

# SUPPLEMENTAL PACKET

3-20-18 CC

March 9, 2018

Ron Moorese  
City of Afton  
PO Box 219  
Afton, MN 55001

Dear Mr. Moorese:

Please accept this letter of support for the proposed Afton Creek Preserve Development. This development project is a good model for supporting smart growth along a beautiful stream; it utilizes prairie to protect water quality. This natural landscape will provide native habitat and natural beauty while allowing some limited development to occur.

The St. Croix River Association's mission is to protect, restore, and celebrate the St. Croix River and its watershed. We work throughout the watershed to protect the wild and scenic river that flows through its heart. The St. Croix River Association applauds this effort to preserve the shoreland on this trout stream, an important step in helping to meet the TMDL and long-term phosphorous reduction goal. The land use change from agriculture to prairie will provide the plants needed for pollinators to thrive, promote clean water for the St. Croix River, and maintain Afton's rural feel and appeal. Afton is clearly thinking about the long-term health and vitality of its community.

Thank you for allowing the St. Croix River Association the opportunity to express our support for this proposed conservation development.

Sincerely,



Deb Ryun  
Executive Director  
St. Croix River Association

3/20/2018

Ron Moose  
Afton City Administrator  
3033 St. Croix Trail South  
PO Box 219  
Afton, MN 55001

RE: Proposed Afton Creek Preserve Preservation Land Conservation Development (PLCD)

Ron –

This letter is a summary of MNDNR's review and assessment of how the design of the proposed Afton Creek PLCD takes into consideration the protection of nearby Trout Brook. Trout Brook is a public watercourse and was recently designated as a trout stream, which provides this water resource added regulatory protections.

Trout Brook was most recently sampled by MNDNR in 2017 and at present there is a small but self-sustaining population of brown trout in the stream. In recent years, MNDNR and South Washington Watershed District have completed projects along Trout Brook to stabilize stream banks and nearby ravines, improve stream morphology, improve fish habitat, and remove barriers to fish passage. In response to these improved stream conditions, fish populations have slowly improved since 2000.

There are two key design elements of this proposed development that take the protection of Trout Brook into consideration:

- Road access into the development does not cross Trout Brook. This avoids potential impacts to the stream from construction of a stream crossing, including increased sedimentation from road runoff, bank destabilization, alteration of cold groundwater flow into the stream, alteration of stream morphology, and impacts to water quality.
- Within the development, nearly all areas in the 300-foot wide shoreland district on either side of Trout Brook are included in conservation easements that will be held by the Minnesota Land Trust for the purposes of permanent land preservation. Prairie restoration on the conservation easements and on 60 percent of the lot areas will provide native prairie habitat for plants and animals and will provide permanent ground cover to stabilize soils and reduce the potential for ongoing migration of sediment into Trout Brook.

MNDNR supports the design elements of the Afton Creek Preserve PLCD that support the protection of Trout Brook. It is not often that this level of care is taken by local governments to protect water resources and MNDNR appreciates how seriously the City of Afton takes natural resource protection and open space preservation.

Sincerely,



Jenifer Sorensen  
MN Department of Natural Resources  
East Metro Area Hydrologist  
1200 Warner Road, St. Paul, MN 55106  
651-259-5754  
[jenifer.sorensen@state.mn.us](mailto:jenifer.sorensen@state.mn.us)

## Ron Moore

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**From:** Cassidy Hall <Cassidy@franzhall.com>  
**Sent:** Tuesday, March 20, 2018 1:23 PM  
**To:** Ron Moore  
**Subject:** Opposed to Carlson PLCD

Hello,

I am writing today to let you know that I strongly oppose the Carlson PLCD project, and ask that you will please listen to the concerns of the citizens regarding this matter.

This development does not meet Afton ordinances, and the Planning Commission has suggested denial of the project in its current form.

I respectfully ask that you require the developer/owner to create a plan that does not need variances, and fits Afton's ordinances before it will ever be approved.

I love living in Afton, and this will directly affect me and how I view and enjoy this treasured place. We should be preserving the gem that we have here, not caving to developers who wish to change the very things we stand for and are proud of. This will change lives, and as seen by the citizens, not in a positive way. Please respect and take note of this. We have valid concerns. We have valid reason to oppose this. And oppose it, we do.

Thank you for your time,  
~Cassidy Hall

5730 Trading Post Trail

Mr. Mayor and Members of the Afton City Council:

Before developing a solution to any problem, it is always good to examine the facts, both those supporting and those opposing a solution, before reaching a decision. Kudos to all of us for examining the facts surrounding the Carlson Development. We've been at it now until we're all blue in the face and I think we would all like to be done with it and move forward to something less challenging, like world peace.

Mr. Mayor, you have drafted a document outlining a number of facts surrounding the current proposed design for that property. From this document we gather that in your opinion there are no opposing facts and only supporting facts. It would be fantastic to live in such a world where all of our decisions could be easy because all of the facts lead in a single direction. This is not the real world, however.

In your document, Mr. Mayor, you cite a Minnesota Supreme Court ruling against the Minnetonka City Council. Minnetonka had voted to disallow the building of a church in a neighborhood where the residents were opposed to the project. In that case, the court deemed the Minnetonka City Council's denial of the CUP "arbitrary and capricious" because the city was not able to back up their claims with facts that the church would cause a variety of negative impacts. That case would only apply to our situation in Afton if you accept the premise that we have no facts to back up our claims. There are, actually, a number of significant facts. They have all been presented to this body a number of times on a number of occasions. Here are just a few:

- Fact 1: The current design allows lots to directly abut a sanctuary for abused, neglected and abandoned horses, impinging on the ability of the operators of this unique nonprofit to carry out their work. The only solution suggested in the current design is the addition of some vegetation.
- Fact 2: Putting a park in a neighborhood where nobody wants a park is a hardship, not an amenity.
- Fact 3: Increasing the number of car trips per day on our local roads by 180 or more means that every single day there will be 180 or more additional car trips occurring on our local roads.
- Fact 4: Traffic studies that indicate road changes would not negatively impact road safety are based on inadequate data that was improperly collected. That bad data was then subjected to flawed analysis in order to reach a predetermined conclusion. Properly conducting engineering studies is important. Everybody involved with the Florida pedestrian bridge collapse would agree.
- Fact 5: One necessary component of the current plan is a road intersecting Odell Ave. Compliance with Afton city rules requires the city council go through the mental gymnastics of pretending that that road already exists when it doesn't. When we look at this supposed preexisting road intersecting Odell, what we actually see is a lot with a house on it in a developed neighborhood. Creating the road by city council mandate seconds before approving the development boggles our imaginations. Maybe it's all a matter of perspective, but while a few people may see the emperor wearing fine clothes by virtue of council decree, he looks naked to us.

As we stated in the beginning of this letter, it is important to look at both the supporting and opposing facts when examining any issue. When we look at the facts surrounding this proposed 100-acre housing development and are not distracted or hypnotized by the glitter of the conservation preserve, it is obvious to us that the negatives outweigh the positives. We urge the council to reject this proposal and we urge the developer to create a better plan.

Randy and Kathy Graham  
5912 Trading Post Trail

## Public Comments for March 20, 2018 City Council Meeting

From: James and Nicole Rickard  
5650 Odell Ave S  
Owners and Residents to the East of the Proposed Carlson Property Development

During their last meeting, the seven members of the Afton Planning Commission exhibited significant diligence in reviewing each of the applications for the proposed development of the Carlson property. The Commission independently reviewed the benefits, challenges, comments and letters from the citizens as they align with Afton's comprehensive plan and ordinances. They had thoughtful, thorough discussion and prepared complete findings to support their recommendations to the Council.

Supplemental to these findings, it is important to note that the current proposals directly violate Afton ordinances which, by approving, would set dangerous precedents for destructive future development. Specifically, the proposed development does not meet:

1. Ordinance **12-2375**. "General standards for approval. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:" including item 3 which states "The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site."
2. Ordinance **12-2379**, paragraph B.2, further requires that "The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses." Paragraph B.4 requires that "The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the district."

How does bisecting an established residential neighborhood with a new road, doubling the amount of traffic on an established residential road, and the creation of creating traffic hazards on 60<sup>th</sup> street harmonize with the existing neighborhood and meet these ordinances? In current form, the existing neighbors who invested in an established residential neighborhood are being penalized to subsidize a land speculator and developer who purchased a developmentally challenged piece of property with limited access options.

