City of Afton

## Natural Resources and Groundwater Committee (NRGC)

**Agenda**
**Tuesday, January 3, 2017**
**5:00 PM**

1. **Call to Order**

2. **Roll Call**

3. **Approval of Agenda**

4. **Approval of Minutes**
   A. Meeting Minutes from December 6, 2016

5. **Business**
   A. Will Carlson Sketch Plan Application for a Preservation and Land Conservation Development Subdivision of 218 acres on 60th Street west of Trading Post Trail
   B. Minimal Impact Design Standards (MIDS) discussion and recommendation
   C. Election of New Committee Chair
   D. Well testing update – Nitrate Report
   E. Update on Council and Planning Commission Business - Mayor
   F. Natural Resources and Groundwater Management Organizations updates

6. **Adjourn**

# NRGC Memo

# Meeting: January 3, 2017

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

To: Natural Resources and Groundwater Committee Members

From: Ron Moorse, City Administrator

Date: December 27, 2016

Re: Will Carlson Sketch Plan for a Preservation and Land Conservation Development Subdivision for 218 acres of Land Located on 60th Street West of Trading Post Trail

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**Background**
Will Carlson owns 218.6 acres of land north of 60th Street and west of Trading Post Trail. The land is zoned Agricultural. There is an existing 23.5 acre lot with access off 60th Street that is not owned by Mr. Carlson and is shown as an "exception" on the Sketch Plan. Also, a trout stream runs east/west across the southerly portion of the property, which limits access options to the bulk of the property from 60th Street.

The Zoning Code generally prohibits developments in the Ag zone that require new public roads to serve the new lots and limits the density of agriculturally zoned land to 3 lots per quarter-quarter section (40 acres). However, the zoning code also allows the use of a Preservation and Land Conservation Development (PLCD) in the Ag zone to enable a public road to serve a new development and to enable a density of 4 lots per 40 acres. A key element of the PLCD is that 50% of the land is required to be placed into a conservation easement for preservation as open space in perpetuity. The ordinance language regarding the PLCD is in Section 12-2371, which is the last section of the Zoning Code.

Mr. Carlson has applied for a Sketch Plan Review for a proposed PLCD. The Sketch Plan Review is a review at the conceptual level to enable the City, through review and recommendations by its related committees and commissions, to provide feedback to the developer to guide the preparation of the more detailed administrative permit application and preliminary plat. The attached Sketch Plan will be presented and discussed at the Natural Resources and Groundwater Committee's (NRGC's) January 3 regular meeting, at which the NRGC will have the opportunity to provide feedback to the developer as well as determine recommendations regarding the proposed Sketch Plan to provide to the City Council and Planning Commission.

The Sketch Plan reflects a plan for subdivision of the property to create 20 lots, each with a minimum area of five acres, and to preserve two open space areas - one 99.5 acres and one 10 acres. These two areas, which are to be placed into a conservation easement, were designed with feedback from the DNR and the Minnesota Land Trust to specifically protect and preserve the existing trout stream.

Access into the property from 60th Street is limited to a location at the southeast corner of the property, due to steep slopes and the trout stream which creates a barrier to the bulk of the property to the north. A second access point is proposed at the northeast corner of the property using a proposed new connection to Odell Avenue.

To provide some direction to the NRGC in its review of the sketch plan, the following is a summary of the park dedication requirements, and an outline of language from the NRGC purpose statement and from the PLCD ordinance regarding the purposes and general standards for approval of a PLCD.

<u>Open Space to be Placed in a Conservation Easement and Park Dedication Requirement</u>
The open space that is to be placed into a conservation easement will remain under the ownership of the subdivision homeowners association, which will also have responsibility for maintaining the land in accordance with the conservation easement. The City's Park Dedication ordinance provides that "Land area conveyed or dedicated hereunder … shall be in

addition to and not in lieu of scenic easement, conservation easements, and open space requirements pursuant to the City Zoning Ordinance." Staff is working with the City Attorney and Planning Consultant to clarify how this language relates to the open space land in the conservation easement if the City wants a portion or portions of the open space area to be open to the public. The park dedication requirement can be met by the dedication of land to the City as parkland and/or by a park dedication fee of up to 7.5% of the predevelopment value of the portion of the land that is to be subdivided, with a minimum fee of $5,000 per lot and a maximum fee of $10,000 per lot. The amount of land that could be required to be dedicated is that portion of land which could be purchased with the amount of park dedication fee payment owed by the subdivision per dwelling unit being proposed.

