

PLANNING COMMISSION AGENDA

March 4, 2019

7:00 pm

- 1. CALL TO ORDER -**
- 2. PLEDGE OF ALLEGIANCE –**
- 3. OATHS OF OFFICE**
 - A. Christian Dawson
 - B. Doug Parker
- 4. 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
- 5. APPROVAL OF AGENDA –**
- 6. APPROVAL OF MINUTES –**
 - A. February 4, 2019 Meeting Minutes
- 7. REPORTS AND PRESENTATIONS – None**
- 8. PUBLIC HEARINGS –**
 - A. Kathy Bolton-Iverson Application for Minor Subdivision and Variance at 3632 St. Croix Trail
 - B. Tim and Jacqueline Leba Application for a Variance for a Driveway to Serve the 80-acre Property Located East of Neal Avenue at 22nd Street with PID#s 17.028.20.21.0002, 17.028.20.12.0001 and 17.028.2013.0004.
 - C. Gary Narducci Application for a Variance and Conditional Use Permit for the Construction of an Accessory Building at 3475 Neal Avenue.
- 9. NEW BUSINESS –**
 - A. Pervious Pavers and Impervious Coverage Regulations
 - B. Election of Officers
- 10. OLD BUSINESS -**
 - A. Review and Clarification of Elements of the PLCD Ordinance Language
 - B. Update on City Council Actions – Council Highlights from the January 15, 2019 Council meeting - attached.
- 11. ADJOURN –**

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

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

Planning Commission Memo

Meeting: March 4, 2019

To: Chair Kopitzke and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: February 27, 2019
Re: Oaths of Office - Newly Appointed Members

At its February 19, 2019 regular meeting, the City Council made the following appointments to fill three vacancies on the Planning Commission.

Doug Parker, Ward 1
Christian Dawson, Ward 2
Kuchen Hale, Ward 2

Doug Parker and Christian Dawson will attend the March 4 Planning Commission meeting to take their oaths of office and participate in the meeting. Kuchen Hale has previously scheduled commitments that prevent her from attending the March 4 and April 1 Commission meetings, so will attend her first Commission meeting on May 6.

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
 February 4, 2019

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- 5 1. **CALL TO ORDER** – Chair Kris Kopitzke called the meeting to order at 7:00 PM
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- 9 2. **PLEDGE OF ALLEGIANCE** – was recited.
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- 12 3. **ROLL CALL** – Present: Chair Kris Kopitzke, Roger Bowman, Mark Nelson, Justin Sykora. A Quorum was
13 present. Absent were Scott Patten, Sally Doherty, & James Langan (excused).
14 **ALSO IN ATTENDANCE** – City Council member Lucia Wroblewski, City Administrator Ron Moorese
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- 17 4. **APPROVAL OF AGENDA** –
18 **Motion/Second Bowman/Nelson to approve the agenda for the February 4, 2019 Planning Commission**
19 **meeting. Passed 4-0.**
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- 22 5. **APPROVAL OF MINUTES** –
23 A. January 7, 2019
24 **Motion/Second Nelson/Bowman to approve minutes of the January 7, 2019 Planning Commission**
25 **meeting. Passed 4-0.**
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- 28 6. **REPORTS AND PRESENTATIONS** - None
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- 31 7. **PUBLIC HEARINGS** – none
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- 34 8. **NEW BUSINESS** -
35 A. Planning Commission comments regarding the Denmark Township Draft 2040 Comprehensive Plan
36 Bowman stated that Afton be a part of planning development in the north-west corner which is shared with
37 Cottage Grove and Woodbury.
38 Nelson pointed out that the well numbers listed are incorrect as the DNR has changed them, also there is
39 more current well data available from the DNR.
40 Bowman stated that Afton has a strong concern over the future of drinking water and perhaps could assist
41 Denmark Township in obtaining current well data.
42 **Motion/Second Kopitzke/Nelson To forward the following comments to the City Council regarding**
43 **Denmark Township's Draft 2040 Comprehensive Plan:**
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- Both the City of Afton and Denmark Township are planning to retain Agricultural zoning with rural land uses through 2040 and beyond. The City of Afton has provided comments regarding the Cottage Grove Draft 2040 Comprehensive Plan focused on the northeast corner of Cottage Grove that is also currently planned for Agricultural zoning and rural land uses through 2040. The City of Afton has concerns related to the impact which ultimate urbanization of this area may have upon the City of Afton, and requested to be included in any future planning efforts by the City of Cottage Grove to provide City sewer and water services to this area. Afton would like Denmark Township to also be involved in these future planning efforts to support the protection of the rural land uses of our cities.
 - As Afton has reviewed the Draft Comprehensive Plans of adjacent fast-growing cities, Afton has become very concerned about future drinking water supply and would like to work more closely with Denmark Township in collaborative efforts to protect and preserve the supply of drinking water.
- 52 Passed 4-0.
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- 56 B. Review and clarification of elements of the PLCD Ordinance language
57 Discussion was held on the best way to review the ordinance. Administrator Moorese provided a list of
58 Ordinance elements that need to be reviewed. It was decided to divide the list into 3 segments and to
59 review a segment each month.

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C. Planning Commission 2019 meeting schedule
The meeting schedule was reviewed.

D. Planning commission dinner gathering
A dinner/workshop will be planned for May 6, 2019.

9. OLD BUSINESS –

A. Update on City Council actions
Council member Wroblewski provided a summary of the January City Council meeting.

10. ADJOURN

Motion/Second Bowman/Nelson To adjourn. Passed 4-0.

Meeting adjourned at 8:08 PM

Respectfully submitted by:

Julie Yoho, City Clerk

To be approved on March 4, 2019 as (check one): Presented: _____ or Amended: _____

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

Planning Commission Memo

Meeting: March 4, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 25, 2019

Re: Kathy Bolton-Iverson Application for Minor Subdivision and Variance at 3632 St. Croix Trail

Minor Subdivision

Kathy Bolton Iverson has applied for a minor subdivision at 3632 St. Croix Trail to divide the existing 1.033-acre parcel into two parcels of 22,500 sq. ft. each. There are an existing house and garage on the eastern half of the 1.033-acre lot, and a shed that straddles the proposed new boundary line. The garage was built in the 1960's. The proposed subdivision meets the subdivision requirements including lot size, 150 feet of frontage on a public street, lot depth of 130 feet, and direct access from a public street. Both lots are generally flat. Both lots would be connected to the municipal sewer system, so no septic testing is necessary. The applicant has been assessed for a sewer unit for each of the two lots.

Variance

As indicated above, the property has an existing house and garage. The proposed new boundary line that creates the two lots is a rear lot line for the existing lot and a side lot line for the additional lot. The required rear yard setback is 30 feet and the side yard setback is 10 feet. While a garage for the additional lot could be located 10 feet from the new boundary line, the existing garage is required to be located 30 feet from the new boundary line. The existing garage is located 17.8 feet from the new boundary line. A variance is needed to allow the existing garage to remain.

Temporary Use of Existing Shed

The applicant plans to move the existing shed to the east, closer to the rear of the existing house. However, prior to doing so, the applicant plans to replace the foundation of the existing historic house. The space where the shed would be moved on the eastern lot is needed for access by heavy equipment for the foundation work. The applicant has requested the ability to keep the shed in its current location on a temporary basis until the foundation work is complete. The shed would then be moved to the new location. The shed would need to remain in its current location for about one year. The applicant has no plans to sell the additional lot.

Park Dedication

Recognizing that the additional parcel will impact the City's park system, park dedication will be required. Because this is a small lot, a cash contribution in lieu of land dedication may be required (7.5 percent of the pre-development value of the lot).

Drainage and Utility Easements

The City Engineer has indicated that drainage and utility easements are required along the perimeter of each parcel. These easements are reflected in the subdivision survey, and dedication of drainage and utility easements as required by the City Engineer should be a condition of approval.

Findings

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

1. The subject property is located in the VHS-R zone, as are the surrounding properties.

2. The VHS-R zone allows single-family residential use with 22,500 sq. ft. minimum lot size
3. There are a house and garage on the eastern half of the existing 1.033-acre lot, and a shed that straddles the proposed new boundary line.
4. The subdivision meets the subdivision requirements
5. The proposed new boundary line that creates the two lots is a rear lot line for the existing lot and a side lot line for the additional lot. While the existing garage is currently conforming to required setbacks, the proposed garage would not meet the new required rear yard setback.
6. The property has been assessed for a sewer unit for each of the two lots.

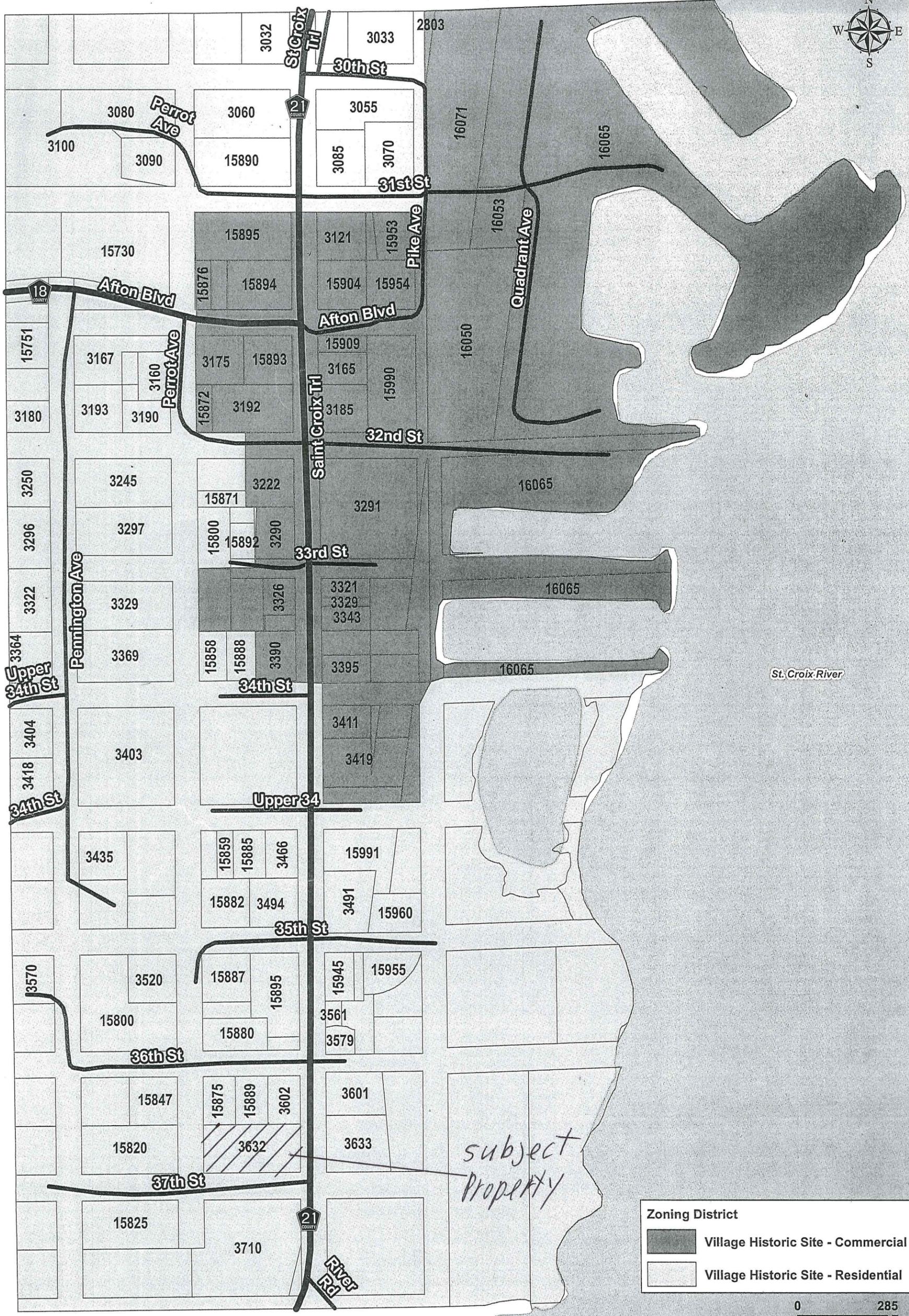
Conditions

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

1. Easements as required by the City Engineer shall be granted
2. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with Section 12-1270 of the Subdivision Ordinance
3. The driveway to serve the additional lot shall comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer.
4. The existing shed shall be allowed to remain in its current location for a period not to exceed one year, after which it must be moved to a new conforming location or removed.
5. Both lots shall be connected to the municipal sanitary sewer system as required by the sanitary sewer ordinance.

Planning Commission Direction Requested:

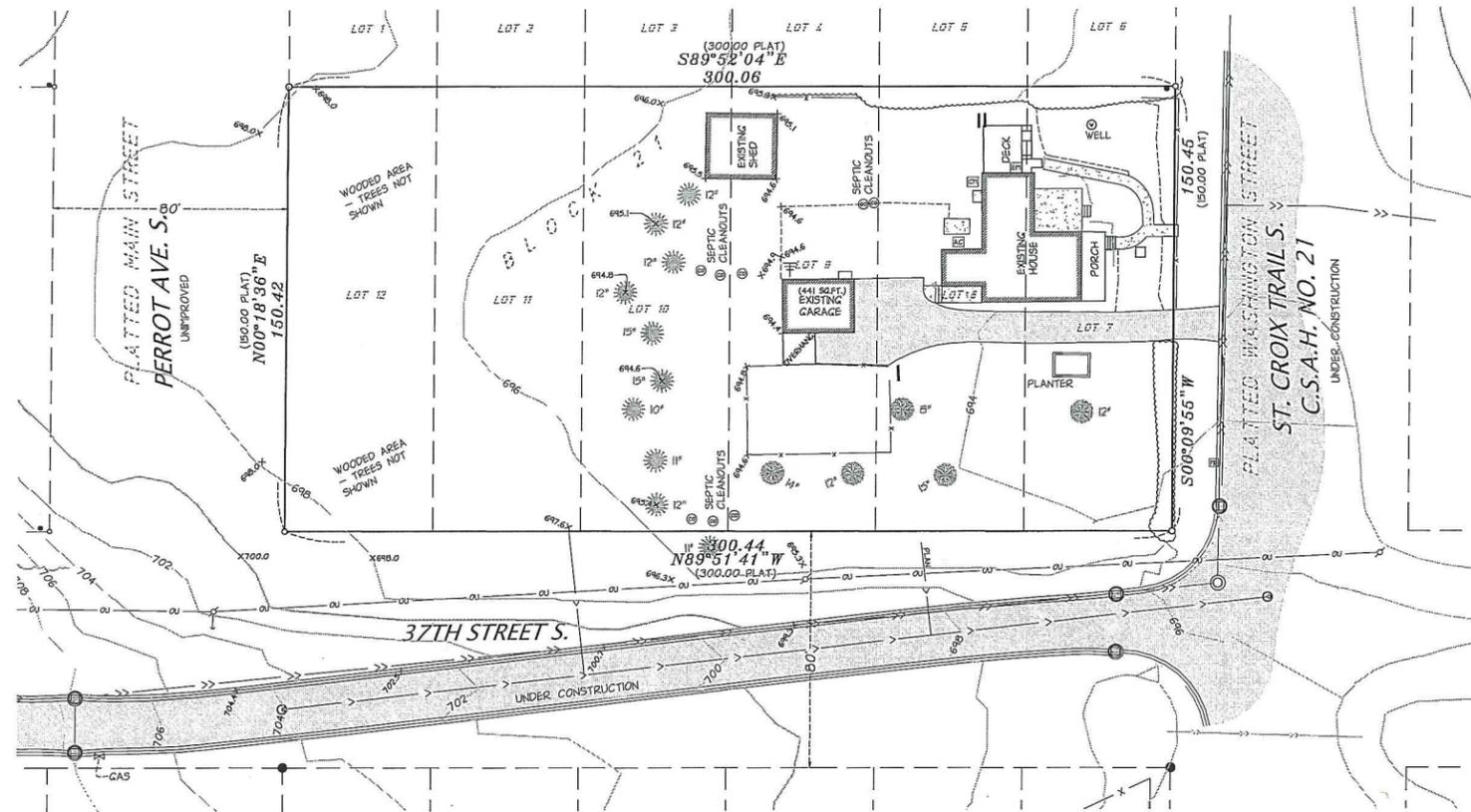
Motion regarding the Kathy Bolton Iverson application for a subdivision and variance at 3632 St. Croix Trail, with findings, and conditions if desired; including direction regarding the request to keep the existing shed in its existing location on a temporary basis.