We request that the City Council uphold Afton's ordinances and abide by the Planning Commission's recommendations by denying the development proposals in their current form.

Dear: Ron Moore,

Please read this tonight to the Mayor and Council on our behalf.

Sandra and I have read the Packet provided to Council members for the Meeting tonight March 20<sup>th</sup> 2018. I have also read the most recent post of the Mayors Findings and conditions. I would like to ensure the council of several important items.

1. Our property on Odell is owned by us. A family member lives in the home as a resident of Afton. I understand the development approval and subsequent executed Final contracts/agreements allow the removal of the Home currently on the land. Approval of Afton Creek Preserve allows options that fulfill my Family needs in the event of house removal.
2. In addition: I have financial ability to perform the required Development improvements and funding items listed In your **Code sec. 12-78. 12-1473. 12-1474.**

We look forward to working with our developer JP. Bush Homes, The City Of Afton, and Minnesota Land Trust to create agreed upon contracts that allow the Development of our land. Afton Creek Preserve.

Sincerely

Will and Sandra Carlson

My name is Karen Weiss. I live at 13575 40<sup>th</sup> St S. I have served on the Parks and Open Space Committee since 2012 and became the Chair of that committee in February of this year. I wanted to speak briefly about the proposed PLCD's potential impact when viewed through the lens of both the current Park Plan, adopted and approved by the City Council in 2013 and the Afton Comp Plan, revised and approved in 2015.

Based in large part on community input, the acquisition or preservation of open space is the primary focus of goals and recommendations adopted in our 2013 Park Plan. Page 8 of The Park Plan explains the process as follows:

***Afton's approach toward building a parks, recreation and open space system is to evaluate open space for its recreational and scenic values, natural resources, wildlife habitat and unique landforms, and to coordinate acquisition and development. The plan is intended to chart a course and provide a framework for developing and maintaining the Afton Park system. The Plan will also serve as a guide for city commissioners, the City Council and the citizens of Afton. Afton will coordinate its planning efforts with other governmental units, foundations, agencies and individuals that plan or provide recreational or open space affecting Afton.***

The Park Plan on page 24 and 25, goes on to detail several recommendations with regards to the priority of acquiring, and protecting open space for wildlife, protection of natural resources and for human use through both passive activities and low impact activities. In other words, we are moving away from the idea of adding community parks with significant infrastructure, towards parkland acquisition having limited but targeted development. Even with that shift in focus, some features of the Park Plan are admittedly aspirational in nature because they may require substantial financial and/or community commitment. So, when an opportunity to accomplish a significant priority, that checks several desirable boxes, presents itself at little or no financial cost to the city, and is part of a larger permitted use, it should remain

high on the City Council's list of influencing factors. Additionally, page 45 of the 2015 Comprehensive Plan explicitly states the importance of leveraging various opportunities to acquire, protect or preserve open spaces and environmentally significant features such as Trout Brook.

The 2 relevant features of this PLCD proposal with regards to these community priorities are the 110 acres of open space to be placed in a Conservation Easement and the 5-acre parcel adjacent to the PLCD, dedicated as parkland. First, (excluding Belwin) 110 acres would be the largest parcel of land that the City of Afton has ever had the opportunity to protect for both wildlife and resident enjoyment. It also happens to contain one of the few natural resources identified as a priority for protection as stated in both the Comp Plan on page 46 and the Park Plan. In other words, it is highly unlikely, that many future opportunities to acquire and protect such a large and environmentally significant parcel will present itself, unless privately funded, or as the result of a similar PLCD.

Secondly, the proposed 5-acre park dedication, adjacent to the PLCD is not "in lieu of fees." The parcel has additional attributes other than the fact that it is not an "in lieu of fee", dedication, that fulfill the land dedication criteria. This parcel offers a transition space between a potential open space parcel with public access, and with roads identified as "bike route along a roadway ". Roads such as Trading Post, Stagecoach, 50th and 40<sup>th</sup> are all earmarked for "share the road signage," to encourage the slowing of cars for safe bike usage. Odell would likely be added to that list. And finally, as defined on page 8 of the Park Plan, this 5-acre parcel qualifies as desired open space. The relevant section states among other things that open space need not be vast, can be used as a buffer between uses, can act as a connector between trails, bike routes or other recreational areas and can simply be a natural area or scenic roadway.

It's true that the Park Plan does discuss the acceptance of scattered parcels as no longer being seen as a useful dedication method. But that verbage is directly related to land that was dedicated prior to there being a mechanism in place for fee based park dedications. And even with that, all but one of these small parcels in our park system have a desired future use and improvements, should the funds become available. So, if the expense and details of clearing, planting, and maintaining this parcel is secured through either the CUP or some other contractual agreement, it clear that this parcel would be a welcome addition to the Afton Parkland system. As such, it was unanimously recommended for approval by the Park Committee at the February 24 meeting.

And lastly, on more of a personal note... If I weren't able to wear the hat of Park Committee Chairperson tonight, I doubt that I would be comfortable enough to speak in support of a proposal that many residents, and commissioners, some whom I know and respect, have consistently opposed. While I understand their concerns and commend their due diligence I am also confident in my understanding of the relevant issues and believe that on the whole, this proposal as currently designed, meets the goals of a PLCD and their permitted use in Agriculturally zoned areas. So, as a Park Committee member, a fellow Afton resident, and maybe most importantly, as the co-owner of a small farm facing the likelihood of future development pressure in our own back yard, I felt the need to participate in this conversation. I, along with many Afton residents, with whom I've spoke, while not preferring this to "no development," support PLCD's as a sensible approach to the transitioning of Ag land to residential communities, while protecting and preserving a pivotal aspect of our community's rural identity. Thank you.





*J.P. Bush*  
H O M E S

March 20<sup>th</sup> 2018

City Council meeting for The Afton Creek Preserve.

Dear mayor and Council members,

Please read the supplementary information provided in this e-mail and attached distance map.

1. A site map with dimensions relating to structures and elements both within the subdivision and surrounding area. The purpose is to relate distances of new homes and roads in Afton Creek Preserve too existing neighbors.

**Proposed covenant changes.**

The items listed are modifications that will be considered for change in the Plat application.

1. Article X section 1. **USE.** Existing lots with structures are to be “Lot 1 Block 1” and “Lot 4 Block 3”
2. Article X section 2. **Subdivision.** Omit current and add, **Sec. 12-2380. (E).**
3. Article X section 6. **Domestic Pets.** Omit current and add. **Sec 12-55.** Definitions. Domestic Pets are allowed. **Sec. 12-134.** Uses and **Sec. 12-186. (G)** to be added.
4. Article XII Section 2. **Duration of Declaration of Covenants, Restrictions and easements.** Omit and add language from **Sec. 12-2380.** And **Sec. 12-1480. Sec. 12-1481. Sec.12-2382.**

Joe Bush



Findings for approval of Afton Creek  
Preserve Development (“ACPD”)  
Preliminary Plat and related  
Conditional Use Application

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Exhibits:	Page 20-31

3-20-2018

## Introduction

Afton's Preservation and Land Conservation Developments ordinance ("PLCD") is designed to preserve open space, agricultural land (not use), wildlife habitat, vistas, ground water recharge areas, areas with sensitive soils, areas identified in the Comprehensive Plan for preservation and to preserve natural amenities of the site.

The Afton Creek Preserve Development ("ACPD") has been recognized as meeting these goals by the governing watershed, soil conservation district, Minnesota Land Trust and Minnesota Department of Natural Resources.

This subdivision is designed to both preserve and restore a trout stream identified for preservation in the Comprehensive Plan by making it impossible to place homes in the adjacent shoreland district; if not approved three homes can currently be placed adjacent to the trout stream, with more possible in the future if there are zoning changes. The PLCD prevents future placement of homes in the shoreland district surrounding the trout stream even in the event of zoning changes.

This subdivision more than meets the one residential lot per ten-acre density requirements set forth in the PLCD ordinance by yielding a density of less than one per twelve acres.