NRGC Purpose and Duties

- Assist city staff and the City Council in the preparation, implementation and updating of the city's comprehensive plan as it applies to the city's land and water resources.
- Review all site plans for new and existing parks, recreation and open space areas, conservancy areas and scenic overlooks and make recommendations based upon the protection of land and water resources.
- Review all preliminary plats for commercial, industrial, agricultural and residential development within the city, to ensure that the provisions of the city's ordinances and comprehensive plan with respect to natural resources and groundwater are met.
- Assist city staff and the City Council in developing standards for land subdivision where the concepts of design around the land and perpetual protection of groundwater are the guiding principles.

General PLCD Provisions

A PLCD is a tract of land that is developed as a unit under single or unified ownership or controls. A Preservation and Land Conservation Development may be allowed in the AG zoning district to preserve prime agricultural land, woodland, wildlife habitat, vistas, groundwater recharge areas, areas with sensitive soils or geological limitations and areas identified in the Comprehensive Plan. Uses not otherwise allowed in the zoning district are prohibited within a planned development unless specifically permitted by provisions of this ordinance.

The purposes of the PLCD ordinance are as follows:

A. To permit subdivisions in the Agricultural Zoning District which require the construction of a new public street.

B. To encourage a more creative and efficient development of land and its improvements through the preservation of agricultural land, natural features and amenities than is possible under the more restrictive application of zoning requirements, while at the same time, meeting the standards and purposes of the comprehensive plan and preserving the health, safety, and welfare of the citizens of the City.

C. To preserve open space, to preserve the natural resources of the site and to preserve wildlife habitat and corridors.

D. To facilitate the economical provision of streets and public utilities.

E. To allow the transfer of development rights (density) within a subdivision in order to preserve agricultural land, open space, natural features and amenities.

General standards for approval.

A. Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:

1. The preservation and land conservation development is consistent with the comprehensive plan of the City.

2. The preservation and land conservation development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities.

3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

B. The tract is a minimum of eighty (80) contiguous acres in size and all of the following conditions exist:
1. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
2. The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.
3. The proposal would provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.
4. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site more effectively than would otherwise occur in the underlying zoning district.

C. At least fifty (50) percent of the total tract is preserved as an undeveloped parcel.

Density, Frontage on a Public Street and Length of Cul-de-sac requirements.
A. The average density over the proposed PLCD shall not exceed the maximum density permitted in the underlying zoning district.
B. The maximum length of cul-de-sacs may be exceeded to accommodate curvilinear streets and other design elements that tend to preserve the rural character or other resources within the PLCD.

Conservation Easement Over Open Space
The applicant(s) shall grant a Conservation Easement which shall run with the land in perpetuity to the City of Afton, all of the owners of the lots and parcels to be created in the PLCD, all land owners of property within Afton abutting the PLCD and the Minnesota Land Trust (or similar independent third party approved by the City of Afton), which restricts the lots and parcels, as well as the development rights on the undeveloped parcel(s), within the PLCD to the number of dwelling units approved for the PLCD and the land cover and use approved by the City of Afton as a part of this PLCD. If neither Minnesota Land Trust nor any comparable organization will accept the Conservation Easement the City of Afton, in its sole discretion, may upon a specific finding that no conservation organization will accept a Conservation Easement, waive such requirement. In the case of such waiver, the applicant(s) shall be required to extend the grant of a Conservation Easement to the owners of property that abuts all abutting property to the PLCD.

**NRGC Review and Recommendations**
This is an opportunity for the NRGC to provide feedback to the applicant and recommendations to the Planning Commission and City Council regarding the proposed Sketch Plan, particularly related to the protection of natural resources, including groundwater and natural features.

**NRGC Direction Requested**
Motion regarding feedback to the applicant and recommendations to the Planning Commission and the City Council regarding the Will Carlson Sketch Plan for a Preservation and Land Conservation Development Subdivision for 218 acres of land located on 60th Street West of Trading Post Trail.

