend and Nelson. Motion carried 5-0-0.**

80  
81 E. Jim Bougie, Finance Committee Report – Reported that the cash flow shows a projected surplus of  
82 \$844,000, but that may be a false amount, due to the temporary "bridge" loan; he reminded that the interest  
83 payment for the "bridge" loan of \$13,000 is due in October. The City will receive an estimated \$704,000  
84 property tax revenue in early July for year-end operating expenses.

85  
86 8. **CONSENT AGENDA** – Council pulled Items D and F from the Consent Agenda.

87 A. Just and Correct Claims

88 B. 4M Fund Transfer - MAY - **Resolution 2015-44**

89 C. Minnesota City/County Management Association Membership

90 D. 4M Fund Expanded Investment Options – **Resolution 2015-45 - PULLED**

91 E. Insurance Renewal and Liability Insurance Waiver Form

92 F. Easement Offer from the Valley Branch Watershed District for a Water Quality Project at 30th Street  
93 and Trading Post Trail - **PULLED**

94  
95 **Motion/Second: Richter/Palmquist. To approve the Consent Agenda as amended, including Resolution**  
96 **2015-44. ROLL CALL: All Ayes. Motion carried 5-0-0.**

97  
98 D. 4M Fund Expanded Investment Options – Resolution 2015-45 – Council discussed the additional fund  
99 options, the "authorized officials" for the city, what authorization would be required, that the Declaration of  
100 Trust needs to be filed related to these additional 4-M Fund options, and that this does not replace the annual 4-  
101 M Fund authorization, it is in addition to that. The last statement was amended to insert: "and upon approval by  
102 City Council" after "...effectuate investments and withdrawals..."

103  
104 **Motion/Second: Richter/Palmquist. To approve Resolution 2015-45 as amended reauthorizing**  
105 **membership in 4-M Fund additional options. ROLL CALL: All Ayes. Motion carried 5-0-0.**

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F. Easement Offer from the Valley Branch Watershed District for a Water Quality Project at 30th Street and Trading Post Trail – Council discussed the ravine stabilization project to alleviate erosion at the northeast corner of 30<sup>th</sup> Street and Trading Post Trail planned by the Valley Branch Watershed District (VBWD). The VBWD hired an appraiser who determined the value of the easement as \$5,800. Council wondered if the City was required to accept the offer, as several council members felt the VBWD should not have to pay for the easement.

City Attorney Knaak advised that the City must determine a reasonable offer, which could be the appraised value provided by the appraiser hired by the VBWD, and that it is appropriate for the City to enter into such an agreement.

**Motion/Second: Palmquist/Ross. To accept the offer from the Valley Branch Watershed District to purchase the surface water drainage easement in the amount of \$5,800, for a Water Quality Project at 30<sup>th</sup> Street and Trading Post Trail, and authorizing the City Administrator to sign the easement document. Motion carried 5-0-0.**

## 9. CITY COUNCIL BUSINESS

A. **Planning Commission Report** – Chair Ronningen reported for the Planning Commission.

1. FOC, LLC Minor Subdivision Application at SE Corner of Hudson Road and Manning Avenue, PID 06.028.20.24.0002 – Resolution 2015-46 – Administrator Moore summarized the application by FOC, LLC 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. A survey was provided showing the overall parcel, the 5.9 acre parcel, and a 60-foot wide public right-of-way easement adjacent to the 5.9 acre parcel. Moore indicated the Planning Commission, at its June 1, 2015 meeting, recommended approval of the minor subdivision on a vote of 7-0-1, based on findings and the conditions.

Chair Ronningen noted that the conditions in the memo were not numbered, but that the Planning Commission had deleted conditions # 6 – 9 from the motion.

Moore pointed out the Supplemental Packet included the “public right-of-way for private driveway purposes agreement” which was drafted by the City Attorney.

The developer requested to hold off on designating “scenic easements” on areas in excess of 18%, as they would like an option to level off at least one of the mounds on parcel B.

Council discussed conditions # 6 – 9; they deleted #6, #8 and #9 and left in #7. They added that the City execute the public right-of-way agreement and that the City has no obligation to improve the right-of-way.

**Motion/Second: Bend/Richter. To approve the FOC, LLC Minor Subdivision application at the southeast corner of Hudson Road and Manning Avenue, with PID 06.028.20.24.0002, per Resolution 2015-46 as amended, including the following Findings and Conditions:**

### Findings

1. The proposed subdivision meets all subdivision requirements.

### Conditions

1. Easements as required by the City Engineer shall be granted.
2. Scenic easements shall be placed on all slopes greater than 18%.
3. The developer shall execute a scenic easement agreement.
4. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with Section 12-1270 of the Subdivision Ordinance.
5. The developer shall obtain a permit for constructing a driveway in the road right-of-way.

- 156 ~~6. The public road shall be constructed at the time there is a second user of the driveway or at the~~  
157 ~~time of a further subdivision of the larger parcel~~  
158 7. The City shall have no responsibility for the construction or maintenance of the driveway, or the  
159 construction of a public road, and the developer shall enter into an agreement setting out the  
160 developer's responsibilities related to the driveway and the public road.  
161 ~~8. All proposed right-of-way dedication and street construction plans are subject to review and~~  
162 ~~approval of the City Engineer.~~  
163 ~~9. The developer shall provide updated street signs for the new road right-of-way in accordance with~~  
164 ~~City specifications and obtained from the City's designated supplier, subject to review and~~  
165 ~~approval of the City Engineer.~~  
166 10. The developer shall follow the requirements in the septic system permit issued by the Washington  
167 County Public Health Department.  
168 11. The developer shall execute the public right-of-way agreement with the City, as drafted by the  
169 City Attorney, and that the City is under no obligation to improve the right-of-way.

170  
171 ROLL CALL: All Ayes. Motion carried 5-0-0.

172  
173 Bend requested that the City add to a future Council Work Session to consider an Industrial Zone "policy  
174 question" about whether grading of slopes would be allowed to offer "more" developable area, or whether the  
175 City wishes Industrial areas to maintain natural slopes and therefore "less" developable area. If the City  
176 decides to maintain natural slopes, the developer would need a variance to flatten the mound for a level  
177 building pad.

178  
179 2. Matt Twomey Variance Application for the property on 30th Street with PID# 16.028.20.31.0001 –  
180 Resolution 2015-47 – Administrator Moore summarized the Matt Twomey application for a variance to allow one  
181 driveway to be built on a slope greater than 18% to serve a 47-acre parcel on 30<sup>th</sup> Street with PID # 16.028.20.31.0001.  
182 While the parcel has steep slopes along its public road frontage, the interior of the lot is flat and open. Moore  
183 explained that Mr. Twomey had previously applied for variances and a subdivision to create two lots on the property.  
184 Twomey is now requesting a variance to enable one driveway to serve the property as one lot. The need for the  
185 variance is due to both frontages of the property (along both 30<sup>th</sup> Street and Valley Creek Trail) having steep slopes  
186 along the entire frontage. There is no area along the public road frontage for access to serve the property that would not  
187 require a driveway to cross a steep slope. The property is not buildable as a separate lot without the requested variance.  
188 The access from 30<sup>th</sup> Street would cross the least steep area along the frontage of the property. The slope is  
189 approximately 19% vs. the maximum allowed slope of 18%. Moore indicated that Twomey had requested that the  
190 time period for the variance be extended to two years to provide a longer timeframe before a house would need to be  
191 constructed on the property. (City Code provides that a variance must be implemented within one year from the date of  
192 approval.) The Planning Commission, at its June 1, 2015 meeting, recommended approval of the variance with a two  
193 year variance expiration period, on a vote of 8-0-0, with findings and conditions.

194 Council was concerned that the drawings provided were the same as those for the previous subdivision  
195 applications. They noted that the drawings should have been revised to indicate only one driveway and one parcel.  
196 They wanted clarification that this variance application is indeed for ONE driveway to serve ONE parcel.

197 Mr. Twomey confirmed that this parcel will be developed as one lot and needs a variance for one driveway.

198  
199 **Motion/Second: Palmquist/Ross. To approve the Twomey variance for one driveway over slopes**  
200 **exceeding 18% from property frontage on 30<sup>th</sup> Street, with PID 16.028.20.31.0001 per Resolution 2015-47**  
201 **as amended, including Findings #1-3 and Conditions #1-5 (conditions #3-5 were added in the making of**  
202 **the motion).**

203  
204 Bend offered a friendly amendment to add Findings #4 -5 below. The friendly amendment was accepted by  
205 Palmquist and Ross.

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**Findings**

1. The property has practical difficulties that were not created by the applicant.
2. The configuration and topography of the parcel are unique. The parcel has frontage on two public roads, and each frontage has steep slopes that require a variance to enable access to the property.
3. This is a pre-existing lot that exceeds lot size and density requirements, but is not buildable without a variance.
4. The variance will not change the essential character of the neighborhood.
5. The driveway is nominally 18% (between 18 – 20%) for a very short distance.

**Conditions**

1. A grading and drainage plan and an erosion control plan for one driveway is required for one parcel, and shall be subject to review and approval by the City Engineer.
2. A Conditional Use Permit is required for a driveway located within 20 feet of the crest of a slope greater than 18%.
3. That the drawings as provided are not correct, as they showed two driveways. The one approved driveway shall be located in approximately the same location as shown on the drawings.
4. The property shall contain only one lot.
5. The variance shall have an expiration of two years from the date of approval (instead of one year as allowed by City Code).

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

**B. Engineering Report –**

1. Staff Report/Council Update – City Engineer Diane Hankee reported for WSB. She updated:
  - a. That the Comprehensive Plan amendment was sent out to surrounding communities and agencies.
  - b. The Minnesota Pollution Control Agency (MPCA) permit for the sanitary system will be considered at the Citizen’s Board Meeting on June 23, 2015.
  - c. The City has settled on 10 of the 15 easement acquisitions. The City filed condemnation on the remaining five parcels. Negotiations are ongoing and the Court hearing is scheduled for July 17, 2015, with a quick take title and possession date of August 17, 2015.
  - d. As requested by Council, WSB has updated the professional engineering services fees for the Downtown Village Project which will be presented at an upcoming Council Work Session.

2. Approve Plans and Specifications and Authorize Advertisement for Bids for the Wastewater Treatment System and the Lift Station and Forcemain – Resolution 2015-48 – Engineer Hankee indicated, subsequent to receiving the sanitary system permit from the MPCA, the City would proceed to advertise for bids for the Wastewater Treatment System (treatment site), Forcemain and Lift Stations.

**Motion/Second: Palmquist/Ross. To approve Resolution 2015-48 approving Plans and Specifications and authorize advertising for bids for the Wastewater Treatment System, Forcemain and Lift Stations. ROLL CALL: All Ayes. Motion carried 5-0-0.**

3. Approve Resolution Adopting the City of Afton Storm Water Project Plan for the Minnesota Public Facilities Authority (PFA) – Resolution 2015-49 – Engineer Hankee explained that the City is eligible to receive a Clean Water State Revolving Fund Loan (the same as the septic funding) and potential principle forgiveness under the Green Project Reserve Fund for the Downtown Improvements Project construction plans and specifications relating to the proposed storm water improvements. She indicated with this funding the City would be able to install pervious pavers in the parking areas at City Park and install infiltrating tree boxes in certain areas of the local roadways such as 33<sup>rd</sup> Street. This is a 75/25 % match City/State.

258 **Motion/Second: Palmquist/Nelson. To approve Resolution 2015-49 adopting the City of Afton Storm**  
259 **Water Project Plan for the Minnesota Public Facilities Authority (PFA) as presented. ROLL CALL: All**  
260 **Ayes. Motion carried 5-0-0.**

261  
262 **Council Member Palmquist requested that the City apply for funding for the storm water lift station, and**  
263 **requested the issue be placed on a future Council Work Session.**

264  
265 [The following two items were moved up from C5 and C4 respectively, for input from the City Engineer.]