The access road to the north-east corner of the development replicates the practice in Afton of changing the use of platted lots to park land where the result of that change is to confer an environmental benefit. Afton did this previously in the old village where three homes on platted lots totaling less than five acres were purchased for \$547,000; the lots' use was changed to city-owned park to facilitate improvement of a levy, removal of polluting septic systems and restoration of Kell's Creek. \$100,000 of the \$547,000 cost came from the city's park fund. In the current case the city receives a five-acre open space park at no cost and enables the preservation of more than 100 acres of open space, also at no cost to the city.

The downzoning of a portion of a lot zoned rural residential to agricultural to permit access to the southeast corner of the development is within the city's legislative authority, is not prohibited by any ordinance, and is necessary to achieve the environmental, open space and preservation objectives of the PLCD ordinance.

The proposed findings supplied in support of approval of the Afton Creek Preserve Development conform precisely to the recommendations of the Minnesota League of Cities information memo titled, *Taking the Mystery Out of Findings of Fact*. Councilman Richter supplied that document to the city.

The proposed findings also follow League guidance to focus on whether an application meets ordinance standards, not resident opinions:

“B. Role of neighborhood opinion

Neighborhood opinion alone is not a valid basis for granting or denying a CUP. While city officials may feel their decision should reflect the overall preferences of residents, their task is limited to evaluating how the CUP application meets the ordinance standards. Residents can often provide important facts to help the city address whether the application meets the standards, but unsubstantiated opinions and reactions to an application do not form a legitimate basis for a CUP decision. If neighborhood opinion serves as the sole basis of the decision, it could be overturned by a court if challenged.” *League of Minnesota Cities, Information Memo, Land Use Conditional Use Permits, pg. 4.*

As recommended by the League, findings in favor of ACPD approval do the following:

1. They rely on documented facts.
2. They rely on applicable provisions of Afton Comprehensive Plan and Ordinances.
3. They accurately cite the precise provisions relied upon.
4. Sound reasoning and analysis support each finding.
5. They do not rely on opposition and opinions of neighbors.
6. They, as did the developer in its design, address all legal criteria required by Afton’s ordinances while ignoring non-regulatory concerns of the neighbors such as the number of homes in the development.

By contrast, Councilman Richter’s findings demonstrate the very approach to this application most apt to result in litigation triggered by a wrong conclusion on the merits of the application. The conclusion itself and the proposed findings are contrary to express League of Minnesota guidelines which were submitted by Councilman Richter because they do the following:

1. They rely on opinions of neighbors.
2. They cite legal standards that are inapplicable.
3. They state legal criteria without supporting facts.
4. They ignore past city practice and interpretation of ordinances.
5. They parrot neighbor’s conclusory language opposing the development.
6. They assume non-existent facts.

Findings:	Materials and analysis supporting findings:
<p>1. The planning commission findings supporting denial of the ACPD application and its subsidiary components of rezoning, acceptance of a parkland gift with road access, preliminary plat approval and CUP were substantially based on neighborhood lobbying as follows: 1. traffic safety concerns, which was contradicted by the report from Afton’s city engineers, 2. adverse impact on the neighborhood, which was contradicted by the city’s planner and county and state agency communications to the city 3. concerns of adverse ecological impacts on the neighborhood from surface water runoff, contradicted by the city’s engineers. Earlier in their lobbying the neighbors argued there would be damage to the trout stream and adverse effects on neighboring agricultural uses, both of which are contradicted by communications to the city from the Lower St. Croix Watershed, Washington Conservation District, Minnesota Department of Natural Resources and the Minnesota Land Trust.</p>	<p>In <i>Minnetonka Congregation of Jehovah's Witnesses, Inc. v. Svee</i>, <a href="#">226 N.W.2d 306 (Minn. 1975)</a>, the Minnesota Supreme Court affirmed the lower court issuance of peremptory writ of mandamus requiring the city of Minnetonka to grant a CUP to a church. <i>This case is cited in the League of Minnesota Cities information memo titled, Taking the Mystery Out of Findings of Fact which was supplied to the city by councilman Richter.</i></p> <p>As in the case before Afton, the court noted “...there was great opposition by the neighborhood...”. Neighbors had engaged in lobbying the planning commission and city council to block granting of the permit with, as the court said:</p> <p style="padding-left: 40px;">“The spokesman for the neighborhood opposition expressed the following reasons in urging denial of the permit:</p> <ol style="list-style-type: none"> <li>(1) Traffic.</li> <li>(2) Building structure and appearance.</li> <li>(3) Sanitation and drainage.</li> <li>(4) Basic effect on the neighborhood.</li> </ol> <p>The council passed a motion (5 to 2) to deny the application on grounds <i>the traffic would have an adverse effect on the neighborhood</i> <a href="#">308*308</a> and because <i>"this type of development would be inconsistent with surrounding R-1 land use."</i></p>

	<p>The court stated in affirming the lower court:</p> <p>"The denial by the Minnetonka City Council of Petitioner's application for a conditional use permit and a building permit to construct a church on the above described land was arbitrary and capricious and is therefore invalid."</p>
<p>2. The preservation and land conservation development is consistent with the comprehensive plan of the City and the City's PLCD ordinance.</p>	<p>Afton's PLCD ordinance spells out the purposes for its use:</p> <p>"A. To permit subdivisions in the Agricultural Zoning District which require the construction of a new public street.</p> <p>B. To encourage a more creative and efficient development of land and its improvements through the preservation of agricultural land, natural features and amenities than is possible under the more restrictive application of zoning requirements, while at the same time, meeting the standards and purposes of the comprehensive plan and preserving the health, safety, and welfare of the citizens of the City.</p> <p>C. To preserve open space, to preserve the natural resources of the site and to preserve wildlife habitat and corridors.</p> <p>D. To facilitate the economical provision of streets and public utilities.</p> <p>E. To allow the transfer of development rights (density) within a subdivision in order to preserve agricultural land, open space, natural features and amenities." <i>Afton Ordinances, Article XII, Sec. 12-2373.</i></p>

	<p>“Agricultural Zoning using a Preservation and Land Conservation Development on a minimum of 80 acres: 4 dwelling units per quarter-quarter section. Land developed under this option would be subject to conservation easements, and subdividers would be required to set aside an extensive part of their property for continued farming or conservation. The City intends to provide more intensive land use planning throughout this zone so as to coordinate and link the preservation areas for maximum benefit and minimal impact to the character of the community.” <i>Comp. Plan, pg 22</i></p> <p>Comp. Plan Policy:  “c. Agricultural with a Preservation and Land Conservation Development and a minimum of 80 acres - 4 dwelling units per quarter-quarter section.” <i>Comp. Plan pg. 27</i></p> <p>“Protect steep slopes, tree cover, wetlands and other fragile lands through conservation easements, scenic easements, and other available means...” <i>Comp. Plan pg 20</i></p> <p>“Partner with the Minnesota Land Trust and other independent, non-profit organizations that can serve as holding entities for conservation easements.” <i>Comp. Plan, pg 28</i></p> <p>“Encourage the use of conservation or open space design subdivisions where the subdivision permanently preserves open space or agricultural land uses or creates transition zones with adjoining zones or jurisdictions.” <i>Comp. Plan pg. 28</i></p> <p>See also, every citation to provisions of the Comprehensive Plan which are referred to as specifically supporting other findings.</p>
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	<p>For the above reasons, the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, A.</i></p>
<p>3. The preservation and land conservation development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities.</p>	<p>All residential parcels within the development are adjacent to parcels containing residences and the conservation parcels protect natural amenities identified by the South Washington Watershed, <i>Exbt. 1</i>, The Washington Conservation District, <i>Exbt. 2</i>, and the Minnesota Land Trust, <i>Exbt 3</i>, as areas which should be protected.</p> <p>The PLCD is designed to preserve the natural amenity of Trout Brook which is specifically called out for preservation in Afton’s Comprehensive Plan:</p> <p>“The City seeks to protect a number of significant natural features within its boundaries. These include Trout Brook...” Comp. Plan pg. 40.</p> <p>“Passing through Afton Alps and Afton State Park before discharging into the St. Croix River, Trout Brook has been classified by the DNR as a protected waterbody. The brook has seeps and spring discharges typical along the stream channel and its tributaries. It is one of the most significant perennial streams in the watershed.” Comp Plan pg 78</p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, B.</i></p>
<p>4. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.</p>	<p>The development places the residential lots along the east and northern boundaries of the development, providing consistency with the current five-acre minimum zoning for those areas and places the 99.73-acre conservation area on the western side of the development where it provides a smooth transition between its use and that of the adjoining property.</p>

