



PLANNING COMMISSION AGENDA

March 2, 2020

7:00 pm

- 1. CALL TO ORDER -**
- 2. PLEDGE OF ALLEGIANCE –**
- 3. ROLL CALL -**
 - a) Scott Patten
 - b) Sally Doherty
 - c) Kris Kopitzke (Chair)
 - d) Jim Langan
 - e) Roger Bowman
 - f) Justin Sykora
 - g) Christian Dawson
 - h) Doug Parker
 - i) Kuchen Hale
- 4. APPROVAL OF AGENDA –**
- 5. APPROVAL OF MINUTES –**
 - A. February 3, 2020 Meeting Minutes
- 6. REPORTS AND PRESENTATIONS – None**
- 7. PUBLIC HEARINGS –**
 - A. Short Term Rentals Ordinance
- 8. NEW BUSINESS – None**
- 9. OLD BUSINESS -**
 - A. Brooks Variance Application at 14186 Valley Creek Trail
 - B. Development of a schedule of non-compliance fees and other enforcement tools to assist the City in gaining adherence to ordinances, regulations, rules and conditions placed on zoning applications.
 - C. Update on City Council Actions – Council Highlights from the February 18, 2020 Council meeting - attached.
- 10. ADJOURN –**

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

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
 February 3, 2020

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5 1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 PM
6
7 2. **PLEDGE OF ALLEGIANCE** – was recited.
8
9 3. **ROLL CALL** – Present: Chair Kris Kopitzke, Scott Patten, Doug Parker, Christian Dawson (arrived late),
10 Justin Sykora, Roger Bowman, James Langan. Absent were Kuchen Hale & Sally Doherty (excused).
11 **ALSO IN ATTENDANCE** – Council member Wroblewski, City Administrator Ron Moore
12
13 4. **APPROVAL OF AGENDA** –
14 Regarding Item 7b Sykora has a conflict of interest, will be stepping down during discussion
15 **Motion/Second (Bowman/Parker) To approve the Agenda of the February 3, 2020 Planning**
16 **Commission meeting. Passed 6-0.**
17
18 5. **APPROVAL OF MINUTES** –
19 A. January 6, 2020
20 **Motion/Second Patten/Parker To approve minutes of the January 6, 2020 Planning Commission**
21 **meeting. Passed 6-0-1. (Langan abstain due to absence)**
22
23 6. **REPORTS AND PRESENTATIONS** - None
24
25 7. **PUBLIC HEARINGS** –
26 **A. Lisa Buck Variance Application**
27 Administrator Moore provided a summary of the application for construction of a detached garage. Two
28 variances are required for set back and slope.
29 Chair Kopitzke opened the public hearing at 7:05 p.m.
30 No public comments were received.
31 **Motion/Second Bowman/Sykora to close public hearing. Passed 7-0.**
32 Public hearing closed at 7:07 p.m.
33 discussion
34 Bowman asked about retaining wall location and noted the new one will be within a few feet of where the old
35 one is. The patio area facing toward the residence creates new space.
36 Kopitzke stated that this is the minimum variance.
37 Parker asked about the other building (garden shed that will be gone), sink plumbing and septic question (more
38 information will be gathered).
39 Sykora asked about moving the building further toward the road (this is the flat area; if closer to road it would
40 also be in front of house).
41 Bowman issue is slope to house from new building. Would like to minimize the footage being cut into the slope.
42 (this drawing is the preliminary draft, minimum needed is 6' for drainage).
43 Bowman & Sykora both asked if slope could be more natural rather than retaining wall.
44 Bowman noted that staff condition was that grading meet approval of city engineer, would add “with aim toward
45 minimizing the slope”.
46 **Motion/Second Bowman/Kopitzke to recommend approval to City Council with findings and conditions**
47 **recommended by staff with amendment “with aim toward minimizing the slope”.**
48 **Findings**
49 1. The subject property is located in the Rural Residential zone, as are the properties to the
50 west, north and south. The property to the east is zoned VHS-R.
51 2. The subject property contains steep slopes to the west
52 3. The subject property contains an existing outbuilding built into a steep slope area
53 4. The subject property has an irregular shape, due to a curving public road that encroaches
54 into the southeast corner of the property where the garage is proposed to be located.
55 5. The proposed garage requires grading in an area with a slope of 12% or greater.
56 6. The proposed garage and driveway utilize an area of flatter land on the property.

- 57 7. The proposed garage location aligns with the existing house location.

58 **Conditions**

- 59 1. The garage shall be constructed according to the plans submitted with the variance application,
60 except as the plans may be revised by the Council or as revisions of plans may be approved by
61 the Council.
62 2. All grading, drainage and erosion control plans, including the retaining wall plans, shall be
63 subject to review and approval by the Zoning Administrator and City Engineer, and by the Valley
64 Branch Watershed District if they meet permit thresholds.
65 3. The existing outbuilding shall be removed from the property prior to the issuance of a building
66 permit.

67 Parker stated that we also need to check on sink drainage.

68 **Vote 6-1 (Patten nay)**

69
70 **B. Five Oaks Farm Subdivision**

71 Chair Kopitzke opened the Public Hearing at 7:23 p.m.

72 Administrator Moorse provided a summary: Five Oaks Family Farm has applied for a Minor Subdivision and
73 Variance at 120 and 502 Stagecoach Trail to subdivide the two existing parcels to create three parcels. The two
74 existing parcels are 148 acres and 92 acres respectively, and each has an existing house. The proposed
75 subdivision would create three parcels 1) 73 acres; 2) 28 acres; 3) 139 acres. The two smaller parcels are planned
76 to remain residential parcels. The large parcel is planned to be donated to the Belwin Conservancy.

77 The lots meet requirements except for 300' frontage on public road. Application is for variance for road
78 frontage.

79 Attorney Tom Radio provided information on the subdivision.

80 Cindy Gehrig, Belwin Board member stated the timeline for donation is up to 2 yrs. Thinks this is magnificent
81 donation.

82 David Hartwell, President, stated that this is a unique opportunity. Belwin owns property on 3 sides of this land.

83 John Gilphin, neighbor, stated the previous owners had vision of preserving this land and would encourage the
84 Planning Commission to accommodate the request.

85 Richard Bend, 1002 Stagecoach Tr S, neighbor provided a presentation on the property and described why he
86 is in favor of the request and protection of the parcel.

87 No other comments received.

88 **Motion/Second Patten/Dawson to close public hearing. Passed 6-0.**

89 Hearing closed at 7:46 pm

90 Discussion

91 Dawson clarified the link to other Belwin property.

92 Kopitzke felt intent of the 300' road frontage requirement was to keep space between houses. In this plan there
93 is no impact.

94 Bowman stated this is recognition that in rare circumstance variances are granted.

95 Parker asked if the donation set? (attorney requests that city does not make the donation a condition of variance
96 for tax purposes).

97 **Motion/Second Bowman/Patten to recommend of the variance to City Council with staff findings and
98 conditions.**

99 **Findings**

- 100 1. The subject property is located in the Rural Residential zone, as are the properties to the
101 west and south. The property to the east is zoned Agricultural.
102 2. The Rural Residential zone allows residential use with five-acre minimum lot size.
103 3. The Rural Residential zoning would allow the property to be subdivided to create a large
104 number of 5-acre lots, through the construction of new public roads serving the lots.
105 4. All lots in the subdivision meet the minimum five acre lot size
106 5. All lots meet the minimum 2.5 acres of contiguous buildable area
107 6. The property owner intends to donate Parcel 3 to Belwin

- 108 7. The property has sufficient frontage on Stagecoach Trail to provide at least 300 feet of
- 109 frontage for three separate lots
- 110 8. Proposed Parcels 1 and 2 do not have 300 feet of frontage on a public road
- 111 9. There is no access from the subject property to a public road to the north, south or west.
- 112 The only public road serving the 240-acre property is Stagecoach Trail, which runs along
- 113 the east boundary of the property.
- 114 10. The property includes substantial areas of steep slopes
- 115 11. The two existing parcels are served by two existing driveways that provide access to
- 116 Stagecoach Trail, and Parcels 1 and 2 are proposed to continue to be served by the same
- 117 two driveways
- 118 12. Providing 300 feet of frontage for the three proposed lots would require extending Parcels
- 119 1 and 2 to Stagecoach Trail, which would substantially reduce the size of Parcel 3; or
- 120 would require the construction of a cul de sac street from Stagecoach Trail to Parcels 1 and
- 121 2.

122 **Conditions**

- 123 1. Easements as required by the City Engineer, including private driveway easements and utility and
- 124 drainage easements, shall be granted
- 125 2. All easements shall be subject to the review and approval of the City Engineer.
- 126 3. Scenic easements shall be placed on all slopes greater than 18%
- 127 4. The applicant shall execute a scenic easement agreement and shall record the scenic easement
- 128 concurrent with the subdivision
- 129 5. If Parcel 3 is donated to Belwin and no dwelling is to be built on the parcel, the park
- 130 dedication fee shall be waived. However, if Parcel 3 is not donated to Belwin within 24
- 131 months of the approval of the subdivision, the park dedication fee shall be paid
- 132 immediately upon the expiration of the 24 month period.
- 133 6. Any new driveway(s) to serve Parcel 3 shall comply with Section 12-84 of the Zoning
- 134 Ordinance and be subject to review and approval by the City Engineer.
- 135

136 Langan stated that this is setting a precedent and could cause potential issues down the road.

137 Kopitzke stated that the key is writing good findings of why this situation is unique.

138 Langan would like to know long term if it is protected, has seen issues in other areas.

139 Tom Radio stated he would work with Ron to develop findings. Could state that the variance has no impact on

140 future approvals and that the city is gaining park donation that otherwise could not afford.

141 **Motion vote: Passed 6-0.**

142

143 C. Brooks Variance at 14186 Valley Creek Trail

144 Chair Kopitzke opened the Public Hearing opened at 7:57pm

145 Administrator Moorse provided a summary of the application to replace the existing house and garage.

146 Variance is needed for setbacks.

147 Adjacent neighbor wants to be sure it won't impact them. Had discussed possibly selling or trading but never

148 came to agreement.

149 Applicant made offer but wasn't negotiated.

150 No other comments were received.

151 **Motion/Second Patten/Parker to close public hearing. Passed 6-0.**

152 Hearing closed at 8:07 p.m.

153 Kopitzke asked why driveway variance is needed if it is existing driveway? (Moorse replied that they are

154 building a new home and have opportunity to move driveway, should get variance if keeping in same place).

155 Bowman asked if they bought with intention to rebuild (yes).

156 Parker asked about lot size? (10.4 acres)

157 Sykora asked why not get a bridge to other area of lot? (Shoreland ordinance does not allow in zone).

158 Mr Brooks stated the existing house foundation has been condemned; they cannot add on or remodel.

- 159 Parker asked if the house could move closer to road to protect creek more? (already moved a couple feet from
160 creek in design)
161 Parker asked when was septic inspected? (new 10 yrs ago, checked at purchase 2 years ago)
162 Langan asked about elevation above water line?
163 Bowman asked about flood impact up to house? (watershed says outside floodplain)
164 Bowman stated this is a large home close to road.
165 Kopitzke asked about moving the house to another location.
166 Mr Brooks stated there is no place on this side of creek where they can meet variances and be out of floodplain.
167 Original intent was remodel, engineer condemned foundation. House would be cottage type, natural stone to fit
168 setting.
169 Patten noted it is not any closer to creek than existing house.
170 Bowman stated his concern is precedent set.
171 Sykora stated this is a built lot in Afton. Question is this the best way to do this?
172 Langan stated he doesnt feel its right to have people buy property and ask for variance. Not fair to neighbor.
173 Bowman stated the setback from road is to protect image of Afton. House this close to road will look very
174 different from the rest of the area. That is issue, it will stand out.
175 Kopitzke stated there is no ordinance against size of house. Any house here will be between creek and road.
176 Parker stated he is concerned about creek protection.
177 Bowman asked about timing on this? (Moore stated that if tabled to another meeting would run past 60 days,
178 would write letter to extend).
179 Parker agreed there are ways to minimize variances, driveway and lot line could be resolved.
180 Kopitzke summarized the four 4 setbacks of concern: Creek, road center line, side yard and driveway. Some
181 could be avoided by design change. There are some options.
182 **Motion/Second Kopitzke/Parker to table until next month or when applicant is ready.**
183 Discussion
184 Sykora would decline application at this point and ask for new.
185 Dawson stated if garage is not attached and they use existing garage & driveway that would eliminate one set
186 back issue.
187 Patten stated it is still a big house next to road.
188 **Vote: passed 6-1 (Langan nay)**
189
190 **8. NEW BUSINESS –**
191 A. Election of Officers
192 **Motion/Second Dawson/Patten to nominate Kris Kopitzke for Chair, Doherty for Vice Chair, Doug**
193 **Parker for Secretary. Passed 7-0.**
194
195 B. Development of Non-Compliance Fees
196 Administrator Moore will see what other cities do and check with city attorney.
197 Kopitzke stated the council is looking for a framework for land use issues that can be applied to other issues.
198
199 **9. OLD BUSINESS –**
200 A. Draft Short Term Residential Rentals Ordinance
201 Updates were made based on Stillwater’s ordinance and feedback. Public hearing will be in March.
202
203 B. Update on City Council actions
204 Council member Wroblewski provided a summary of the January City Council meeting.
205
206 **10. ADJOURN**
207 **Motion/Second Sykora/Dawson To adjourn. Passed 7-0.**
208 Meeting adjourned at. 9:20pm
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Respectfully submitted by:

Julie Yoho, City Clerk

To be approved on March 2, 2020 as (check one): Presented: _____ or Amended: _____

DRAFT

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

Planning Commission Memo

Meeting: March 2, 2020

To: Chair Kopitzke and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: February 19, 2020
Re: Short Term Rental Ordinance – **Public Hearing**

Public Hearing

A public hearing is to be held by the Planning Commission regarding the attached redrafted short term rental ordinance. The purpose of the public hearing is to obtain feedback from the general public regarding the proposed ordinance. The Planning Commission may then provide a recommendation to the City Council regarding the ordinance.