266  
267 9C5. Proposal for Overlay of Upper 34th Street – Administrator Moore explained that Upper 34<sup>th</sup> Street  
268 is a private road over which the City has a prescriptive easement for public use for access to Mount Hope  
269 Cemetery. The road provides access to the former Elston property and to three properties at the top of the hill  
270 adjacent to the Mount Hope Cemetery. The three property owners at the top of the hill have been maintaining  
271 the road for many years but the portion of the road that was paved by property owners in the past is in need of an  
272 overlay. The property owners have obtained a price quote for the overlay for \$10,600. The property owners  
273 propose that the cost of the overlay be divided between them, the bank that currently owns the former Elston  
274 property, and the City of Afton, as the City uses the road for access to Mount Hope Cemetery. Divided five  
275 ways, the cost for each party would be \$2,120.

276  
277 **Motion/Nelson: Bend/Nelson. To make a one-fifth contribution for the proposal from property owners on**  
278 **Upper 34<sup>th</sup> Street to share the cost of an overlay for Upper 34<sup>th</sup> Street in an amount not to exceed \$2,120,**  
279 **split 5 ways contingent on the City declaring it a “minimum maintenance road” and for a document to be**  
280 **drawn up for the residents along the road to agree to the designation as a minimum maintenance road.**

281  
282 Council Discussion

283 Council members were concerned if this would set a precedent for maintenance of the road by the City.  
284 City Attorney Knaak advised that the City has a prescriptive easement for public access to Cemetery Road  
285 which is, in essence, a shared driveway. He cautioned that contributing to its maintenance may be seen as taking  
286 steps to improve it and may make the City responsible to maintain it. He advised the City designate it as a  
287 “minimum maintenance road,” secure an agreement signed by the residents along Cemetery Road that they  
288 maintain the road and that they agree to the “minimum maintenance road” for instance, to agree to access by  
289 emergency services vehicles, and to sign the road as a “minimum maintenance road.”

290  
291 **Bend withdrew his motion. The City Attorney recommended that the City prepare an agreement for the**  
292 **property owners to agree to the “minimum maintenance road.” Staff was directed to prepare the**  
293 **necessary documents as advised by the City Attorney, for action at the next City Council meeting.**

294  
295 9C4. 2015 Street Repairs and Improvements – Administrator Moore indicated that the Public Works  
296 Committee met on Thursday, June 11 to discuss several street repair/ improvement needs, and they had the  
297 following recommendations:

298 a. 44<sup>th</sup> Street Culvert. The Council previously approved the cleaning of culverts and ditches on  
299 44th Street to address drainage issues. As part of completing these repairs, an additional plugged culvert was  
300 discovered. The cost to clean the culvert is \$700.

301 b. Odell Repairs. The Council previously approved drainage and street repairs for Odell in the  
302 amount of \$6,595. A recent inspection by City Engineer Hankee and street repair contractor Ben Thurmes of  
303 Tri County identified additional deterioration at the road’s low point, with nowhere for the culvert to drain.  
304 Ditches will be re-done and the repairs will be extended another 100 feet. The cost would be \$2,570.

305 c. Pateley Bridge Avenue and 32nd Street. An inspection of these two cul-de-sacs indicated seal  
306 coat projects would extend the life of both. This would enable the excess aggregate from the 2014 seal coat  
307 projects to be used. This will be similar to repairs to upgrade River Road a few years ago.

308 d. 15<sup>th</sup> Street. 15<sup>th</sup> Street is in poor condition and will require a reclamation project at some point.  
309 The City needs to begin planning an updated Capital Improvement Project (CIP) and funding priorities.

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**Motion/Second: Richter/Palmquist. To approve repairs to 44<sup>th</sup> Street for \$700 and Odell for an additional \$2,570 for street repairs as presented above. Motion carried 5-0-0.**

**Motion/Second: Richter/Palmquist. To request quotes for repairs to cul-de-sacs at Pateley Bridge and at 32<sup>nd</sup> Street S. Motion carried 5-0-0.**

**C. Administration -**

1. Bill Isaacson Mount Hope Cemetery Request – [Council acted on this request under Item 7B.]

2. Special Event Permit for Block Party on Osgood Avenue between 55<sup>th</sup> St. and 57<sup>th</sup> St. – Administrator Moorse summarized that resident William Lundquist, of 14721 55<sup>th</sup> Street, has applied for a special event permit for a block party on Osgood Avenue between 55<sup>th</sup> Street and 57<sup>th</sup> Street. The expected attendance is 100 people. The event would involve limiting traffic during the event, which is planned to be held from 6:00 p.m. to 10:00 p.m. on July 9, 2015. The permit has been routed to the Fire Department and the Sheriff's Department for any comments that would be added as conditions on the permit. Staff recommends adequate signage to notify non-local traffic of the event.

**Motion/Second: Richter/Palmquist. To approve the Special Event Permit for a block party on Osgood Avenue to be held July 9, 2015 from 6:00 to 10:00 p.m. with conditions as above or as may be added by emergency services. Motion carried 5-0-0.**

3. Jessie Diggins Proclamation – Resolution 2015-50 – The Afton Parade Committee was successful in getting Jessie Diggins to be the Grand Marshal for the 2015 Afton 4<sup>th</sup> of July Parade. At the completion of the parade, there will be a recognition ceremony for Jessie at Town Square Park. As part of the recognition, Mayor Bend will present a proclamation recognizing Jessie for her outstanding accomplishments.

**Motion/Second: Palmquist/Bend. To recognize the international accomplishments and community service of Afton resident and cross-country skier Jessie Diggins with a proclamation per Resolution 2015-50 to be presented to her at Town Square Park after the 4<sup>th</sup> of July Parade. ROLL CALL: All Ayes. Motion carried 5-0-0.**

[9C4 and 9C5 were moved up to the end of the Engineering Report to accommodate Engineer Hankee.]

6. Consultant Assistance for Tools to Manage Tasks, Processes, and Documents – Administrator Moorse indicated the Personnel Committee has been discussing with him the provision of tools to assist in managing and tracking tasks and processes in meeting current and future workload needs and in accomplishing goals. The Committee received a proposal from Meg Kerschbaum to assist the City in identifying and implementing these tools. The Personnel Committee recommended the Council approve Phases I and II of the proposal at a cost not to exceed \$1,625. When the deliverables for Phases I and II are completed, the scope of work and costs for Phase III and IV would be clarified, and the Council would have an opportunity to decide whether to proceed to Phases III and IV.

Council members asked why, for such a small staff, would such software programs be needed to manage the City. They asked what the software packages would cost.

Ross estimated that after installation, the software may cost about \$800 per year.

It was noted that Cable Commission funds could be used for this.

**Motion/Second: Nelson/Ross. To approve the proposal from Meg Kerschbaum for consultant services in identifying tools to assist the City in managing and tracking tasks, processes and goals to assist in meeting current and future workload needs and accomplishing goals, at a cost not to exceed \$1,625 for Phases I and II. Motion carried 4-1-0 (Nay-Richter).**

362 7. Accessory Building Ordinance Amendment – Ordinance 02-2015 – Administrator Moose  
363 summarized that the Council, at its May 27, 2015 Work Session, discussed the Accessory Building ordinance  
364 amendment that had a Public Hearing at the Planning Commission in March, 2015. Due to concerns about  
365 allowing non-agricultural accessory buildings up to 5,000 square feet on large parcels, the Council directed that  
366 the ordinance amendment include larger front yard setbacks. Staff made the additional amendments reflecting  
367 the larger setbacks. The Council also discussed the requirement that a new subdivision would not be allowed if  
368 it would make existing accessory buildings non-conforming, with the exception of agricultural buildings.  
369 Because the exception is for agricultural buildings, the language would not allow a property owner to build a  
370 large non-agricultural accessory building, then subdivide the property.

371  
372 After the public hearing at the Planning Commission, staff recommended, in order for the ordinance to be  
373 codified into the City Code, that the remainder of the section be modified to include the amendments, which  
374 required renumbering and reformatting the ordinance amendment. Because the Council had added greater  
375 setbacks than were in the ordinance amendment when the public hearing was held by the Planning Commission,  
376 and because more of the ordinance section has now been amended, it was questioned whether the final draft of  
377 the amendment now needs a public hearing and a recommendation by the Planning Commission.

378  
379 **Motion/Second: Bend/Nelson. To table the ordinance amendment regarding accessory buildings. Motion**  
380 **carried 5-0-0.**

381  
382 8. Schedule Council Work Sessions – Administrator Moose indicated there are two items for  
383 discussion at Council work sessions. One is information prepared by the City Engineer regarding the remaining  
384 scope of engineering services for the downtown improvement projects. The City Engineer has suggested the  
385 afternoon of June 25 for a work session. As this date is after the Minnesota Pollution Control Agency’s Citizens  
386 Board meeting, it would also provide an opportunity to discuss plans based on the Board’s decision. Engineer  
387 Todd Hubmer would be in attendance. The other item is the annual City Administrator performance review,  
388 which is scheduled to be conducted in July.

389 Some council members indicated they could not attend a June 25 Council Work Session.

390  
391 **Staff was directed to use “Doodle Poll” to attempt setting up another date for a Council Work Session.**

392  
393 9. Funding for a Concept Plan for a New Restroom Facility for Town Square Park – Administrator  
394 Moose turned this item over to Council Member Palmquist, who updated that the Parks Committee had  
395 identified a new restroom facility as a high priority need for Town Square Park. The Committee applied for  
396 grant funding in 2012, but it was denied. They would like to apply for a matching grant (\$25,000 for a total of  
397 \$50,000) for a portion of the cost of a restroom facility and to have the restroom facility hooked up to the  
398 planned sewer. This initial request for \$1,000 is to develop a concept plan and cost estimate for a restroom  
399 facility and to authorize the \$1,000 be taken from the Park Dedication Fund.

400  
401 **Motion/Second: Palmquist/Nelson. To authorize \$1,000 from the Park Dedication Fund for developing a**  
402 **concept plan and cost estimate for a restroom facility at Town Square Park and to be hooked up to the**  
403 **planned Village sewer system. Motion carried 4-1-0 (Nay-Bend).**

404  
405 10. Removal of Unused Outhouse at Town Square Park – [This item was moved to Committee reports.]

406  
407 11. Acquisition of Easements (Council chose to move into a Closed Session) –

408  
409 **Motion/Second: Bend/Nelson. To go into a Closed Session at 10:25 p.m. Motion carried 5-0-0.**

410  
411 **Motion/Second: Palmquist/Richter. To come out of Closed Session at 10:55 p.m. Motion carried 5-0-0.**

412

413 12. Request For Proposals for Historian for the Local Designation Nomination Process for Historic  
414 Properties – Administrator Moorse explained that the City has obtained grant funding of \$20,000 to hire an  
415 historian to conduct historic research and prepare local designation nomination forms for historic properties in  
416 Afton. The Design Review/Heritage Preservation Commission (HPC) will be reviewing a Request for Proposals  
417 (RFP) for an historian at its June 17 meeting, and would like to advertise for proposals as soon as possible. Staff  
418 needs authorization from the Council to move forward to advertise the RFP. Proposals received will be  
419 reviewed by the HPC, and the proposals and a recommendation will be brought to the Council for selection of  
420 an historian for the project.