	<p>Even if changes in local zoning in the future permit subdivision of lots to the north, east and west to higher densities than the current 5-acre minimum lot requirements, the presence of lower densities in the PLCD will continue to provide an ecological, scenic and aesthetic benefit to the community as a whole.</p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, C.</i></p>
<p>5. The tract is a minimum of eighty (80) contiguous acres in size</p>	<p>The total tract is in excess of two hundred acres.</p> <p>For the above reason the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D.</i></p>
<p>6. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.</p>	<p>The development plans place homes more than a quarter mile from 60th Street, the nearest street from which they can be seen. and can be subject to CUP imposed color restrictions causing them to blend into the hillside. There will be no houses alongside 60<sup>th</sup> Street.</p> <p>The underlying zoning would permit three five-acre residential lots right on 60th Street in the shoreland, clearly visible and, due to the absence of any CUP requirement, no restrictions imposable on color or visibility.</p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D, 1.</i></p>
<p>7. The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.</p>	<p>Development within the existing zoning district would place residences in the shoreland district, immediately adjacent to Trout Brook, further degrading a Department of Natural Resources designated impaired trout stream in need of restoration and placing homes directly in the Trout Brook drainage, leaving open for future</p>

development the entire high ecological value area to the north.

Alternative development patterns would do less to protect the environment from future development and leave open the risk of immediate damage through placement of homes in the shoreland district. Residents close to the proposed PLCD have a preferred local alternative, Exbt. 4, which would protect none of the environmentally fragile drainage to Trout Brook and leaves open the potential for three homes in the shoreland district off 60th Street. The neighbors stated their preference for this alternative in Exbt. 5.

Also attached is Exbt. 6 which shows the alternative as it was presented to them by the developer. It showed access easements with questions marks as required by City Ordinance Sec. 12-1378 C and J.

“J. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets. A temporary turn-around or cul-de-sac shall be required by the City if a road will be a dead end until an adjoining tract is developed.”

The required Sec. 12-1378 connections to the undeveloped parcel enable future development when expected and inevitable local zoning changes occur in the future. The end result of the locally preferred alternative will be permanent destruction of the otherwise preserved drainage causing environmental damage to Trout Brook. This is as anticipated and described by the Minnesota Land Trust’s rejection of this alternative, *Exbt. 3*.

	For the above reasons and those listed in findings 8, 9, and 10 below, the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D3.</i>
8. The eastern one-third of the ACPD property containing the majority of the residential lots is currently in agricultural use but is poor agricultural land.	See attached Exbt. 7, Afton Comp Plan, Appendix I, Map 3, showing the eastern one-third of the property does not meet the Metropolitan Council's Prime Ag Criteria.
9. Most of the eastern and southern part of the property is not in agricultural use because it is unsuitable for agricultural use due to steep slopes, riparian wetland and ephemeral drainage.	See attached Exbt. 8 showing the drainage easement covering most of the eastern one-third of the property and shoreland district, the stream, and the riparian wetland in the southern part of the property, and finally, the steep slopes in the conservation area in south-east part of the property. <i>Applicant's Preliminary Plat survey, Exhibit F</i>
10. The ACPD satisfies and accomplishes the environmental objectives of the special Agricultural Preserve Overlay District in which it is to be located to a greater degree and more completely than the current use by converting poor and unusable agricultural land to residential property and, in the case of environmentally fragile land, to open space protected by a conservation easement.	<p>The Agricultural Overlay District states:</p> <p>"To address environmental concerns detailed within this plan and to maintain our overall 1/10 density, this plan creates an Agricultural Preserves Overlay District. With the Agricultural Preserves Overlay District, the Agricultural District is envisioned to allow for three development scenarios:</p> <p style="text-align: center;">***</p> <p>3. Agricultural Zoning using a Preservation and Land Conservation Development on a minimum of 80 acres: 4 dwelling units per quarter-quarter section. Land developed under this option would be subject to conservation easements, and subdividers would be required to set aside an extensive part of their property for continued farming or conservation." <i>Comp. Plan, pg 22.</i></p> <p>Improvements resulting from PLCD:</p> <p>"Converting agricultural lands to grasslands like prairie can offer measurable benefits to water quality. Excess phosphorus, one of the leading causes of the eutrophication of lakes and streams, has a minimum of a six fold</p>

	<p>decrease in entering nearby waterbodies when converting land from row crops to grasslands. Converting 135 acres of row crops to prairie within the Trout Brook watershed will dramatically improve the water quality of Trout Brook and assist in reaching the Phosphorus reduction goals outlined in the Lower St Croix TMDL.”  <i>Washington Conservation District letter to the city. Exbt. 2</i></p> <p>The current use of much of the site involves row-crops planted on steep slopes above Trout Brook with resulting phosphate and nitrogen loaded fertilizer runoff into the stream causes algae blooms, and vegetative choking of the waterway. Restoration resulting from the PLCD will restore large sections of the upper slopes to native prairie, addressing Trout Creek degradation and reversing damage identified by watershed directed studies:</p> <p>“Discussion of Fishery Low base flow and a lack of well-developed pool-riffle sequences limit suitability for cold-water and warm-water species. Do [Sic] to its relatively small drainage area Trout Brook derives most of its flow from base flow. <u>This flow has likely been reduced by the conversion of the watershed landscape from prairie, forest and wetlands to agriculture</u>” <i>Trout Brook Management Plan, Emmons &amp; Olivier Resources, Inc. for the Lower St. Croix Watershed Management Organization</i></p> <p>“Sources of Pollution [Sic] ... agricultural runoff ... fertilizers, herbicides, pesticides...”  <i>Trout Brook Management Plan, Emmons &amp; Olivier.</i></p> <p>In addressing the impact of the development on overland sheet flow onto adjacent</p>
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	<p>property to the east, the city engineers stated:          “The City and developer are aware of the sensitivity of the properties that have existing drainage problems and modeling currently shows, flow rates specifically off the eastern properties will be greatly reduced in typical storm events because there are no existing stormwater controls.”  <i>Memorandum to City Administrator, 2/27/18, pg. 5</i></p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII Sections 12-2375, B. and D. 2., D.3., and D4</i></p> <p>Recommended CUP provision:</p> <p style="padding-left: 40px;">All development requirements specified by the city engineers now existing or later communicated shall be met, including but not limited to those stated in existing memorandums to the city and/or developer.</p>
<p>11. The proposal would provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.</p>	<p>See supporting references in 6 above and 8 below. In addition, the proposed development is designed not only to withstand current developments, but to provide long term protection against future increases in density as a result of changes in the zoning of the underlying zoning district through:</p> <ol style="list-style-type: none"> <li>1. a conservation easement on the open space</li> <li>2. restrictions on subdivision of the residential lots contained in the homeowners’ association bylaws and</li> <li>3. the restrictions running with the land in favor of owners of land adjacent to the development. CUP provisions requiring limited visibility of homes from adjacent streets and from neighboring homes can</li> </ol>

	<p>further improve the conservation easement over development alternatives.</p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D, 3</i></p>
<p>12. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site more effectively than would otherwise occur in the underlying zoning district.</p>	<p>Three residential lots can currently be placed in the shoreland district, immediately adjacent to Trout Brook. The ACPD prevents that from occurring now or in the future, even in the event the underlying zoning changes, through the use of a conservation easement, homeowners' association provisions and restrictions on use running in favor of landowners adjoining the ACPD and others.</p> <p>The alternative proposal announced as acceptable to the ten objecting neighbors would not protect the natural resources of the site more effectively.</p> <p>Neither a continuation of the current use or the marginally better neighbors' preferred alternative discussed fully in finding 7 above would protect the current open space and cropland from long term development. In either case the city's goals, strategies and policies in favor of long-term preservation of low density and of the environment would be frustrated.</p> <p><u>The open space and ecological preservation failures of the locally preferred alternative are articulated in the Minnesota Land Trust's rejection and refusal to hold a conservation easement on its open space. Exbt 3.</u></p> <p>Recommended CUP Provision:</p> <p>The applicant(s) shall grant a Conservation Easement which shall run with the land in perpetuity to the City of Afton, all of the owners of the</p>