Historic District Zoning Afton, Mn



EXISTING CONDITIONS



EXISTING LEGAL DESCRIPTION:
 (AS SHOWN ON DOC. NO. 4051591)
 Lots 7, 8, 9, 10, 11 and 12, Block 21, AFTON, according to the plat thereof on file and of record in the office of the Registrar of Deeds, Washington County, Minnesota.

- SURVEY NOTES:**
- BEARINGS ARE BASED ON COORDINATES SUPPLIED BY THE WASHINGTON COUNTY SURVEYORS OFFICE.
 - UNDERGROUND UTILITIES SHOWN PER GOPHER ONE LOCATES AND UTILITY PLANS PROVIDED BY WSB CONSULTING ENGINEERS.
 - THERE MAY BE SOME UNDERGROUND UTILITIES, GAS, ELECTRIC, ETC. NOT SHOWN OR LOCATED.
 - ELEVATIONS BASED ON NAVD 88.

LEGEND:

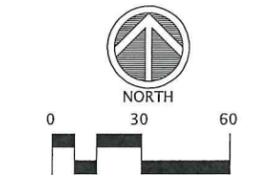
● FOUND MONUMENT	□ FIRE DEPT. CONNECTION	—U— UNDERGROUND ELECTRIC
○ SET 1/2" HIGH PIPE MARKED RLS NO. 25718	○ HYDRANT	—C— UNDERGROUND CABLE TV
□ CABLE TV PEDESTAL	○ CURB STOP	—F— UNDERGROUND FIBER OPTIC
□ AIR CONDITIONER	○ WATER WELL	—T— UNDERGROUND TELEPHONE
○ ELECTRIC MANHOLE	○ WATER MANHOLE	—O— OVERHEAD UTILITY
○ ELECTRIC METER	○ WATER METER	—G— UNDERGROUND GAS
○ ELECTRIC PEDESTAL	○ POST INDICATOR VALVE	—S— SANITARY SEWER
○ ELECTRIC TRANSFORMER	○ WATER VALVE	—SS— STORM SEWER
○ LIGHT POLE	○ BOLLARD	—W— WATERMAIN
○ GUY WIRE	○ FLAG POLE	—>>> CURB (TYPICAL)
○ POWER POLE	○ MAIL BOX	—C— CONCRETE SURFACE
○ GAS MANHOLE	○ TRAFFIC SIGN	—B— BITUMINOUS SURFACE
○ GAS METER	○ UNKNOWN MANHOLE	
○ TELEPHONE MANHOLE	○ SOIL BORING	
○ TELEPHONE PEDESTAL	○ TRAFFIC SIGNAL	
○ SANITARY CLEANOUT	○ CONIFEROUS TREE	
○ SANITARY MANHOLE	○ DECIDUOUS TREE	
○ CATCH BASIN		
○ STORM DRAIN		
○ FLAGGED END SECTION		
○ STORM MANHOLE		



MINOR SUBDIVISION

CONTACT:
 KATHY BOLTON - IVERSON
 P.O. BOX 274
 AFTON, MN 55001
 Phone: 651-285-2233

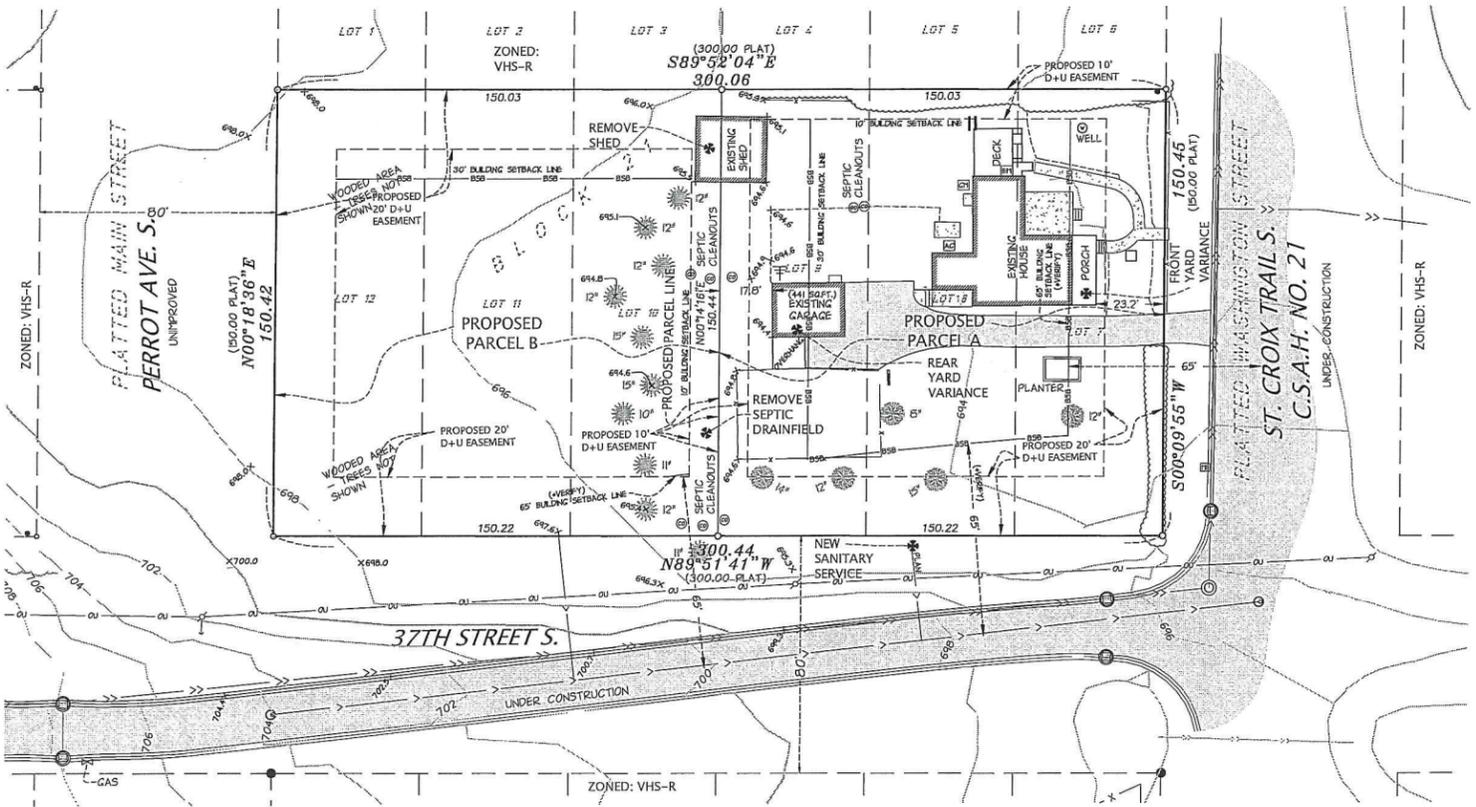
COUNTY/CITY:
 WASHINGTON COUNTY
 CITY OF AFTON



REVISIONS:

DATE	REVISION
8-8-17	INITIAL ISSUE

MINOR SUBDIVISION



PROPOSED LEGAL DESCRIPTION:
PARCEL A:
 Lots 7, 8 and 9, Block 21, AFTON, according to the plat thereof on file and of record in the office of the Registrar of Deeds, Washington County, Minnesota.

PARCEL B:
 Lots 10, 11 and 12, Block 21, AFTON, according to the plat thereof on file and of record in the office of the Registrar of Deeds, Washington County, Minnesota.

PROPOSED EASEMENT DESCRIPTIONS:
PARCEL A:
 An easement for drainage and utility purposes over, under and across:
 the north 10.00 of Lots 7, 8 and 9;
 the south 20.00 feet of Lots 7, 8 and 9;
 the west 10.00 of Lot 9, EXCEPT the north 10.00 feet and the south 20.00 feet thereof;
 the east 20.00 of Lot 7, EXCEPT the north 10.00 feet and the south 20.00 feet thereof;
 all in Block 21, AFTON, according to the plat thereof on file and of record in the office of the Registrar of Deeds, Washington County, Minnesota.

PARCEL B:
 An easement for drainage and utility purposes over, under and across:
 the north 20.00 of Lots 10, 11 and 12;
 the south 20.00 feet of Lots 10, 11 and 12;
 the west 20.00 of Lot 12, EXCEPT the north and south 20.00 feet thereof;
 the east 10.00 of Lot 10, EXCEPT the north and south 20.00 feet thereof;
 all in Block 21, AFTON, according to the plat thereof on file and of record in the office of the Registrar of Deeds, Washington County, Minnesota.

DEVELOPMENT DATA
 TOTAL PARCEL AREA = 45,168 SQ. FT.
 PROPOSED PARCEL A = 22,585 SQ. FT.
 PROPOSED PARCEL B = 22,583 SQ. FT.
 CURRENT ZONING = VILLAGE HISTORIC SITE - RESIDENTIAL
 PROPOSED ZONING = VILLAGE HISTORIC SITE - RESIDENTIAL
 BUILDING SETBACKS (FROM RON MORSE)
 FRONT = 65' FROM CENTERLINE OF ROAD
 REAR = 30'
 SIDE = 10'

CERTIFICATION:
 I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.
Daniel L. Thurmes
 Daniel L. Thurmes Registration Number: 25718
 Date: 8-8-17

PROJECT LOCATION:
 3632
 ST. CROIX TRAIL S.
 PID#2202820410030

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

CORNERSTONE LAND SURVEYING, INC.
 FILE NAME SURVJG9A
 PROJECT NO. JG13009A
 MINOR SUBDIVISION



22.028.20.41.0030

SAINT CROIX TRL S

AFTON

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RECEIVED

219-03

JAN 29 2019

CITY OF AFTON

CITY OF AFTON MINOR SUBDIVISION PERMIT APPLICATION

Owner	Address	City	State	Zip	Phone
Kathy Bolton-Iverson	3632 St. Croix Trail	AFTON	MN	55001	651 285 2233
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address					
37th AREA behind 3632	AFTON MN 55001				
Zoning Classification	Existing Use of Property	PID# or Legal Description			
Residential	Homestead	22.028.20.41.0030			
Description of Request					
Lots 7-12 021 AFTON LOT 7 Block 21					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant			Date		
Kathy Bolton-Iverson			Jan 2019		
Make checks payable to City of Afton:					
FEES:		Escrow:			
Minor Subdivision	\$250.00	Minor Subdivision	\$1,500.00	TOTAL:	\$1,750.00
				DATE PAID:	1-22-19
				CHECK #:	2109
				RECVD. BY:	rjm
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					

RECEIVED

JAN 29 2019

CITY OF AFTON

219-02

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
Kathy Bolton-Iversen	3632 St. Croix Tr	Afton	MN	55001	651 285- 2233
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address	BACK Lot of 3632		AFTON	MN	55001
Zoning Classification	Existing Use of Property	PID# or Legal Description			
R.R. VHSR	Homestead	22-028-20-41-0030			
Please list the section(s) of the code from which the variance(s) are requested.					
Minor subdivision between front & back lots					
Description of Request					
request a VARIANCE for existing garage and as minor subdivision lot line set back is 17.8' rather than the usual 30 ft.					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant			Date		
Kathy Bolton-Iversen			01-22-19		
Make checks payable to: City of Afton					
If multiple variances are necessary from the applicant only one fee is required. However, the deposit fee must be multiplied by the number of variances sought.					
FEES:		ESCROWS:			
Variance	\$250	\$600	TOTAL:		\$750
Renewal/Extension	\$250	\$350	DATE PAID:		1-22-19
			CHECK #:		2108
			RECVD BY:		[Signature]

Applicant(s): KATHY Bolton - TVERSON
 Phone: 651 285-2233
 Mailing Address: P.O. Box 274 Afton MN 55001
 Property Address for variance: 3632 ST. CROIX TRAIL

Variance request description: Existing garage will be 17.5' from property line once minor subdivision occurs.

City Ordinance Section number(s), that variance is requested for: Section 12-12.66

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 #1 *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?*

Existing garage sits 17.5' from lot line of minor subdivision of lots / lot line both lots conform to required size

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? existing garage has been in place since late '60s

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: There Are 2 buildable lots which meet Afton's criteria

however the existing garage would be 17.5' From Lot line of minor subdivision rather than 30 - Other properties have 3 homes of same type of LAND SPACE

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: garage existed since late 60's - there b/c current zoning.

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: Same Adjacent to land has 3 houses on Area lands

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: the variance would alleviate this hardship

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: SAME person/entity to own both lots, therefore does not affect other properties in Area as variance is for existing garage on back of Lot line of 3632 St. CROIX TR.

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: It is reasonable to bifurcate property

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: The variance is in harmony with Afton's general purposes regarding lot size & highest use

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



Property Records & Taxpayer Services

14949 62nd Street North PO Box 6
Stillwater, MN 55082-0006
(651) 430-6175
www.co.washington.mn.us

Property ID #: 22.028.20.41.0030

Property Address: 3632 ST CROIX TRL S
AFTON MN

Taxpayer: KATHY A BOLTON-IVERSON REV TRS
PO BOX 274
AFTON MN 55001-0274



02000601

Municipality: CITY OF AFTON

Tax Description: LOTS 7-12 021
AFTON Lot 7 Block 21

VALUATION NOTICE

2017

Values for Taxes Payable in

2018

Property tax notices are delivered on the following schedule:

Valuation and Classification Notice		
Step 1	Primary Class:	Res Hstd
	Estimated Market Value:	262,400
	Homestead Exclusion:	13,600
	Taxable Market Value:	248,800
<i>See Details Below</i>		
Step 2	Proposed Taxes Notice	
	Coming November 2017	
Step 3	Property Tax Statement	
	Coming March 2018	



02000601

The time to appeal or question your CLASSIFICATION or VALUATION is NOW!

It will be too late when proposed taxes are sent

Property Classification	Taxes Payable in 2017 (2016 Assessment)	Taxes Payable in 2018 (2017 Assessment)
<i>The assessor has determined your property's classification(s) to be:</i>		
	Res Hstd	Res Hstd
<i>The classification(s) of your property affect the rate at which your value is taxed.</i>		
<input type="checkbox"/> If this box is checked, your classification has changed from last year's assessment.		

How to Respond

If you believe your valuation and property class are correct, it is not necessary to contact your assessor or attend any listed meetings.

If the property information is not correct, you disagree with the values, or have other questions about this notice, please contact your assessor first to discuss any questions or concerns. Often your issues can be resolved at this level. If your questions or concerns are not resolved, more formal appeal options are available.

Please read the back of this notice for important information about the formal appeal process.