421  
422 **Motion/Second: Palmquist/Bend. To authorize the Request for Proposals process for an historian to**  
423 **conduct historic research and prepare local designation nomination forms for historic properties in**  
424 **Afton. Motion carried 5-0-0.**

425 **D. Committee Reports –**

- 426 1. Public Works – none.  
427  
428 2. Personnel – Bend reported that the City’s intern resigned due to changing direction in her Master’s  
429 Program; requests for other intern applications have been sent out. The committee has talked about re-allocating  
430 some staff tasks.  
431 3. Parks – The Parks Committee is meeting on June 24. Palmquist reported there is an old unused  
432 outhouse in Town Square Park. The outhouse is a small concrete block building that is not suitable for another  
433 use. The removal of the outhouse building is suggested.  
434 4. HPC/DR – Moorse reported the HPC is meeting on June 17. They will discuss the RFP process for a  
435 consultant historian and discuss conceptual designs for a City Garage addition to City Hall.

436  
437 **10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES**

- 438 **A. Ward 1 Council Member Palmquist** – due to a recent report, he would like the Animal Control contract  
439 reviewed and to have a possible meeting with the Animal Control Officer.  
440 **B. Ward 2 Council Member Richter** – none.  
441 **C. Ward 3 Council Member Ross** – the HSI Committee has requested quotes to “build out” Trading Post  
442 Trail and 42<sup>nd</sup> Street.  
443 **D. Ward 4 Council Member Nelson** – none.  
444 **E. Mayor Richard Bend** – attended a review session with Wenck in preparation for the MPCA Citizen’s  
445 Review Board meeting on June 23, 2015; from all perspectives, they feel the Board review will be positive.  
446 **F. City Attorney Knaak** – The prosecution report was on file.  
447 **G. City Administrator Moorse** – none.

448  
449 **11. ADJOURN**

450  
451 **Motion/Second: Nelson/Richter. To adjourn the meeting at 11:01 p.m. Motion carried 5-0-0.**

452  
453 Respectfully submitted by:

454  
455

456 \_\_\_\_\_  
457 Kim Swanson Linner, Deputy Clerk

458  
459

460 **Approved by Council (at the 7/21/2015 meeting) as: Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_**

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463 **Signed by Mayor Richard Bend: \_\_\_\_\_ Date: \_\_\_\_\_**

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

**DRAFT Regular City Council Meeting Minutes  
June 16, 2015  
Afton City Hall  
3033 St. Croix Trail  
Afton, MN 55001  
7:00 p.m.**

1. **THE MEETING WAS CALLED TO ORDER** at 7:04 p.m. by Mayor Bend.

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

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

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

4. **APPROVAL OF AGENDA –**

A. Approval of the Agenda for the Regular City Council Meeting of June 16, 2015 – Move Item 7C and Item 9C1, Bill Isaacson Mount Hope Cemetery request to Item 7A as Mr. Isaacson was in attendance; Item 9C10, Remove unused outhouse in Town Square Park was moved to Item 9D3, Parks Committee report.

**Motion/Second: Palmquist/Nelson. To approve the June 16, 2015 Regular City Council Meeting agenda as amended. Motion carried 5-0-0.**

5. **APPROVAL OF MINUTES**

A. Minutes of the May 19, 2015 Regular City Council Meeting –

**Motion/Second: Palmquist/Nelson. To approve the minutes of the May 19, 2015 Regular City Council Meeting minutes as presented. Motion carried 5-0-0.**

B. Minutes of the May 27, 2015 City Council Work Session –

**Motion/Second: Palmquist/Nelson. To approve the May 27, 2015 City Council Work Session minutes as presented. Motion carried 5-0-0.**

6. **PUBLIC INPUT – none.**

7. **REPORTS/PRESENTATIONS**

A. Sheriff's Monthly Report – Deputy Sullivan and Sergeant Van Klie were in attendance. Deputy Sullivan reported that the monthly incidents include significantly higher traffic stops. They informed the bears are back and active; residents are urged to just leave them alone; if they are threatening your house or person, then call 911. A rash of mail theft and mailbox bashings is a concern. [**RESIDENTS: DON'T HESITATE TO CALL 911 TO REPORT SUSPICIOUS VEHICLES IN YOUR NEIGHBORHOOD-DAY OR NIGHT;** an immediate call can go a long way to catching perpetrators.] Deputy Sullivan advised on an Animal Control issue; residents DO NOT pay the Animal Control Officer for picking up animals; the City gets billed for Animal Control calls.

B. Bill Isaacson Mount Hope Cemetery request – Jim Stanton, representing Bill Isaacson, 15616 Upper 34<sup>th</sup> Street S, read Mr. Isaacson's letter requesting to inter the ashes of his wife, Chrysmarie, her mother and father, and eventually his at Mount Hope Cemetery. He maintained the cemetery from 1985 until 2014.  
Item 9C1: Council discussed that former mayor, Pat Tierney, was allowed to be buried at Mount Hope Cemetery, for his service to the City, and this is a similar request. Council requested that the area for interment

54 be coordinated with the Afton Historical Society, as they have a map of identified burials, and to ensure it will  
55 be within the boundaries of the cemetery; care should be taken that the existing cemetery and its pioneer burial  
56 sites be undisturbed.

57  
58 **Motion/Second: Richter/ Palmquist. To approve interring the ashes of Bill Isaacson’s wife, Chrismarie,**  
59 **her mother and father, and eventually his at Mount Hope Cemetery and to work with the Afton**  
60 **Historical Society for placement in the cemetery and to ensure and its pioneer burial sites be undisturbed.**  
61 **Motion carried 5-0-0.**

62  
63 C. Lower St. Croix Valley Fire District – Jim Stanton, presented the LSCV Fire District’s 2016 Budget and  
64 Levy, which was passed at their meeting on June 15, 2015. Chief Chris Peterson and Asst Chief Jim Stanley  
65 were also in attendance. He reminded that the formula for costs is set by a unanimous vote of all the cities, and  
66 that Afton, being the largest contributor, has the right to call a meeting of all the cities to discuss the formula. He  
67 informed that the tax capacities this year have fluctuated quite a bit. He updated that this year’s increases came  
68 essentially from three areas: 1) Training costs are going up, but they are working to bring it down. 2) They  
69 moved to hourly rates for callouts, instead of one flat rate per call, as LSCV Fire District was losing firefighters  
70 to other cities. 3) The higher gas prices of last year caused increases in expenses.

71  
72 D. Mary Planten Krell, Youth Service Bureau – updated the Council on services provided to Afton  
73 families; she reviewed the formula on which the request for 2015 contribution was based: 2014 services  
74 requested from Afton families totaled \$12,200. They typically request a 10% contribution, which resulted in the  
75 request for \$1,200. She thanked the City for the contributions they have made in recent years.

76  
77 **Motion/Second: Bend/Nelson. To approve an additional \$250 to the \$500 contribution approved last**  
78 **month. Richter asked why the city would not meet its contribution obligation of 10% and felt the motion**  
79 **should be amended to \$700. The amendment was accepted by Bend and Nelson. Motion carried 5-0-0.**

80  
81 E. Jim Bougie, Finance Committee Report – Reported that the cash flow shows a projected surplus of  
82 \$844,000, but that may be a false amount, due to the temporary “bridge” loan; he reminded that the interest  
83 payment for the “bridge” loan of \$13,000 is due in October. The City will receive an estimated \$704,000  
84 property tax revenue in early July for year-end operating expenses.

85  
86 8. **CONSENT AGENDA** – Council pulled Items D and F from the Consent Agenda.

87 A. Just and Correct Claims

88 B. 4M Fund Transfer - MAY - **Resolution 2015-44**

89 C. Minnesota City/County Management Association Membership

90 D. 4M Fund Expanded Investment Options – **Resolution 2015-45 - PULLED**

91 E. Insurance Renewal and Liability Insurance Waiver Form

92 F. Easement Offer from the Valley Branch Watershed District for a Water Quality Project at 30th Street  
93 and Trading Post Trail - **PULLED**

94  
95 **Motion/Second: Richter/Palmquist. To approve the Consent Agenda as amended, including Resolution**  
96 **2015-44. ROLL CALL: All Ayes. Motion carried 5-0-0.**

97  
98 D. 4M Fund Expanded Investment Options – Resolution 2015-45 – Council discussed the additional fund  
99 options, the “authorized officials” for the city, what authorization would be required, that the Declaration of  
100 Trust needs to be filed related to these additional 4-M Fund options, and that this does not replace the annual 4-  
101 M Fund authorization, it is in addition to that. The last statement was amended to insert: “and upon approval by  
102 City Council” after “...effectuate investments and withdrawals...”

103  
104 **Motion/Second: Richter/Palmquist. To approve Resolution 2015-45 as amended reauthorizing**  
105 **membership in 4-M Fund additional options. ROLL CALL: All Ayes. Motion carried 5-0-0.**

106  
107  
108 **F. Easement Offer from the Valley Branch Watershed District for a Water Quality Project at 30th Street**  
109 **and Trading Post Trail** – Council discussed the ravine stabilization project to alleviate erosion at the northeast  
110 corner of 30<sup>th</sup> Street and Trading Post Trail planned by the Valley Branch Watershed District (VBWD).  
111 The VBWD hired an appraiser who determined the value of the easement as \$5,800. Council wondered if the  
112 City was required to accept the offer, as several council members felt the VBWD should not have to pay for the  
113 easement.

114 City Attorney Knaak advised that the City must determine a reasonable offer, which could be the appraised  
115 value provided by the appraiser hired by the VBWD, and that it is appropriate for the City to enter into such an  
116 agreement.

117 **Motion/Second: Palmquist/Ross. To accept the offer from the Valley Branch Watershed District to**  
118 **purchase the surface water drainage easement in the amount of \$5,800, for a Water Quality Project at**  
119 **30<sup>th</sup> Street and Trading Post Trail, and authorizing the City Administrator to sign the easement**  
120 **document. Motion carried 5-0-0.**

## 121 **9. CITY COUNCIL BUSINESS**

122 **A. Planning Commission Report** – Chair Ronningen reported for the Planning Commission.

123  
124  
125 1. **FOC, LLC Minor Subdivision Application at SE Corner of Hudson Road and Manning Avenue,**  
126 **PID 06.028.20.24.0002 – Resolution 2015-46** – Administrator Moorse summarized the application by FOC,  
127 LLC for a Minor Subdivision to subdivide a 5.9 acre parcel from the existing 69 acre parcel at the SE corner of  
128 Manning and Hudson Road with PID# 06.028.20.24.0002 to enable SavA Tree to construct a facility on the 5.9  
129 acre parcel. A survey was provided showing the overall parcel, the 5.9 acre parcel, and a 60-foot wide public  
130 right-of-way easement adjacent to the 5.9 acre parcel. Moorse indicated the Planning Commission, at its June 1,  
131 2015 meeting, recommended approval of the minor subdivision on a vote of 7-0-1, based on findings and the  
132 conditions.

133 Chair Ronningen noted that the conditions in the memo were not numbered, but that the Planning  
134 Commission had deleted conditions # 6 – 9 from the motion.

135 Moorse pointed out the Supplemental Packet included the “public right-of-way for private driveway purposes  
136 agreement” which was drafted by the City Attorney.

137 The developer requested to hold off on designating “scenic easements” on areas in excess of 18%, as they would  
138 like an option to level off at least one of the mounds on parcel B.

139 Council discussed conditions # 6 – 9; they deleted #6, #8 and #9 and left in #7. They added that the City execute  
140 the public right-of-way agreement and that the City has no obligation to improve the right-of-way.

141  
142 **Motion/Second: Bend/Richter. To approve the FOC, LLC Minor Subdivision application at the southeast**  
143 **corner of Hudson Road and Manning Avenue, with PID 06.028.20.24.0002, per Resolution 2015-46 as**  
144 **amended, including the following Findings and Conditions:**

### 145 **Findings**

- 146  
147 1. The proposed subdivision meets all subdivision requirements.

### 148 **Conditions**

- 149  
150 1. Easements as required by the City Engineer shall be granted.  
151 2. Scenic easements shall be placed on all slopes greater than 18%.  
152 3. The developer shall execute a scenic easement agreement.  
153 4. Park dedication requirements shall be satisfied at the time of final subdivision approval in  
154 accordance with Section 12-1270 of the Subdivision Ordinance.  
155 5. The developer shall obtain a permit for constructing a driveway in the road right-of-way.