	<p>lots and parcels to be created in the PLCD, all land owners of property within Afton abutting the PLCD and the Minnesota Land Trust (or similar independent third party approved by the City of Afton), which restricts the lots and parcels, as well as the development rights on the undeveloped parcel(s), within the PLCD to the number of dwelling units approved for the PLCD and the land cover and use approved by the City of Afton as a part of this PLCD.</p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D, 4.</i></p>
<p>13. At least fifty (50) percent of the total tract is preserved as an undeveloped parcel</p>	<p>The undeveloped parcel is _____ acres, constituting _____ % of the whole development acreage, thus meeting the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, E.</i></p>
<p>14. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.</p>	<p>The residential lots adjacent to the development consist of wooded lots, visually and acoustically buffered by vegetation and land contour, with homes in the development located at distances from the existing homes in the neighborhood further removed than existing homes are from each other.</p> <p>The horse farm which occupies a centrally located position along the 60th Street boundary of the development will be bounded on one side by 60th Street as it is today, on the west side by native prairie in the conservation easement, on the north side by more fifty percent or more of each lot planted in native prairie, and on the east side by wooded conservation easement and by a residential lot's native prairie occupying fifty percent or more of the lot. Western boundary of the development is in open</p>

	<p>space and agricultural use consistent with and not adversely impacted by native prairie and woodland.</p> <p>Recommended CUP provisions:</p> <ol style="list-style-type: none"> <li>1. The fifty-foot setback of every residential lot adjoining the horse farm with a scenic easement and ten-foot-high vegetative screening.</li> <li>2. There shall be a one-hundred-foot-wide strip planted in native vegetation on all residential lots adjoining the horse farm with the exception of any infringing portion of a driveway,</li> </ol>
<p>15. The provision and construction of dwelling units and common open space are balanced and coordinated.</p>	<p>The development more than meets the PLCD requirement of 5 acres of open space for each five-acre residential lot by providing more than one hundred acres of open space for the less than one hundred acres of residential lots.</p>
<p>16. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the development.</p>	<p>“Upon review of the preliminary plat documents and supporting traffic study, WSB determined that the project is technically feasible from a traffic engineering standpoint based on the current posted speed limit, projected traffic volumes, and additional speed data. This conclusion was based on preliminary plat documents meeting Minnesota Department of Transportation (MnDOT) guidelines which follows American Association of State and Highway and Transportation Officials (ASSHTO).” WSB <i>Memorandum to City Administrator, 2/27/18, pg. 1.</i></p> <p>In addressing traffic safety at both the 60<sup>th</sup> Street access and the Odell Ave. access the city engineers found:  “There is no recorded accident history at this location that would indicate any deficiencies in traffic operations.” WSB <i>Memorandum to City Administrator, 2/27/18, pgs. 2 &amp; 3.</i></p>

	<p>The conclusion of the city engineer’s traffic review was: “There is no evidence or data that has been submitted that shows there are any safety issues associated with the access road or the approaches from Trading Post and 60th Street or Odell Avenue.” <i>WSB Memorandum to City Administrator, 2/27/18, pg. 3</i></p> <p>The city engineer’s October 12, 2017 follow-up road safety report indicates that an increase in the already acceptable level of road safety at the curve on Trading Post and 60th Street is possible by the Afton City Council passing a resolution to place warning signs for the curve.</p> <p>The PLCD has within its boundaries more common walking area than other developments in Afton satisfying the requirement of providing recreational and park-like amenities. It does this without cost to the city.</p> <p>All water and septic systems are homeowner-provided through private wells and septic systems. The city provides no utilities or public facilities.</p> <p>Road infrastructure is constructed by the developer who, in addition to providing the internal roads in the development, is paving an external gravel city road, 60<sup>th</sup>, from its junction with Trading Post to its intersection with Neal, lifting a substantial infrastructure improvement cost off the city’s shoulders.</p> <p>Afton is part of a multi-city school district. Eighteen additional homes have an insignificant impact on schools.</p> <p>Recommended CUP provisions:</p>
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	<ol style="list-style-type: none"><li>1. Placement of 20 MPH speed advisory plaques (W13-1P in place of the existing Chevrons (W1-8) as advised by the city engineer with placement as shown on the engineer's attached Exhb. 9 WSB Memorandum to City Administrator, 10/12/17, Figure 3.</li> <li>2. The developer will post an irrevocable letter of credit with such release schedule and other provisions as the City shall in its sole discretion dictate in an amount equal to ** _____ times the cost of constructing the development and maintaining the development during completion, including but not limited to grading, landscaping, internal road construction, paving of 60th Street, construction of access roads, removal of improvements on the external five acre parcel through which an access road is to be built, re-landscaping of same with native vegetation, removal of invasive species on same, the city's engineering and legal costs in monitoring and enforcing construction to insure that it is in compliance with all specifications.</li> <li>3. Requirement that the developer improve 60th Street from its intersection with Trading Post to Neal to standards specified by the City's engineer at no cost to the City, including that portion lying within Denmark Township subject to the Township's approval.</li> <li>4. The City Engineer shall conduct a curve warning analysis along Trading Post Trail in the area from 60<sup>th</sup> Street to 42<sup>nd</sup> Street, at the developer's expense and in the event that study shows that additional</li></ol>
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	<p>warning signs are advisable, they shall be installed at the developer's expense.</p> <p>5. Sight distance standards shall be maintained during construction and shall be a required punch list item upon completion of construction, all subject to review and sign-off by the city engineer.</p> <p>6. In the event that a speed study shows that the speed limit on Odell can be lowered to 30, it shall be lowered by the city. The speed study shall be conducted and paid for by the developer.</p>
<p>17. Anecdotal evidence submitted by neighborhood residents with respect to the dangerous current condition of Trading Post and Odell Ave. is unpersuasive given the lack of corroborating data, accident history or non-compliance with MnDOT standards.</p>	<p>See city engineer's report quotes listed under finding #16 above and as additionally supported by additional information provided in memorandums themselves.</p>
<p>18. Neighborhood speculation that Odell Ave. and Trading Post would become dangerous as a result of the additional traffic generated by ACPD traffic is unpersuasive.</p>	<p>City engineer's report:  "From a traffic engineering standpoint, 170 additional trips per day is a minor increase in traffic volume that will not alter existing roadway characteristics." <i>WSB Memorandum to City Administrator, 2/27/18, pgs. 2 &amp; 3.</i></p>
<p>19. Neither the connection of ACPD's northern street to the City street through the five-acre park nor the connection of that street to Odell causes Odell to become something other than a local street.</p>	<p>The city engineer has stated that the connection of a subdivision does not in common usage cause a local street to become a collector street. It is Afton's established practice to connect new developments to local streets without changing the "local" designation of the streets connected to; this is demonstrated by more than a dozen examples of this having been done in the city. In many of these cases, the total volume of traffic added to a local street following in connection of multiple developments exceeded the volume of traffic being added by the ACPD.</p>

<p>20. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.</p>	<p>The development is self-contained with lots conforming to city requirements with respect to set-backs, other restrictions and has a desirable impact on adjacent parcels by controlling impervious surface runoff and eliminating surface water run-off onto adjacent parcels which has been taking place prior to development.</p>
<p>21. The drainage of stormwater which has adversely impacted adjacent residential parcels will be reduced by the ACPD.</p>	<p>“The City Engineer’s role was to determine if the project is technically feasible in terms of meeting stormwater management requirements from all jurisdictions, and based on the information provided, the Engineer believes this project will improve the drainage.” WSB Memorandum to City Administrator, 2/27/18, pg. 5</p>
<p>22. Incorporation by reference</p>	<p>For the reasons articulated in the above findings and supporting analysis and materials cited, the Afton Creek Preserve meets the requirements of Afton’s Comprehensive Plan and the requirements of Afton’s Ordinances, including but not limited to those listed in Article XII.</p> <p>Wherever materials or analysis is listed opposite a given finding but could equally apply to different finding, it is intended by the council to apply also to that or those different findings.</p> <p>Findings, analysis and materials forming the basis for the associated rezoning, acceptance of park land and acceptance of a road easement shall also support these findings where applicable and visa-versa.</p>

### **List of Exhibits to Preliminary Plat Approval and CUP Approval findings:**

1. E-mail from South Washington Watershed from John Loomis, Water Resources Program Manager.
2. Washington Conservation District letter from Jay Riggs, District Manager of the Washington Conservation District.
3. Minnesota Land Trust letter from Wayne Ostlie refusing neighbors' preferred alternative.
4. Map of neighbors' preferred alternative.
5. Letter to Council stating the ten signatory's preference for the neighbors' preferred alternative.
6. Map developer presented to neighbors on which their slightly different map was based.
7. Map showing eastern one-third of the development does not meet the Metropolitan Council's Prime Ag Criteria.
8. Map showing the drainage easement covering most of the eastern one-third of the development and the high value ecological resources protected by the conservation easement.