Short Term Rental Ordinance

The purpose of the short term rental ordinance is to protect the health and safety of those who choose to use short term rentals, and to mitigate the impacts of short term rentals on neighboring properties. The ordinance would accomplish this through the establishment of performance standards and licensing requirements.

Planning Commission Recommendation Requested

Motion regarding a recommendation regarding the redrafted short term rental ordinance.

ORDINANCE 0X-2020

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 12, LAND USE OF THE CITY CODE TO ADD SECTION 12-232 RELATED TO SHORT TERM HOME RENTALS

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

The following language shall be added as Section 12-232 of Chapter 12 of the Afton Code of Ordinances.

Sec. 12-232. Short-Term Home Rentals

A. Scope. This section applies to all short-term home rentals in the City of Afton.

B. Purpose. The City of Afton has adopted this ordinance for the purpose of allowing short-term home rentals consistent with Rural Residential, Agricultural and Village Historic Site zone uses where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations, and to protect the general public health, safety and welfare.

C. Definitions . For the purposes of this section (12-232) the following terms, phrases, words and their derivations shall have the meanings as given here. When consistent with the context, words in the plural include the singular and words in the singular include the plural.

Certificate of Septic System Compliance. A compliance certificate that was issued on a new septic system installed within the past five years or a copy of a compliance inspection which was performed within the past three years.

City. City of Afton.

Dwelling. A principal structure that contains one dwelling unit, intended or designated to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Guest. A person who is registered as staying at the property as part of a short term home rental

Owner. Any person who, alone or with others, has title or interest in any building, property, dwelling, dwelling unit or portion thereof, with or without accompanying actual possession thereof, including any person who as tenant, agent, executor, administrator, trustee, or guardian of an estate has charge, care, control of any -dwelling or dwelling unit.

Person. Any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

Primary residence, means the dwelling unit within which a person lives for six months plus a day during a calendar year.

Primary resident , means a person living on a property where the property is the person's

primary residence.

Short Term Home Rental, Type A. Short term home rentals in a homesteaded property with less than 14 days of rentals per year. Type A short term home rental does not require a license, but must operate in accordance with the performance standards in this section.

Short Term Home Rental, Type B. (Hosted short term rental) means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where a primary resident of the property is present while the transient guests are present.

Short term Home Rental, Type C. (Unhosted short term rental) means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property serves as a person's primary residence but a primary resident of the property is not present while the transient guests are present.

Short term home rentals, Type D. (dedicated short term rental). means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property does not serve as a person's primary residence

Short-term rental. A dwelling unit, or a portion of a dwelling unit, rented for a period of less than thirty (30) days. No more than one (1) rental of a short-term rental dwelling unit or portion thereof shall be permitted per day.

D. License required . No property may be used for Type B, C or D short term home rental unless a license is granted by the city.

Term . The initial short-term rental license shall expire one year from the date the license is issued, unless revoked. Subsequent renewals shall not be for a period of more than three years.

Renewal . A renewal license must be applied for every three years. The renewal license application may only be submitted after the property has passed a city inspection as required and appropriate fees have been paid.

Non-Transferable . Licenses are non-transferable and shall expire upon change of ownership of the property.

E. License application . Any property owner desiring to undertake short term home rentals must apply to the city for a short term home rental license. A license must be approved prior to operating within the city. The license application request must be submitted on the form provided by the city and must include all the information requested on the application form. A criminal background check consistent with Minn. Stat. §299C will be conducted on managers (as defined by Minn. Stat. §299C.67, Sub. 4) as part of the license application review.

F. License fee . The license application form must be accompanied by payment in full of the required license application fee. The license application fee will be determined by the city council in the city fee schedule.

G. License issuance . Licenses shall be issued exclusively for principal structures with one dwelling unit, with the exception of a duplex with a valid conditional use permit, which has two dwelling units. The process for review and issuance of a license will vary depending upon the type of short term home rental as follows:

Type A - Short term home rentals in a homesteaded property with less than 14 days of rentals

per year. Type A short term home rental does not require a license, but must operate in accordance with the applicable performance standards in this section.

Type B – Hosted short term home rentals in a homesteaded property with more than 14 days of rentals per year. Type B short term home rental licenses will be issued administratively if all the terms and conditions of this section are met.

Type C - Unhosted short term home rentals in a homesteaded property. Type C short term home rental licenses will be issued administratively if all the terms and conditions of this section are met.

Type D - Unhosted, dedicated short term rental. Type D short term home rental licenses require a conditional use permit and will be issued administratively if all the terms and conditions of this section are met and a conditional use permit (CUP) is granted. The conditional use permit application will be reviewed according to the CUP process established in the City Code section 12-78.

H. *Performance standards* . Type A, B, C and D short term home rentals shall be subject to the performance standards identified below, except where a performance standard is specifically applicable to only specific types of rentals.

1. *Parking* .

In residential zoning districts, all guest parking must be accommodated on improved driveways and improved parking surfaces on the premises. No on-street parking is allowed for guests.

2. *Length of guest stay*. The minimum length of stay is one day. The maximum length of stay is 30 days.

3. *Number of guests* . The maximum number of guests will be limited to two times the number of bedrooms, or sleeping areas, plus one.

4. *Annual water testing*. The licensee for Type B, C, and D short term rentals shall test the water serving the dwelling for coliform bacteria, nitrates and lead on an annual basis, and the water must meet health-based standards for these items.

5. *Guest records* . The licensee for Type C and D short term rentals must keep a guest record including the name, address, phone number, and vehicle license plate information for all guests and must provide this information in a report to the city upon 48 hours' notice, if requested by the City. The request for a report will include how and to whom the report shall be provided.

6. *Manager information*. For Type C and D short term home rentals, the licensee must provide the name, phone number and address of the owner, operating lessee or managing agent/representative to the City, along with mailing labels for all property owners within 150 of the property lines. The City will then send the information to the adjacent property owners. The licensee shall provide any changes to this information, along with additional mailing labels, to the City Clerk within ten days of any such changes. The City Clerk will then send the information to the adjacent property owners.

7. *Guest disclosures* . The licensee must disclose in writing to their guests the following rules and regulations and must submit a copy of the disclosure to the city with the license application and renewal applications. In addition, the disclosures must be conspicuously displayed in the home. The disclosures must include the following:

- For Type D short term home rentals, the name, phone number and address of the owner, operating lessee or managing agent/representative;
 - The maximum number of guests allowed at the property;
 - The maximum number of vehicles allowed at the property and the approved parking areas, as indicated on the site plan provided with the license application;
 - Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities;
 - That City nuisance ordinances will be enforced by the Washington County Sheriff's Department, including reduced noise levels between 10:00 p.m. and 8:00 a.m.;
 - That no events are allowed to be hosted by a guest on the premises.
8. *Posting of license number.* The licensee must post the city license number at the property and on all print, poster or web advertisements.
 9. *Proximity of assistance .* For Type D short term home rentals, the property owner or a manager/representative must be located within 30 minutes travel time of the property.
 10. *Signage .* For Type A, B C and D short term home rental no signage is allowed on the property.
 11. *Events .* Events are not allowed to be hosted by guests on the premises. For purposes of this section, an event means a gathering on the premises of more than three un-registered guests. Events hosted by the property owner are allowed but must comply with all applicable city ordinances and policies, including the prohibition on renting out private residential property for events.
 12. *Insurance .* The licensee must provide proof of sufficient and suitable property insurance with the license application and must be able to confirm that the coverage remains in place within 24 hours of a request by the city.
 13. There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a short term home rental, except that additional on-site city code compliant parking may be provided.

I. *Required health and safety inspections.*

Type B and C license applications will not be accepted without an approved inspection report signed by the city's fire department and building department. The inspection must have been completed no more than 60 days prior to submission of the license application. The list of health and safety items that will be inspected will be included in license application materials so that the licensee will know in advance what items will be inspected. If the inspection identifies items that must be corrected, all corrections must be completed and verified by the city before the license will be issued.

Any property licensed under this section shall be subject to lawful inspection by the zoning administrator and the zoning administrator's authorized representatives upon a schedule determined by the zoning administrator or upon complaint.

J. *Site Plan and Floor Plan for Type C and D short term home rentals.*

The applicant must submit a site plan of the property drawn to scale, showing parking and

driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, or sauna.

The applicant must submit a floor plan of the residence drawn to scale identifying which rooms are proposed to be used as guest bedrooms or sleeping areas.

K. Interchangeability of License Types. A licensee may use the license to operate any short term home rental type equal to or less restrictive than the one for which the license was issued. For example, if an owner is issued a Type C license, the property is permitted to operate as a Type C, B or A. If a Type B license is issued, the property is permitted to operate as a Type B or A.

L. Enforcement .

1. *Injunctive relief .* In the event of a violation or threatened violation of this ordinance, the city, in addition to other remedies, is entitled to seek injunctive relief or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
 2. *Misdemeanor .* The penalty for a violation of this ordinance shall be a misdemeanor.
 3. *Fines .* In addition to penalty provisions in (1) and (2) above, the administrative fines for violations of this section shall be as established by the city council in the annual fee schedule.
 4. *Suspension or revocation .* Any short term home rental license may be suspended or revoked for one or more of the following reasons upon notice and the provision of an opportunity for hearing for good cause,
 - a. Violation of, or noncompliance with, any license requirement or standard, or any applicable law, statute or ordinance
 - b. It is the third substantiated and relevant complaint within a 12-month period.
 - c. The licensee has failed to pay all of the appropriate fees related to the license, or is delinquent on any other city fees;
 - d. The licensee has made fraudulent statements, misrepresentations, not fully disclosed information or made false statements in the application for or in the course of the licensee's business;
 - e. The licensee has been convicted of any crime or offense in the previous five years involving or relating to the short term home rental business and the licensee has failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business;
 - f. The licensee has acted in an unauthorized manner or beyond the scope of the license granted.
- If a license is revoked, the owner is prohibited from making application for another license for any type of short-term home rental for a period of six months.
 - If a property is found to be providing short term home rentals without the required license, the owner shall be prohibited from using the property for short term home rentals, or making application for a license for any type of short term home rental, for a period of two years, subject to the payment of any penalty fees.

M. Severability. If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the section, and such determination shall not affect the validity of the remainder of the section.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS _____ DAY OF _____,
2020.

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

Motion by:

Second by:

Perkins:

Wroblewski:

Ross:

Nelson:

Palmquist:

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

Planning Commission Memo

Meeting: March 2, 2020

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 19, 2020

Re: Ken and Heidi Brooks Variance Application at 14186 Valley Creek Trail

Ken and Heidi Brooks submitted a variance application to enable the existing house and detached garage on the property at 14186 Valley Creek to be replaced with a new house with an attached garage in a similar location. The existing house is located in a narrow area between Valley Creek and Valley Creek Road. The required setbacks to Valley Creek and to Valley Creek Trail overlap, leaving no area for a house that can meet the required setbacks.

The Planning Commission reviewed the variance application and believed the number and extent of variances was more than necessary, and tabled the application to enable the applicants to revise the plan to make it more compliant. One concern of the Planning Commission was that the house with the attached garage was proposed to be located 18 feet from the side property line. Another concern was the massing of the larger house and attached garage located closer than allowed to Valley Creek.

Revised Plan

The applicants have revised their plan to make it more compliant and address the concerns of the Planning Commission. The house has been rotated so that it is angled away from both the side lot line and Valley Creek Trail. This has allowed the attached garage portion of the house to be located substantially farther away from both the side lot line and Valley Creek Trail. A PowerPoint showing the existing house and the revised plan is attached.

Required Setbacks and Proposed Setbacks Requiring Variances

- The required setback from Valley Creek is 200 feet. The proposed setback is 61 feet, 1 inch, which is the same setback as the existing house.
- The required setback from the centerline of Valley Creek Trail is 105 feet. The proposed setback is 87 feet, 5 inches, which is greater than the setback of the existing house of 84 feet, 3 inches. The closest point of the attached garage portion of the house is greater than 105 feet from Valley Creek Trail.
- The required side yard setback is 50 feet. The proposed setback is 40 feet, which is greater than the setback of the existing detached double garage, which is proposed to be removed.

Attached Garage vs. Detached Garage

The applicants much prefer an attached garage to a detached garage. The revised materials provided by the applicant include a site plan and a rendering that reflect the removal of the existing detached double garage and a new house with an attached double garage. The materials also include a site plan and rendering showing the retention of the existing detached double garage and a house without an attached garage. The materials show the size of the house with and without the attached garage. They also show that the garage structure is similar in size whether it is attached or detached.

Findings

The following are recommended findings. The Planning Commission may revise or add findings.