- 156 ~~6. The public road shall be constructed at the time there is a second user of the driveway or at the~~  
157 ~~time of a further subdivision of the larger parcel~~  
158 7. The City shall have no responsibility for the construction or maintenance of the driveway, or the  
159 construction of a public road, and the developer shall enter into an agreement setting out the  
160 developer's responsibilities related to the driveway and the public road.  
161 ~~8. All proposed right-of-way dedication and street construction plans are subject to review and~~  
162 ~~approval of the City Engineer.~~  
163 ~~9. The developer shall provide updated street signs for the new road right-of-way in accordance with~~  
164 ~~City specifications and obtained from the City's designated supplier, subject to review and~~  
165 ~~approval of the City Engineer.~~  
166 10. The developer shall follow the requirements in the septic system permit issued by the Washington  
167 County Public Health Department.  
168 11. The developer shall execute the public right-of-way agreement with the City, as drafted by the  
169 City Attorney, and that the City is under no obligation to improve the right-of-way.  
170

171 **ROLL CALL: All Ayes. Motion carried 5-0-0.**  
172

173 **Bend requested that the City add to a future Council Work Session to consider an Industrial Zone “policy**  
174 **question” about whether grading of slopes would be allowed to offer “more” developable area, or whether the**  
175 **City wishes Industrial areas to maintain natural slopes and therefore “less” developable area. If the City**  
176 **decides to maintain natural slopes, the developer would need a variance to flatten the mound for a level**  
177 **building pad.**  
178

179 2. Matt Twomey Variance Application for the property on 30th Street with PID# 16.028.20.31.0001 –  
180 Resolution 2015-47 – Administrator Moorse summarized the Matt Twomey application for a variance to allow one  
181 driveway to be built on a slope greater than 18% to serve a 47-acre parcel on 30<sup>th</sup> Street with PID # 16.028.20.31.0001.  
182 While the parcel has steep slopes along its public road frontage, the interior of the lot is flat and open. Moorse  
183 explained that Mr. Twomey had previously applied for variances and a subdivision to create two lots on the property.  
184 Twomey is now requesting a variance to enable one driveway to serve the property as one lot. The need for the  
185 variance is due to both frontages of the property (along both 30<sup>th</sup> Street and Valley Creek Trail) having steep slopes  
186 along the entire frontage. There is no area along the public road frontage for access to serve the property that would not  
187 require a driveway to cross a steep slope. The property is not buildable as a separate lot without the requested variance.  
188 The access from 30<sup>th</sup> Street would cross the least steep area along the frontage of the property. The slope is  
189 approximately 19% vs. the maximum allowed slope of 18%. Moorse indicated that Twomey had requested that the  
190 time period for the variance be extended to two years to provide a longer timeframe before a house would need to be  
191 constructed on the property. (City Code provides that a variance must be implemented within one year from the date of  
192 approval.) The Planning Commission, at its June 1, 2015 meeting, recommended approval of the variance with a two  
193 year variance expiration period, on a vote of 8-0-0, with findings and conditions.

194 Council was concerned that the drawings provided were the same as those for the previous subdivision  
195 applications. They noted that the drawings should have been revised to indicate only one driveway and one parcel.  
196 They wanted clarification that this variance application is indeed for ONE driveway to serve ONE parcel.

197 Mr. Twomey confirmed that this parcel will be developed as one lot and needs a variance for one driveway.  
198

199 **Motion/Second: Palmquist/Ross. To approve the Twomey variance for one driveway over slopes**  
200 **exceeding 18% from property frontage on 30<sup>th</sup> Street, with PID 16.028.20.31.0001 per Resolution 2015-47**  
201 **as amended, including Findings #1-3 and Conditions #1-5 (conditions #3-5 were added in the making of**  
202 **the motion).**  
203

204 **Bend offered a friendly amendment to add Findings #4 -5 below. The friendly amendment was accepted by**  
205 **Palmquist and Ross.**

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**Findings**

1. The property has practical difficulties that were not created by the applicant.
2. The configuration and topography of the parcel are unique. The parcel has frontage on two public roads, and each frontage has steep slopes that require a variance to enable access to the property.
3. This is a pre-existing lot that exceeds lot size and density requirements, but is not buildable without a variance.
4. The variance will not change the essential character of the neighborhood.
5. The driveway is nominally 18% (between 18 – 20%) for a very short distance.

**Conditions**

1. A grading and drainage plan and an erosion control plan for one driveway is required for one parcel, and shall be subject to review and approval by the City Engineer.
2. A Conditional Use Permit is required for a driveway located within 20 feet of the crest of a slope greater than 18%.
3. That the drawings as provided are not correct, as they showed two driveways. The one approved driveway shall be located in approximately the same location as shown on the drawings.
4. The property shall contain only one lot.
5. The variance shall have an expiration of two years from the date of approval (instead of one year as allowed by City Code).

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

**B. Engineering Report –**

1. Staff Report/Council Update – City Engineer Diane Hankee reported for WSB. She updated:
  - a. That the Comprehensive Plan amendment was sent out to surrounding communities and agencies.
  - b. The Minnesota Pollution Control Agency (MPCA) permit for the sanitary system will be considered at the Citizen’s Board Meeting on June 23, 2015.
  - c. The City has settled on 10 of the 15 easement acquisitions. The City filed condemnation on the remaining five parcels. Negotiations are ongoing and the Court hearing is scheduled for July 17, 2015, with a quick take title and possession date of August 17, 2015.
  - d. As requested by Council, WSB has updated the professional engineering services fees for the Downtown Village Project which will be presented at an upcoming Council Work Session.
2. Approve Plans and Specifications and Authorize Advertisement for Bids for the Wastewater Treatment System and the Lift Station and Forcemain – Resolution 2015-48 – Engineer Hankee indicated, subsequent to receiving the sanitary system permit from the MPCA, the City would proceed to advertise for bids for the Wastewater Treatment System (treatment site), Forcemain and Lift Stations.

**Motion/Second: Palmquist/Ross. To approve Resolution 2015-48 approving Plans and Specifications and authorize advertising for bids for the Wastewater Treatment System, Forcemain and Lift Stations. ROLL CALL: All Ayes. Motion carried 5-0-0.**

3. Approve Resolution Adopting the City of Afton Storm Water Project Plan for the Minnesota Public Facilities Authority (PFA) – Resolution 2015-49 – Engineer Hankee explained that the City is eligible to receive a Clean Water State Revolving Fund Loan (the same as the septic funding) and potential principle forgiveness under the Green Project Reserve Fund for the Downtown Improvements Project construction plans and specifications relating to the proposed storm water improvements. She indicated with this funding the City would be able to install pervious pavers in the parking areas at City Park and install infiltrating tree boxes in certain areas of the local roadways such as 33<sup>rd</sup> Street. This is a 75/25 % match City/State.

258 **Motion/Second: Palmquist/Nelson. To approve Resolution 2015-49 adopting the City of Afton Storm**  
259 **Water Project Plan for the Minnesota Public Facilities Authority (PFA) as presented. ROLL CALL: All**  
260 **Ayes. Motion carried 5-0-0.**

261  
262 **Council Member Palmquist requested that the City apply for funding for the storm water lift station, and**  
263 **requested the issue be placed on a future Council Work Session.**

264  
265 [The following two items were moved up from C5 and C4 respectively, for input from the City Engineer.]

266  
267 9C5. Proposal for Overlay of Upper 34th Street – Administrator Moore explained that Upper 34<sup>th</sup> Street  
268 is a private road over which the City has a prescriptive easement for public use for access to Mount Hope  
269 Cemetery. The road provides access to the former Elston property and to three properties at the top of the hill  
270 adjacent to the Mount Hope Cemetery. The three property owners at the top of the hill have been maintaining  
271 the road for many years but the portion of the road that was paved by property owners in the past is in need of an  
272 overlay. The property owners have obtained a price quote for the overlay for \$10,600. The property owners  
273 propose that the cost of the overlay be divided between them, the bank that currently owns the former Elston  
274 property, and the City of Afton, as the City uses the road for access to Mount Hope Cemetery. Divided five  
275 ways, the cost for each party would be \$2,120.

276  
277 **Motion/Nelson: Bend/Nelson. To make a one-fifth contribution for the proposal from property owners on**  
278 **Upper 34<sup>th</sup> Street to share the cost of an overlay for Upper 34<sup>th</sup> Street in an amount not to exceed \$2,120,**  
279 **split 5 ways contingent on the City declaring it a “minimum maintenance road” and for a document to be**  
280 **drawn up for the residents along the road to agree to the designation as a minimum maintenance road.**

281  
282 Council Discussion

283 Council members were concerned if this would set a precedent for maintenance of the road by the City.

284 City Attorney Knaak advised that the City has a prescriptive easement for public access to Cemetery Road  
285 which is, in essence, a shared driveway. He cautioned that contributing to its maintenance may be seen as taking  
286 steps to improve it and may make the City responsible to maintain it. He advised the City designate it as a  
287 “minimum maintenance road,” secure an agreement signed by the residents along Cemetery Road that they  
288 maintain the road and that they agree to the “minimum maintenance road” for instance, to agree to access by  
289 emergency services vehicles, and to sign the road as a “minimum maintenance road.”

290  
291 **Bend withdrew his motion. The City Attorney recommended that the City prepare an agreement for the**  
292 **property owners to agree to the “minimum maintenance road.” Staff was directed to prepare the**  
293 **necessary documents as advised by the City Attorney, for action at the next City Council meeting.**

294  
295 9C4. 2015 Street Repairs and Improvements – Administrator Moore indicated that the Public Works  
296 Committee met on Thursday, June 11 to discuss several street repair/ improvement needs, and they had the  
297 following recommendations:

298 a. 44<sup>th</sup> Street Culvert. The Council previously approved the cleaning of culverts and ditches on  
299 44th Street to address drainage issues. As part of completing these repairs, an additional plugged culvert was  
300 discovered. The cost to clean the culvert is \$700.

301 b. Odell Repairs. The Council previously approved drainage and street repairs for Odell in the  
302 amount of \$6,595. A recent inspection by City Engineer Hankee and street repair contractor Ben Thurmes of  
303 Tri County identified additional deterioration at the road’s low point, with nowhere for the culvert to drain.  
304 Ditches will be re-done and the repairs will be extended another 100 feet. The cost would be \$2,570.

305 c. Pateley Bridge Avenue and 32nd Street. An inspection of these two cul-de-sacs indicated seal  
306 coat projects would extend the life of both. This would enable the excess aggregate from the 2014 seal coat  
307 projects to be used. This will be similar to repairs to upgrade River Road a few years ago.

308 d. 15<sup>th</sup> Street. 15<sup>th</sup> Street is in poor condition and will require a reclamation project at some point.  
309 The City needs to begin planning an updated Capital Improvement Project (CIP) and funding priorities.