Property Valuation	Taxes Payable in 2017 (2016 Assessment)	Taxes Payable in 2018 (2017 Assessment)
<i>The assessor has estimated your property's market value to be:</i>		
Estimated Market Value (EMV)	250,700	262,400
<i>Several factors can reduce the amount that is subject to tax:</i>		
Green Acres Value Deferral		
Rural Preserve Value Deferral		
Open Space Deferral		
Platted Vacant Land Deferral		
This Old House Exclusion		
Disabled Veterans Exclusion		
Mold Damage Exclusion		
Homestead Market Value Exclusion	14,700	13,600
Taxable Market Value (TMV)	236,000	248,800

Open Book Meeting(s)

April 6, 2017 5:00-7:00 p.m. Cottage Grove City Hall 12800 Ravine Parkway S	April 12, 2017 5:00-7:00 p.m. Oakdale City Hall 1584 Hadley Ave N	April 20, 2017 5:00-7:00 p.m. Woodbury City Hall 8301 Valley Creek Rd	April 26, 2017 2:00-7:00 p.m. Washington County Gov't Ctr 14949 62nd St N
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County Board of Appeal and Equalization

5:00 PM, TUESDAY, JUNE 13, 2017, GOV'T CENTER STILLWATER - CALL 651-430-6175 BY MAY 10, 2017 FOR AN APPOINTMENT

Property information is available on the county website or at our office during normal business hours. Call 651-430-6175 for more information.

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

Planning Commission Memo

Meeting: March 4, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 25, 2019

Re: Tim and Jacqueline Leba Application for a Variance for a Driveway to Serve the 80-acre Property Located East of Neal Avenue at 22nd Street with PID#s 17.028.20.21.0002, 17.028.20.12.0001 and 17.028.20.13.0004.

Tim and Jacqueline Leba have applied for a variance to the 300 foot driveway separation requirement to allow a driveway to serve one house on an 80-acre property east of Neal Avenue at 22nd Street. The variance is to enable the driveway to be located 215 feet from the nearest driveway on the same side of Neal Avenue vs. the required 300 foot separation. The subject 80-acre parcel has an existing driveway that serves the 40-acre parcel to the south through a private driveway easement. The proposed driveway would be separated by a distance of 215 feet from the existing private easement driveway.

The main purpose of the 300 foot separation requirement is to preserve the rural appearance and character of the Ag Zone, particularly the scattered or dotted appearance of homes and driveways in the Ag Zone, rather than being closely lined up along public roadways. While the two driveways are closer than 300 feet, the two homes served by the driveways will not be visible, or will be difficult to see, from Neal Avenue. The driveway serving the Leba house is planned to be approximately 2500 feet long.

Sight Lines and Permitting

The proposed driveway location would provide sight distances of over 2,000 feet in each direction, which substantially exceeds requirements. Because the driveway accesses Neal Avenue, which is a County Road, an access permit will need to be obtained from Washington County. Because the driveway would create over 6,000 square feet of new impervious surface, a permit is required to be obtained from the Valley Branch Watershed District. A driveway permit will also be required to be obtained from the City.

Findings

The following is a recommended set of findings. The Planning Commission may revise the findings as desired.

1. The subject property, as well as the surrounding properties, is zoned Ag
2. The proposed driveway would be separated from the nearest driveway on the same side of Neal Avenue by 215 feet, vs. the required separation distance of 300 feet
3. A property can have more than one driveway, subject to approval by the Zoning Administrator
4. The proposal would enable one house on 80 acres of property.
5. The proposed house is planned to be located approximately 2500 feet east of Neal Avenue, and would be difficult or impossible to see from Neal Avenue
6. The proposed driveway is approximately 2,500 feet in length

Conditions

If the Planning Commission decides to make a recommendation for approval, the following is a recommended set of conditions of approval. The Planning Commission may revise the conditions as desired.

1. A turnaround, meeting the requirements of Sec. 12-84. E., shall be provided at the end of the driveway to enable public safety vehicles to turn around to exit the property

2. The three parcels that make up the 80- acre property shall be combined
3. A driveway permit is required and the driveway shall meet all driveway standards and shall be subject to review and approval by the City.
4. The driveway is subject to a permit from the Valley Branch Watershed District, the approval of which shall be obtained
5. The driveway is subject to an access permit from Washington County, the approval of which shall be obtained

Planning Commission Direction Requested:

Motion regarding the Tim and Jacqueline Leba Application for a variance for a driveway to serve the 80-acre property located east of Neal Avenue at 22nd Street with PID#s 17.028.20.21.0002, 17.028.20.12.0001 and 17.028.2013.0004, with findings, and conditions if desired.

LEBA FAMILY

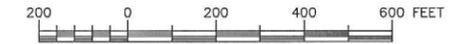
DRIVEWAY VARIANCE REQUEST - SITE PLAN

AFTON, MINNESOTA

ERICKSON CIVIL

333 North Main Street, Suite 201
Stillwater, Minnesota 55082
Phone (612) 309-3804

www.ericksoncivilsite.com



GRAPHIC SCALE

LEGEND

- DENOTES FOUND 1/2 INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED
- ▲ DENOTES FOUND 1 INCH MAG NAIL WITH 1 1/2 INCH DISC INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- × DENOTES FOUND 5 FEET IN LENGTH FENCE POST ON PROPERTY LINE
- |—|— DENOTES EXISTING BARBED WIRE FENCING
- DENOTES LEBA PROPERTY BOUNDARY
- |—|— DENOTES PROPOSED DRIVEWAY LOCATION (SUBJECT TO FINAL BUILDING PERMIT AND HOUSE PLACEMENT)

LEGAL DESCRIPTION:

The Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section Seventeen (17), Township Twenty-eight (28) North, Range Twenty (20) West.

AND

That part of the Southwest Quarter of the Northeast Quarter (SW 1/4 of NE 1/4) of Section Seventeen (17), Township Twenty-eight (28) North, Range Twenty (20) West, which lies North of the South 1005.3 feet of said Southwest Quarter (SW 1/4).

AND

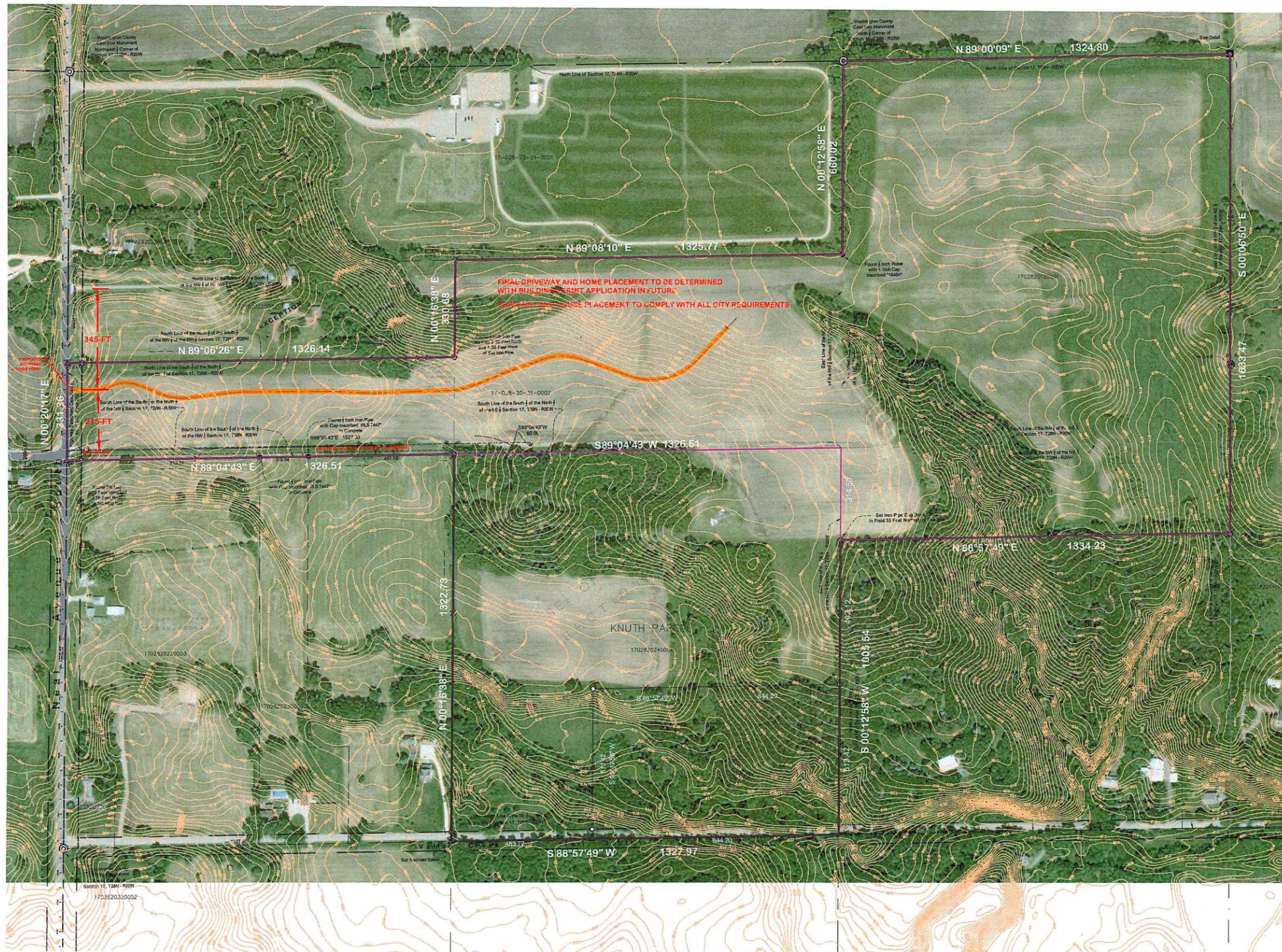
South half of the North Half of the Northwest Quarter (S 1/2 N 1/2 NW 1/4) except North half of the South half of the Northwest Quarter of the Northwest Quarter (N 1/2 S 1/2 NW 1/4 NW 1/4) of Section seventeen (17) Township Twenty-eight (28) North of Range Twenty (20) West subject to existing easements and highways if any.

NOTES

- 1) ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF SECTION 17, T28N - R20W BETWEEN THE N 1/4 AND THE NE 1/4 BEARING N 89°00'09" E
- 2) PARCEL BOUNDARY PROVIDED FROM SURVEY BY FOLZ, FREEMAN, ERICKSON, INC.

Location Map

Section 17, T28N - R20W
Washington County, Minnesota



FINAL DRIVEWAY AND HOME PLACEMENT TO BE DETERMINED WITH BUILDING PERMIT APPLICATION IN FUTURE. HOME SITE PLACEMENT TO COMPLY WITH ALL CITY REQUIREMENTS.

LEBA FAMILY

DRIVEWAY VARIANCE REQUEST - SITE PLAN

AFTON, MINNESOTA

ERICKSON CIVIL

333 North Main Street, Suite 201
Stillwater, Minnesota 55082
Phone (612) 309-3804

www.ericksoncivilsite.com



LEGEND

- DENOTES FOUND ½ INCH DIA. BY 16 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED
- ▲ DENOTES FOUND 1 INCH MAG NAIL WITH 1 ½ INCH DISC INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- × DENOTES FOUND 5 FEET IN LENGTH FENCE POST ON PROPERTY LINE
- DENOTES EXISTING BARBED WIRE FENCING
- DENOTES LEBA PROPERTY BOUNDARY
- DENOTES PROPOSED DRIVEWAY LOCATION (SUBJECT TO FINAL BUILDING PERMIT AND HOUSE PLACEMENT)

LEGAL DESCRIPTION:

The Northwest Quarter of the Northeast Quarter (NW¼ of NE¼) of Section Seventeen (17), Township Twenty-eight (28) North, Range Twenty (20) West.

AND

That part of the Southwest Quarter of the Northeast Quarter (SW¼ of NE¼) of Section Seventeen (17), Township Twenty-eight (28) North, Range Twenty (20) West, which lies North of the South 1005.3 feet of said Southwest Quarter (SW¼).

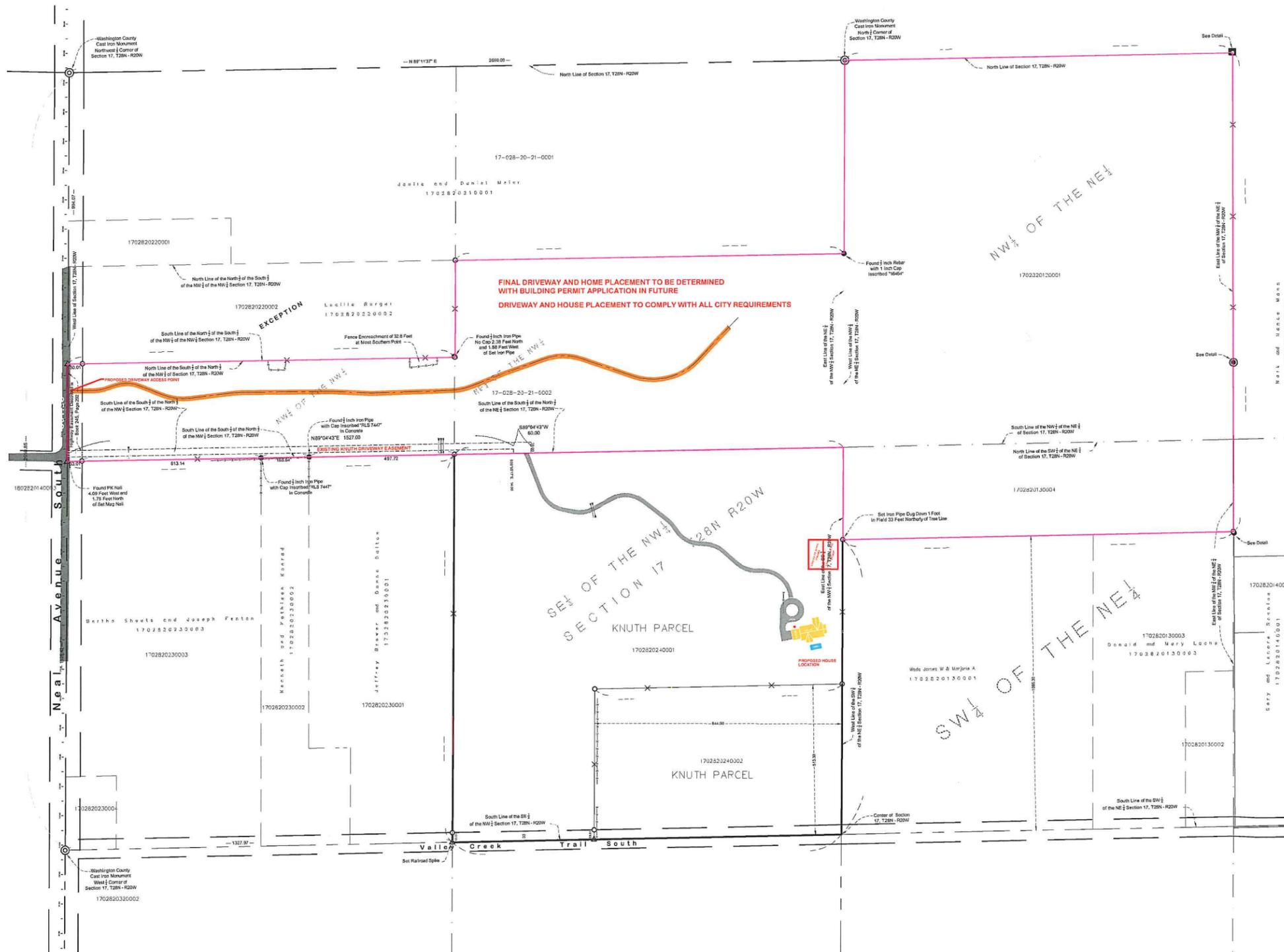
AND

South half of the North Half of the Northwest Quarter (S½ N½ NW¼) except North half of the South half of the Northwest Quarter (N½ S½ NW¼ NW¼) of Section seventeen (17) Township Twenty-eight (28) North of Range Twenty (20) West subject to existing easements and highways if any.