1. The subject property is located in the Rural Residential zone, as are all surrounding properties.

2. The property contains several existing structures, including a house and detached double garage, all of which have nonconforming setbacks.
3. The required setbacks to Valley Creek and to Valley Creek Trail overlap, leaving no area for a house that can meet the required setbacks.
4. The proposal would eliminate a detached double garage with a setback from Valley Creek of 58.9 feet, in favor of an attached double garage with a setback from Valley Creek of 61.1 feet.
5. The proposal would retain an existing gazebo and patio with setbacks of 27.1 feet and 17.8 feet respectively from Valley Creek.
6. The proposal would retain an existing detached single stall garage with a side yard setback of 12.5 feet.
7. The Brooks parcel is irregularly shaped, partially due to the adjacent property to the east extending north to a point near the existing house and garages, and well within the setback of Valley Creek, which substantially limits the buildable area of the parcel.

Conditions

If the Planning Commission recommends approval of the variance application, it is recommended that the following conditions be placed on the approval, as well as additional conditions the Planning Commission may include.

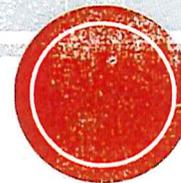
1. The house shall be constructed according to the plans submitted with the variance application, except as the plans may be revised by the Council or as revisions of plans may be approved by the Council.
2. All grading, drainage and erosion control issues shall be subject to review and approval by the City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
3. The existing detached double garage shall be removed from the property prior to issuance of the building permit for the house.

Planning Commission Direction Requested:

Motion regarding a recommendation concerning the Ken and Heidi Brooks variance application at 14186 Valley Creek Trail, including findings, and conditions if applicable.

BROOKS

14186 VALLEY CREEK TRAIL SOUTH



WHO ARE WE?

- Ken & Heidi Brooks
- Lived in St. Croix Valley last 28 years
- Four children
- Ken - second generation custom church furniture & historical renovation business;
 - Transitioning business to our son – third generation
 - Volunteer work - donates time to renovate and repair homes for widows, elderly, and people in need
- Heidi - HR for a local technology company
- 3 & 8/9 grandchildren
- 2 dogs (Charlie 12; Ryker 2)
- Value rural residential lifestyle



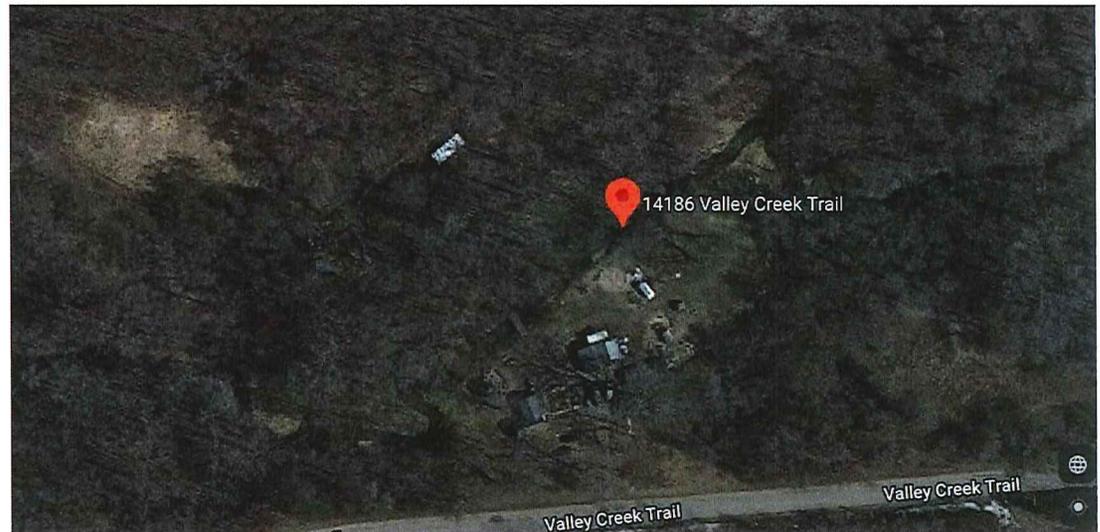
DUE DILIGENCE

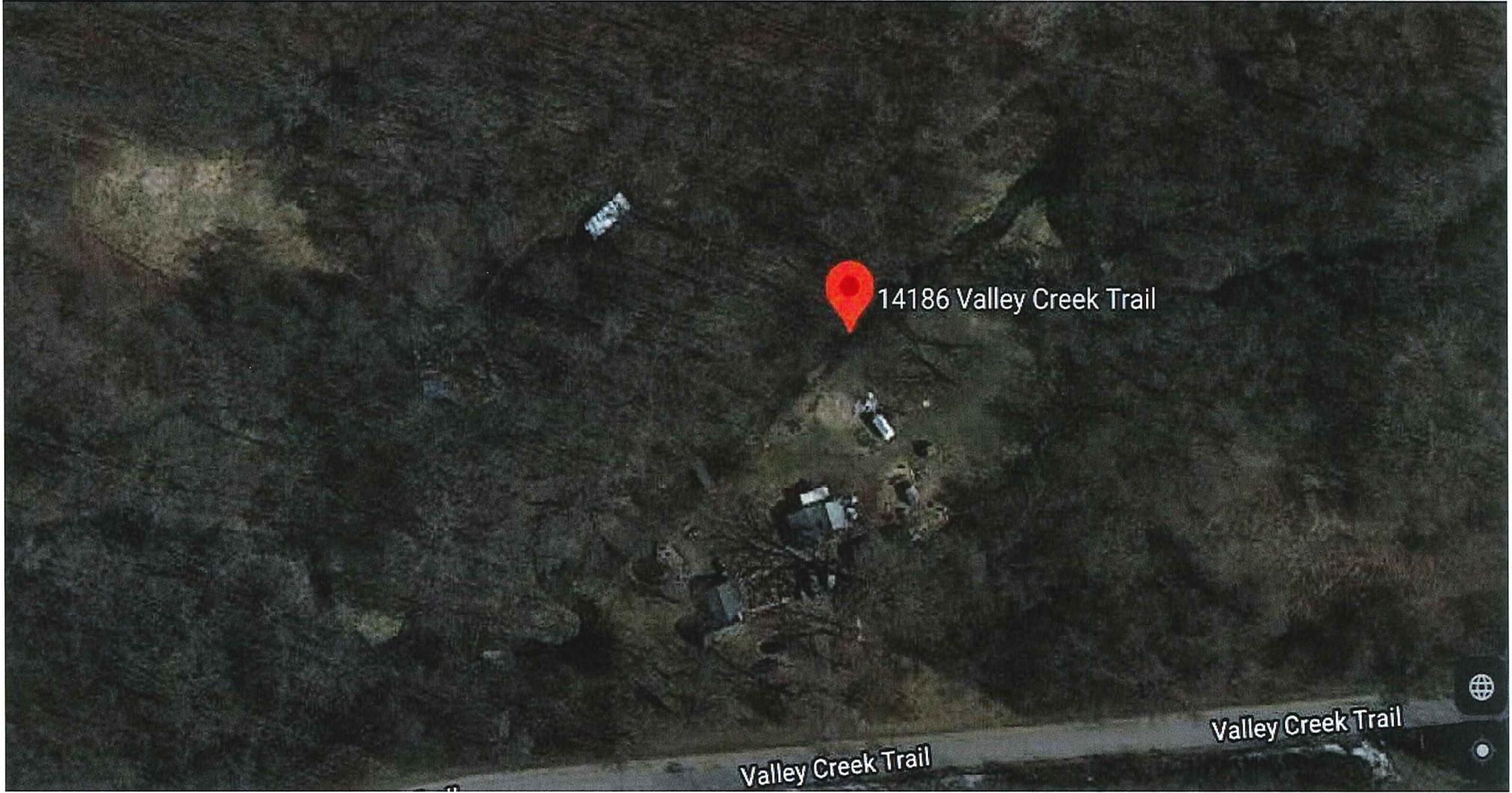
- Prior to purchasing property we contacted:
 - Department of Fisheries
 - Department of Natural Resources
 - Watershed District
 - City Administrator – City of Afton



WHAT DID WE BUY?

- Property @ 14186 Valley Creek Trail South inhabited by:
 - 2 Adults
 - 6 Horses
 - Multiple Dogs
 - Multiple Cats
 - Rescue Rooster
 - Dozens of Bunnies





14186 Valley Creek Trail

Valley Creek Trail

Valley Creek Trail



WHAT WE TOOK OWNERSHIP OF



WHAT WE TOOK OWNERSHIP OF?



WHAT IT LOOKS LIKE NOW



WHAT WE TOOK OWNERSHIP OF



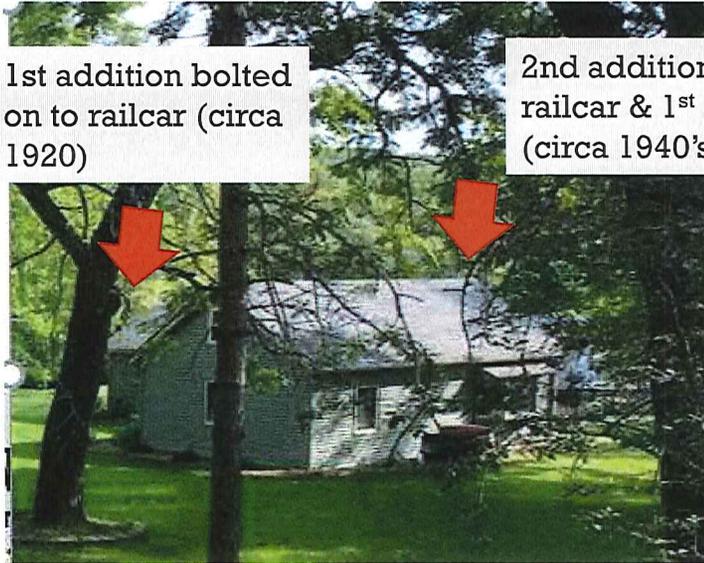
**WHAT IT
LOOKS LIKE
NOW**



Railcar (circa turn of century – early 1900's)



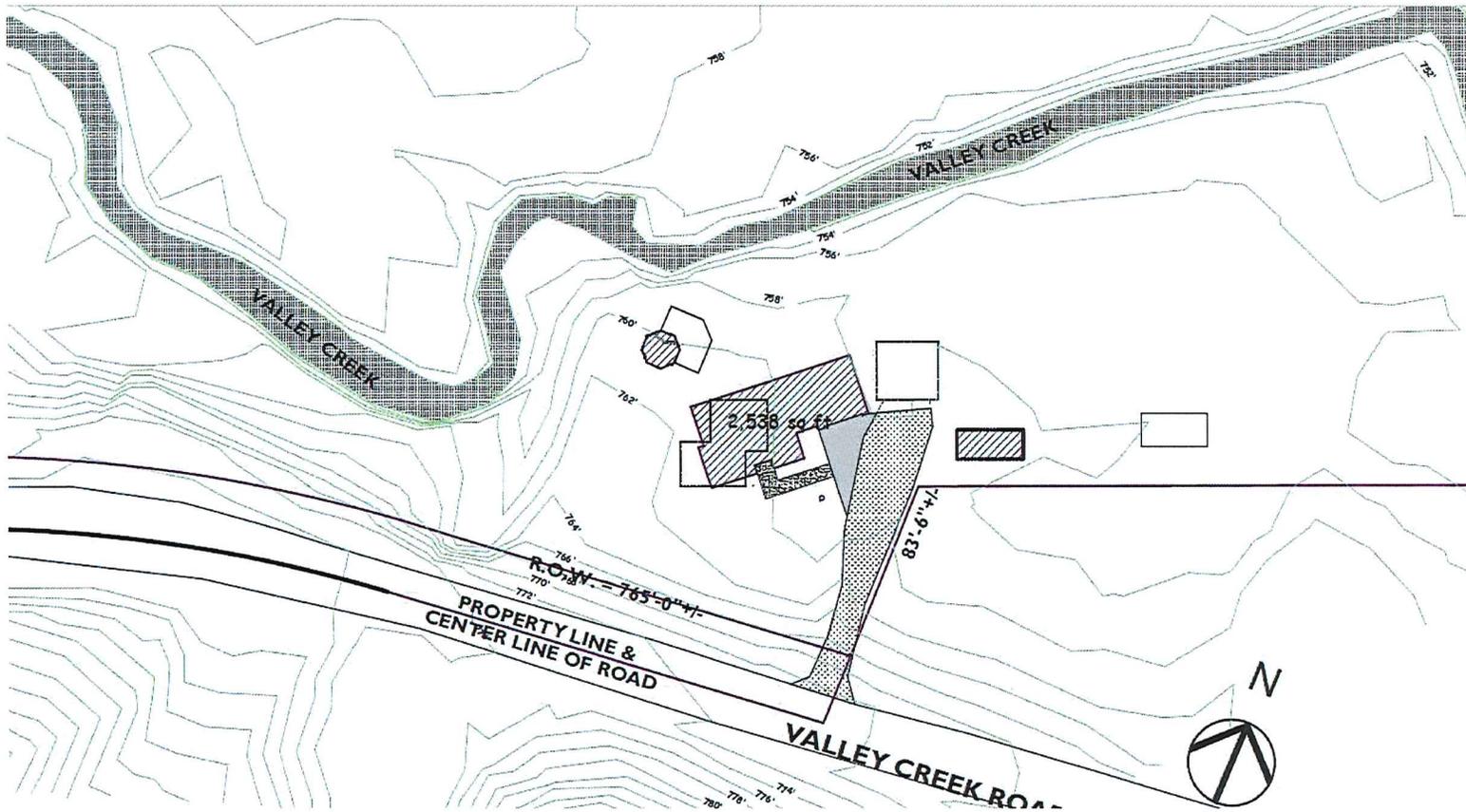
1st addition bolted on to railcar (circa 1920)