Exbt. 1

**From:** Loomis, John [<mailto:john.loomis@woodburymn.gov>]  
**Sent:** Friday, October 13, 2017 8:34 AM  
**To:** Ron Moose <[rmoorse@ci.afton.mn.us](mailto:rmoorse@ci.afton.mn.us)>  
**Subject:** Afton Creek Preserve PLCD

Ron,

I am writing to commend and congratulate the City of Afton for the development and implementation of the Preservation and Land Conservation Development (PLCD) ordinance as related to the proposed ACPD. It is an innovative approach to allow development and protect valued resources. We hope that the successful implementation of the ordinance will serve as a model not only for other landowners in Afton, but throughout southern Washington County.

One of the greatest threats to Trout Brook is runoff and erosion of bluffs and streambanks. We worked with Bob Schuster in the past to limit those threats to Trout Brook by stabilizing active ravines and converting turf grass along the top of the bluff to native prairie. While those efforts were valuable and did help to protect Trout Brook, we are thrilled that the proposed conservation easement will permanently protect the bluff and stream corridor. Further, planting natives on the new residential lots which previously were used to grow row crop as proposed will directly attack the cause of runoff and erosion concerns. We look forward to working with the City of Afton and Minnesota Land Trust to continue to restore and protect Trout Brook.

The PLCD concept and this proposed project are great assets to the community and watershed. Thank you for the chance to be involved in the development process and for your commitment to protecting Trout Brook. Let me know if you need anything else.

John Loomis

Water Resources Program Manager

[South Washington Watershed District](#)

[@SoWashWD](#)

[2302 Tower Drive](#)

[Woodbury, MN 55125](#)

P: [\(651\) 714-3714](tel:6517143714)

Exbt. 2



February 20, 2018  
Mr. Ron Moore  
Administrator  
3033 St Croix Trail S  
Afton, MN 55001  
Dear Mr. Moore,

As the District Manager of the Washington Conservation District, it is our mission to enhance, protect, and preserve the natural resources of Washington County through conservation projects, technical guidance, and educational services to citizens and local government. The developer of the ACPD has asked us to provide some feedback on the benefits of the 135 acres of prairie restoration in his proposed design.

We support the implementation of sustainable landscapes such as tallgrass prairie for the multiple benefits they provide. Converting agricultural lands to grasslands like prairie can offer measurable benefits to water quality. Excess phosphorus, one of the leading causes of the eutrophication of lakes and streams, has a minimum of a six fold decrease in entering nearby waterbodies when converting land from row crops to grasslands. Converting 135 acres of row crops to prairie within the Trout Brook watershed will dramatically improve the water quality of Trout Brook and assist in reaching the Phosphorus reduction goals outlined in the Lower St Croix TMDL.

In addition to water quality, prairie restoration offers habitat for a wide variety of plants and animals. The St Croix Valley hosts a diversity of wildlife; many are listed by the Minnesota Department of Natural Resources as "Species of Greatest Conservation Need". One of the groups of birds especially in decline is grassland birds. These species depend on large tracts of remnant or restored grasslands such as the bobolink and the meadowlark. Prairie restorations at a scale like the Afton Creek Preserve will provide habitat for these species. Not only is the scale of this restoration important, but the location is valuable as well. The monarch butterfly uses the St Croix River flyway on its migration. Finding large populations of milkweed and other important nectar species along its migratory route is critical for this iconic species.

Please consider these important ecological benefits in your review of the prairie restoration at Afton Creek Preserve.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long tail stroke extending to the left.

Exbt. 3

**From:** Wayne Ostlie [<mailto:wayneostlie@minnesotalandtrust.org>]  
**Sent:** Tuesday, February 27, 2018 9:11 AM  
**To:** Joe Bush <[joe@joebushmn.com](mailto:joe@joebushmn.com)>  
**Subject:** Re: Please call joe bush

Joe:

Thanks for passing along the revised site plan for our review. After a review, here are my thoughts:

- The revised plan does far less for protection of Trout Brook than any of the previous plans and is inferior in that regard. The original design created a substantial buffer of habitat along Trout Brook. Although this design retains that buffer along the lower portion of the design, the upstream section is no longer addressed through this site plan.
- The shape of the proposed conservation easement is very irregular with significantly more edge than would be optimal from ecological and easement enforcement standpoints. As you recall, one of the main elements we addressed in the previous designs was the creation of a large block of habitat (to the extent possible) that would provide habitat for wildlife. That gets sacrificed to a significant degree through this proposed site plan.
- The site plan also places 4 lots in positions that back up to the proposed easement area. We have found that these situations often create long-term enforcement headaches through encroachment from adjacent landowners. Although there are ways to ameliorate this threat to some degree (fencing, etc.), it is unclear whether those measures are proposed here. The previous site plan also had four lots, but the conservation benefit was significantly greater.
- Finally, the potential for a road to cut across the heart of the easement area is problematic. To accommodate the potential for this road, this thoroughfare would need to be incorporated into the design of the easement area. Our preference would be to excluded it altogether from the easement area. This would effectively split the easement into two parts, which would again be a detriment to any habitat values for wildlife and add enforcement risk and associated costs going forward.

Overall, this is a significant step backward in terms of conservation value when compared with previous plans. Quite frankly, this proposed site plan would not meet the Land Trust's mission and we would not be interested in holding an easement as designed.

Thanks for the opportunity to review.

Wayne

--

Wayne Ostlie  
Director of Land Protection  
Minnesota Land Trust  
2356 University Ave W., Suite 240  
St. Paul, MN 55114