310  
311 **Motion/Second: Richter/Palmquist. To approve repairs to 44<sup>th</sup> Street for \$700 and Odell for an additional**  
312 **\$2,570 for street repairs as presented above. Motion carried 5-0-0.**  
313

314 **Motion/Second: Richter/Palmquist. To request quotes for repairs to cul-de-sacs at Pateley Bridge and at**  
315 **32<sup>nd</sup> Street S. Motion carried 5-0-0.**  
316

317 **C. Administration -**

318 1. Bill Isaacson Mount Hope Cemetery Request – [Council acted on this request under Item 7B.]  
319

320 2. Special Event Permit for Block Party on Osgood Avenue between 55<sup>th</sup> St. and 57<sup>th</sup> St. –  
321 Administrator Moore summarized that resident William Lundquist, of 14721 55<sup>th</sup> Street, has applied for a  
322 special event permit for a block party on Osgood Avenue between 55<sup>th</sup> Street and 57<sup>th</sup> Street. The expected  
323 attendance is 100 people. The event would involve limiting traffic during the event, which is planned to be held  
324 from 6:00 p.m. to 10:00 p.m. on July 9, 2015. The permit has been routed to the Fire Department and the  
325 Sheriff's Department for any comments that would be added as conditions on the permit. Staff recommends  
326 adequate signage to notify non-local traffic of the event.  
327

328 **Motion/Second: Richter/Palmquist. To approve the Special Event Permit for a block party on Osgood**  
329 **Avenue to be held July 9, 2015 from 6:00 to 10:00 p.m. with conditions as above or as may be added by**  
330 **emergency services. Motion carried 5-0-0.**  
331

332 3. Jessie Diggins Proclamation – Resolution 2015-50 – The Afton Parade Committee was successful  
333 in getting Jessie Diggins to be the Grand Marshal for the 2015 Afton 4<sup>th</sup> of July Parade. At the completion of the  
334 parade, there will be a recognition ceremony for Jessie at Town Square Park. As part of the recognition, Mayor Bend  
335 will present a proclamation recognizing Jessie for her outstanding accomplishments.  
336

337 **Motion/Second: Palmquist/Bend. To recognize the international accomplishments and community service**  
338 **of Afton resident and cross-country skier Jessie Diggins with a proclamation per Resolution 2015-50 to be**  
339 **presented to her at Town Square Park after the 4<sup>th</sup> of July Parade. ROLL CALL: All Ayes. Motion**  
340 **carried 5-0-0.**  
341

342 [9C4 and 9C5 were moved up to the end of the Engineering Report to accommodate Engineer Hankee.]  
343

344 6. Consultant Assistance for Tools to Manage Tasks, Processes, and Documents – Administrator  
345 Moore indicated the Personnel Committee has been discussing with him the provision of tools to assist in  
346 managing and tracking tasks and processes in meeting current and future workload needs and in accomplishing  
347 goals. The Committee received a proposal from Meg Kerschbaum to assist the City in identifying and  
348 implementing these tools. The Personnel Committee recommended the Council approve Phases I and II of the  
349 proposal at a cost not to exceed \$1,625. When the deliverables for Phases I and II are completed, the scope of  
350 work and costs for Phase III and IV would be clarified, and the Council would have an opportunity to decide  
351 whether to proceed to Phases III and IV.

352 Council members asked why, for such a small staff, would such software programs be needed to manage the  
353 City. They asked what the software packages would cost.

354 Ross estimated that after installation, the software may cost about \$800 per year.

355 It was noted that Cable Commission funds could be used for this.  
356

357 **Motion/Second: Nelson/Ross. To approve the proposal from Meg Kerschbaum for consultant services in**  
358 **identifying tools to assist the City in managing and tracking tasks, processes and goals to assist in meeting**  
359 **current and future workload needs and accomplishing goals, at a cost not to exceed \$1,625 for Phases I**  
360 **and II. Motion carried 4-1-0 (Nay-Richter).**  
361

362 7. Accessory Building Ordinance Amendment – Ordinance 02-2015 – Administrator Moose  
363 summarized that the Council, at its May 27, 2015 Work Session, discussed the Accessory Building ordinance  
364 amendment that had a Public Hearing at the Planning Commission in March, 2015. Due to concerns about  
365 allowing non-agricultural accessory buildings up to 5,000 square feet on large parcels, the Council directed that  
366 the ordinance amendment include larger front yard setbacks. Staff made the additional amendments reflecting  
367 the larger setbacks. The Council also discussed the requirement that a new subdivision would not be allowed if  
368 it would make existing accessory buildings non-conforming, with the exception of agricultural buildings.  
369 Because the exception is for agricultural buildings, the language would not allow a property owner to build a  
370 large non-agricultural accessory building, then subdivide the property.

371  
372 After the public hearing at the Planning Commission, staff recommended, in order for the ordinance to be  
373 codified into the City Code, that the remainder of the section be modified to include the amendments, which  
374 required renumbering and reformatting the ordinance amendment. Because the Council had added greater  
375 setbacks than were in the ordinance amendment when the public hearing was held by the Planning Commission,  
376 and because more of the ordinance section has now been amended, it was questioned whether the final draft of  
377 the amendment now needs a public hearing and a recommendation by the Planning Commission.

378  
379 **Motion/Second: Bend/Nelson. To table the ordinance amendment regarding accessory buildings. Motion**  
380 **carried 5-0-0.**

381  
382 8. Schedule Council Work Sessions – Administrator Moose indicated there are two items for  
383 discussion at Council work sessions. One is information prepared by the City Engineer regarding the remaining  
384 scope of engineering services for the downtown improvement projects. The City Engineer has suggested the  
385 afternoon of June 25 for a work session. As this date is after the Minnesota Pollution Control Agency’s Citizens  
386 Board meeting, it would also provide an opportunity to discuss plans based on the Board’s decision. Engineer  
387 Todd Hubmer would be in attendance. The other item is the annual City Administrator performance review,  
388 which is scheduled to be conducted in July.

389 Some council members indicated they could not attend a June 25 Council Work Session.

390  
391 **Staff was directed to use “Doodle Poll” to attempt setting up another date for a Council Work Session.**

392  
393 9. Funding for a Concept Plan for a New Restroom Facility for Town Square Park – Administrator  
394 Moose turned this item over to Council Member Palmquist, who updated that the Parks Committee had  
395 identified a new restroom facility as a high priority need for Town Square Park. The Committee applied for  
396 grant funding in 2012, but it was denied. They would like to apply for a matching grant (\$25,000 for a total of  
397 \$50,000) for a portion of the cost of a restroom facility and to have the restroom facility hooked up to the  
398 planned sewer. This initial request for \$1,000 is to develop a concept plan and cost estimate for a restroom  
399 facility and to authorize the \$1,000 be taken from the Park Dedication Fund.

400  
401 **Motion/Second: Palmquist/Nelson. To authorize \$1,000 from the Park Dedication Fund for developing a**  
402 **concept plan and cost estimate for a restroom facility at Town Square Park and to be hooked up to the**  
403 **planned Village sewer system. Motion carried 4-1-0 (Nay-Bend).**

404  
405 10. Removal of Unused Outhouse at Town Square Park – [This item was moved to Committee reports.]

406  
407 11. Acquisition of Easements (Council chose to move into a Closed Session) –

408  
409 **Motion/Second: Bend/Nelson. To go into a Closed Session at 10:25 p.m. Motion carried 5-0-0.**

410  
411 **Motion/Second: Palmquist/Richter. To come out of Closed Session at 10:55 p.m. Motion carried 5-0-0.**

412

413 12. Request For Proposals for Historian for the Local Designation Nomination Process for Historic  
414 Properties – Administrator Moorse explained that the City has obtained grant funding of \$20,000 to hire an  
415 historian to conduct historic research and prepare local designation nomination forms for historic properties in  
416 Afton. The Design Review/Heritage Preservation Commission (HPC) will be reviewing a Request for Proposals  
417 (RFP) for an historian at its June 17 meeting, and would like to advertise for proposals as soon as possible. Staff  
418 needs authorization from the Council to move forward to advertise the RFP. Proposals received will be  
419 reviewed by the HPC, and the proposals and a recommendation will be brought to the Council for selection of  
420 an historian for the project.

421  
422 **Motion/Second: Palmquist/Bend. To authorize the Request for Proposals process for an historian to**  
423 **conduct historic research and prepare local designation nomination forms for historic properties in**  
424 **Afton. Motion carried 5-0-0.**

425  
426 **D. Committee Reports –**

- 427 1. Public Works – none.  
428 2. Personnel – Bend reported that the City’s intern resigned due to changing direction in her Master’s  
429 Program; requests for other intern applications have been sent out. The committee has talked about re-allocating  
430 some staff tasks.  
431 3. Parks – The Parks Committee is meeting on June 24. Palmquist reported there is an old unused  
432 outhouse in Town Square Park. The outhouse is a small concrete block building that is not suitable for another  
433 use. The removal of the outhouse building is suggested.  
434 4. HPC/DR – Moorse reported the HPC is meeting on June 17. They will discuss the RFP process for a  
435 consultant historian and discuss conceptual designs for a City Garage addition to City Hall.

436  
437 **10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES**

- 438 **A. Ward 1 Council Member Palmquist** – due to a recent report, he would like the Animal Control contract  
439 reviewed and to have a possible meeting with the Animal Control Officer.  
440 **B. Ward 2 Council Member Richter** – none.  
441 **C. Ward 3 Council Member Ross** – the HSI Committee has requested quotes to “build out” Trading Post  
442 Trail and 42<sup>nd</sup> Street.  
443 **D. Ward 4 Council Member Nelson** – none.  
444 **E. Mayor Richard Bend** – attended a review session with Wenck in preparation for the MPCA Citizen’s  
445 Review Board meeting on June 23, 2015; from all perspectives, they feel the Board review will be positive.  
446 **F. City Attorney Knaak** – The prosecution report was on file.  
447 **G. City Administrator Moorse** – none.

448  
449 **11. ADJOURN**

450  
451 **Motion/Second: Nelson/Richter. To adjourn the meeting at 11:01 p.m. Motion carried 5-0-0.**

452  
453 Respectfully submitted by:

454  
455  
456 \_\_\_\_\_  
457 Kim Swanson Linner, Deputy Clerk

458  
459  
460 **Approved by Council (at the 7/21/2015 meeting) as: Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_**

461  
462  
463 **Signed by Mayor Richard Bend: \_\_\_\_\_ Date: \_\_\_\_\_**

# **SUPPLEMENTAL PACKET**

To.

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

# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 26, 2015  
Re: Shelly and Brad Holz Variance Application at 4206 River Road – **Public Hearing**

### Supplemental

---

Attached is a memo from Jesse Carlson, City Engineer, regarding the grading and drainage plan for the Holz new house proposal. The memo provides general comments regarding grading and drainage. Because the site is a difficult one, due to steep slopes, the stormwater management solutions will require additional work. The City Engineer has suggested it may be best that he works with the applicants' architect to develop the stormwater management solutions.



& Associates, Inc.

engineering ■ planning ■ environmental ■ construction

477 Temperance Street  
St. Paul, MN 55101  
Tel: 651-286-8450  
Fax: 651-286-8488

## *Memorandum*

**To:** *Ron Moorse, City of Afton*

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

**Date:** *July 2, 2015*

**Re:** *Holz Variance Stormwater & Drainage Review  
WSB Project No. 01856-450*

A proposed plan was submitted for a house being rebuilt on 1.71 acres of land in the City of Afton. The proposed improvements call for the destruction and reconstruction of a new house, including a rain garden to treat some of the water on site. As a part of this submittal the following was reviewed:

- Preliminary drainage and retaining wall plan.

The site was reviewed for conformance with the City of Afton's zoning requirements. The following are items that will need to be addressed as a part of this application.

### Procedural

- Provide grading plan along with general drainage directions around the structure. The goal is to make sure the drainage will not cause any erosion issues or impacts to surrounding properties.
- It is recommended that the raingarden be designed to capture 1" of runoff from the proposed impervious to the extent that is practical. The raingarden shall also be designed to handle the flows that overtop the raingarden and flow down the existing slope.

Please revise and resubmit the model and plans accordingly. Please contact us if you have any questions.

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T.b.