NOTES

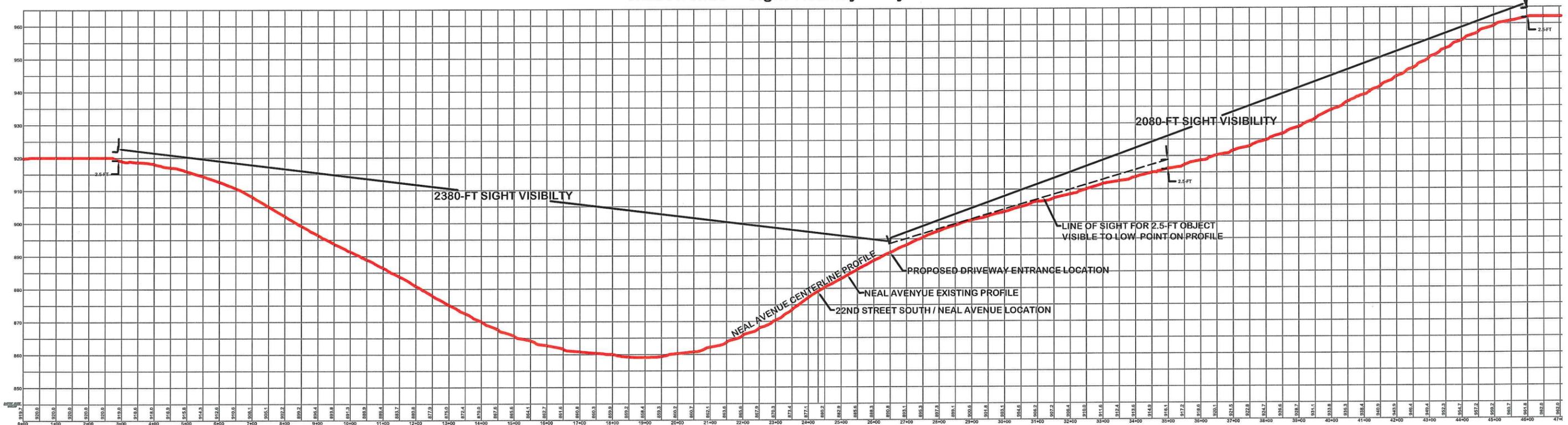
- 1) ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF SECTION 17, T28N - R20W BETWEEN THE N ¼ AND THE NE ¼ BEARING N 89°00'09" E
- 2) PARCEL BOUNDARY PROVIDED FROM SURVEY BY FOLZ, FREEMAN, ERICKSON, INC.

Location Map
Section 17, T28N - R20W
Washington County, Minnesota



LEBA - DRIVEWAY PLACEMENT

Neal Avenue - Sight Visibility Analysis



Applicant(s): Tim & Jackie Leba
Phone: 612-804-5454, 612-508-0726
Mailing Address: 8390 136th street North Hugo, MN: 55038
Property Address for variance: 21XX Neal Ave So. Afton,

Variance request description: *We are requesting a driveway entrance off of Neal Ave So.*

City Ordinance Section number(s), that variance is requested for: _____

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 #1 *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?

We feel our request for a variance is warranted as it maintains the integrity of the ordinance set by the city of Afton. The home to the north of the property sits relatively close to the road. Our proposed home will be situated thousands of feet off the road. The home to the south of the property which is currently using a driveway easement on our property is located behind a tree line and is not visible from the road.

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?

As stated there is an existing driveway serving a homeowner south of our property as the result of an easement that was granted. The city does not allow shared driveways nor do either of the parties want a shared driveway. Additionally, the costs incurred to make this a public road serving two homes would be an extraordinary burden on us. Furthermore, as a public road the city would be required to maintain the road for two homes which does not make financial sense.

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?

Ordinance would not allow us private access to our home which "is a right commonly enjoyed by other properties in the same district".

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?

There was preexisting driveway easement granted to the homeowner to the south of our property

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?

The variance will allow us one private driveway to our home.

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?

The variance will allow us one private driveway to our home.

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?*

This would be one home on 80 acres which is in keeping with the rural theme of the city of Afton.

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?*

No, this variance would give us the right to a private driveway which "is a right commonly enjoyed by other properties in the same district".

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?*

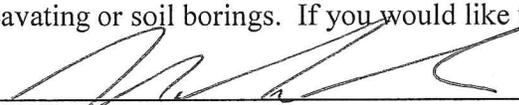
One home with a private driveway on 80 acres will be in keeping with the rural theme and in harmony with the city ordinances in question

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?*

One home with a private driveway on 80 acres will be in keeping with the rural theme and in harmony with the city ordinances in question.

CITY OF AFTON VARIANCE APPLICATION

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

Owner <i>(Nathan Landucci)</i> <u>Landucci Homes, Inc</u>	Address <u>13230 20th St. Ct. N.</u>	City <u>Stillwater</u>	State <u>MN</u>	Zip <u>55082</u>	Phone <u>651-894-2582</u>
Applicant (if different than owner)					
<u>Timothy & Jacqueline Leba</u>	<u>8390-136th St N</u>	<u>Hugo</u>	<u>MN</u>	<u>55038</u>	<u>612-804-5454</u>
Project Address <u>21xx Neal Avenue S</u>		<u>AFTON</u>	<u>MN</u>	<u>55001</u>	
Zoning Classification <u>Ag</u>	Existing Use of Property <u>Farming</u>	PID# or Legal Description <u>1702820210002</u> <u>1702820120001</u> <u>1702820130004</u>			
Please list the section(s) of the code from which the variance(s) are requested. <u>Section 12-140 and section 12-77A and section 12-77F</u>					
Description of Request <u>We are requesting a driveway off of Neal Avenue South that will be less than 300 feet from adjacent driveway on the same side of Neal.</u>					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant 			Date <u>2/4/19</u>		
Make checks payable to: City of Afton					
If multiple variances are necessary from the applicant only one fee is required. However, the deposit fee must be multiplied by the number of variances sought.					
FEES:		ESCROWS:			
Variance	\$250	\$600	TOTAL:	<u>\$850.00</u>	
Renewal/Extension	\$250	\$350	DATE PAID:	<u>2-5-19</u>	
			CHECK #:	<u>3215</u>	
			RECVD BY:	<u>[Signature]</u>	

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

Planning Commission Memo

Meeting: March 4, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 27, 2019

Re: Gary Narducci Application for a Variance and Conditional Use Permit for the Construction of an Accessory Building at 3475 Neal Avenue

Gary Narducci has applied for a variance to the front yard setback and a Conditional Use Permit to enable the construction of a 1,480 sq. ft. accessory building at 3475 Neal Avenue. The subject property has a limited buildable area, due to steep topography on the north, northwest and east portions of the property. The existing house, which was approved to replace an older house in 2004, is nonconforming in relation to the front yard setback, due to the steep topography to the east. The front yard setback of the house is approximately 120 feet vs. the required 150 feet.

Variance

The planned accessory building is proposed to have a front yard setback of 126 feet vs. the required 150 feet. Similar to the existing house, the setback variance is due to steep slopes to the east.

Conditional Use Permit

Due to the limited buildable area, the applicant is proposing to construct the proposed accessory building closer than the required 20 foot setback from the crest of an 18% slope. The attached figure shows the proposed location of the accessory building in red, the crest of the 18% slope area in blue, and the distance from the proposed building to the crest of the slope in blue. The building is proposed to be setback 19.5 feet from the crest of the slope to the northwest vs. the required 20 feet, and is proposed to be setback 11 feet from the crest of the slope to the northeast.

Sec. 132. E. 2 of the Zoning Code requires a setback of 20 feet from the crest of steep slopes, but allows an exception with a Conditional Use Permit (CUP). (see the ordinance language below)

Sec. 132 Minimum Requirements

E. Setbacks

2. Setbacks from slopes.

All structures, including but not limited to, driveways, decks, swimming pools, and so forth, shall be setback a minimum of 20 feet from the crest of all slopes exceeding 18 percent as determined by the Zoning Administrator. An exception to this requirement, allowing an encroachment within the 20 foot setback from an 18 percent slope, is allowed outside of the Lower St. Croix River Bluffland and Shoreland Management District via a CUP. As a condition of approval the applicant must submit an erosion control plan for the proposed encroachment. The erosion control plan shall be reviewed and approved by the City Engineer. In addition, the Zoning Administrator shall require a performance bond or Letter of Credit for a period of two (2) years beginning at the time of completion to ensure the applicant adheres to the erosion control, landscaping and any revegetation plan. The performance bond or letter of credit shall equal 125% of the total cost of the erosion control as recommended by the City Engineer.

The applicant has provided an erosion control plan that includes the elements required by the City Engineer, including silt fencing between the proposed building and the crest of the slope and the protection and revegetation of disturbed soils near the crest of the slope. An aerial photo showing the erosion control plan is attached.

Findings

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

1. The subject property is located in the Ag zone, as are the surrounding properties.
2. While the subject parcel is 8 acres in size, it is a long, narrow parcel with a lot width of 264 feet vs. the required 300 feet
3. The subject property has limited buildable area, due to steep topography on the north, northwest and east portions of the property and the septic system located southeast of the house
4. The existing house is nonconforming in relation to the front yard setback, due to the steep topography to the east. The front yard setback is 120 feet vs. the required 150 feet.
5. The planned accessory building is proposed to have a front yard setback of 126 feet vs. the required 150 feet
6. The northeast corner of the proposed building is located as close as 11 feet from the crest of an 18% slope.
7. The applicant has provided an erosion control plan that includes the elements required by the City Engineer, including silt fencing between the proposed building and the crest of the slope and the protection and revegetation of disturbed soils near the crest of the slope.

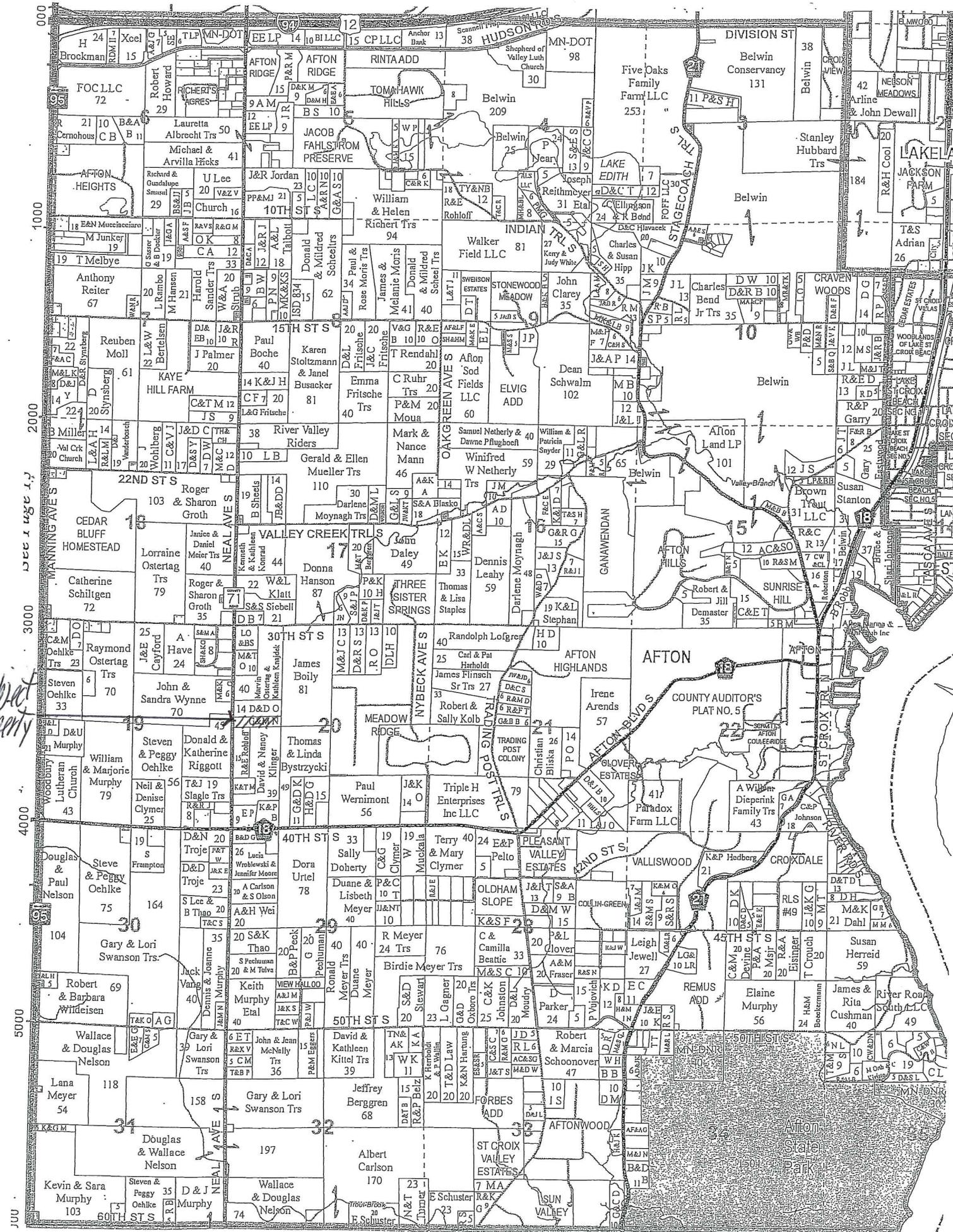
Conditions

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

1. The erosion control plan shall be reviewed and approved by the City Engineer.
2. A performance bond or Letter of Credit, equal to 125% of the total cost of the erosion control plan shall be provided for a period of two (2) years beginning at the time of completion to ensure the applicant adheres to the erosion control, landscaping and revegetation plan.