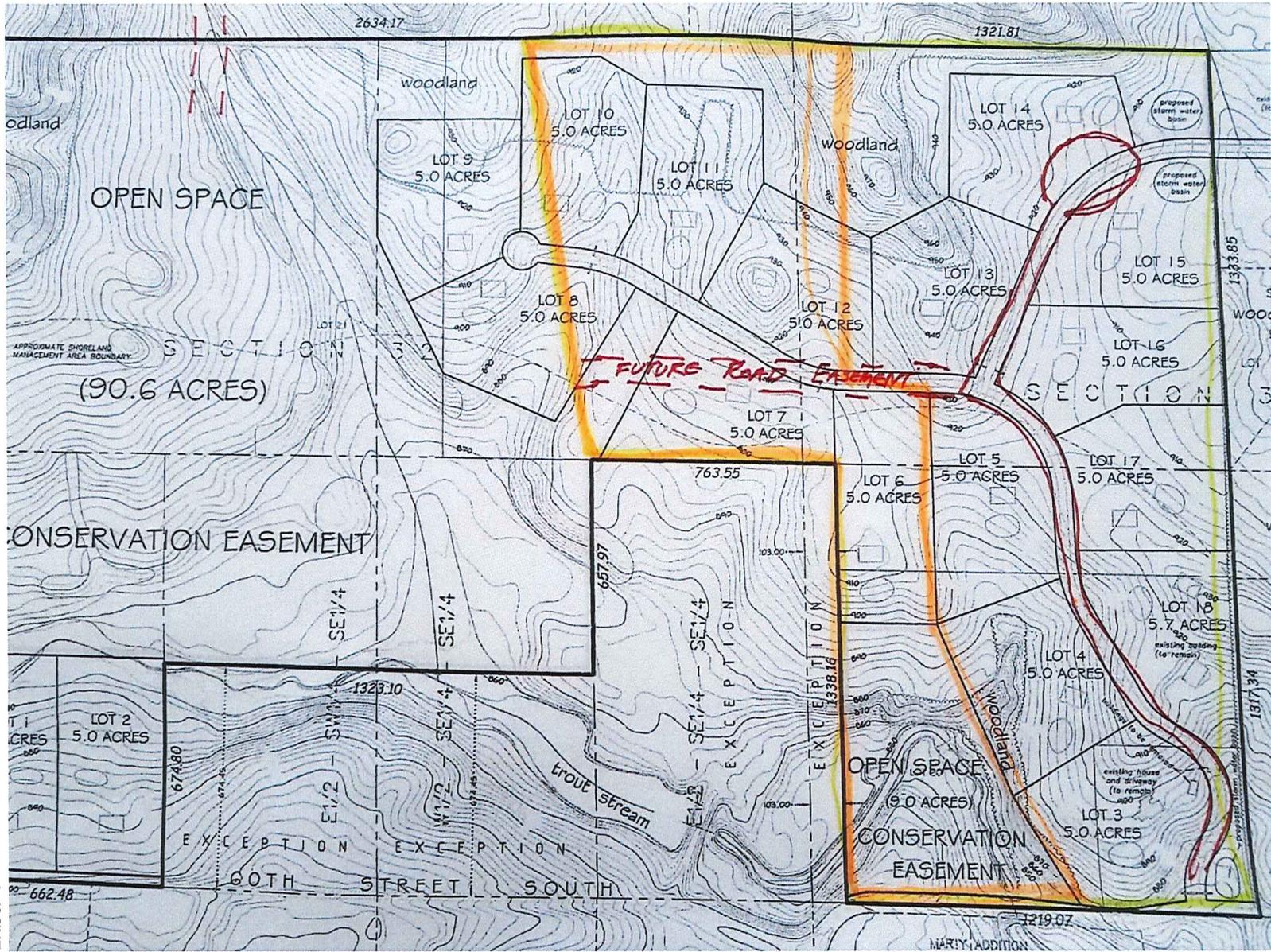
Office: (651) 917-6292

Cell: (651) 894-3870

[wostlie@mnland.org](mailto:wostlie@mnland.org)

[www.mnland.org](http://www.mnland.org)

*Protecting the places you treasure...forever.*



Exbt. 4

Exbt. 5

**From:** Mary McConnell [<mailto:marymcconnell@comcast.net>]  
**Sent:** Thursday, March 01, 2018 10:30 AM  
**To:** mayor <[mayor@ci.afton.mn.us](mailto:mayor@ci.afton.mn.us)>; ward1 <[ward1@ci.afton.mn.us](mailto:ward1@ci.afton.mn.us)>; ward2 <[ward2@ci.afton.mn.us](mailto:ward2@ci.afton.mn.us)>; ward3 <[ward3@ci.afton.mn.us](mailto:ward3@ci.afton.mn.us)>; ward4 <[ward4@ci.afton.mn.us](mailto:ward4@ci.afton.mn.us)>; 'Randy' <[rpnelson501@gmail.com](mailto:rpnelson501@gmail.com)>; 'Joe Richter' <[joerichter@mac.com](mailto:joerichter@mac.com)>  
**Cc:** Ron Moore <[rmoorse@ci.afton.mn.us](mailto:rmoorse@ci.afton.mn.us)>  
**Subject:** Carlson PLCD-Revised Bush Proposal and Neighborhood Support

Mayor and City Council Members: A group of neighbors met with Joe Bush this past Sunday at his request where he proposed a new concept plan. The concept plan shows 9 lots on a cul-de-sac utilizing the single Schuster access with a 50-acre conservation easement east of the development and north of the Turner property. I have attached a rough drawing of the proposal we viewed. The neighbors can support this concept layout and we hope you will too. We think it addresses the community concerns about road safety, density and the impacts on the Turner/Rhode horse sanctuary in a meaningful way. This plan also does not require a variance from our ordinances as we understand it. Its reduced size also exposes the City to less financial risk.

We appreciate the thought that went into this layout by the developer and your efforts to encourage the developer to address our concerns with this revised plan.

While some may be concerned that this smaller plan does not lock up the entire 100 acres in a conservation easement at this time, Mr. Bush has indicated that the remaining 50 acres will not be farmed in row crops but will remain in native grasses and pollinator plants and possibly be used for a bee operation mitigating any water quality concerns.

Thank you.