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

# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorese, City Administrator  
Date: July 6, 2015  
Re: Valley Branch Watershed District Conditional Use Permit Application for a Grading Project at properties northeast of 30th Street and Trading Post Trail with PIDs 2102820210001, 1602820340002, 1602820430004, and 2102820120001, and east of Neal Avenue and north of Valley Creek Trail on properties with PIDs 1702820210002, 170282010001 and 17028130004  
– **Public Hearing**

### Supplemental

---

A memo from Jesse Carlson, City Engineer, with questions and comments regarding the ravine stabilization project is attached. Also attached is a response from the Valley Branch Watershed District (VBWD) engineer. The summary of these two documents is that, while the City Engineer had questions about several elements of the project, the VBWD engineer has addressed each of the questions to explain why the elements are designed as they are, and that they are sufficient to address the questions raised by the City Engineer.



## *Memorandum*

**To:** *Ron Morse, City of Afton*

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

**Date:** *July 2, 2015*

**Re:** *Drainage Review – VBWD Ravine Stabilization - Landucci and 30<sup>th</sup> and Trading Post Trail Ravines*  
*WSB Project No. 01856-450*

---

A proposed plan was submitted for 2 ravine stabilization projects located in the City of Afton. The proposed project looks to decrease erosion and improve stream flow for both ravines. As a part of this submittal the following was reviewed:

- Preliminary drainage and construction plan.

The following are recommended improvements that should be considered as a part of the final design:

- Should riprap be considered to be installed upstream and downstream of the cedar pilings to protect them? It is assumed that they are being installed to protect any head cutting that may be occurring within the ravine and provide protection of the proposed log check dams.
- For the Landucci Ravine will the entire length of the ravine be disturbed or is the disturbance limited to the log check dams? If the entire ravine will be disturbed the plan shall call for proper restoration and stabilization of the disturbed areas.
- Are the proposed restoration methods for the stilling basin as shown on page C-06 adequate to handle the flows as anticipated?
- If 2' of vertical separation is the goal should another log check dam be proposed between Station 10 + 55 and 11+ 50?

Please contact us if you have any questions.

## Ron Moore

---

**From:** Jennifer A. Koehler <JKoehler@barr.com>  
**Sent:** Monday, July 06, 2015 11:20 AM  
**To:** Ron Moore  
**Cc:** Jesse Carlson (JCarlson@wsbeng.com); John P. Hanson  
**Subject:** RE: VBWD Ravine Stabilization Projects  
**Attachments:** R0010855.jpg; R0010853.jpg

Hi Ron (and Jesse),

Thanks for providing the comments/questions on the VBWD Ravine design in the memo dated 7/2/2015. Below are our responses. Jesse, if you have any further questions or if you would like to discuss this more, please feel free to give me a call at 952-832-2750. Ron, I will follow-up this email with a call to you so we can discuss this (and any other items) before tonight's meeting.

- **Bullet #1** – Should riprap be considered to be installed upstream and downstream of the cedar pilings to protect them? It is assumed that they are being installed to protect any head cutting that may be occurring within the ravine and provide protection of the proposed log check dams.
  - Riprap should not be necessary upstream and downstream of the cedar pilings. They will be installed flush with the ground and will improve the stream bed stability without the need for riprap. We have used this technique (without rip rap) on the Nine Mile Creek lower valley stabilization project which has been in place for near 25 years and are performing well. Dr. Gary Parker, formerly of the U of M, used a similar design (much larger scale, no rip rap) in the Minnesota River at the Highway 169 crossing near LeSueur, MN. Based on field visits, the location of the cedar pilings is not experiencing severe erosion and the intent of the cedar pilings in the VBWD ravine is as a protective measure.
- **Bullet #2** – For the Landucci Ravine will the entire length of the ravine be disturbed or is the disturbance limited to the log check dams? If the entire ravine will be disturbed the plan shall call for proper restoration and stabilization of the disturbed areas.
  - We expect that most of the disturbance will be limited to the area around the log check dams, not the entire length of ravine. The contractor will access the check dams from the west side of the ravine. Our notes on sheet G-03 and C-01 require the contractor to restore all disturbances. The hatching was shown based on where we expect significant disturbance for the installation of the check dams. Additionally, numerous site visits indicate that there is limited vegetation established on the bottom of the ravine and has deposited sediments along the length (see attached photos as examples of what the Landucci Ravine looks like (for existing conditions)).
- **Bullet #3** – Are the proposed restoration methods for the stilling basin as shown on page C-06 adequate to handle the flows as anticipated?
  - The expected existing and proposed velocities at the pipe discharge during the 100-year event were 7.7 fps and 7.4 fps, respectively. The riprap apron at the outlet of the proposed 54" RCP and the riprap berm are MnDOT Class III riprap, which are intended for velocities from 8-10 fps. Downstream of the riprap apron, we are proposing seed with erosion control blanket. We expect the riprap apron will dissipate energy along with water that will temporarily pool behind the rip rap berm during storm events. We believe that the proposed restoration in the stilling basin is sufficient given the riprap apron at the outlet and the downstream rip rap berm.
- **Bullet #4** – If 2' of vertical separation is the goal should another log check dam be proposed between Station 10 + 55 and 11+ 50?
  - The 2' of vertical separation was the general goal for the placement of the log check dams. However, based on several field visits, we determined that in the section between Station 10+55 and 11+50 did

not require a log check dam as the grade in this section flattens out and the active erosion in this reach was minimal.

Thanks,

Jen

Jennifer A. Koehler, PE

Water Resources Engineer  
Minneapolis office: 952.832.2750  
jkoehler@barr.com  
www.barr.com

resourceful. naturally.



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**From:** Ron Moose [mailto:rmoose@ci.afton.mn.us]  
**Sent:** Monday, July 06, 2015 8:27 AM  
**To:** Jennifer A. Koehler  
**Subject:** FW: VBWD Ravine Stabilization Projects

Jen,

I am forwarding comments from Jesse Carlson regarding the ravine stabilization project. Please review the comments and call me today with your response. If you need to talk with Jesse regarding his comments, his contact information is in the email below.

Thanks,  
Ron

**From:** Jesse Carlson [mailto:JCarlson@wsbeng.com]  
**Sent:** Thursday, July 02, 2015 5:06 PM  
**To:** Ron Moose  
**Cc:** [jkoehler@barr.com](mailto:jkoehler@barr.com); [jhanson@barr.com](mailto:jhanson@barr.com); Diane Hankee  
**Subject:** VBWD Ravine Stabilization Projects

Ron:  
The attached are my review comments regarding the VBWD ravine stabilization projects.

Thank You,

Jesse Carlson, CPESC, CPSWQ  
Water Resources Project Manager  
d: 651-286-8464 | c: 612-518-8785  
WSB & Associates, Inc. | 477 Temperance Street | St. Paul, MN 55101





2014/06/11

W: 092° 49' 53.196"  
N: 044° 54' 59.136"



2014/06/11

W: 092° 49' 53.67"  
N: 044° 54' 58.878"

T.C.

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

# Planning Commission Memo

## Meeting: July 6, 2015

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: July 6, 2015  
Re: Larry Best/Chrome-X, LLC Sketch Plan Review Application for Luxury Storage Garages at 13900 Hudson Road – **Public Hearing**

### Supplemental

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Attached is a memo from Jesse Carlson, City Engineer, regarding the grading and drainage plan for the Larry Best/Crome- XX, LLC application. The memo indicates that while the concept plan includes a stormwater pond, it does not appear to be sized sufficiently to control run-off from a 100-year storm event. This would need to be addressed in the final grading plan. The memo also identifies a number of other requirements that will have to be met by the final grading and drainage plan.



## *Memorandum*

**To:** *Ron Morse, City of Afton*

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

**Date:** *July 2, 2015*

**Re:** *Concept Stormwater Review – Grand Garages  
WSB Project No. 01856-450*

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A proposed concept plan was provided for Grand Garage proposed in the City of Afton, MN. Stormwater calculations were not provided; however the site was evaluated to determine if the proposed stormwater treatment facility was adequate based on the proposed impervious at the site. The proposed site is 13.25 acres. With the impervious estimated to be 5.54 acres. This is including the buildings, drive lanes, and parking.

The proposed pond appears to not be sized sufficiently large enough to control the runoff rates for up to a 100-Year storm event. The pond shall also be designed to provide volume control to meet the requirements of the NPDES Construction General Permit. The following identifies items that will need to be addressed as a part of the formal submittal:

### Procedural

- Prior to the start of any construction provide documentation that an NPDES permits has been obtained.
- A maintenance agreement will be required to ensure that the pond performance will be maintained long term. The agreement at a minimum will include the following:
  - Annual inspection
  - Maintenance of all erosion control measures including but not limited to: rip rap storm sewer outlets, catch basin inlets, etc.
  - Sediment removal.
  - Verify system drawdown within 48 hours for infiltration areas.
  - Removal of trash and debris.
  - Maintenance of vegetation.
  - Access

### Erosion Control

- The applicant will need to develop a SWPPP and erosion control plan as a part of their NPDES permit application and submit it to the City for review. The SWPPP and erosion control plan at a minimum will need to discuss the following:

- Stabilization timeframes
- Measures to be used when temporary stabilization will be necessary, include estimated quantities
- Phasing
- Erosion and sediment control inspection schedule along with the qualified person that will be responsible for completing inspections along with ensuring maintenance will be completed
- Protection measures for stockpiles
- Measures for managing hazardous waste and concrete washout

#### Pond Design

- All ponds or infiltration features shall be designed using the procedures and guidance as provided in the State of Minnesota's Minnesota Stormwater Manual.

#### Volume Control

- The site is proposing greater than 1 acre of new impervious. This triggers the MPCA requirement to provide 1-inch of volume control from all new impervious surfaces from the project site. The applicant did not provide any details to indicate if the pond as proposed is being designed as an infiltration feature. Based on the estimated impervious the applicant will need to provide at least 20,037 cubic feet of volume control or below pipe storage that will be intended to infiltrate providing there are not any restrictions on-site that will prevent infiltration from being feasible.

#### Rate Control

- The pond as proposed will provide 82,400 cubic feet of storage. The City of Afton requires applicants to demonstrate that runoff rates do not increase from existing conditions. A review the of existing and proposed runoff conditions shows that there will be an increase in runoff of 2.42 ac-ft. or 105,415 cubic feet, indicating the pond as proposed will not meet the design requirements.

#### Wetland Protection

- If there are any wetland impacts proposed as a part of the development they will need to address all Wetland Conservation Act permitting requirements.

Please contact us if you have any questions.



## *Memorandum*

**To:** *Diane Hankee, PE – City of Afton Engineer*

**From:** *Dean Chamberlain, PE – WSB & Associates*  
*Sean Delmore, PE, PTOE – WSB & Associates*

**Date:** *May 13, 2015*

**Re:** *ADA Compliance Analysis*  
*Afton City Hall Site (Parking and Sidewalk Access) and Other Parking Areas*  
*WSB Project No. 01856-400*

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The purpose of this memorandum is to document the need for ADA compliant parking and pedestrian facilities on the Afton City Hall site located on 30<sup>th</sup> Street east of St. Croix Trail. This memorandum also presents three ADA-compliant designs that accommodate the parking and pedestrian facility needs for Afton City Hall along with the pros and cons of each option and a recommendation for further action. The memorandum will also provide analysis of the amount of handicap parking stalls needed at other public parking lots being reconstructed with the 2015 and 2016 reconstruction projects in downtown Afton.