Planning Commission Direction Requested:

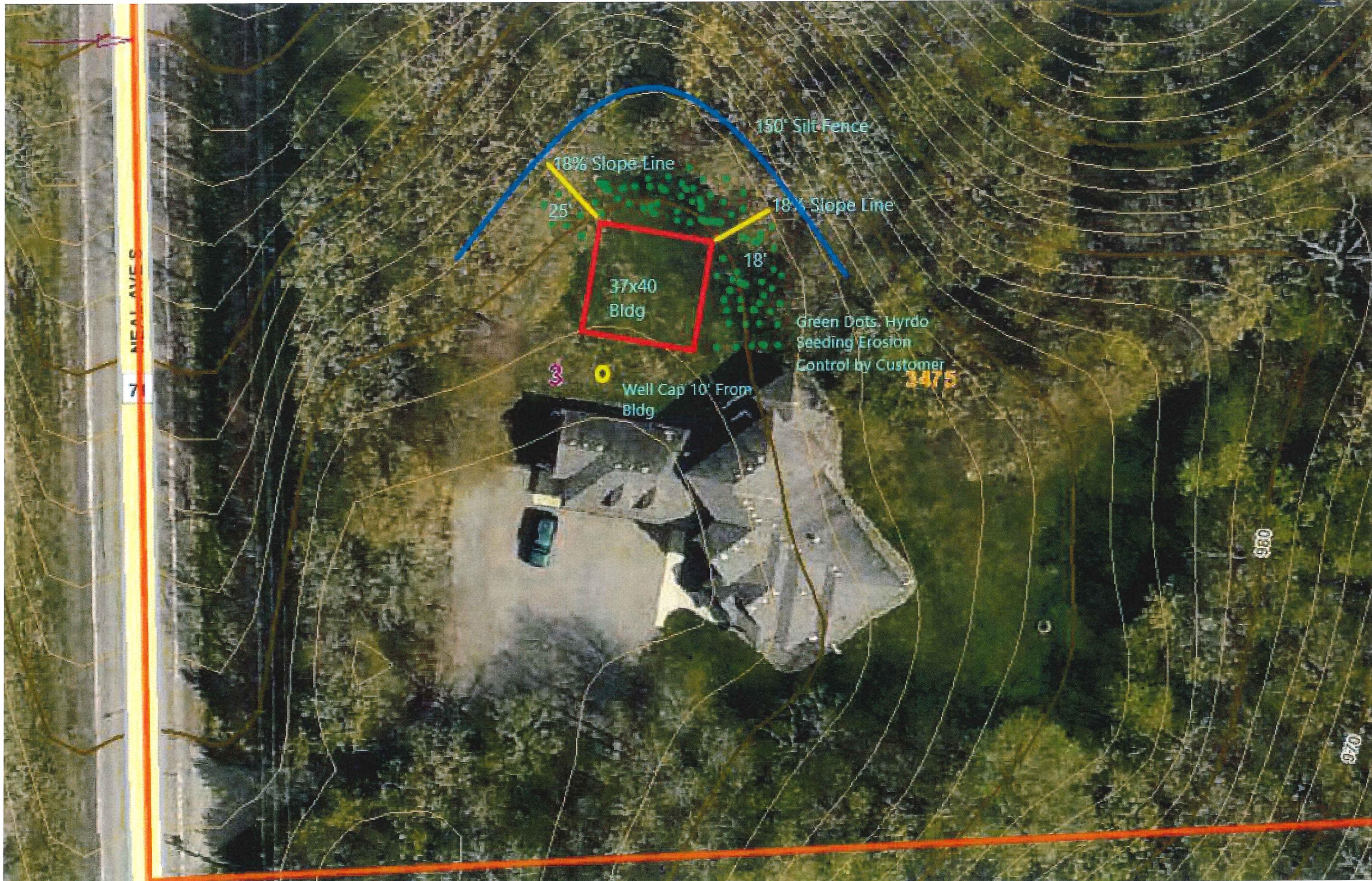
Motion regarding the Gary Narducci application for a variance to the front yard setback and a Conditional Use Permit to enable the construction of an accessory building at 3475 Neal Avenue, with findings, and conditions if desired.



Subject Property

JUU





N NEAL AVE

150' Silt Fence

18% Slope Line

18% Slope Line

25'

18'

37x40
Bldg

Green Dots. Hydro
Seeding Erosion
Control by Customer

3

0

Well Cap 10' from
Bldg

2475

950

970

Applicant(s):

Gary and Michele Narducci

Phone:

651-755-7026

Mailing Address:

3475 Neal Ave. S. Afton, MN 55001

Property Address for variance:

3475 Neal Ave. S. Afton, MN 55001

Variance request description:

City Ordinance Section number(s), that variance is requested for:

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 #1 *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?

Accessory building is a common use in the Ag zone.

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 existing house was built with a non-compliant setback.
The previous house was also non-compliant with the setback.
 Steep slopes on the Front, side, and Rear of the Buildable area limit the building of a structure.
 Septic System and the well both limit available Buildable area.

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: Would not allow a reasonable size accessory building.

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: Slopes were existing and the previous house was existing when we purchased the property.

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

Applicant - Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain: No.
Accessory building is a common use.

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: The variance is the minimum variance that would allow an accessory building.

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 building will be substantially screened.

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

Explain: No.

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

Criteria #10 Variances shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance. **Applicant** - Is the variance for earth-sheltered construction? Yes No

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

Criteria #11 *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton ordinances and code? How will this variance if granted (and the proposed use of the property allowed) affect the essential character of the area?

Explain: Due to screening it will not affect the essential character of 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.



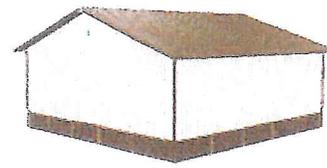
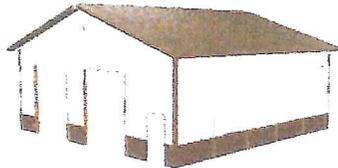
DAVID DALEIDEN
Cell Phone: (715) 279-1383
Phone Number: (715) 273-1444
Email: DDaleiden@clearybuilding.com

1/29/2019
NARDUCCI, GARY & MICHELE
Doc ID: 2648520190129112755

Cleary Buildings Project Estimate

Client Proposal - Erected

Project Name: NARDUCCI, GARY & MICHELE
Site Address: 3475 NEAL AVE S AFTON, MINNESOTA 55001
Email: nard4@msn.com
Home Phone: (612) 518-5142
Cell Phone: (651) 755-7026



Commercial 40' 0" x 40' 0" x 15' 8" with 14' 0" truss clearance from 100'-0" mark. (5 Bays at 8' o.c.)

Details:

Truss (Standard Lower Chord) with 4/12 roof pitch.
Default Ceiling Design: Designed to Support a Liner Panel Ceiling
Purlin Blocking: Both Endwalls are purlin blocked
Type Foundation: In Ground
Concrete Floor: Yes - Supplied by Cleary (Concrete not included unless otherwise noted in writing in the Additional Building Components section)
50 psf Ground Snow Load with 2"x4" Continuous 2' 0" inch on center purlins.

Exterior Finishes:

Roof/Siding: Grand Rib 3 Plus
- Lifetime Film Integrity Warranty, 35 Year Fade and Chalk Warranty, and G-90 Galvanizing Up to 1.0 ounce of Zinc Protection.
Wainscot: Grand Rib 3 Plus

*Building Colors: Light Stone
Antique Bronze*

Accessories:

Standard Ridge Cap.
Marco LP2 Weather-Tite Ridge Vent "Low Profile" (Add ventilation to ridge).
Side Wall Overhang: 18" Aluminum soffit (Sidewall) with vented soffit on S1 & S2
End Wall Overhang: 18" Aluminum soffit (Endwall) with vented soffit on E1 & E2

Building Materials: Steel and Wood

(2) - Overhead frame out. Size: 10' 0" Width x 12' 0" Height (Door not included unless shown in Additional Building

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
	<i>Gary and Michele Narducci</i>	<i>3475 Neal Ave. S.</i>	<i>AFTON</i>	<i>MN</i>	<i>55001 651-755-7026</i>
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address					
<i>3475 Neal Ave. S.</i>		<i>AFTON</i>	<i>MN</i>	<i>55001</i>	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
<i>Ag</i>	<i>Residential</i>	<i>20.028.20.23.0001</i>			
Please list the section(s) of the code from which the variance(s) are requested.					
<i>12-132</i>					
Description of Request					
<i>Construct an accessory building with a setback to the County Road less than required.</i>					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant			Date		
<i>Mary Narducci</i> <i>Michele Narducci</i>			<i>2-8-19</i>		
Make checks payable to: City of Afton					
If multiple variances are necessary from the applicant only one fee is required. However, the deposit fee must be multiplied by the number of variances sought.					
FEES:		ESCROWS:			
Variance	\$250	\$600	TOTAL:	<i>\$850.00</i>	
Renewal/Extension	\$250	\$350	DATE PAID:	<i>2-8-19</i>	
			CHECK #:	<i>12176</i>	
			RECVD BY:	<i>[Signature]</i>	

CITY OF AFTON CONDITIONAL USE PERMIT APPLICATION

Owner	Address	City	State	Zip	Phone
<i>Gary and Michele Narducci</i>	<i>3475 Neal Ave. S.</i>	<i>Afton</i>	<i>MN</i>	<i>55001</i>	<i>651-755-7020</i>
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address					
<i>3475 Neal Ave. S.</i>		<i>AFTON</i>	<i>MN</i>	<i>55001</i>	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
<i>Ag</i>	<i>Residential</i>	<i>20.028.00.23.0001</i>			
Description of Request					
<i>construct an accessory building within the 20ft setback of an 18% slope</i>					
<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 within 12 months of the date issued, this CUP will EXPIRE and be INVALID.</p>					
<i>Gary Narducci Michele Narducci</i>					<i>2-8-19</i>
Signature of Owner/Applicant					Date
<p>Make checks payable to City of Afton:</p>					
FEES:			ESCROW DEPOSIT:		
CUP	\$250	CUP Escrow	\$600	TOTAL:	<i>\$850.00</i>
Amended CUP	\$250	Amend CUP Escrow	\$350	DATE PAID:	<i>2-8-19</i>
City Engineer	_____	Engineer Escrow	_____	CHECK #:	<i>12172</i>
Other	_____	Other	_____	RECVD. BY:	<i>[Signature]</i>
ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION					



Department of Property Records
and Taxpayer Services

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

Property ID: **20.028.20.23.0001** Bill#: **998231**



05006715

Taxpayer: **GARY S II & MICHELE A NARDUCCI**
3475 NEAL AVE S
AFTON MN 55001-9725



TAX STATEMENT 2018			
2017 Values for Taxes Payable in 2018			
VALUES AND CLASSIFICATION			
Taxes Payable Year:	2017	2018	
Estimated Market Value:	646,800	673,700	
Homestead Exclusion:			
Taxable Market Value:	646,800	673,700	
New Improvements/ Expired Exclusions:			
Property Classification:	Res Hstd	Res Hstd	
Sent in March 2017			
Step 2	PROPOSED TAX		\$7,590.00
Did not include special assessments or referenda approved by the voters at the November election			
Sent in November 2017			
Step 3	PROPERTY TAX STATEMENT		
First half taxes due	May 15	\$3,766.00	
Second half taxes due	October 15	\$3,766.00	
Total Taxes Due in 2018:		\$7,532.00	

\$\$\$ 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:
3475 NEAL AVE S
AFTON MN 55001

Description:
Section 20 Township Q28 Range 020 PT
SW1/4-NW1/4 BEING S 8 ACRES THEREOF SUBJ
TO EASE

Line 13 Special Assessment Detail:
COUNTY ENVIRONMENTAL CHARGE PHE DEP 3.00

Principal: 3.00
Interest: 0.00

Tax Detail for Your Property:				
Taxes Payable Year:		2017	2018	
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"/>	\$7,529.00	
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$7,305.00		
Tax and Credits	3. Property taxes before credits	\$7,305.00	\$7,529.00	
	4. Credits that reduce property taxes			
	A. Agricultural and rural land credits	\$0.00	\$0.00	
	B. Other Credits	\$0.00	\$0.00	
	5. Property taxes after credits	\$7,305.00	\$7,529.00	
Property Tax by Jurisdiction	6. WASHINGTON COUNTY			
		A. County General	\$2,081.03	\$2,150.82
		B. County Regional Rail Authority	\$16.62	\$16.06
	7. CITY OF AFTON		\$2,207.67	\$2,312.98
	8. State General Tax		\$0.00	\$0.00
	9. ISD 834 STILLWATER		\$1,024.20	\$1,047.85
		A. Voter approved levies	\$1,631.03	\$1,615.56
		B. Other Local Levies	\$58.62	\$58.49
	10. Special Taxing Districts		\$31.63	\$31.56
		A. Metropolitan Council	\$128.95	\$166.59
	B. Metropolitan Mosquito Control	\$100.79	\$105.33	
	C. Valley Branch Watershed			
	D. County CDA			
11. Non-school voter approved referenda levies		\$24.46	\$23.76	
12. Total property tax before special assessments		\$7,305.00	\$7,529.00	
13. Special assessments		\$3.00	\$3.00	
14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS		\$7,308.00	\$7,532.00	

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

Planning Commission Memo

Meeting: March 4, 2019

To: Chair Kopitzke and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: February 27, 2019
Re: Pervious Pavers and Impervious Coverage Regulations

At the February 19, 2019 Council meeting, Mayor Palmquist requested, and the Council agreed, that the topic of how pervious pavers are treated in relation to the City's impervious coverage requirements, particularly in the Village Historic Site District, be referred to the Planning Commission for review and recommendations. Pervious pavers are currently treated as impervious coverage. A main reason for this is the concern that pervious pavers will not be properly maintained and, over time, will become impervious. Due to the full meeting agenda, the Planning Commission is not expected to have a substantive discussion of the pervious pavers at this time. While a brief outline of background information regarding pervious pavers is provided below, the Commission may want to discuss and identify the types of additional information that would be helpful in its review process.

Background

If properly maintained, pervious pavers can serve as a significant element of a stormwater management system. As part of the Downtown Village Improvement Project, pervious pavers were installed in the Town Square Park parking lot and in the on-street parking areas along 33rd Street.

Most or all commercial properties in the Downtown Village area are at or beyond the maximum allowed amount of impervious coverage, which means these properties do not have any flexibility in relation to improvements that require additional impervious coverage. If pervious pavers were not treated as impervious coverage, they could provide the flexibility to allow additional options for improvements to meet the needs of the commercial properties. This could include items such as additional parking spaces or patios.

Another aspect to consider when developing ordinance language that would provide more impervious coverage flexibility through the use of pervious pavers is that a property owner could use the pervious pavers to reduce the amount of at-grade impervious coverage i.e. parking lots, in order to allow more impervious coverage by buildings. While this may not necessarily be a concern in the Downtown Village area where the massing of buildings is already very dense, it is a factor to consider.

Because a main concern regarding pervious pavers is ensuring proper on-going maintenance, an option to consider in relation to the development of new ordinance language is to allow the pervious pavers exception to the impervious coverage requirement only through a Conditional Use Permit. A key condition of the Conditional Use Permit could be an on-going maintenance plan that would include periodic maintenance, reporting and inspections.

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

Planning Commission Memo

Meeting: March 4, 2019

To: Chair Kopitzke and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: February 27, 2019
Re: Election of Officers

Background

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

Chair: Kris Kopitzke
Vice-Chair: Sally Doherty
Secretary: Scott Patten

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

Because three new members were recently appointed, two of which will take their oaths of office at the March 4 meeting, and Kris Kopitzke is not able to attend the March 4 meeting, the Commission may want to discuss whether to wait to elect officers until the April 1 meeting.

PLANNING COMMISSION ACTION REQUESTED:

Election of the following Officers:

Chair
Vice-Chair
Secretary

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

Planning Commission Memo

Meeting: March 4, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: February 25, 2019

Re: Review and Clarification of Elements of the Preservation and Land Conservation Development (PLCD) Ordinance

Review of Preservation and Land Conservation Development (PLCD) Ordinance Elements

During the review of the recent PLCD subdivision application, a number of elements of the PLCD ordinance were found to be unclear and in need of clarification and/or revision. The City Council referred these ordinance elements to the Planning Commission for review and recommendations.

Additional Background Material

To provide an understanding of how and why the PLCD ordinance was adopted, the Planning Commission was provided with a copy of the Planned Agricultural Unit Development (PAUD) Ordinance, which was adopted in January of 2008 as the forerunner to the PLCD ordinance and also was adopted to replace an Open Space Preservation Development Ordinance that was adopted in 2006. Ordinance 3-2006, which created the Open Space Preservation Development Ordinance, is attached. This ordinance allowed common water supply and wastewater treatment systems and lot sizes substantially smaller than five acres.

Three Groups of Ordinance Elements

The Planning Commission agreed that the City Administrator should divide the PLCD ordinance elements into three groups for the Commission's review, one group to be reviewed per meeting, and the elements of each group should have some logical relationship to each other. The following are the three groups of elements, the first of which is to be reviewed at the March 4 Commission meeting.