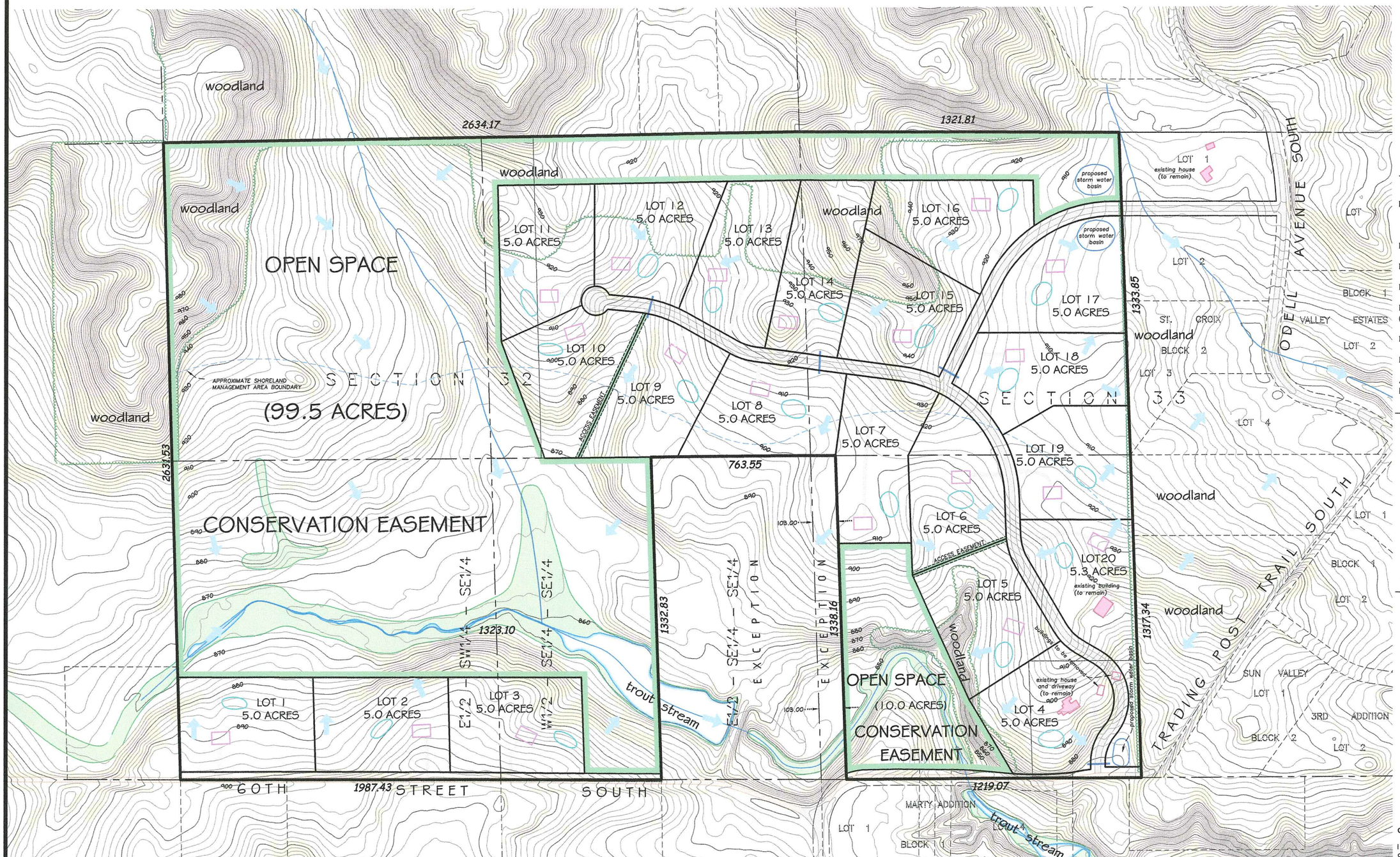
# PRESERVATION & LAND CONSERVATION DEVELOPMENT - SKETCH

Part of the Southeast Quarter of Section 32 and part of the Southwest Quarter of Section 33,
all in Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota

**Developer:**

J.P. Bush HOMES
Lakeland, Minnesota

**Property Owner:** Will Carlson




TOTAL PARCEL AREA = 218.6 acres

Proposed Conservation Easements
OPEN SPACE = 109.5 acres
(50.1% gross parcel area)

Proposed Lots (20 total) = 100.3 acres

Proposed Road Right of Way = 8.8 acres

Proposed Road Right of Way Width = 60 feet

Proposed Road Right of Way Width
(60th Street South) = 33 feet from center line

Proposed Length of Cul-De-Sac = 1495 feet

Proposed Road Type - 24 foot wide rural section

All proposed lots have a minimum of 2.5 acres of buildable area.

## Legend

- Denotes slopes 12% to 17.9%
- Denotes slopes over 18%.
- Denotes wetland location.
- Denotes stream.
- Denotes general surface water flow.
- Denotes proposed culvert location.
- Denotes proposed house site.
- Denotes proposed septic area.
- Denotes proposed driveway location.

Contours are at two foot intervals and are based on data provided by the Minnesota Department of Natural Resources.

Wetland, Shoreland and stream locations are approximate and are based on data obtained through the National Wetlands Inventory - V2 online Interface and the City of Afton Zoning Map (MAP 11).

Scale in Feet
0 100 200 400
1 inch = 200 feet

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**OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED**

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.

Landmark Surveying, Inc.

Milo B. Horak, Minnesota License No. 52577 — December 19, 2016 — Date


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