2nd addition joined to railcar & 1st addition (circa 1940's)



PROPOSED NEW HOUSE

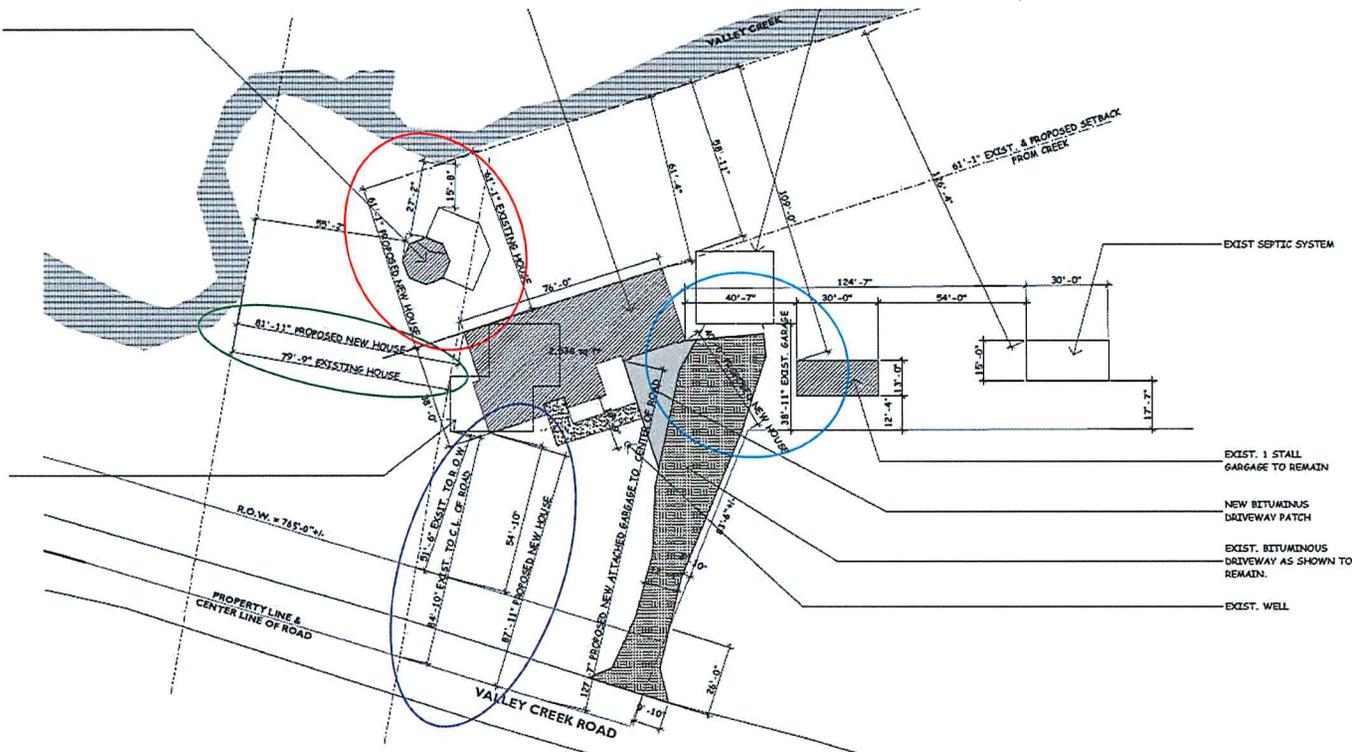


POINTS OF INTEREST

✓ All Proposed Setbacks are equal to or greater than existing setbacks

BO AND DECK TO REMAIN

DEMO'D



West Setback House to Creek:

- Current = 79'-9";
- Proposed = 81'-11"

North Setback House to Creek:

- Current = 61'-1";
- Proposed = 61'-1"

South Setback to Center of Road

- Current = 84'-10"
- Proposed = 87'-11"

East Setback to Property Line

- Current = 38'-11"
- Proposed = 40'-0"

House Height

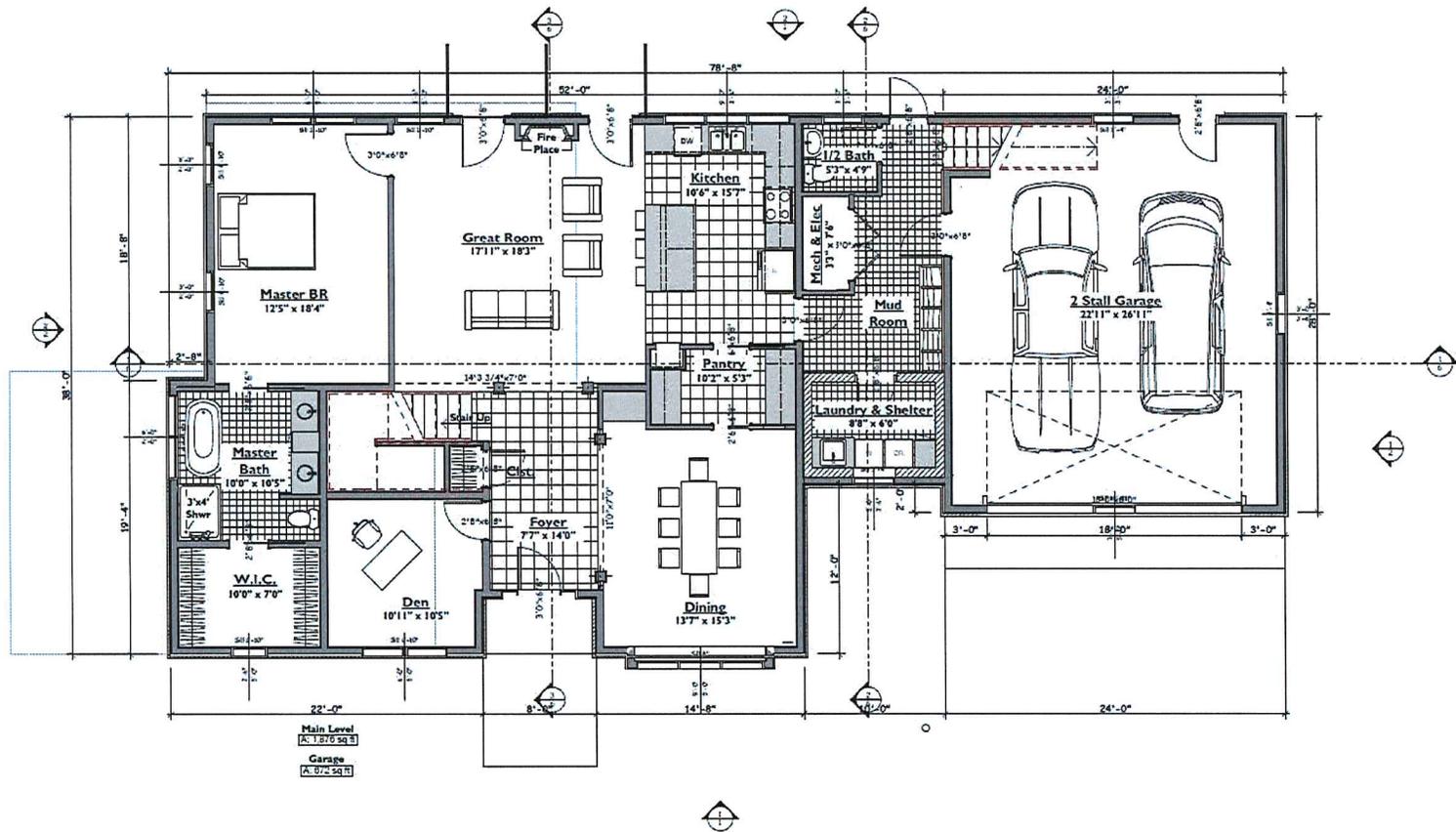
- Current = 17'-0"
- Proposed = 27'-0"

House Footprint

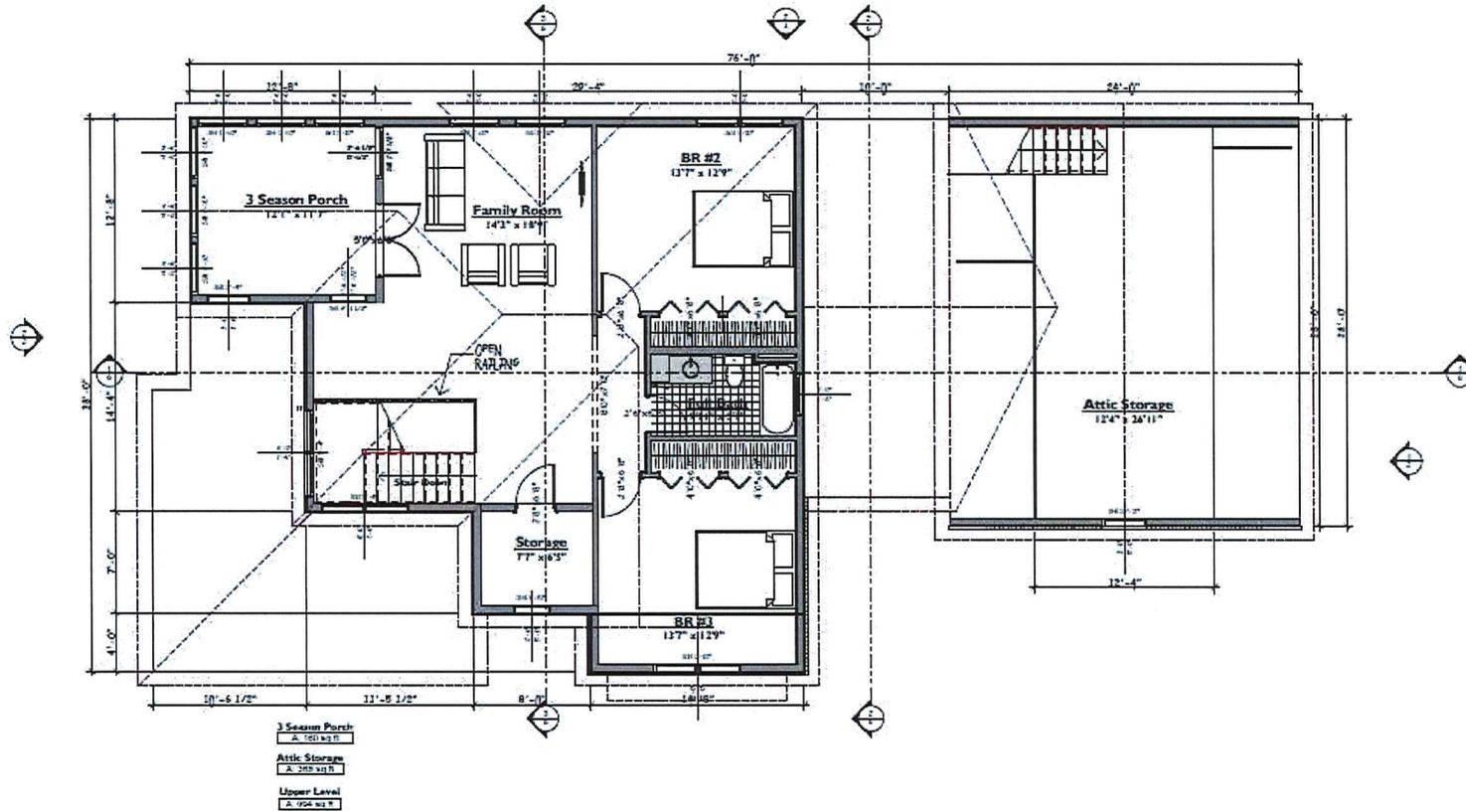
- Existing = 900 Sq. Ft.
- Proposed = 1,876 Sq. Ft.



LOWER LEVEL — ATTACHED GARAGE



UPPER LEVEL – ATTACHED GARAGE



VIEW OF NEW HOUSE FROM ROAD



VIEW - FRONT OF NEW HOUSE



SCALE INDICATED BASED UPON PRINTED 24" X 36" (ARCHITECTURAL D) SHEET.