Review Group 1 – Administrative Elements and Cul de Sac Issues

- A. Clarify that the open space outlots in a PLCD are allowed to be created as outlots
- B. Clarify that a PLCD requires a Conditional Use Permit rather than an Administrative Permit
- C. Clarify the maximum density allowed in a PLCD
 1. Clarify how to determine density when a portion of a qtr-qtr section extends beyond the PLCD
- D. Clarify the definition of cul de sac
- E. Clarify the maximum cul de sac length
- F. Clarify the number of lots allowed on a cul de sac

Review Group 2 – Cul de Sac Issues (continued), Conservation Easement and Prohibition of Further Subdivision of PLCD lots

- A. Clarify Cul de Sac issues
- B. Clarify the purpose and language of the conservation easement requirements in view of the statutory limitation on holders of conservation easements
- C. Discuss approaches to prohibit further subdivision of PLCD lots

Review Group 3 – Clarification of Ordinance Language Elements and Shared Driveways

- A. Parcels previously subdivided to their maximum density may not be joined to a PLCD

- B. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
- C. Should a lot in an existing subdivision that has been previously subdivided to its maximum density be allowed to be used to provide access to a PLCD?
- D. Shared Driveways

Review Group 1 Discussion

Process

Prior to moving into a discussion of the Review Group 1 elements, the Planning Commission may want to have a short discussion regarding the process or method of addressing the ordinance elements. The following is one potential process for addressing the elements of the ordinance:

1. Review the Purpose of the Language of Each Ordinance Element
 - a. Determine what appears to be the purpose of the language, i.e. what need or objective it is meant to address or accomplish
 - b. Determine whether the purpose is still valid
 - c. Determine whether the purpose should be clarified or revised to address concerns or desires of the Planning Commission
2. Determine whether the language of the ordinance element should be clarified or revised to better accomplish its identified purpose

Group 1 Elements

- A. Clarify that the open space outlots in a PLCD are allowed to be created as outlots

Questions were raised regarding whether the undeveloped parcels were prohibited based on the definition of Outlot below which prohibits outlots in subdivisions having cul de sac streets. The PLCD ordinance language should be clarified to indicate that the undeveloped parcel is to be created as an allowed outlot; and/or the definition of outlot should be revised to indicate open space outlots are allowed in PLCD subdivisions.

12-1256 Definitions

*Outlot means a lot remnant or any parcel of land included in a plat, which may be used as open space. Such outlot may be a large tract that could be subdivided in the future or may be too small to comply with the minimum size requirements of zoning and subdivision ordinances or otherwise unsuitable for development and therefore not usable as a building site. When an outlot is created, the City shall require a development agreement. **Outlots are not permitted in subdivisions having cul-de-sac streets.***

- B. Clarify that a PLCD requires a Conditional Use Permit rather than an Administrative Permit
 1. Sec. 12-2379. General development plan.
 - A. An applicant shall make an application for an Administrative Permit following the procedural steps as set forth in Section 12-78.
 - Sec. 12-78 relates to Conditional Use Permits, not Administrative Permits. The PLCD ordinance should be revised to require a Conditional Use Permit rather than an administrative permit.
- C. Clarify the maximum density allowed in a PLCD
 1. Clarify how to determine density when a portion of a qtr-qtr section extends beyond the PLCD

Sec. 12-2376. 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.

Questions were raised regarding whether the maximum density allowed is 3 units per qtr-qtr section or 4 units per qtr-qtr section. The Comprehensive Plan, under the housing and land use policies, specifically indicates that with a PLCD the maximum density is 4 units per qtr-qtr section, (see the language in bold below) but this language is not found anywhere in the zoning code. The zoning code should be revised to include this language.

The City of Afton establishes the following housing and land use policies:

1. *The City shall maintain the current densities for the following land use classifications:*
 - a. *Agricultural– 3 dwelling units per quarter-quarter section.*
 - b. *Preserve Agricultural Preserves - 0 or 1 dwelling unit per quarter-quarter section.*
 - c. ***Agricultural with a Preservation and Land Conservation Development and a minimum of 80 acres– 4 dwelling units per quarter-quarter section***

E. Clarify the definition of cul de sac

During the review of the Afton Creek Preserve PLCD application, there was discussion regarding the definition of a cul de sac and regarding the prohibition of a variance to the number of lots on a cul de sac. The definition of cul de sac is as follows:

Sec. 12-1256 Definitions

Cul-de-sac means a street or portion of a street with one vehicular entrance/outlet leading directly to a through street, and having one turnaround at a single termination.

The key element of the cul de sac definition is that one end of the cul de sac needs to outlet directly to a through street, vs. outletting to another cul de sac. This is a unique definition, in that most cities allow a cul de sac to outlet to another cul de sac, rather than to a through street. The purpose of the definition appears to be limiting the number of lots on a cul de sac. While this was of particular concern when a PLCD-type ordinance could allow lots of less than an acre in size, the 5-acre minimum lot size serves to substantially limit the number of lots on a cul de sac. The Planning Commission may want to provide a recommendation regarding the cul de sac definition.

F. Clarify the maximum cul de sac length

1. Sec. 12-2376. Density, Frontage on a Public Street and Length of Cul-de-Sac requirements
 - 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.
2. Sec. 12-1379. Cul de sac Streets
 - B. *A cul-de-sac street shall not exceed 1,320 feet in length and shall serve no more than nine lots.*

During the consideration of the Afton Creek Preserve PLCD, there were differing interpretations regarding whether the language in Sec. 12-2376, by association, also would allow a proportional additional number of lots on a longer cul-de-sac. This should be clarified.

G. Clarify the number of lots allowed on a cul de sac

The following is the ordinance language regarding the length of cul de sacs and the number of lots allowed on a cul de sac. While a variance may be granted for the length of a cul de sac, a variance may not be granted for more than nine lots on a cul de sac. This language raises the question of whether the prohibition against allowing more than nine lots on a cul de sac was based on safety and access considerations or on density considerations or both.

Sec. 12-1379. Cul-de-sac streets.

A. The City Council may permit cul-de-sac streets, after Planning Commission review, by reason of unfavorable land forms or the irregular shape of the land from which the subdivision is being made and a normal street pattern cannot be established. The City Council may also permit cul-de-sac streets to minimize

the impacts of the subdivision or proposed street on existing neighborhoods. These impacts may include increased traffic volume or speed, privacy or security of existing neighborhoods and preservation of natural resources or features.

B. A cul-de-sac street shall not exceed 1,320 feet in length and shall serve no more than nine lots. Every lot platted on a cul-de-sac street shall have frontage and access on the cul-de-sac street and shall be included in the nine lot limit. A variance may be granted on the length limitation only when it is clearly demonstrated that the length greater than 1,320 feet is necessary for reasons of unfavorable land topography. No variance shall be granted which would allow more than nine lots to be created on a cul-de-sac street.

Planning Commission Direction Requested:

Motion regarding the review and clarification of elements of the Preservation and Land Conservation Development (PLCD) Ordinance

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

ORDINANCE 3-2006

AN ORDINANCE TO AMEND CHAPTER 12, LAND USE, BY AMENDING ARTICLE XII, BY ALLOWING OPEN SPACE DEVELOPMENTS WITHIN THE AGRICULTURAL AND RURAL RESIDENTIAL DISTRICTS WITH A CONDITIONAL USE PERMIT – PLANNED UNIT DEVELOPMENT (CUP – PUD)

The City Council of Afton ordains:

ARTICLE XII. OPEN SPACE PRESERVATION DEVELOPMENTS (CUP-PUD)

SECTION:

- 12-2371: Scope
- 12-2372: Purpose
- 12-2373: Definitions
- 12-2374: Applicability
- 12-2375: Open Space Preservation Development
- 12-2376: Density Bonus
- 12-2377: Open Space Standards
- 12-2378: Open Space Preservation Design Criteria
- 12-2379: Application Procedure and Submittal Requirements
- 12-2380: Severability

Sec. 12-2371. Scope.

This article applies to Open Space Preservation Developments (CUP-PUD)-in the Agricultural (AG) zoning district and Rural Residential (RR) zoning district.

Sec. 12-2372. Purpose.

The purpose of this Section is to encourage, protect and preserve open space in perpetuity through the following planning objectives:

- (1) Providing efficient use of the land while maintaining contiguous blocks of agricultural land, mature woodlands and open space, and preserving historical features, scenic views, while providing aesthetic and effective natural drainage systems for surface water runoff, water supply and wastewater treatment systems, which promote water conservation and wastewater pollution discharge reductions of nutrients, and disease causing organisms to our underground aquifers and surface water bodies and other desirable features of the natural environment.
- (2) Preserving contiguous ecological and wildlife corridors, common open spaces for scenic enjoyment, recreational use, and rural identity.
- (3) Creating cohesive neighborhoods in order to establish local identity and community interaction.
- (4) Encouraging sustainable innovation and promote flexibility and creativity in residential development.
- (5) Providing either public or privately owned open spaces for passive or active recreational use by the residents of the neighborhood or the larger community.
- (6) Providing for a diversity of single family home lot sizes and building densities.
- (7) Preserving scenic views and elements of the City's rural character by minimizing views of new development.
- (8) Preserving and protecting the nighttime sky from light pollution through the utilization of sensitive outdoor lighting.

12-2373. Definitions.

The following words, terms, or phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where expressly defined in another article or the context clearly indicates a different meaning:

Advanced Wastewater Treatment Systems (AWTS): Utilizing third party testing these systems will have to prove that they can exceed National Pollution Discharge Elimination Standards (NPDES) or applicable Minnesota Rules, whichever is the more stringent, in effect at time of application for Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD5), Fecal Coliform (FC), Nitrates (NOx), and Phosphorus (P).

Community Garden means land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs, and grasses for the residents' use or to be sold directly to consumers through membership in the garden.

Common wastewater treatment systems means septic on or off-site, communal on or off-site, soil-based on or off-site, partial soil-based on or off site, performance soil-based on or off-site, or advanced on or off-site waste water treatment systems which meet or exceed the standards contained in the applicable Minnesota Rules.

Conservation easement means an interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection, and maintenance of natural resources, open space, and agriculture.

Conservation easement holder means the organization (ie. Washington County, Minnesota Land Trust, Belwin, City of Afton) managing the easement.

Cultural Resources means the historic and archeological characteristics of the land, including buildings and landscapes, which provide information or qualities regarding the history of Afton and its people.

Historic Building and Structure means building(s), structure(s), and/or site(s), which have been identified in the Afton Comprehensive Plan or Afton Natural Resources Inventory and/or by the Afton Historic Preservation Commission, the Washington County Historic Preservation Network Inventory, or the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the City.

Homeowners Association or HOA means a formally constituted nonprofit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space facilities.

Neighborhood means an area containing a contiguous group of residential lots where people live in close proximity to one another.

Net Developable area means the gross acreage of the development minus the difference (if a positive number) between the amount of unbuildable acreage and the maximum amount (25 percent) of unbuildable acreage that can be included in an open space designation.

Open Space means land used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes that is undivided and permanently protected from future development.

Open Space Preservation Development means a grouping of residential structures on smaller lots than allowed in the specific zoning district, leaving some land dedicated as open space.

Perimeter Road means a road lying outside of and abutting the development parcel.

Partial Soil-Based Wastewater Treatment System: These systems incorporate some form of "Advance" treatment of the (usually separated) Blackwater and/or Greywater prior to being discharged to the environment subsurface, surface or recycled. Partial soil-based systems do not require the large standard or performance soil-based treatment areas because the pretreated effluent is of higher quality.

Performance Soil Based Waste Water Treatment System means performance based systems are traditionally commingled "Blackwater" streams to a standard septic/trash type of initial collection tank followed by various forms of treatment systems, media or vegetation that have demonstrated through third party testing having the capability of reducing Total Suspended Solids (TSS), Biological Chemical Oxygen Demand (BOD5), Fecal Coliform (F.C) numbers. These systems do not promote water conservation but do reduce some TSS, BOD5, F.C. and nutrient and/or pharmaceutical residual reductions to the environment. These types of systems may be allowed to have smaller separation distances and sizing than a standard septic system when designed and stamped by a registered licensed Minnesota engineer. These systems will need to be maintained on a regular basis and additional space (land area) will be required for a second treatment system.

Plant Community means a grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.

Protective or Restrictive Covenant means a contract entered into between private parties which constitute a restriction of the use of a particular parcel of property.

Resource Inventory means a survey of the land's features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

Soil-Based Wastewater Treatment System: These systems require some form of pretreatment of the Blackwater or Greywater (usually a septic tank) with or without further pretreatment through a partial soil-based or performance soil-based waste treatment system prior to being discharged into the soil by percolation and filtration.

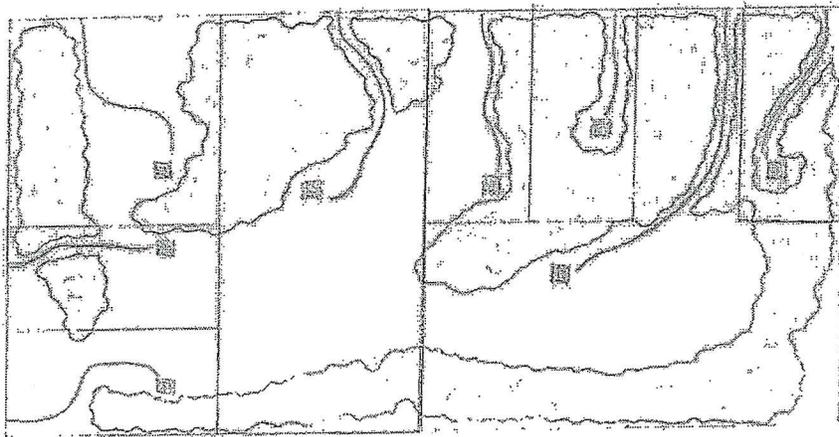
Viewshed means the landscape or topography visible from a geographic point, especially that having aesthetic value.

Wastewater Recycling Systems: Utilizing third party testing these systems have proven to meet or exceed Minnesota Department of Health (MDH) standards for potable well water qualities.

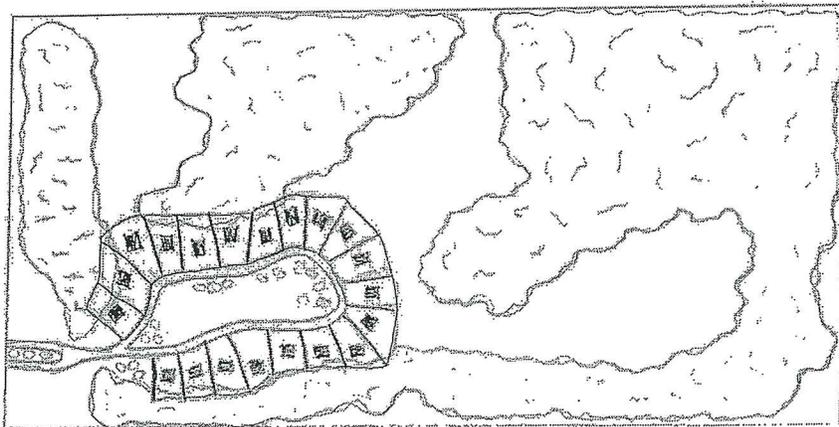
Sec. 12-2374. Applicability.

Open space preservation standards are an alternative set of standards for residential development within the Agricultural and Rural Residential Districts. Figure A illustrates the difference between conventional subdivision and open space preservation development.