### Need for ADA-Compliant Facilities

The Americans with Disabilities Act (ADA) requires that facilities suitable for the movement of people with physical disabilities be provided with all new construction and reconstruction projects on public facilities. Specific requirements are provided in Title II and ADAAG sections of the ADA. The following requirements from the ADA are applicable to the Afton City Hall site:

- Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992. – ADA Title II Section 35.151(a)(1)
- Full compliance with the requirements of this section is not required where a public entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features. – ADA Title II Section 35.151(a)(2)(i)

- At least 2 accessible parking spaces are required for parking facilities of 26-50 spaces (the Afton City Hall site is proposed to have 48 spaces) – Section 208 of ADAAG
- Parking spaces that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance. – Section 208 of ADAAG
- For every six or fraction of six parking spaces required, at least one shall be a van parking space. – Section 208 of ADAAG
- Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. – Section 402 of ADAAG
- Ramp runs shall have a running slope not steeper than 1:12, except that in existing sites, buildings, and facilities shall be permitted to have running slopes steeper than 1:12 [...] where such slopes are necessary due to space limitations. – Section 405 of ADAAG
- Cross slope of ramp runs shall not be steeper than 1:48. – Section 405 of ADAAG
- Ramps and curb ramps shall have landings at the top and bottom of each ramp run. Landing slopes not steeper than 1:48 shall be permitted. – Sections 405 and 406 of ADAAG
- Car parking spaces shall be 96 inches wide minimum, and van parking spaces shall be 132 inches wide, except that the van parking spaces shall be permitted to be 96 inches wide minimum where the access aisle is 96 inches wide minimum. – Section 502 of ADAAG
- Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted, except that slopes not steeper than 1:48 shall be permitted. – Section 502 of ADAAG

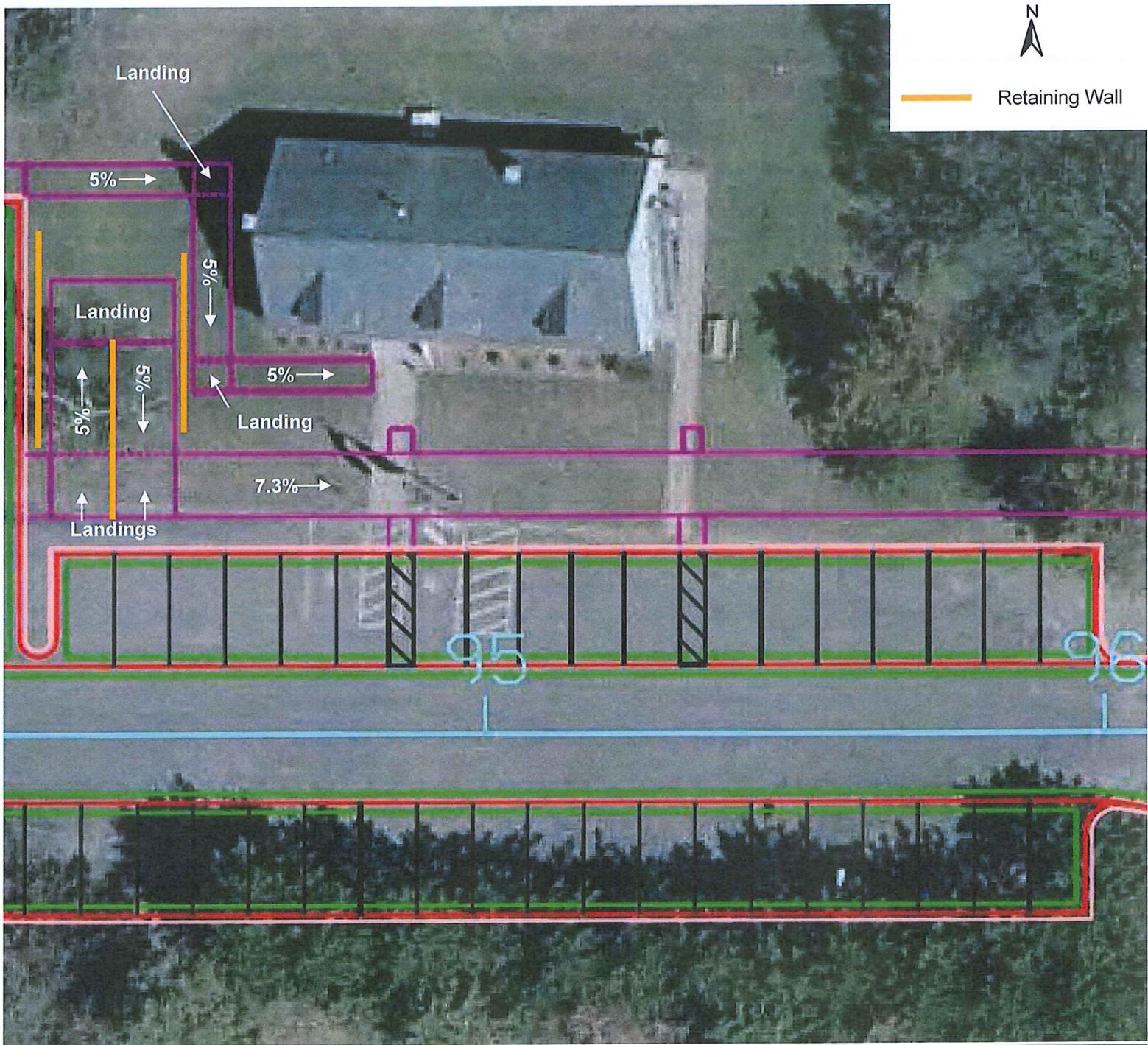
Although Afton City Hall and 30<sup>th</sup> Street are constructed on a considerable slope (> 7% toward the east), the terrain and existing facilities do not meet the standards for being impracticable for construction of ADA-complaint facilities.

### Design Options for Accessible Parking and Routes to Afton City Hall

Three design options were considered to fulfill ADA requirements for accessible parking facilities for Afton City Hall and routes from the parking facilities to the Afton City Hall building: the west lot option, on-street option, and east lot option.

#### *West Lot Option*

This option provides two van-accessible parking spaces, an access aisle, and a turnaround area in a separate lot from the rest of the proposed parking along 30<sup>th</sup> Street. The lot would be located west of the Afton City Hall building on the north side of 30<sup>th</sup> Street. Grades along 30<sup>th</sup> Street do not allow for accessible parking on the street without significant elevation changes on the street. A separate lot allows for accessible spaces to be provided without significantly changing the roadway profile of 30<sup>th</sup> Street to accommodate ADA design standards. The layout for this option is provided in **Figure 1**.



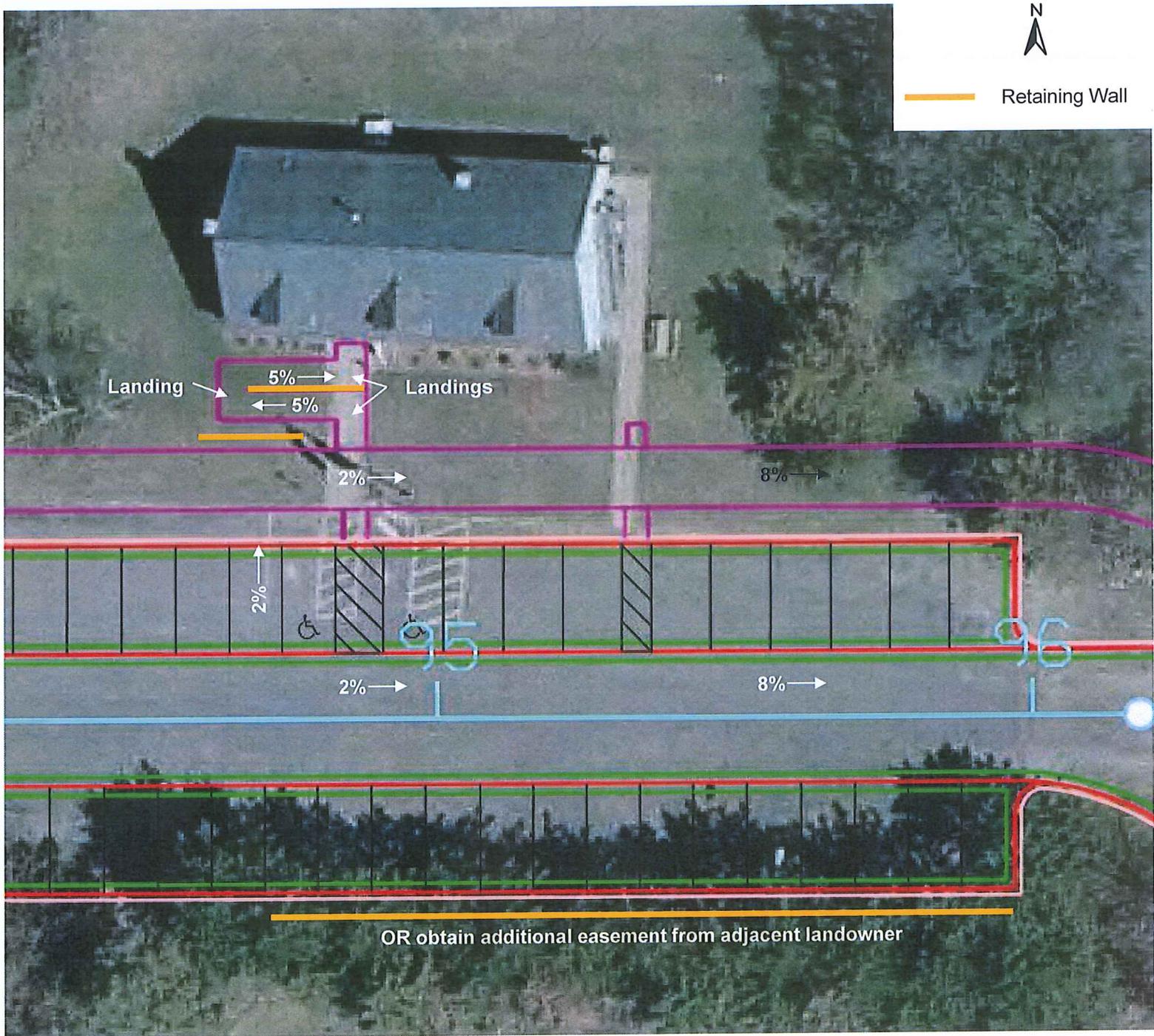
**ing and Access Route Analysis**  
 Hall Site  
 on, Minnesota

**Figure 1**  
 West Lot Option

This option requires a switchback along the 10' trail next to the north curb on 30<sup>th</sup> Street as well as many retaining walls between the pedestrian walkways/trails and/or parking areas. Either grading will be needed west of the accessible parking area/turnaround requiring removal of a significant amount of trees or a retaining wall would be needed west of the accessible parking area to avoid the grading. Each of the needed or potential retaining walls for the option would be generally 2' high or less. This option would likely be the most expensive option and potentially require the greatest impact to the existing mature trees in the area.

#### *On-Street Option*

This option provides two van-accessible parking spaces and an access aisle in the proposed parking area along 30<sup>th</sup> Street. This option would alter the profile of 30<sup>th</sup> Street to allow for the 2% maximum slope in the accessible parking area. The layout for this option is provided in **Figure 2**.