4918 S. 7th Oak Circle NE
East Bethel, MN 55022
Phone
651-245-2346
Email
mjt@ct510@gmail.com
Web
michaelthomasarchitect.com

Project No:
1904
Date Last Revised:
10-23-19, 11-04-19, 11-17-19,
01-02-20, 01-23-20, 01-24-20,
01-27-20, 02-04-20, 02-10-20,
02-11-20
File Name:
1904 Brooks House 02-11-20
angle version.pln
Drawn By:
mjt

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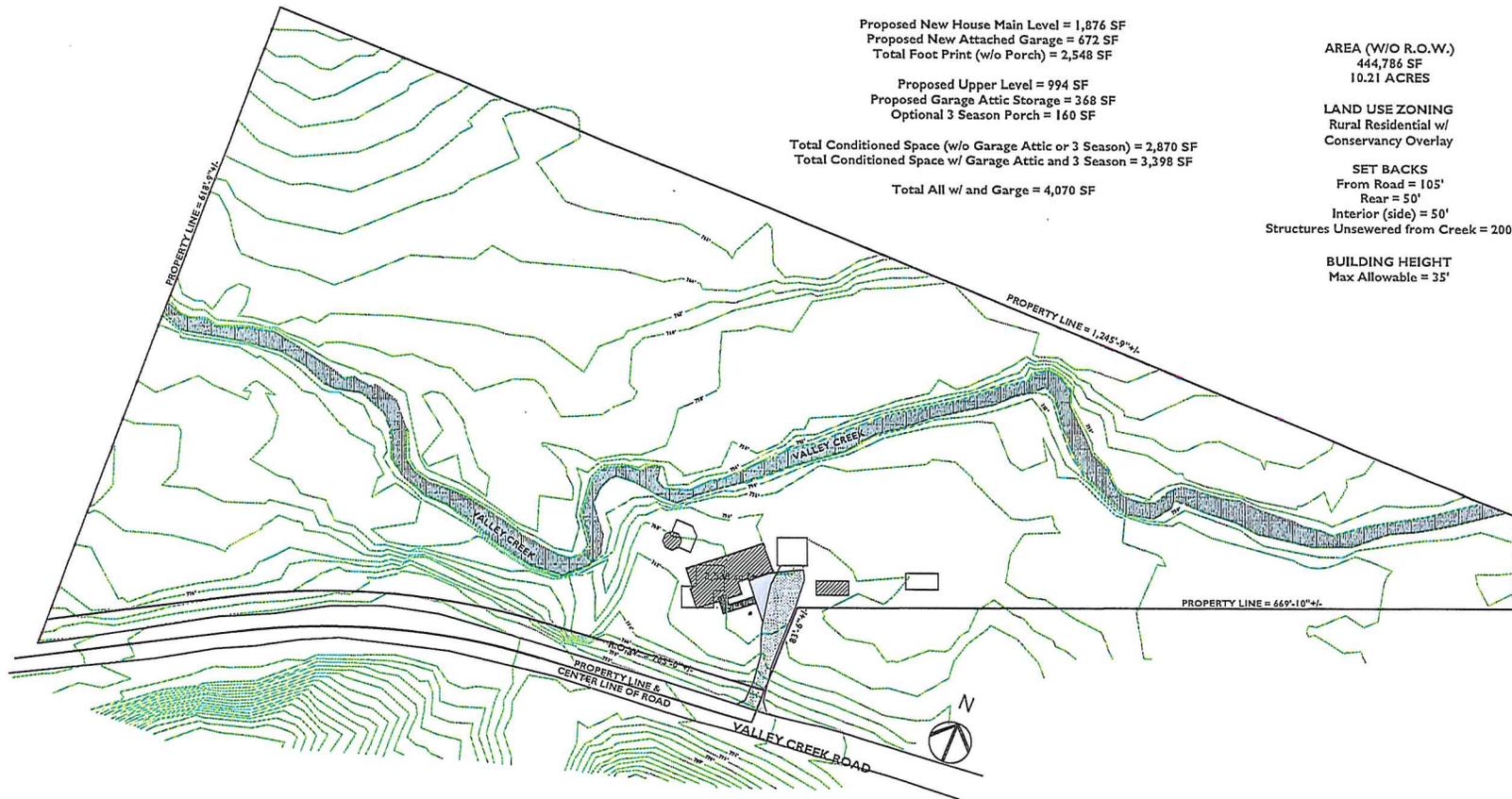
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**New House
Ken & Heidi Brooks
-14186 Valley Creek Trail
Afton, MN 55001**

Sheet

0.1

004



Proposed New House Main Level = 1,876 SF
Proposed New Attached Garage = 672 SF
Total Foot Print (w/o Porch) = 2,548 SF

Proposed Upper Level = 994 SF
Proposed Garage Attic Storage = 368 SF
Optional 3 Season Porch = 160 SF

Total Conditioned Space (w/o Garage Attic or 3 Season) = 2,870 SF
Total Conditioned Space w/ Garage Attic and 3 Season = 3,398 SF

Total All w/ and Garge = 4,070 SF

AREA (W/O R.O.W.)
444,786 SF
10.21 ACRES

LAND USE ZONING
Rural Residential w/
Conservancy Overlay

SET BACKS
From Road = 105'
Rear = 50'
Interior (side) = 50'
Structures Unsewered from Creek = 200'

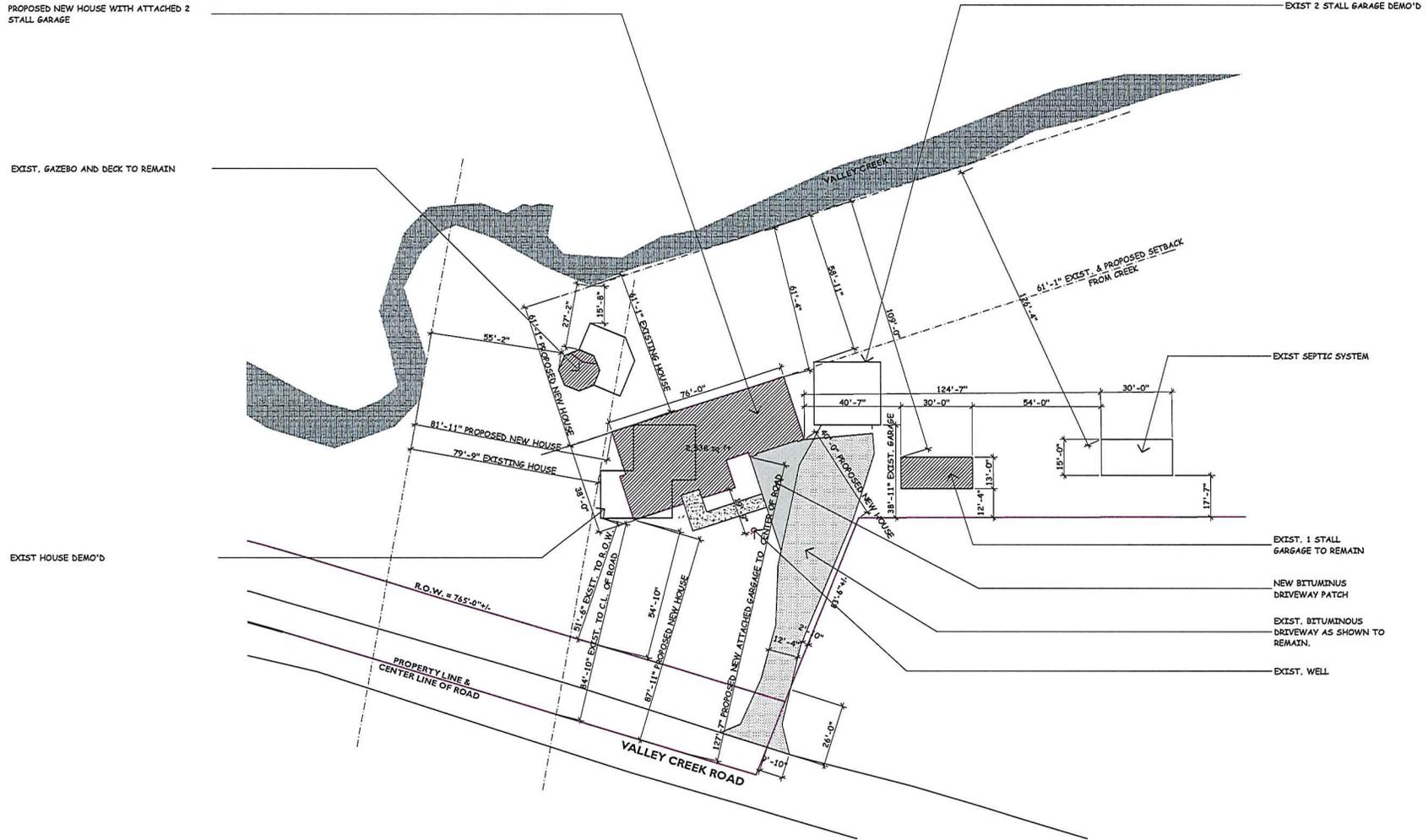
BUILDING HEIGHT
Max Allowable = 35'

① Site Plan - Overall

SCALE: 1" = 50'



SCALE INDICATED BASED UPON PRINTED 24" X 36" (ARCHITECTURAL D) SHEET.



1 Site Plan - Elarged
SCALE: 1" = 20'



4918 S. Tri Oak Circle NE
East Bethel, MN 55012
Phone
651-245-2346
Email
mjt@ct2520@gmail.com
Web
michaelthomasarchitect.com

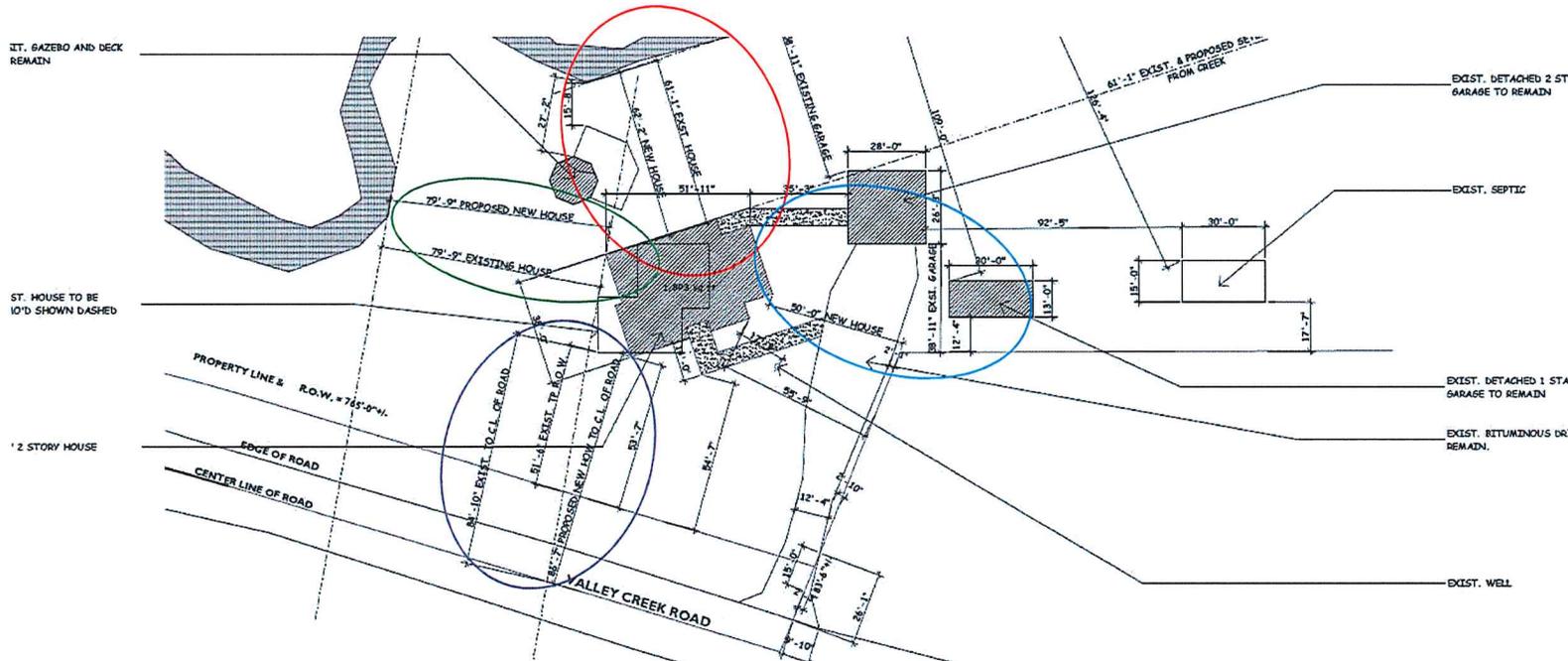
Project No:
19004
Date Last Revised:
10-23-19, 11-08-19, 11-17-19,
01-02-20, 01-23-20, 01-24-20,
01-27-20, 02-09-20, 02-16-20,
03-11-20, 03-15-20, 03-20-20,
03-24-20
File Name:
19004_Brooks House 03-24-20
angle version.pln
Drawn By:
mjt

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New House
Ken & Heidi Brooks
-14186 Valley Creek Trail
Afton, MN 55001