Figure A



80 acre Conventional Subdivision



80 acre Open Space Preservation Subdivision

Open space preservation shall be permitted as a planned unit development via a conditional use permit within the Agricultural District. Clustering of homes shall also be

allowed in the Rural Residential District via CUP-PUD with the exception of Density bonuses which only pertain to the Agricultural District. Open space preservation development and their associated design standards in the Lower St. Croix River Shoreland Management District are addressed in Section 12-1497 of the Afton Code of Ordinances and such development and associated design standards governed by Section 12-1497 are not subject to this Article.

The regulations of this Article are applicable only to open space developments approved after the effective date of this ordinance.

Sec. 12-2375. Open Space Preservation Development.

To qualify for an Open Space Preservation Development CUP-PUD and related density increases, the following minimum requirements must be met:

Table A

<u>Base District</u>	<u>Acreage (at least)</u>	<u>Acreage (but less than)</u>	<u>Minimum Percentage of Required Open Space (Gross Acreage)</u>
<u>Agricultural</u>	<u>40</u>	<u>80</u>	<u>50%</u>
<u>Agricultural</u>	<u>80</u>	<u>100</u>	<u>55%</u>
<u>Agricultural</u>	<u>100</u>	<u>-</u>	<u>60%</u>
<u>Rural Residential</u>	<u>40</u>	<u>-</u>	<u>50%</u>

- (1) An Open Space Preservation Development CUP-PUD shall only be granted to proposals of forty (40) contiguous acres or more whether owned individually or collectively. Road right-of-way may be included within the contiguous acreage.
- (2) Open Space shall be restricted from further development in perpetuity.
- (3) Road rights-of-way may be located within the required open space area, but shall not be counted towards the required minimum open space.
- (4) No more than twenty five (25) percent of the required open space may consist of areas below the normal ordinary high water mark of water bodies, ponds, areas within the 100 year floodplain, wetlands, or slopes of greater than twenty five (25) percent.
- (5) The purpose of open space is to provide contiguous open area and ecological corridors. The City is trying to avoid narrow boundary strips. Boundary strips shall be defined as open space areas beyond the

recorded residential lot line and/or road right-of-way and shall not be less than 100 feet in width.

- (6) At least twenty (20) percent of the open space shall be open for use to the residents of the development.
 - (a) One hundred (100) percent of the open space useable by residents shall be suitable for recreational uses such as trails, playfields, or community gardens.
 - (b) A pathway system connecting open space area neighborhoods and planned or developed trails on adjacent parcels shall be identified in the plan.
 - (c) That portion of the open space designated for the location of wastewater sewage treatment facilities and/or system(s) treatment area shall not be included as part of this accessible open space.
- (7) Open Space Preservation Development shall preserve, restore, or enhance natural resources, including, but not limited to, lakes, rivers, aquifers, woodlands, prairies or wetlands.
- (8) Open Space Preservation Development shall preserve viewsheds along public rights-of-way.
- (9) Open Space Preservation Development shall develop land in concert with surrounding properties to encourage the creation of continuous ecological and wildlife corridors.
- (10) Only Single family residences shall be permitted.
- (11) A development agreement with required deposit or letter of credit as approved by the City shall be required.

Sec. 12-2376. Density Bonus.

The individual zoning districts shall establish the base residential density for the Open Space Preservation Development. The base density may be increased based on a sliding scale method as described in the following table provided all of the performance standards of this Ordinance are complied with.

Table B

AGRICULTURAL DISTRICT					
Overall Lot Size (in acres)		Units per 40 acres			
<i>Minimum (at least)</i>	<i>Maximum (but less than)</i>	<i>Current</i>	<i>New Base</i>	<i>New Max</i>	<i>Minimum Open Space</i>
<u>40</u>	<u>80</u>	<u>3 (1 per 13.33)</u>	<u>6 (1 per 6.6)</u>	<u>8 (1 per 5)</u>	<u>50%</u>
<u>80</u>	<u>100</u>	<u>3 (1 per 13.33)</u>	<u>7 (1 per 5.7)</u>	<u>10 (1 per 4)</u>	<u>55%</u>
<u>100</u>	<u>100+</u>	<u>1 3 (1 per 13.33)</u>	<u>8 (1 per 5)</u>	<u>12 (1 per 3.3)</u>	<u>60%</u>
<i>*note: all calculations shall be rounded down when determining number of allowed lots</i>					

(1) Net Developable Area. Open Space Preservation CUP-PUD's must take into account the "Net Developable Area", as defined in Section 12-2373

when calculating the allowed number of lots. The following is a method for determining both the minimum area of open space designation required and the "Net Developable Area".

- Line 1: Total Acreage = _____
- Line 2: Minimum percent of open space required = _____
- Line 3: Minimum Area (in acres) of Open Space Required (Line 1 x Line 2) = _____
- Line 4: Twenty-Five (25) percent of Line 3 = _____ (maximum allowed unbuildable acreage to be included as open space)

- Line 5: Total Area of land (in acres) below the normal ordinary high water mark of water bodies, ponds, areas within the 100 year floodplain, wetlands, or slopes of greater than twenty-five (25) percent = _____
- Line 6: If line 4 is greater than Line 5, enter 0; otherwise (Line 5 - Line 4) = _____
- Line 7: "Net Developable Area" (in acres) (Line 1 - Line 6) = _____
- Line 8: "Net Minimum Area of Open Space Required" (in acres) (Line 3 + Line 6) = _____
- Line 9: New Base Density (Line 7 / (new base density (per table))) = _____
- Line 10: New Max Density (Line 7 / (new max density (per table))) = _____
- Line 11: Maximum possible bonus lots (Line 10 - Line 9) = _____
- Line 12: Number of bonus lots achieved = # of bonus points (no greater than 100) x .01 x Line 11 = _____ (must round down to the nearest whole #).
- Line 13: Total # of lots allowed (Line 9 + Line 12) = _____

EXAMPLES:

62 Gross Acre Open Space CUP-PUD with 10 acres unbuildable:

- ◆ Step 1: Gross Acreage: (62 acres)

- ◆ Step 2: Minimum Open Space Required (in acres): (50%) = (31 acres)
- ◆ Step 3: Unbuildable acreage - 25% of Step 2: (10 acres – 7.75 acres) = (2.25 acres)
- ◆ Step 4: Net Area of Open Space Required (in acres): if Step 3 is a positive number, add it to Step 2 (2.25 acres) + (31 acres) = 33.25 acres
- ◆ Step 5 Net Developable Acreage: (Step 1 – Step 3) (62 acres – 2.25) = 59.75 acres
- ◆ Step 6: New Base Density: (Step 5 / (new base density)) (59.75 / 6.6 = 9.0 (9 lots)
- ◆ Step 7: New Max Density: (Step 5 / (new max density)) (59.75 / 5 = 11.9 (11 lots)
- ◆ Step 8: The applicant can obtain 2 additional lots based on the number of bonus points that are achieved. (For Example: if the applicant earns 65 bonus points as described in 12-2376(2)., 65 % of 2 is 1.3 or 1 additional bonus lots earned for a total of 10 lots)

97 acre Open Space CUP-PUD with 4 acres unbuildable:

- ◆ Step 1: Gross Acreage: (97 acres)
- ◆ Step 2: Minimum Open Space Required (in acres): (55%) = (53 acres)
- ◆ Step 3: Unbuildable acreage - 25% of Step 2: (4 acres – 13 acres) = (0 acres) (if it is not a positive number it shall be 0.)
- ◆ Step 4: Net Area of Open Space Required (in acres): if Step 3 is a positive number, add it to Step 2 (0 acres) + (53 acres) = 53 acres
- ◆ Step 5 Net Developable Acreage: (Step 1 – Step 3) (97 acres – 0 acres) = 97 acres
- ◆ Step 6: New Base Density: (Step 5 / (new base density)) (97 / 5.7 = 17 (17 lots)
- ◆ Step 7: New Max Density: (Step 5 / (new max density)) (97 / 4 = 24.2 (24 lots)
- ◆ Step 8: The applicant can obtain up to 7 additional lots based on the number of bonus points that are achieved. (For Example: if the applicant earns 65 bonus points as described in 12-2376(2)., 65 % of 7 is 4.55 or 4 additional bonus lots earned for a total of 21 lots)

(2) Bonus Points. As part of the Open Space Preservation Development CUP-PUD, it shall be the responsibility of the applicant to demonstrate how the following requirements have been satisfied in a manner that warrants the additional density bonus lots. The City shall award bonus points applied for by the applicant not to exceed 100 points.

(a) Providing for access by the general public to trails, parks, or other recreational facilities. (25)

(b) Reusing and/or rehabilitating historic buildings(s), structures(s), and sites(s). (25)

- (c) Providing covenants to create an architectural theme to include items such as porches, side or rear loaded or detached garages, landscape theme, lighting theme and/or open space/central meeting place. Four sided architecture shall be provided. A written narrative describing the architectural theme and its continuity with neighborhood and community shall be included with the preliminary plat. (20)
- (d) Preserving agricultural operations on open space parcels for either pasture or crop production. A copy of a lease and/or agreement to farm is necessary at the time of preliminary plat approval. (15)
- (e) Utilization of common (either a partial soil-based or performance soil-based system) on or off-site waste water treatment systems (3 or more). (10)
- (f) Utilization of communal well and water delivery system (3 or more). (10)
- (g) Utilization of landscaped boulevards and/or master landscape plan. (5)
- (h) Inclusion of additional land into the open space designation. (Each additional 5 percent shall receive 5 points)
- (i) Utilization of performance soil-based systems and/or advanced partial soil-based systems, throughout the CUP-PUD. (25)
- (j) Utilizing low impact design methods to significantly minimize the amount of storm water pollutants, throughout the CUP-PUD. (25)
- (k) Utilizing advanced wastewater treatment systems, throughout the CUP-PUD. (35)

Sec. 12-2377. Open Space Standards.

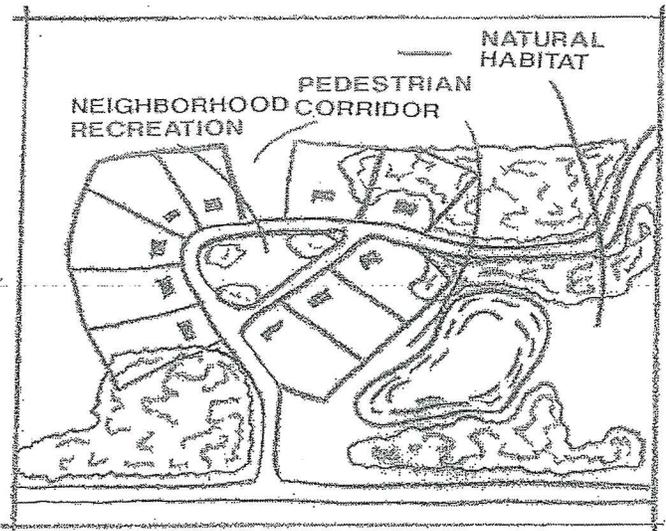
(1) **Open Space Classification Designations:** Open space area shall be classified in one or more of the following categories: natural habitat, neighborhood recreation, or pedestrian corridor open space, and shall conform to the type of use, location criteria, and deed restrictions of that classification. (See Figure B)

- (a) Natural Habitat. The development shall preserve the maximum quantity of natural habitat open spaces in a contiguous, connected configuration. Natural habitat open spaces may include, but are not

limited to greenways, fields, wetlands, slopes, bluffs, dense woods, lakes, ponds, streams, shorelands, and other environmentally sensitive areas or desirable view sheds. Natural habitat open spaces may be preserved via easement.

- (b) Neighborhood Recreation. The development shall locate neighborhood recreation open spaces such that they are an integral part of the neighborhood of surrounding homesites, at an elevation appropriate to their intended recreational use, defined by coherent boundaries, and accessible to all neighborhood residents. Neighborhood recreation open spaces may include, but are not limited to, greens, commons, playgrounds, ballfields, or gardens and shall be maintained by the HOA.
- (c) Pedestrian Corridors. Pedestrian corridor open spaces may include, but are not limited to, established regional trails, local pathways, paved walkways, and shorelines. Pedestrian corridor right-of-way shall be a minimum of twenty (20) feet in width. Pedestrian corridor open space shall be limited to pedestrian, bicycle, and/or equestrian travel unless permitted as part of the CUP/PUD process, and no motorized vehicles except vehicles performing maintenance on the corridor shall be permitted.
- (d) Agriculture. Agricultural use as defined during the planning process and as regulated by the HOA and/or conservation easement.
- (e) Structures shall not be permitted in any open space area unless approved by the City and any easement holder as part of the open space preservation CUP-PUD process.

Figure B



- (2) **Ownership and Management:** Each designated open space area shall be owned and managed according to the following means, subject to City approval.
- (a) Open space shall be owned in common by the property owners created through subdivision of the original tract. A HOA shall be established for the subdivision. Management of open space shall be the responsibility of such homeowners association. Membership in the association by all property owners in the subdivision shall be mandatory.
 - (b) A conservation easement shall be placed over the open space area. The Minnesota Land Trust shall be the primary holder with the City as the secondary holder of the conservation easement. As an alternative option, should the Minnesota Land Trust choose not to take the easement, the City may, but is not required to, allow Belwin to be the primary easement holder with the City as the backup; subject to the City reserving its right to deny the application in the event that both the Minnesota Land Trust and Belwin decline to be a holder of the conservation easement.
 - (c) Deed Restrictions. All deed restrictions shall be maintained in perpetuity. The form and content of the deed or other instrument establishing the restrictions on the open space must be approved by the City prior to the execution and shall be binding on successors and assigns of the property owners.

(d) Stormwater drainage systems located within open spaces shall be covered by utility and drainage easements dedicated on the final plat to the City.

(3) **Homeowners Association:** Upon establishment, a HOA agreement guaranteeing continued maintenance of all open space and other common areas shall be submitted to the City and approved as a part of the data required for the conditional use permit. The HOA documents or the declaration of covenants, conditions and restrictions shall contain the following information:

(a) The legal description of the common lands or facilities.

(b) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions.

(c) A mechanism for resolving disputes among the owners or association members.

(d) Liability insurance (with a minimum of \$1,000,000 coverage limit) shall be the responsibility of the HOA.

(e) Landowners must pay their pro rata share of the cost and the assessment levied by the association that can become a lien on the property in accordance with Minnesota statute.

(f) The conditions and timing of the transfer of ownership and control of land or facilities to the association or the common ownership.

(g) In case of default, as determined by the City, the City shall have right to assess individual members of the HOA and enforce the shared common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.

(h) Plan for maintenance and upkeep of landscaping.

Sec. 12-2378. Open Space Preservation Design Criteria.

(1) It is the intention of this Article to promote open space preservation development which offers a variety of lot size, configuration, topography, and affordability. Evaluation and subdivision approval by the City shall be subject to demonstration by the applicant that the proposed development plan provides cohesive residential cluster(s) in a site design appropriate to the location of common open spaces.

(2) Residential Design Siting Standards:

- (a) Residential designs should be sited to achieve the following goals, to the extent practicable. In cases where impact on one or more of the following resource areas is unavoidable, the impact should be minimized through use of landscaping, topography, or other features.
- (i) Minimize disturbance to woodlands, hedgerows, mature trees or other significant vegetation.
 - (ii) Protect scenic views of open land from adjacent roads.
 - (iii) Protect existing historic buildings or incorporate them through adaptive reuse where possible.
 - (iv) Fragmentation of open space shall be minimized.
- (b) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels.