**Planning and Access Route Analysis**  
 Hall Site  
 [Location], Minnesota

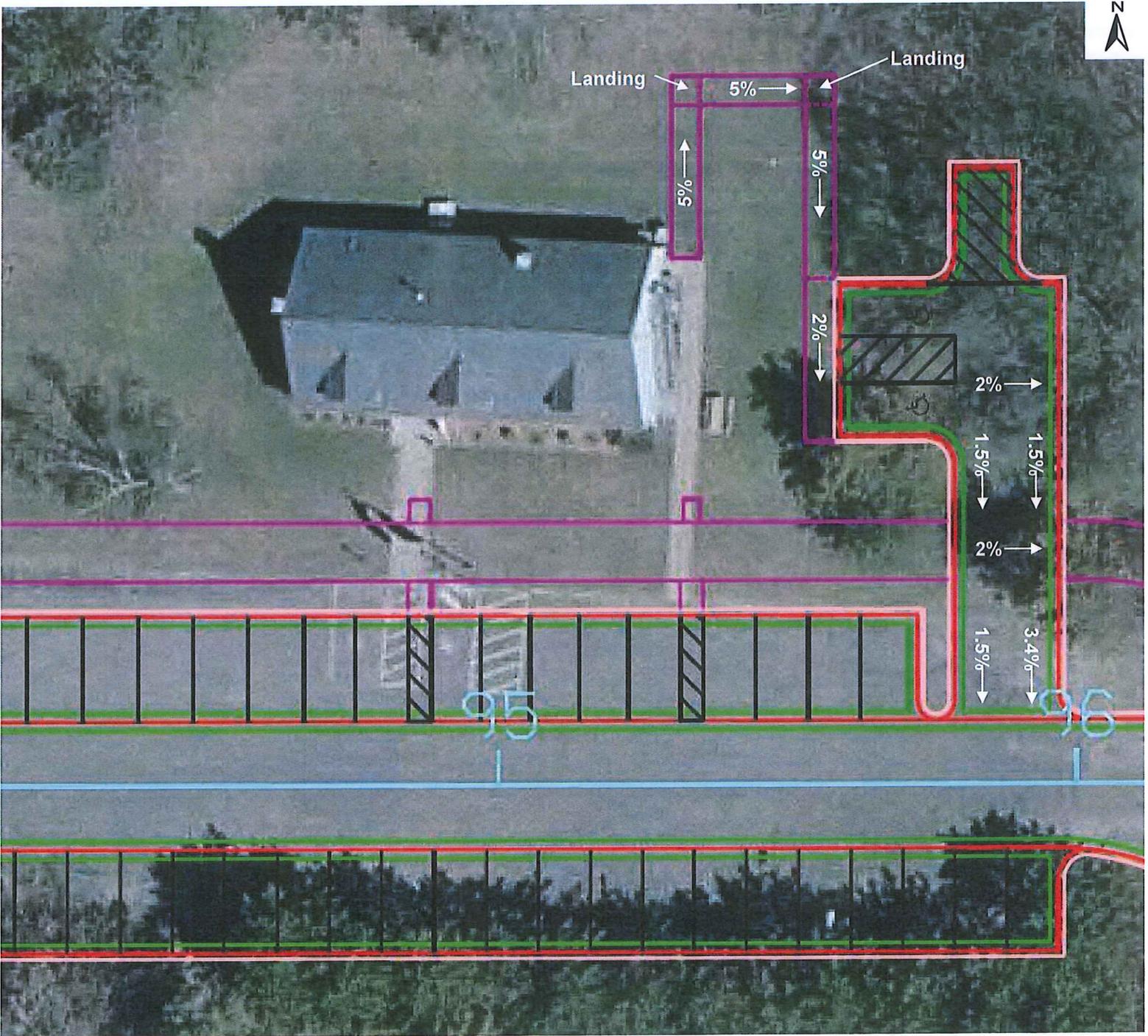
**Figure 2**  
 On-Street Option

This option would require a sidewalk switchback ramp between the trail and the main building entrance to meet ADA grade requirements. This option would also require the most retaining wall of any option (approximately 125' long along the south side of 30<sup>th</sup> Street at 3' max height and 20' along the sidewalk switchback at the building entrance) to avoid additional easement purchases along the south side of 30<sup>th</sup> Street.

The vertical curves on 30<sup>th</sup> Street to accommodate the ADA parking spaces are designed at 15 mph, which is lower than the 30 mph statutory speed limit for local urban roads. These vertical curves will likely be acceptable due to the slow speeds of traffic anticipated turning onto 30<sup>th</sup> Street from St. Croix Trail and negotiating the 90 degree curve between 30<sup>th</sup> Street and Pike Avenue. With this option, it is recommended to sign the curve between 30<sup>th</sup> Street and Pike Avenue for a 15 mph advisory speed to slow traffic around the curve.

#### *East Lot Option*

This option provides two van-accessible parking spaces, an access aisle, and a turnaround area in a separate lot from the rest of the proposed parking along 30<sup>th</sup> Street. The lot would be located east of the Afton City Hall building north of 30<sup>th</sup> Street. Grades along 30<sup>th</sup> Street do not allow for accessible parking on the street without significant elevation changes on the street. A separate lot allows for accessible spaces to be provided without significantly changing the roadway profile of 30<sup>th</sup> Street to accommodate ADA design standards. The layout for this option is provided in **Figure 3**.



**ing and Access Route Analysis**  
 Hall Site  
 on, Minnesota

**Figure 3**  
 East Lot Option

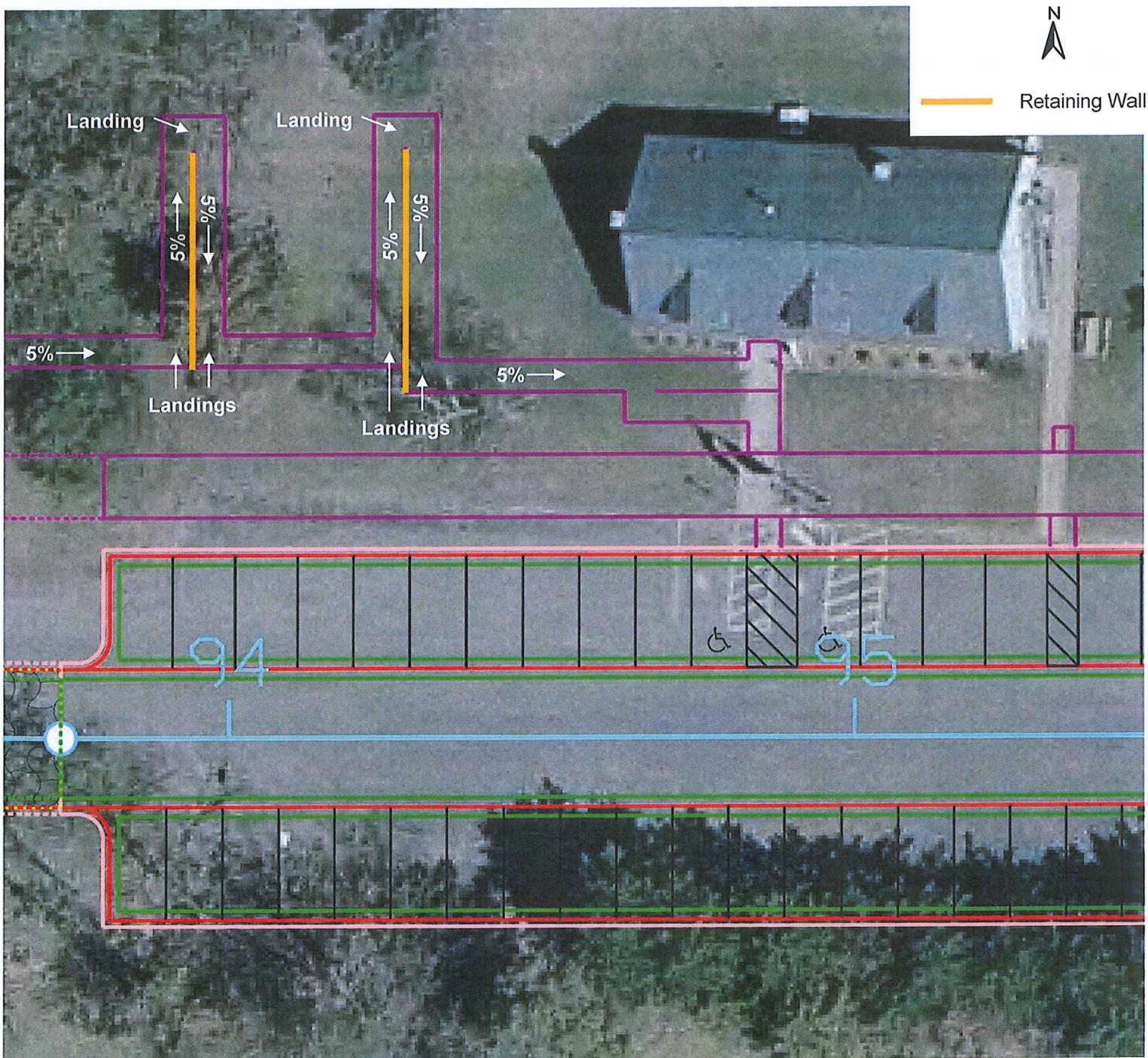
This option would not require any retaining walls or sidewalk switchbacks. However, construction of the accessible parking lot and the grading needed to match the existing ground would require the removal of some trees east of the Afton City Hall building. This option would also likely be the lowest cost option due to the lack of needed retaining walls.

This option would require further analysis of the side access to the Afton City Hall building to determine if wheelchair users would be able to use the side access to the building.

#### ADA-Compliant Connection to Trail along St. Croix Trail

ADA-compliant access for impaired users from the trail along St. Croix Trail to the Afton City Hall site is desired to meet ADA requirements and to provide the opportunity for impaired users to access the Afton City Hall building without using a car. Constructing the sidewalk adjacent to 30<sup>th</sup> Street to be ADA-complaint would not be feasible due to the need to match the sidewalk to the adjacent street grade. A separate sidewalk facility would be necessary to provide the required grades for ADA compliance. **Figure 4** shows an example of a parallel ADA-compliant sidewalk facility along the north side of 30<sup>th</sup> Street connecting St. Croix Trail to the Afton City Hall building.

ADA-compliant facilities were not deemed necessary connecting Afton City Hall to Pike Avenue on the east if an ADA-compliant sidewalk was provided connecting the Afton City Hall building to St. Croix Trail.



**ing and Access Route Analysis**

Hall Site  
on, Minnesota

**Figure 4**  
On-Street Option with ADA-Accessible Sidewalk  
from St. Croix Trail

In order to provide ADA-compliant sidewalk facilities from St. Croix Trail to Afton City Hall without impacting trees in the area, two switchbacks with retaining walls would be needed in the sidewalk. Constructing the sidewalk without including switchbacks and retaining walls would require removal of many trees in the northwest corner of the Afton City Hall property.

#### Other Parking Areas in Reconstruction Area

In addition to the parking on 30<sup>th</sup> Street near the Afton City Hall site, the following parking areas are proposed within the reconstruction area:

- Steamboat Park parking lot (Upper 34<sup>th</sup> Street east of St. Croix Trail)
- 34<sup>th</sup> Street west of St. Croix Trail
- 33<sup>rd</sup> Street east/west of St. Croix Trail
- 32<sup>nd</sup> Street east of St. Croix Trail
- 31<sup>st</sup> Street east of St. Croix Trail

ADA requirements state that 1 handicap parking space with a van accessible access aisle is required for parking lots with 1-25 spaces. Lots with 26-50 spaces require an additional handicap space that is not required to be van accessible. With these requirements, the following amount of handicap spaces is required in the reconstructed lots:

- Steamboat Park parking lot: 1 space
- 34<sup>th</sup> Street west of St. Croix Trail: 1 space
- 33<sup>rd</sup> Street east/west of St. Croix Trail: 1 space (assumes parking areas comprise one lot due to proximity)
- 32<sup>nd</sup> Street east of St. Croix Trail: 1 space
- 31<sup>st</sup> Street east of St. Croix Trail: 1 space (to be met via off-street parking area at southwest corner of Afton Market Square building)

All of these parking lots are on grades that support ADA-compatible parking facilities without alteration of roadway profiles, except for the 32<sup>nd</sup> Street parking area. It is determined to be impracticable to change the profile of the road to meet ADA requirements for grades due to the roadway profile needing to match in to the many intersecting roadways.

#### Recommendations

The following are recommended based on the analysis in this memorandum:

- The on-street option is recommended to facilitate ADA requirements for parking at the Afton City Hall site due to the lowest likely cost and the reduced impacts to adjacent land.
- An ADA-compliant sidewalk facility should be provided from St. Croix Trail to the Afton City Hall site utilizing switchbacks to avoid tree removal.
- Reconstructed parking areas should be striped to provide the required number of handicap accessible spaces as explained in the memo.