DETACHED GARAGE PLAN

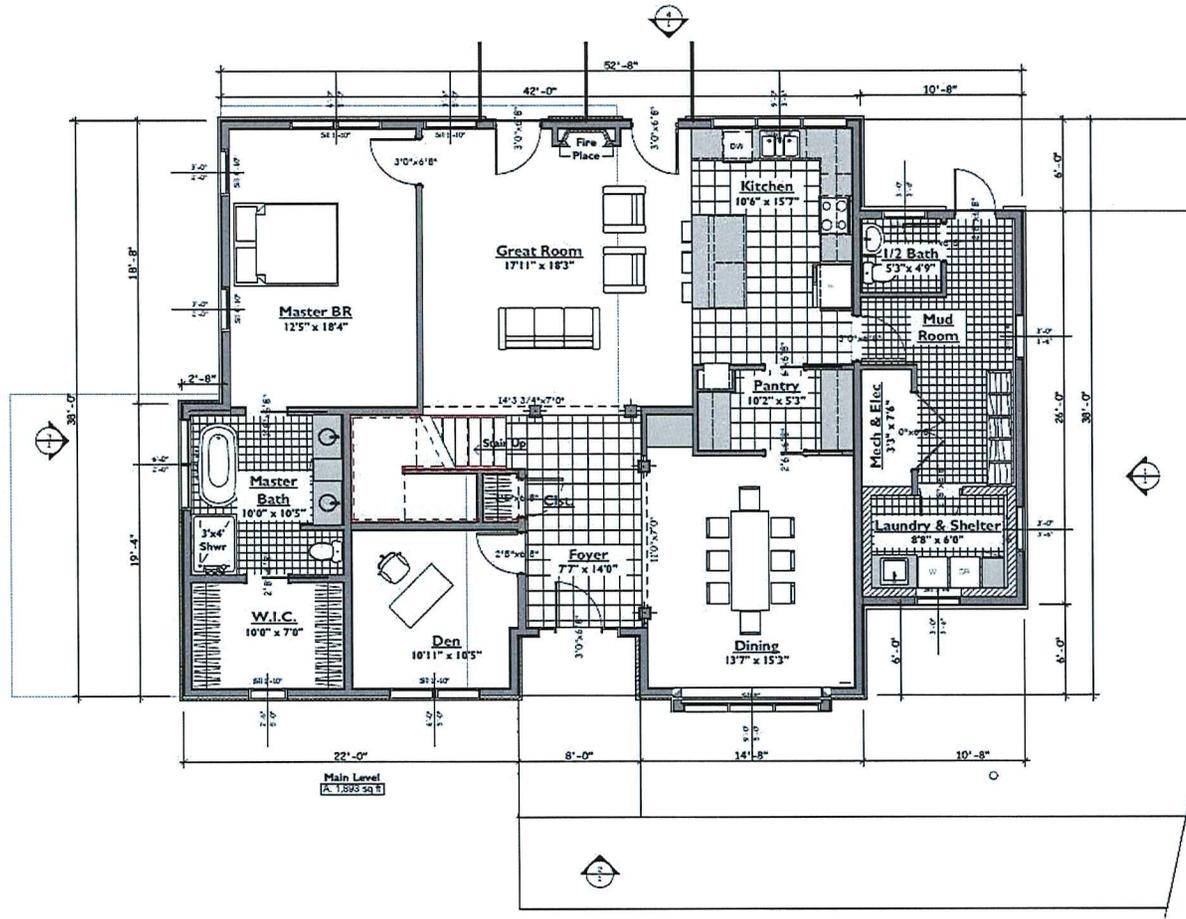
✓ All Proposed Setbacks are equal to or greater than existing setbacks



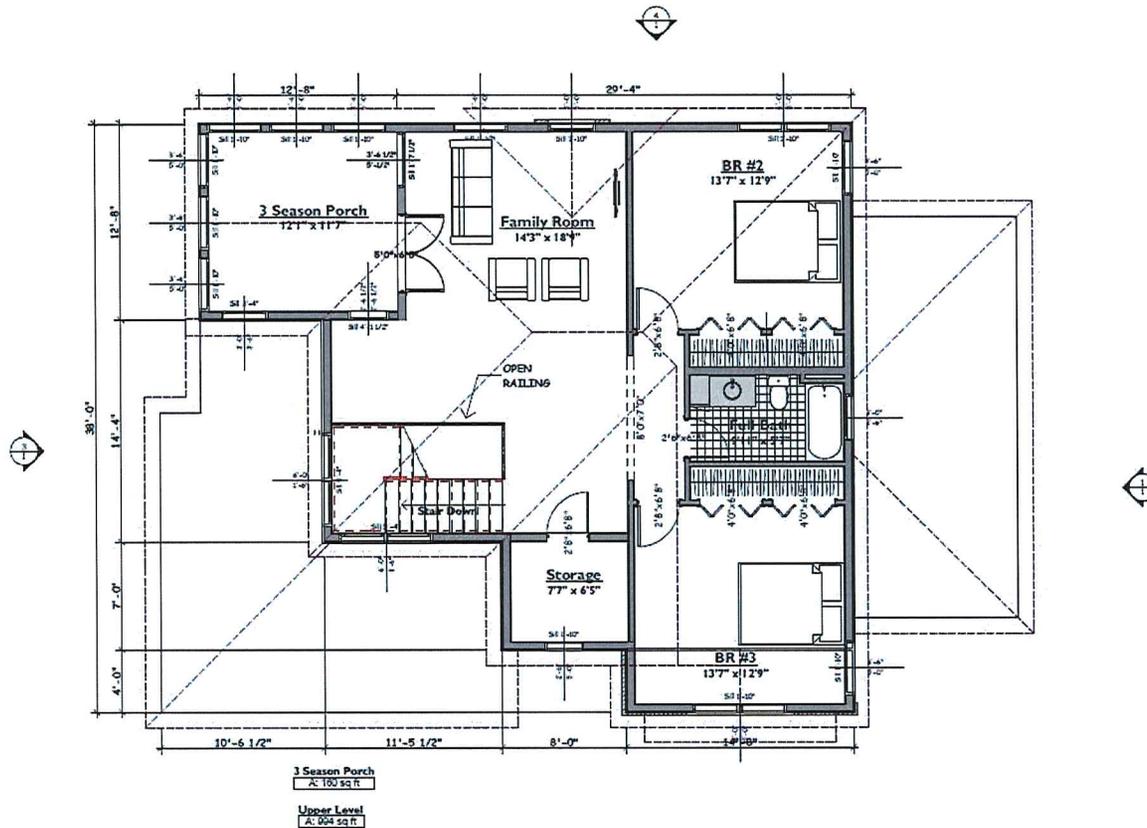
- West Setback House to Creek:**
 - Current = 79'-9"
 - Proposed = 79'-9"
- North Setback House to Creek:**
 - Current = 61'-1"
 - Proposed = 62'-1"
- South Setback to Center of Road**
 - Current = 84'-10"
 - Proposed = 86'-7"
- East Setback to Property Line**
 - Current = 38'-11" (to garage)
 - Proposed = 50'-0" (to house)
- House Height**
 - Current = 17'-0"
 - Proposed = 27'-0"
- House Footprint**
 - Existing = 900 Sq. Ft.
 - Proposed = 1,893 Sq. Ft.



LOWER LEVEL — DETACHED GARAGE



UPPER LEVEL — DETACHED GARAGE



Upper Level



DETACHED GARAGE VIEW FROM ROAD



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

Planning Commission Memo

Meeting: March 2, 2020

To: Chair Kopitzke and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: February 20, 2020
Re: Non-Compliance Fees and Other Enforcement Tools

The Council, at its January 21, 2020 meeting, authorized the Planning Commission to develop proposed non-compliance fees and other enforcement tools, particularly related to zoning and land use, but potentially with broader applicability. The process of developing proposed non-compliance fees and enforcement tools will involve the City Attorney, as well as surveying other cities regarding their non-compliance fees and enforcement tools.

Survey of Cities

Commissioner Bowman has surveyed a number of cities regarding their compliance fees and other enforcement tools they use, but has not been successful in obtaining useful information. Staff will contact the City Attorney to obtain his advice and recommendations.

Planning Commission Direction Requested:

Motion regarding the next steps in the process of developing a set of proposed non-compliance fees and other enforcement tools.



City of Stillwater
 216 4th Street N, Stillwater, MN 55082
 651-430-8800
 www.ci.stillwater.mn.us

2020 FEE SCHEDULE

I. <u>COMMUNITY DEVELOPMENT FEES:</u>	<u>Fee</u>	<u>Escrow</u>
Planning Fees And Escrows		
<i>The following fees are applicable for all requests submitted to the Downtown Parking Commission, Heritage Preservation Commission, Planning Commission and/or City Council.</i>		
Technology Fee	\$25	
Appeals	\$50	
County Filing Fee	\$50 ¹	
<i>¹The County recording fee applies to any request that requires a document(s) to be recorded at Washington County, ie, easements, resolutions, deeds, agreements, variances, use permits, etc. This recording fee does not apply to land subdivision or land development requests since an escrow is collected to cover that cost.</i>		
Pre-Development Applications		
<i>For applications for Joint Board approval, the escrow amount will be dependent on project location, site condition and type of development. Escrow amounts listed herein are minimum requirements.</i>		
Annexation Permit	0-10 acres \$1,000	
	10+ acres \$2,000	
Comp Plan Amend	0-5 acres \$1,000	\$500
	6-40 acres \$2,500	\$5,000
	41-80 acres \$5,000	\$5,000
	over 80 acres \$7,500	\$20,000
Lot Line Adjustment	\$25	\$50
Planned Unit Development (PUD)		
Concept Plan	0-5 acres \$3,000	\$5,000
	6-40 acres \$5,000	\$5,000
	41-80 acres \$7,500	\$10,000
	over 80 acres \$10,000	\$10,000
Final	0-5 acres \$1,000	
	6-40 acres \$2,000	
	41-80 acres \$3,000	
	over 80 acres \$5,000	
Subdivision		
Preliminary Plat	0-5 acres \$500 + \$100 per lot	\$2,500
	6-40 acres \$1,000 + \$100 per lot	\$5,000
	41-80 acres \$2,000 + \$100 per lot	\$7,500
	over 80 acres \$5,000 + \$100 per lot	\$10,000
Final Plat	0-5 acres \$500	
	6-40 acres \$1,000	
	41-80 acres \$2,000	
	over 80 acres \$5,000	
Resubdivision	\$250	\$200
Administrative Subdivision	\$50	\$100
Tax Increment Financing App. Fee	\$5,000	

Planning and Zoning Use Permit Applications Fee Escrow

For applications requiring an escrow, escrow amounts are dependent on project location, site condition and type of development. This is noted as 'TBD,' below.

Zoning Amendment (text or map)	0-5 acres	\$500	\$500
	6-40 acres	\$2,500	\$2,500
	41-80 acres	\$5,000	\$5,000
	over 80 acres	\$7,500	\$10,000
Beekeeping Permit (2 year permit)		\$50 – Renewals without changes have no fee	
Chicken Keeping Permit (2 year permit)		\$50 – Renewals without changes have no fee	
Conditional/Special Use Permit – Residential		\$150	
	– Non-Residential	\$450	TBD
Home Occupations – Type 1		\$25	
	– Type II & Type III	\$200	
Seasonal Outdoor Sales		\$250	
Renewal with no changes		\$25	
Renewal with changes		\$250	

Misc. Planning and Zoning Permit Applications

Fence Permit		\$25	
Sign Permit		\$50	
Variance - Residential		\$200	
	- Non-Residential	\$500	TBD
Zoning Letter		\$100	
Bed & Breakfast Inspection		\$100	
Certification of Compliance		\$100	
Use Determination		\$500	
Legal Non-conforming Use Change		\$500	
Tree Cutting Permit		\$25	
Short Term Home Rental License (valid 3 years)		\$300	
Additional Inspection		\$150 each	
	(1 st inspection included in licensen fee)		

Heritage Preservation Commission Applications

Design Review Permit		\$25	
Site Alteration Permit		\$25	
Demolition Permit		\$150	
Infill Design Permit		\$150	
Designation Study		NA	\$5,000

II. BUILDING FEES:

	<u>Fee</u>
Contractor License (per year)	\$100
Contractor License Verification	\$5
Lead Certification/Verification	\$5

III. ENGINEERING FEES:

An Escrow shall be established as indicated above to cover engineering and legal fees incurred by the City as part of the plan review. This is noted as 'TBD,' below.

- 1) *The fee shall be doubled for after-the-fact permit applications.*
- 2) *The Uniform Building Code establishes a fee schedule for grading permits.*

Engineering Development Fees**Fee****AUAR**

Single Family	\$4,553.87/acre
Multi-family/Commercial	\$9,107.75/acre

Trunk Sewer and Water

Phase III Annexation	\$18,546.66/acre
Long Lake East	\$10,423.72/acre
Long Lake West	\$15,719.13/acre
Middle Trunk A	\$6,625.08/acre
Boutwell East	\$14,775.29/acre
Boutwell West	\$11,417.18/acre

Park & Trail Fee

See Ordinance 963

Engineering Permits

Grading Permit - Residential	\$150	\$1,500
- Non-Residential	\$500	\$5,000

Obstruction Permit (for two week period) \$90

Right-of-Way Permit**Fee**

Hole:	\$150.00 per hole
Trench:	\$150.00 plus \$0.40 per lineal foot of trench
Boring:	\$150.00 plus \$0.40 per lineal foot of boring
Non-excavation (Obstruction):	\$50.00 plus \$0.06 per lineal foot
Extension:	\$25.00 plus \$25.00 per week of extension
Penalty:	2 times the amount of standard permit
Degradation:	To be calculated by City (see below for estimates)

*Degradation fees – homeowners are exempt on repairs to existing sewer and water services in the right-of-way.***Degradation Fee Estimates For Bituminous Street:**

New Street - 0 to 5 years	\$4.00 per square foot
Existing Street	\$2.00 per square foot
Street to be reconstructed in next 5 years	\$1.00 per square foot

Degradation Fee Estimates For Bituminous Pathway:

New Path - 0 to 5 years	\$1.50 x path width x length
Existing Path - 5 years old to 5 year plan	\$1.00 x path width x length
Path to be reconstructed in next 5 years	\$0.50 x path width x length

Additional Engineering Charges**Fee****Escrow**

Sewer & Water Hookup		
Sanitary Sewer	\$4,488.28/unit	
Water	\$4,488.28/unit	
Public ROW or Pubic Easement Vacation	\$350	
Small Wireless Facility	\$50/device	\$5,000

IV. FINANCE FEES:**Fee**

Assessment Searches	\$25
Assessment Roll Copy (each)	\$25
Mowing & Snow Removal Services <i>In addition to contractual services.</i>	
One time service call or first reoccurring service call	\$100
Second service call and each additional reoccurring service calls	\$50

	<u>Fee</u>
NSF Checks or denial of ACH Fee	Maximum allowed by law.
Sanitary Sewer Rates - Per Quarter	
First Minimum Charge	\$54
Overage Charge	\$7
Penalty/Late Fee	\$25
Sign and Lighting - Per Quarter	
Residential	\$8
Non-Residential	Based on acreage.
Storm Sewer Rate - Per Quarter	\$11.75