(3) Residential Design Subdivision:

- (a) An intent of the Open Space Preservation Development is to create cohesive neighborhoods. In this respect, the Open Space Preservation Development may be subdivided into neighborhoods having no less than five (5) lots.
- (b) A neighborhood design shall be located at an appropriate distance from the City or County road from which the development accesses so as to preserve viewsheds from the road and the rural character of the community.

(4) Residential Lot Requirement:

- (a) Minimum Lot Size: (based on type of On Site Water Supply and Waste Water Treatment System)
- (i) Individual on-site: 2.5 acres
 - (ii) Common water and wastewater treatment system (2 dwelling units): 1 acre
 - (iii) Common water and wastewater treatment system (3 or more dwelling units): .75 acre
- (b) Principal and Accessory Building Setbacks:

- (i) Front lot line -- variable (as defined, approved, and recorded as part of the CUP/PUD)
 - (ii) Side lot line -- variable (as defined, approved, and recorded as part of the CUP/PUD)
 - (iii) Rear lot line -- variable (as defined, approved, and recorded as part of the CUP/PUD)
 - (iv) In the event that placement of housing density abuts property outside of the development, the setbacks on the boundary of the development must meet the requirements of the underlying zoning district.

- (c) Maximum Lot Coverage: 35 %

- (d) Maximum Building Height: 35 feet

- (5) Landscaping: A landscape plan illustrating the following components shall be required with all Open Space Preservation Development Preliminary Plat Applications:
 - (a) Residential design shall be sited in a manner that preserves existing tree cover.
 - (b) Boulevard landscaping establishing a streetscape design shall be encouraged, particularly at the entrance to the development.
 - (c) No monuments or permanent signage identifying the residential development is permitted.
 - (d) Use of low wattage lights and full cut off lights, both landscape and building lighting, are encouraged wherever possible.

- (6) Streets:
 - (a) All residential design shall have direct access from the interior of the development on either a new or existing public street consistent with the design standards of the City.
 - (b) All streets within a residential design shall be paved.
 - (c) Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods and future developments.
 - (d) Dead-end and Cul-de-sac Streets are permitted. Cul-de-sacs exceeding 1,320 lineal feet shall be reviewed carefully for safety

vehicle access. Connections to adjacent properties shall be considered and required if necessary.

(e) No street lights shall be allowed.

(7) Utilities:

(a) All new subdivisions may be platted to accommodate homesite lots with either individual or HOA managed common water supply and wastewater treatment systems.

(b) All wastewater treatment systems shall conform to the performance standards of Minnesota Pollution Control Agency's Standards for Onsite Wastewater Treatment Systems MWPCA-7080 and its appendices, and Washington County's Onsite Wastewater Treatment Regulations.

(c) All water supply systems shall conform to the performance standards of the Minnesota Department of Health for potable water standards. All water supply systems will need to be tested to meet potable well water standards yearly.

(d) All subdivision proposals shall be reviewed by a certified inspector designated by the County for suitability of platted lots to accommodate individual and/or common water supply and/or wastewater treatment system(s).

(e) A common water supply and wastewater treatment system or an advanced wastewater treatment system shall include an operating financial, and management plan that is controlled by a public or private entity with taxing or required contract billing authority to insure proper maintenance, management and financing that is approved by the City. The management (replacement and repair) plan must clearly identify the following:

(i) The ownership of the common water supply and/or wastewater treatment system.

(ii) An annual schedule for maintenance, inspection and monitoring of the community wastewater treatment system.

(iii) Contingency plan in the event of failure of the community wastewater treatment system.

- (iv) Provisions describing how the water supply and/or wastewater treatment portion of the system will be protected from vehicles, animals, humans and other sources of risk.
- (v) Assignment of responsibility for the management of and payment for the common water supply and/or wastewater treatment system.
- (vi) The name, license number, and authorized signature of the system's designer.
- (f) Communal drainfields shall be designed with sufficient land area for a replacement system.
- (g) A common water supply and/or wastewater treatment system may have all or a portion of their required drainfields in open spaces provided:
 - (i) The ground cover is restored to its natural condition after installation.
 - (ii) Recreational uses are prohibited above or within fifty (50) feet of their installation.
 - (iii) Upon approval of the primary easement holder.
- (h) All homesite lots shall accommodate an individual on-site, if required, or an approved individual or common water supply system in accordance with state specification.
- (i) All existing, proposed or future service lines shall be installed underground within easement locations approved by the City.
- (8) Grading and drainage: The Open Space Preservation Development shall comply with grading and stormwater management performance standards as established by the City. Stormwater management plans shall encourage infiltration of stormwater.

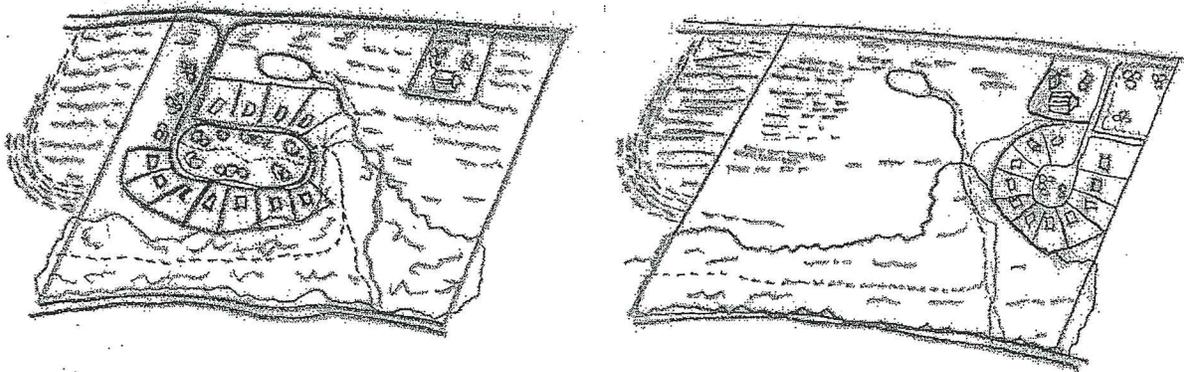
Sec. 12-2379. Application Procedure.

- (1) All procedures for a standard subdivision as provided in Article VI of Chapter 12, Subdivision Regulations, shall be followed for an Open Space Preservation Development, with the addition of the following:

- (a) Pre-application meeting. It is recommended that the applicant shall meet with City staff to review the proposed project and the process for proceeding.
- (b) Meeting with potential easement holders. In addition to a pre-application meeting with City staff, it is recommended that the applicant meet with potential conservation easement holders in order to be made fully aware of any procedures, policies, or other issues regarding the plat.
- (c) Concept Plan Submittal. A concept plan review is recommended for an Open Space Preservation Development. A concept plan does not constitute a complete application and thus is not subject to the time period for review as stipulated in Minnesota State Statute. A public hearing is not required but public input may be received. A concept plan application submittal shall include one or two concepts illustrating the following: (See Figure C)
- (i) Letter of intent from the conservation easement holder.
 - (ii) Topography (minimum of ten-foot contours).
 - (iii) Soil types and characteristics, pursuant to Washington County soil survey.
 - (iv) Hydrological features, including surface water bodies, ordinary high water mark, floodplains, wetlands, and natural swales and drainageways.
 - (v) Vegetation of the site (pasture, woodlands, hedgerows, etc.).
 - (vi) Description of the current land use and structures on the land, and all encumbrances such as easements or covenants.
 - (vii) General outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads, driveways and property boundaries within five hundred (500) feet of the tract.
 - (viii) An outline of the land area to be protected as open space, the number and acreage of lots, areas proposed for stormwater management and wastewater sewage treatment.
 - (ix) Park and open space adjacent to the subject property.

(x) Phasing Plan, if applicable.

Figure C



(d) Conditional Use Permit – Planned Unit Development and Preliminary Plat. Upon concept plan review and comment by both the Planning Commission and City Council, the applicant shall submit an application, for an Open Space Preservation CUP-PUD and Preliminary Plat. A complete application triggers the official review for approval by the City.

(i) Conditional Use Permit. A Conditional Use Permit is required for an Open Space Preservation development in the Agricultural or Rural Residential District pursuant to Article II, Section 12-78 of Chapter 12.

(ii) A conditional use permit application shall be filed with the City in accordance with Article II, Section 12-78 of Chapter 12.

(iii) In addition to the criteria for consideration for reviewing a conditional use permit listed in Article II, Section 12-78 of Chapter 12, the Planning Commission and City Council shall consider the following:

(a) The open space development is designed to preserve open space and the City's rural character while creating compact residential neighborhoods.

(b) The open space preservation development is designed in accordance with the standards of this ordinance.

(iv) *Preliminary Plat.* In addition to the general requirements for preliminary plat submittal as described in Chapter 12, the following information must be submitted to be deemed a complete open space development application.

(a) *Resource Inventory.* An open space preservation development application shall include a resource inventory as illustrated in Figure D. The following information shall be mapped at a scale no less than one (1) inch equals one hundred (100) feet.

(1) Topographic contours at two (2) foot intervals, delineating slopes 13 percent and greater and 25 percent and greater. (available at Washington County Government Center)

(2) Soil types and characteristics, depth to bedrock, and suitability for wastewater disposal systems. (available at Washington County Government Center)

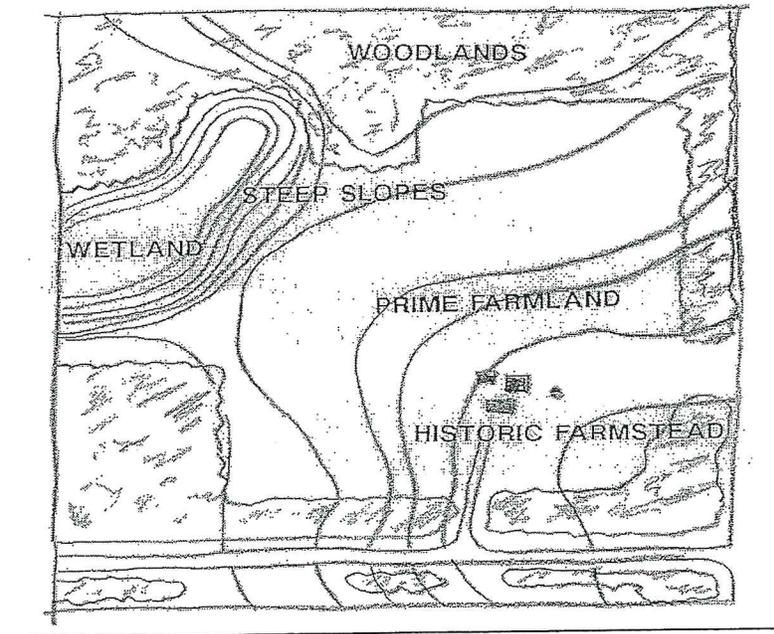
(3) Hydrological characteristics, including surface water bodies, ordinary high water mark, floodplains, wetlands, natural swales and drainageways.

(4) Vegetation inventory identifying the general cover types (woodland, pasture, etc.), defining boundaries of woodland areas and stand-alone trees with a caliper of more than 18 inches. Vegetative types shall be classified as generally deciduous, coniferous or mixed and described by plant community, relative age and condition. (National Resource Inventory)

(5) Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.

- (6) Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.
- (7) Cultural resources, including a brief description and pictures of the historic character of buildings and structures and historically important landscapes.
- (8) Neighborhood context, including general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads, driveways and property boundaries within five hundred (500) feet of the tract. This information may be presented on an aerial photograph at a scale of no less than one (1) inch to two hundred (200) feet.
- (9) Phasing plan, if applicable.
- (10) Setback boundaries (building envelope) for each lot are to be clearly identified.

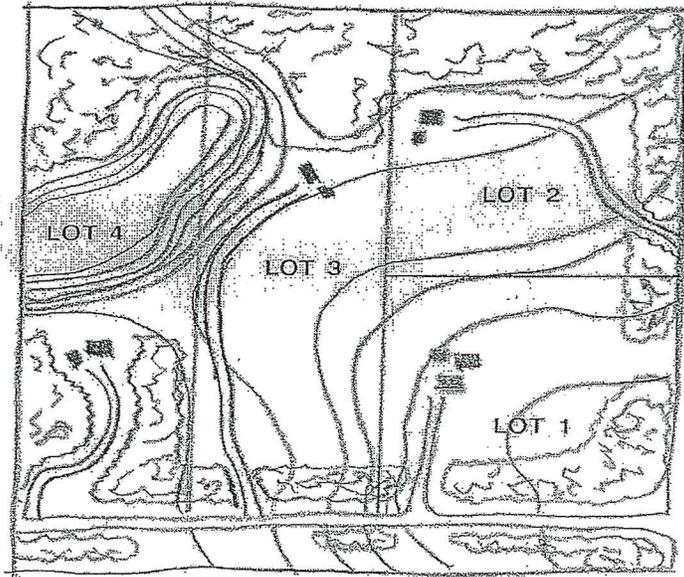
Figure D



- (b) Yield Plan. The applicant for an open space preservation development shall submit a yield plan as illustrated in Figure E, showing the maximum number of dwelling units that would be permitted given the

minimum lot size and lot widths for conventional subdivision and other requirement of the Zoning Ordinance and Subdivision Regulations. The yield plan need not be engineered; however, it shall be drawn to scale and it shall identify all of the major physical features on the parcel. The minimum lot areas and width shall meet performance requirements of Sec. 12-132 of the Afton City Code.

Figure E



- (c) A narrative from the applicant as to the rational behind the proposed layout and open space.
- (d) An itemized list of all documents, agreements and actions necessary to be completed prior to recording of the plat, including land area to be protected with a conservation easement as open space, the number and size of lots, utility easements, road right-of-way, areas proposed for stormwater management and sewage treatment areas.

- (f) HOA documents, including bylaws, deed restrictions, covenants.
- (g) Conservation easements, prepared by the holder(s) of the conservation easement.
- (h) Illustrate the type of open space as described in Section 12-2377
- (i) An acknowledgment that marketing materials must include disclosure that the approved CUP/PUD is within an Agricultural zoning district and activities compliant with zoning may be evident on surrounding properties.
- (v) Final Plat. Final plat submittals and process shall be consistent with general platting procedure as illustrated in Article VI of Chapter 12, Subdivision Regulations.

Sec. 12-2380. Severability.

If any section, sentence, clause or phase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions and provisions of this Article. The City council hereby declares that it would have adopted this Article and any section, sentence, clause, or phrase thereof irrespective of the fact that any one or more other sections, sentences, clauses or phrases of this Article is declared invalid.

12-2381 -12-2500. Reserved.

Approved by the City of Afton City Council this 16th day of May, 2006.

Signed:

Dave Engstrom, Mayor

Attest:

Mitchell Berg, City Administrator

February 19, 2019 City Council Meeting Highlights

The Council:

- Viewed a presentation on the planned expansion of the Valley Branch Library.
- Received awards for the Downtown Village Improvement Project from the American Council of Engineering Companies of Minnesota and the City Engineers Association of Minnesota.
- Reviewed and provided comments to Denmark Township regarding their Draft 2040 Comprehensive Plan.
- Approved the 2019 fee schedule for Engineering services.
- Approved James and Joan Jordan Simple Subdivision Application at 15120 42nd St.
- Approved changing the name of 15th St Ct. to Odin Ct.
- Appointed Doug Parker, Christian Dawson and Kuchen Hale to the Planning Commission.
- Appointed Jed Housker to the Parks Committee.
- Discussed Thorn Butler's drainage concerns at 15945 35th St.
- Scheduled a Work Session to interview accounting firms for March 6, 5:00 PM.
- Scheduled a River Road Neighborhood meeting for March 12, 6:00 PM.
- Scheduled a Council Work session and Goal setting for March 26, 6:00 PM.