V. FIRE INSPECTION:

	<u>Fee</u>	
Annual license for retail sales of consumer fireworks	\$100	
Fireworks Display Permit (Pyrotechnics) (Ord. 943)	\$100	
Automatic fire extinguishing systems	1.2% of value, \$100 minimum	
Fire alarm systems	1.2% of value, \$100 minimum	
Open burning permit	\$20	
Residential daycare and foster care inspection	\$50	
Tank removal permit	\$75	
Yearly nuisance/false alarm fees* – Residential	\$0	1-2
	\$75	3-4
	\$150	5-6
	\$300	7-8
	\$400	9 +
Yearly nuisance/false alarm fees* – Commercial	\$0	1-2
	\$90	3-4
	\$180	5-6
	\$360	7-8
	\$425	9 +

**False alarm fees based on calendar year and per call basis.*

VI. MISC. ADMIN FEES:

	<u>Fee</u>
Prepared Maps - Black/White/Blue Line	
As-built Drawings (11 x 17)	\$10 minimum or \$3 per page
City Map (8.5 x 11)	\$2
City Map (11 x 17)	\$2
Land Use Map (11 x 17)	\$4
Zoning (8.5 x 11)	\$2
Zoning (11 x 17)	\$4
Color	<u>Fee</u>
City Map (8.5 x 11)	\$2
City Map (11 x 17)	\$2
Land Use Map (11 x 17)	\$7
Parcel Map	Available through Washington County
Topographic Maps	Available through Washington County
Zoning (8.5 x 11)	\$5
Zoning (11 x 17)	\$7

Data Practices Requests

Electronic Transmittal, 100 or fewer pages of letter or legal size	25¢ per page
Paper Copies (black and white), 100 or fewer pages letter or legal size	25¢ for a one-sided copy 50¢ for a two-sided copy
Paper Copies (color/prints) per side	
8.5 x 11 (1-5 pages)	\$2.00
8.5 x 11 (6-50 pages)	\$1.75
8.5 x 14 (1-5 pages)	\$2.50
8.5 x 14 (6-50 pages)	\$2.25
11 x 17 (1-5 pages)	\$3.00
11 x 17 (6-50 pages)	\$2.75
Data on CD/DVD/Flash Drive (this does not include copy costs)	\$15.00
Data Practices Research Deposit	\$300.00

Copies or Electronic Transmittal of more than 100 pages or Other Types of Copies = Actual cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email or via Dropbox or similar program).

In determining the actual cost of making copies, we factor in employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, Flash Drive, etc.), and mailing costs (if any). If your request is for copies of data that we cannot reproduce ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

The cost of employee time to search for data, retrieve data, and make copies is the current year Administration Secretary hourly rate. If, because of the subject matter of your request, we find it necessary for a higher-paid employee (Department Heads, Managers, Human Resources Manager) to search for and retrieve the data, we will calculate the search and retrieval portion at their rate.

Note: Fee must be paid before sending any electronic data information.

Publications/Minutes/Agendas	<u>Fee</u>
Budget Book	\$25
City Code Book Unbound	\$100
City Code Book Bound	\$125
Comprehensive Plan printed & bound	\$75
Comprehensive Plan CD	\$15
Design Manual	\$5
Downtown Plan	\$10
Financial Report	\$50
Mailed agendas – per year	\$20 + Postage
Mailed minutes – per year	\$60 + Postage
Zoning Book	\$25
Other Services	
Copies (B/W) per side	
(8.5 x 11)	.25¢
(8.5 x 14)	.50¢
(11 x 17)	.75¢

Copies (Color/Prints) per side	Fee
(8.5 x 11) (1-5 pages)	\$2
(8.5 x 11) (6-50 pages)	\$1.75
(8.5 x 14) (1-5 pages)	\$2.50
(8.5 x 14) (6-50 pages)	\$2.25
(11 x 17) (1-5 pages)	\$3
(11 x 17) (6-50 pages)	\$2.75
Data on CD/DVD/Flash Drive copies	\$15
<i>City meetings available on DVD through Valley Access Channels at 651-430-2921</i>	

Solid Waste, Recycling and/or Roll-off Hauler License	Fee Per Year
Commercial Property (including roll-off)	\$300
Residential Property (including roll-off)	\$300
Roll-off Only	\$50

Liquor & Tobacco Licenses	Fee Per Year
On-Sale	\$2,887.50
On-Sale Club	\$446.25
On-Sale Sunday	\$200
Off-Sale	\$200
On-Sale Wine	\$315
On-Sale Wine w/Strong Beer	\$477.75
On-Sale 3.2% Malt Liquor	\$162.75
Off-Sale 3.2% Malt Liquor	\$57.25
Brewer Tap Room	\$500
Brewer Off-Sale	\$200
Brewers Tap Room On-sale Sunday	\$200
Consumption & Display	\$250 initial + \$250 Payable to AGED
2 A.M. On-Sale	\$200 initial + \$200 Payable to AGED
Micro Distiller Cocktail Room	\$2,887.50
Micro Distiller Off-Sale	\$200
Permit to Consume	\$35 per day
Temporary Liquor License Fee (12/year on-sale)	\$25 per day
Temporary Liquor License Fee (3.2% unlimited)	\$25 per day
Annual Investigation (Liquor & Tobacco)	\$150
Initial Liquor Investigation Fee	\$300
Initial Tobacco Investigation Fee	\$250
Tobacco License	\$250 per year
Liquor & Tobacco License Violation Appeal	\$100 + Hearing Officer Fee (\$90 hr)
Pawn Broker Fee	\$5,000 + \$200 monthly fee for computer access charges

VII. STILLWATER PARK FEES:

Park Facilities (Picnic Shelters, Gazebos, Pergolas)

\$100 refundable damage deposit plus one of the following fees:

\$50/day for Stillwater city resident or \$100/day for non-Stillwater city resident.

Ball fields (for tournaments): \$300 fee & refundable damage deposit \$150

Preparation of Ball fields

Lower Lily Lake field	\$20/game
Upper Lily Lake field	\$15/game

Public Works Field	\$15/game
Lacrosse	\$20/application
Football	\$25/application
Soccer	\$20/application
Baseball & Softball	\$15/game

(All City Fields with the exception of Lower Lily Lake field which is \$20/game)

Park Open Space

A \$100 refundable damage deposit (i.e. weddings) - Non-Resident Fee of \$50

Pioneer Park Bandshell and Lowell Park Amphitheater

\$100 refundable damage deposit and \$125/day fee for residents and nonresidents.

All groups, including not-for-profit groups and educational institutions must pay to use the Bandshell and Lowell Park Amphitheater (anytime).

Teddy Bear Park Building Rate Schedule

A \$100 refundable damage deposit per floor is required plus the following:

<u>Mon-Thurs</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Non-profit Group</u>	<u>For-Profit Group</u>
First 3 hrs. (1st floor)	\$50	\$80	\$50	\$80
Add'l hour (1st floor)	\$15	\$25	\$15	\$25
First 3 hrs. (2nd floor)	\$40	\$60	\$40 / \$10*	\$60
Add'l hour (2nd floor)	\$10	\$15	\$10 / \$5*	\$15

**Rate based on a minimum of 10 meetings per year with no food at the meeting.*

<u>Fri-Sun</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Non-profit Group</u>	<u>For-Profit Group</u>
First 3 hrs. (1st floor)	\$90	\$160	\$90	\$160
Add'l hour (1st floor)	\$25	\$45	\$25	\$45
First 3 hrs. (2nd floor)	\$70	\$125	\$70	\$125
Add'l hour (2nd floor)	\$20	\$35	\$20	\$35

Events & Special Events

All groups, including not-for-profit groups and educational institutions must pay deposits and rental of amenities when holding any event. Event permit fees for city services will be limited to the city's out-of-pocket expenses attributable to the event. Out-of-pocket expenses include such things as overtime pay for city employees, equipment that the city would need to rent for the event, office supplies, any contracted services and extraordinary use of city equipment for the event.

Event Application Fee	\$0
Special Event Application Fee	\$50
Special Event with Contract Application Fee	\$100
Event Application - Late Fee	\$100

<u>Event</u>	<u>Special Event</u>	<u>Special Event With Contract</u>
No event base fee required	\$500 per day* Base Fee	\$500 per day* - subject to negotiated contract provisions.
Events with Routes – No participant fee required	Events with Routes – \$1 per registered participant	Events with Routes – \$1 per registered participant
\$100 refundable damage deposit if using a park	\$1,000 Security Deposit	\$1,000 Security Deposit subject to negotiated contract provisions.

**Per Day includes each day of event. Separate load-in day fee of \$500/day will apply.*

Police Services

	<u>Fee</u>
Police Dept. Personnel/Officers	Overtime Rate – 2 hr. Minimum
Police Reserves	\$15 per hour – 2 hr. Minimum
Fire Department Personnel	Overtime Rate – 2 hr. Minimum
Fire Department On-Call Personnel	\$15 per hour – 2 hr. Minimum

Materials

Barricade 4' to 12' Saw Horse (No Flasher)	\$2/barricade/each day of event
Barricade 4' to 12' Saw Horse (With Flasher)	\$5/barricade/each day of event
Type III Barricades	\$5/barricade/each day of event
Drums	\$1/drum/each day of event
Electrical use (Lowell Park)	\$20/per elec. box/each day of event
Electrical use (Parks, except Lowell Park)	\$10/each day of event
PD No Parking Signs	\$3/sign/each day of event plus labor if after normal business hours
Picnic Tables	\$10/table/each day of event
Portable toilet – Handicapped	\$150/event/unit
Portable toilets	\$60/event/unit
Additional Service	\$25/unit/service
Reflective Cones	\$1/cone/each day of event
Refuse Collection	Cost of staff time.
Traffic Sign on stand	\$2/sign/each day of event
Trash Containers	\$8/container/each day of event

VIII. PARKING FEES:

Downtown Parking Rental Rates - Peak Season (May through October)

	Weekday¹	Weekend¹
Lot 1	\$15/day/space ²	\$15/day/space ²
Lot 2	\$9/day/space ³	\$9/day/space ³
Other paved city lots	\$1.50/day/space ⁴	\$3/day/space ⁴
Unpaved city lots	\$1/day/space ⁴	\$1.50/day/space ⁴
On-street parking (except on Main St ⁵)	\$9/day/space	\$9/day/space

Downtown Parking Rental Rates - Off Season (November Through April)

	Weekday⁶	Weekend⁶
All lots: 3 hours or less	Free - must be approved by Parking Commission	Free - must be approved by Parking Commission
All lots : > 3 hours	\$1.50/day/space	\$1.50/day/space
On-street parking (except on Main St. ⁵)	\$3/day/space	\$3/day/space

- ¹ Peak season weekday = Monday through Wednesday; Peak season weekend = Thursday through Sunday
- ² Partial day use (or reservation) will incur only a partial day fee as follows: 0-4 hours = \$5; >4 but <8 hours = \$10; more than 8 hours = \$15
- ³ Partial day use (or reservation) will incur only a partial day fee as follows: 0-4 hours = \$3; >4 but <8 hours = \$6; more than 8 hours = \$9
- ⁴ This rate applies whether the space is used (or reserved) for a partial or full day.
- ⁵ On-street parking spaces cannot be reserved on Main Street.
- ⁶ Off season weekday = Monday through Thursday; off season weekend = Friday through Sunday

Permit Parking (Surface Lots):

Downtown Residential Permit parking per month per vehicle (24/7)	<u>Fee</u> \$20
Downtown Business Permit parking per month per vehicle (no overnight parking)	\$20

Parking Ramp

A. Hourly Parking (Available daily, except during events)

1. Single coupon purchase¹

- Standard rate is \$3; coupon dispensed at entrance gate.
- Summer **weekday** rate is \$3.
 - Rate in effect May 1 to October 31.
 - Weekdays are considered to be Monday through Thursday at 5:00 p.m.
- Summer **weekend** rate is \$5; coupon dispensed at entrance gate.
 - Rate in effect from May 1 to October 31.
 - Weekend rate begins Thursday at 5:00 p.m. and ends Sunday at 8:00 p.m.

2. Bulk coupon purchase¹

- Hourly parking coupons can be purchased in advance at City Hall for a discounted rate, if purchasing at least 10 of them.
 - A standard \$3 coupon is reduced to \$2.50 each.
 - A summer weekend \$5 coupon is reduced to \$4.50 each.

¹All day to 2:30 a.m.

B. Contract Parking

1. Business Hour Passes¹

- Minimum purchase of three months is required.
- Valid weekdays from 6 a.m. to 6 p.m.
 - Pass for uncovered space (4th level) \$10/month
 - Pass for covered space (levels 1-3) \$15/month
 - Pass for covered reserved space \$20/month
- After 6 p.m. hourly rates apply.

2. Extended Hours Business Passes¹

- Minimum purchase of three months is required.
- Hours vary according to type of pass:
 - Covered reserved space - Valid weekdays to 9 pm - \$23/month
 - Hospitality Industry pass - Valid daily to 6 am next morning - \$20/month

¹\$10 activation fee; \$5 re-activation fee (if account goes inactive for a month or more); \$5 for lost pass

C. Residential Parking (No restriction on parking hours, i.e. 24/7/365)

25 residential passes available¹

- Minimum purchase of three months is required.
 - 8 year-around passes for Rivertown Commons residents. - \$25/month each
 - 17 parking passes available to any resident of the City.²
 - \$35/month
 - \$25/month (for non-reserved space) with State issued handicapped parking permit

¹\$10 activation fee; \$5 re-activation fee (if account goes inactive for a month or more); \$5 for lost pass.

²These passes are sold on a first-come, first-served basis. No more than 25 passes can be sold at any one time.

Parking before or after the permitted hours is subject to the flat fee for transient parking, or the event parking fee if applies.

D. Event Parking

Summer weekend

May 1st and October 31st 5:00 pm on Friday evening through Sunday evening at 8:00 pm

Fee
Flat \$5

Special Events

Flat \$10

Parking during events does not include overnight parking. Any vehicle parked at the event rate after 2:30 am will be subject to towing.

Parking Violations:	Fee
Any violation not preceded by another parking violation the prior 90 days	\$25
Any violation preceded by one parking violation within prior 90 days	\$20
Any violation preceded by two parking violations within prior 90 days	\$30
Added to fine if not paid within 10 business days of issuance	\$25

IX. POLICE FEES:	Fee
Administrative Citation Fees (see attached)	
Audio Copy	\$15
Bicycle License	\$1
Dog Impound	\$50
Resident and Non-Resident Dog Licenses - per year	\$10
Resident and Non-Resident Dog Licenses Replacement Tag	\$5
Dog – Potentially Dangerous	\$50
Dog – Dangerous	\$200
In-house statistical computer run	\$25
Kennel	\$250
Peddler Background Check per each individual or representative	\$15
Police Reports	\$0
Special vehicle license	\$100
State Accident Reports	\$0
Video Copy	\$40
Police Services that DO NOT fall under Events	
Off-Duty Police Officers (paid directly to Officers)	\$50 per hr. 3 hour Minimum
Police Reserves (paid directly to Reserves)	\$20 per hr. 3 hour Minimum

X. VIOLATIONS:	Fine	Stillwater City Code
Administrative Citations		
Animal – Wild or Dangerous Dog	\$200	Sec. 27-2
Animal violations	\$50	Sec. 27-1-5
Automobile fenders	\$60	Minn. Stat. §169.734
Auxiliary lights	\$60	Minn. Stat. §169.56
Bee Keeping Violations	\$50	Sec. 27-3
Brakes	\$60	Minn. Stat. §169.67
Building Demolition Violations	\$100/day	Sec. 34-8
Bumpers, safeguards	\$60	Minn. Stat. §169.73
Certain lights permitted on old motor vehicles	\$60	Minn. Stat. §169.62
Chicken Keeping Violations	\$50	Sec. 31-514 (6)
Clearance and marker lamps	\$60	Minn. Stat. §169.51
Composite beam	\$60	Minn. Stat. §169.61
Conducted on licensed premises/disorderly conduct, disorderly house, alcohol, etc.	\$50	Sec. 43-1 Minn. Stat. §609.72
Curfew	\$50	52-11
Disposal of Flammable Waste into Sewer System	\$100/day	Sec. 29-8
Disposal of Liquid Waste into Sewer System	\$100/day	Sec. 29-7
Distribution of light	\$60	Minn. Stat. §169.60
Disturbing the peace	\$150	Sec. 52-1
Electronic sound system/audio equipment	\$100	Sec. 38-3

	Fine	Stillwater City Code
Fail to stop at a stop sign/line	\$60	Minn. Stat. §169.30(b)
Failure to obtain a license/registration (contractor, peddler, permit to consume (in parks), towing, seasonal outdoor sales, or short term home rental)	\$25/day	Sec. 41-1, 41-4(3); 48-4; 41-6; 41-7, 41-8(3)
Failure to obtain a Liquor or Tobacco License	\$100/day	Sec. 41-2 (3)
Flares, flags, or reflectors required	\$60	Minn. Stat. §169.75
Garbage & Rubbish – Failure to abide Ordinance	\$25/day	Sec. 30-1-5
Garbage & Rubbish – Improper Storage	\$25/day	Sec. 30-1-5
Headlamps	\$60	Minn. Stat. §169.49
Horn, siren	\$60	Minn. Stat. §169.68
Identification lamps	\$60	Minn. Stat. §169.58
Lights for parked vehicles	\$60	Minn. Stat. §169.53
Lights on all vehicles	\$60	Minn. Stat. §169.55
Method of parking	\$50	Sec. 51-2
Motor vehicle noise limits	\$60	Minn. Stat. §169.693
Muffler	\$60	Minn. Stat. §169.69
Noise, noisy parties or gatherings	\$100	Sec. 38-2
Number of lamps	\$60	Minn. Stat. §169.63
Open burning or leaves	\$100	Sec. 23-1, subd. 10
Possession of alcohol in public	\$75	Sec. 52-15
Prohibited lights; exceptions	\$60	Minn. Stat. §169.64
Prohibition; operating automobile with unsafe tires	\$60	Minn. Stat. §169.724
Projecting load; light or flag	\$60	Minn. Stat. §169.52
Public nuisance defined	\$75	Sec. 38-1, subd. 2
Public nuisances affecting health	\$75	Sec. 38-1, subd. 2(1)
Public nuisances affecting peace and safety	\$75	Sec. 38-1, subd. 2(2)
Public parks: hours of operation, permitted activities	\$50	Sec. 48-5
Public parks: prohibited acts	\$50	Sec. 48-2
Public urination (Ordinance 1065 – 05/06/2014)	\$50	Sec. 52-18
Rear lamps	\$60	Minn. Stat. §169.50
Rearview mirror	\$60	Minn. Stat. §169.70
Recreational vehicles violation	\$50	Sec. 51-7
Roller skates; skateboards	\$50	Sec. 51-8
Safety glass	\$60	Minn. Stat. §169.74
Short Term Home Rental 1 st Verified Complaint	\$250	Sec. 41-8
Short Term Home Rental 2 nd Verified Complaint	\$1,000	Sec. 41-8
Short Term Home Rental 3 rd Verified Complaint	\$2,000	Sec. 41-8
Sign violations	\$75	Sec. 31-509
Slow-moving vehicle, sign required	\$60	Minn. Stat. §169.522
Snowmobiles	\$70	Sec. 51-6
Special & Conditional Use Permit Violations	\$250/day	Sec. 31-207
Specifications for lighting and other devices	\$60	Minn. Stat. §169.65
Speeding (1—9 mph over limit)	\$60	Minn. Stat. §169.14
State Building Code Violations	\$100/day	Sec. 33-1-4
Subdivision Ordinance Violations	\$100	Sec. 32-1
Swimming Pool Violations	\$100/day	Sec. 33-2
Tire surface; metal studs	\$60	Minn. Stat. §169.72

Unreasonable acceleration /exhibition of speed	\$60	Sec. 51-3 (2)
Vehicle signals	\$60	Minn. Stat. §169.57
Warning lights	\$60	Minn. Stat. §169.59
Wheel flaps on truck and trailer	\$60	Minn. Stat. §169.733
Windshield	\$60	Minn. Stat. §169.71
Winter parking; snow emergencies	\$50	Sec. 51-5
Zoning Ordinance Violations	\$100/day	Sec. 30-102

Alcohol or Gambling Violations *Look back period for multiple offenses is no more than 5 years

	1st Offense	2nd Offense	3rd Offense*	4th Offense
After hours display or consumption of alcoholic beverages	3 day Suspension	6 day Suspension	9 day Suspension	Revocation
After hours sales of alcoholic beverages	3 day Suspension	6 day Suspension	9 day Suspension	Revocation
Commission of a felony related to the licensed activity	Revocation	N/A	N/A	N/A
Failure to take reasonable steps to stop person from leaving premises with alcoholic beverages	3 day Suspension	6 day Suspension	9 day Suspension	Revocation
Illegal gambling on premises	3 day Suspension	6 day Suspension	9 day Suspension	Revocation
Refusal to allow City Inspectors or Police admission to inspect premises	5 day Suspension	15 day Suspension	Revocation	N/A
Sale of Alcoholic Beverages while license is under suspension	Revocation	N/A	N/A	N/A
Sale/purchase of alcoholic beverages to/by underage person	\$500	\$750 + 3 day Suspension	\$1,000 + 9 day Suspension	Revocation
Sales of alcoholic beverage to obviously intoxicated person	\$500	\$750 + 3 day Suspension	\$1,000 + 9 day Suspension	Revocation

Tobacco Violations *Same licensed premises within 24 month period.

	1st Offense	2nd Offense*	3rd Offense*
Refusal to allow City Inspectors & Police admission to inspect premises	\$75	\$200	\$250 and Revocation
Sale/purchase to/by underage person	\$75	\$200	\$250 and Revocation
Unlawful Self Service Sale	\$75	\$200	\$250 and Revocation
Unlawful Vending Machine	\$75	\$200	\$250 and Revocation
All other tobacco violations	\$75	\$200	\$250 and Revocation

XI. ST. CROIX VALLEY RECREATION CENTER RATES:

Hourly Rates:	Prime Time	Non-Prime Time	Summer Ice
Rec Center Ice	\$215/hour	\$165/hour	\$165/hour
Lily Lake Ice	\$210/hour	\$165/hour	\$165/hour
Full Field Hours	\$310/hour	\$260/hour	\$165/hour
Half Field House	\$210/hour	\$190/hour	\$165/hour
Outdoor Field	\$20/hour	\$20/hour	\$20/hour
Other Rates:			
Open Skating	\$5/child	\$6/adult	
Open Field	\$5/child	\$6/adult	

Sec. 22-12. - Administrative offenses.

Subd. 1. *Purpose* . Administrative offense procedures established pursuant to this section are intended to provide the public and the city with an informal, cost effective and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty, as is provided for hereafter, the individual may withdraw from participation in the procedures, in which event the city may bring criminal charges in accordance with the law. Likewise, the city at its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the city will seek to collect costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.

Subd. 2. *Administrative offense defined* . An administrative offense is a violation of a provision of this Code and is subject to the administrative penalties set forth in the city's current fee schedule adopted by the city annually or from time to time by resolution enacted by the city council.

Subd. 3. *Notice* . Any officer of the Stillwater Police Department, or any other person employed by the city, authorized in writing by the city administrator and having authority to enforce this Code shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle, a notice of the violation. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice and the amount of the scheduled penalty.

Subd. 4. *Payment* . Once such notice is given, the alleged violator may, within ten days of the time of issuance of the notice, pay the amount set forth on the Schedule of Penalties* for the violation. The penalty may be paid in person or by mail, and payment shall be deemed an admission of the violation.

Note— The Schedule of Penalties is set out in its entirety as in the city's current fee schedule resolution that is adopted annually by the city council.

Subd. 5. *Court appearance request* . Any person contesting an administrative offense, pursuant to this section may within ten days of the time of the issuance of the notice, request a court appearance. A person requesting a court appearance will be issued a citation/summons for the violation and a court date will be set. The administrative offense procedure will then terminate.

Subd. 6. *Failure to pay* . In the event a party charged with an administrative offense fails to pay the penalty within ten days, or request a court appearance within ten days, a misdemeanor or petty misdemeanor charge will be brought against the alleged violator in accordance with applicable city ordinances and state statutes. Upon issuance of the misdemeanor or petty misdemeanor charge, the administrative offense procedure shall terminate. If the penalty is paid in full within ten days, no similar charge may be brought by the City of Stillwater for the same incident.

Subd. 7. *Disposition of penalties* . All penalties collected by the Stillwater Police Department, pursuant to this section, shall be paid to the city's finance director and may be deposited in the city's general fund.

Subd. 8. *Offenses and penalties* . Offenses that may be charged as administrative offenses, and the penalties for such offenses, may be changed from time to time by resolution enacted by the city council. Copies of such resolutions shall be maintained in the city clerk's office.

Subd. 9. *Subsequent offenses* . In the event a party is charged with a third administrative offense within a 12-month period, administrative notice/penalty may not be issued and a misdemeanor or petty misdemeanor charge shall be brought against the alleged violator.

(Ord. No. 994, § 1, 5-6-08; Ord. No. 1105, § 1, 6-19-18)

Editor's note— Formerly § 22-11.

Sec. 58-1. - Authorized issuers.

Subd. 1. Except as otherwise provided by statute, only a peace officer and part-time peace officer, if permitted by law, may:

- (1) Ask a person receiving a citation to give a written promise to appear in court; or
- (2) Take a person into custody as permitted by Minn. Stat. § 629.34.

Subd. 2. The following city individuals may issue citations in lieu of arrest or continued detention for violation of this Code. Areas of jurisdiction will be contained in city policy as set forth in resolution form by the city council.

- (1) Peace officers and part-time peace officers;
- (2) Community service officers;
- (3) Zoning administrator;
- (4) Building inspector;
- (5) Fire inspection officers; and
- (6) Parking enforcement officers.

(Code 1980, § 58.01)

February 18, 2020 City Council Meeting Highlights

The Council:

- Approved a variance application at 15740 Upper 34th Street for a detached garage.
- Approved a variance application at 120 and 502 Stagecoach Trail for a minor subdivision.
- Approved a bid by Geislinger & Sons for the River Road Sanitary Sewer project.
- Reviewed request from Afton Creek Developer regarding escrow account charges.
- Adopted Resolution 2020-15 identifying the high priority of the preservation of open space along Valley Creek, including the property at 2398 St. Croix Trail.
- Adopted Ordinance 02-2020, an interim ordinance establishing a moratorium on permits for non-residential and non-agricultural principal structures in the Ag, AP and RR zones.
- Approved Kim Meyers application to serve on the Natural Resources & Groundwater Committee.
- Approved installation of LED lighting in the Public Works Shop.