Mary McConnell

Kathy Graham

Randy Graham

Teresa Lewandowski

Christian Dawson

James Rickard

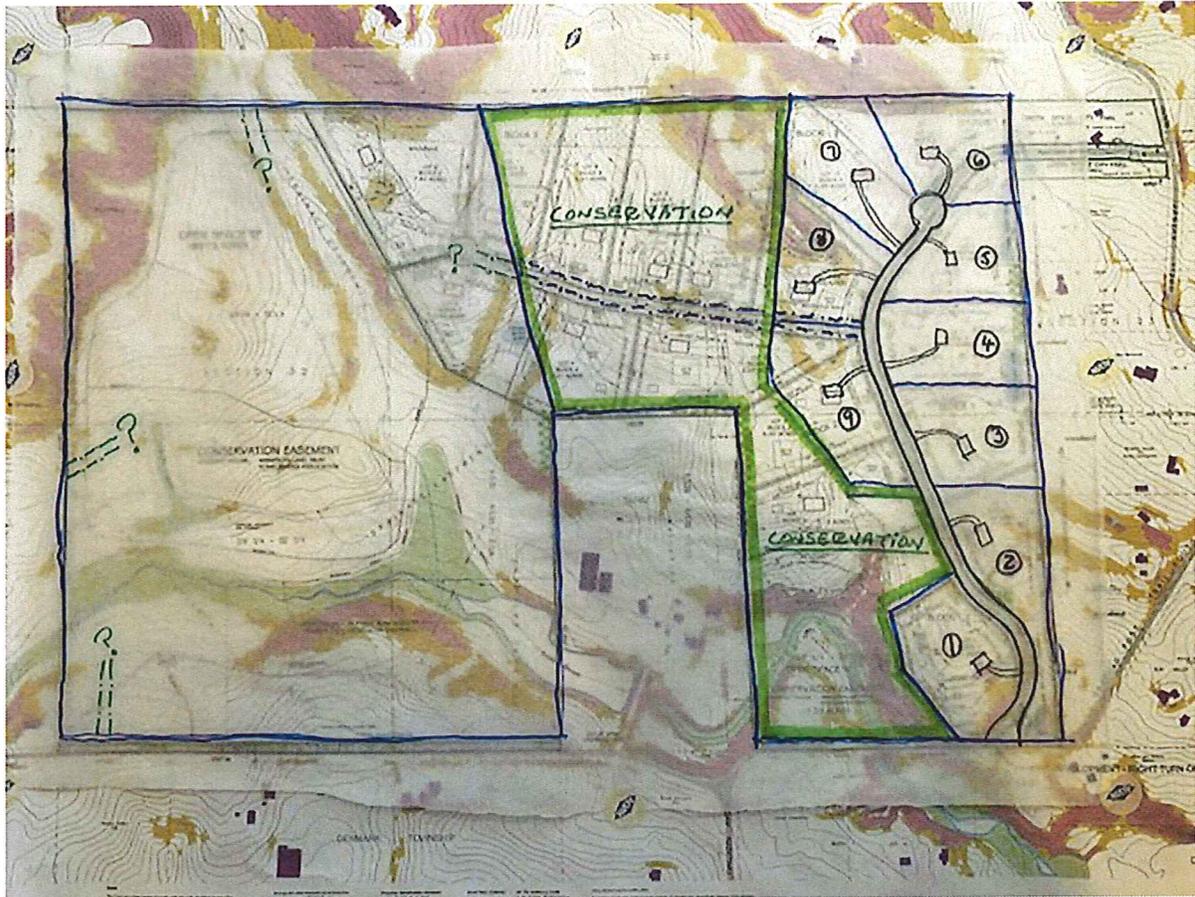
Nicole Ricard

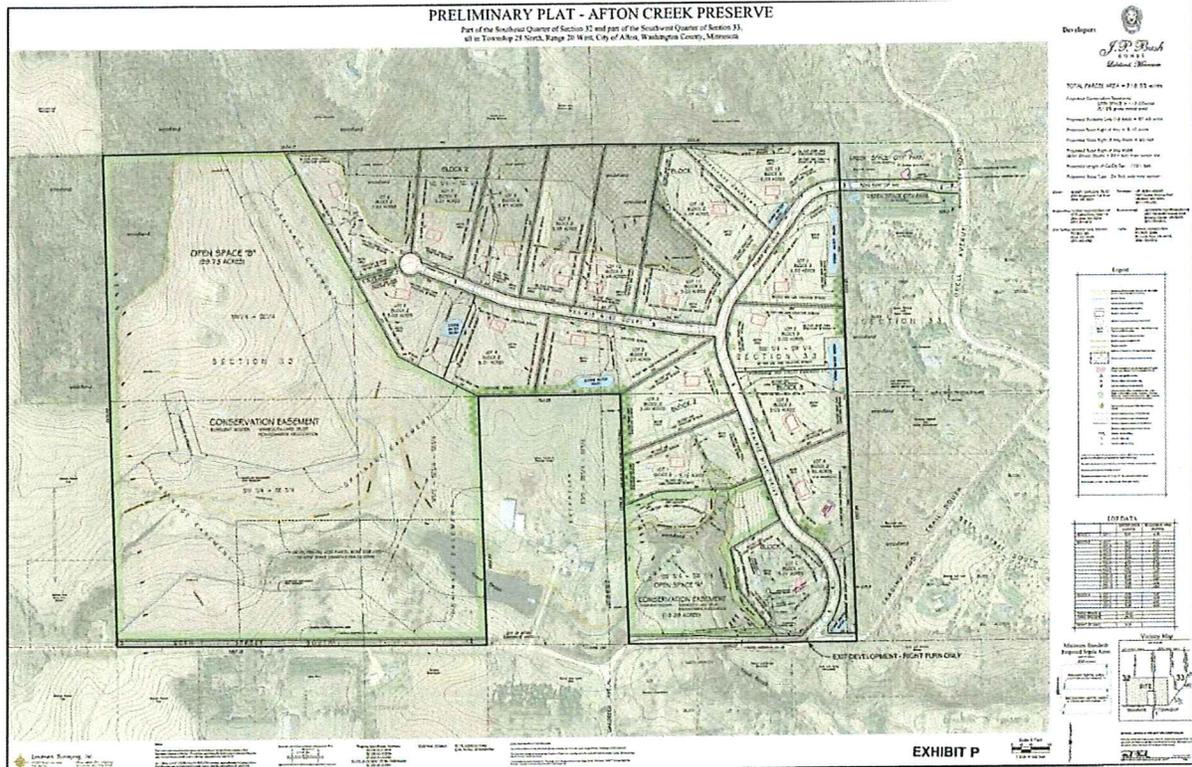
Patrick Leahy

Nancy Turner

Tom Rhode

Exbt. 6

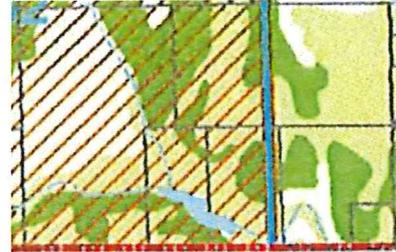




Exbt. 8

(From Afton Comprehensive Plan, Map 3)

Map Image Cropped to show development only:



**Agricultural Class**



Prime Soils (Class I & II)



Soils of Statewide Importance



Area Meeting Met Council  
Prime Ag Criteria



City of Afton



Section Lines



Parcel Boundaries

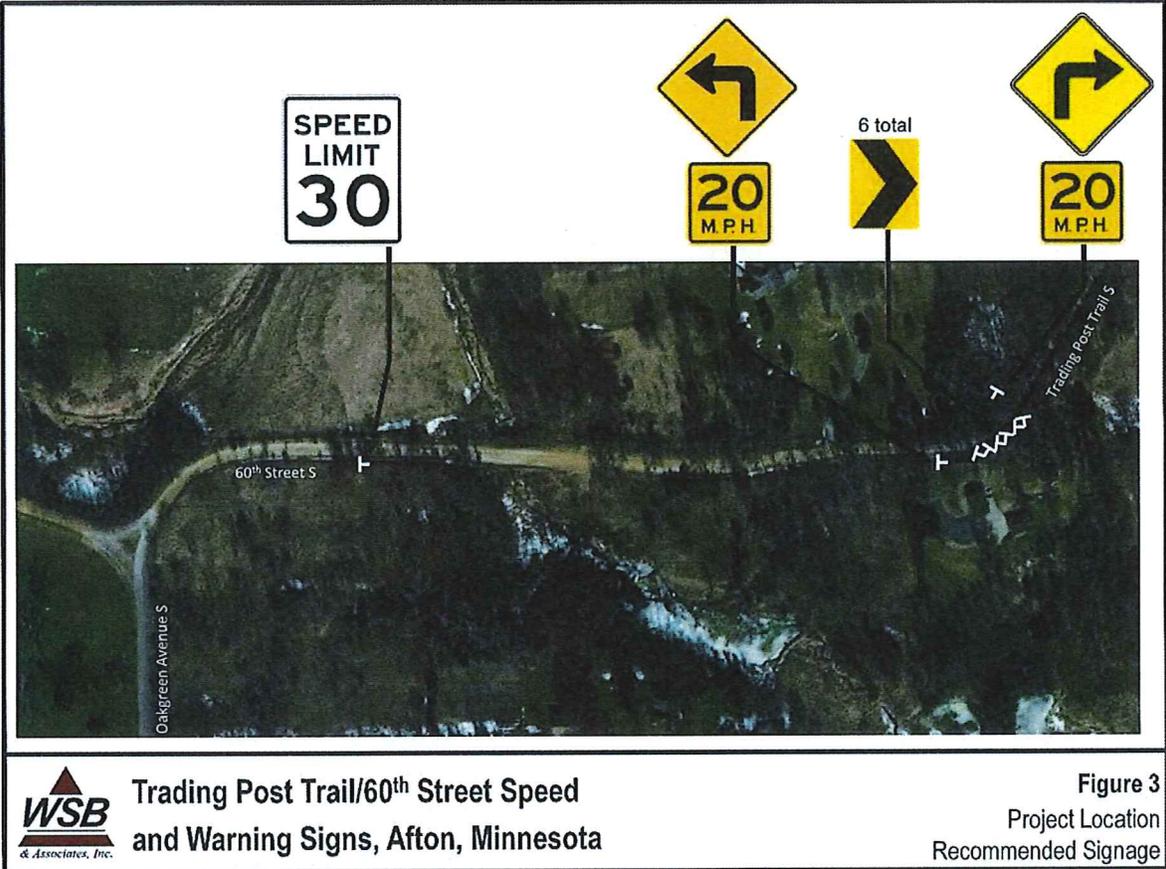
**Roads**



Major Roads



Local Road



1 Chair Fox indicated that is part of the reason he did not want to take that language out. He then  
2 said he would like to know where the Planning Commission wants to start for reconsideration.

3  
4 Commissioner Ronningen asked what the Council directed the Planning Commission to do as  
5 she has not seen the Minutes so unless there are some specifics in mind it is hard to move  
6 forward.

7  
8 Commissioner Bend said it might be most efficient to decide whether or not it is going to be the  
9 Planning Commission's recommendation to recommend repeal. Then, if repeal is recommended,  
10 the Planning Commission could discuss how to move forward. He then said that the Planning  
11 Commission tried to reform the open space ordinance and discovered some difficulties in doing  
12 that in a single evening, and due to the fact that there was a moratorium about to expire the only  
13 choice was to repeal and then rewrite the ordinance.

14  
15 Bobbie Elston indicated that they submitted the changes that they thought were appropriate to the  
16 City Administrator and asked if they were provided.

17  
18 Administrator Strauss indicated that she received and distributed to them

19  
20 Ms. Elston said that it would be appropriate to discuss the changes tonight.

21  
22 Chair Fox pointed out that this is a public hearing on a repeal of the Ordinance.

23  
24 Commissioner Holzmer said that he sees nothing about bringing back the PAUD in the Minutes  
25 from the last meeting.

26  
27 Commissioner Pennella indicated that without reinstating the PAUD there is no relief for  
28 landlocked property owners.

29  
30 Commissioner Holzmer commented that the Ordinance has never been used.

31  
32 Commissioner Pennella indicated that it has been used in the past and if it is not reinstated there  
33 will be landlocked parcels that cannot obtain access by constructing a road.

34  
35 Commissioner Ronningen indicated that Page 4 of the Minutes mentions the reinstatement of the  
36 PAUD Ordinance.

37  
38 Kate McGann said that this all seems really weird and there is no opinion and this is just a rubber  
39 stamp for the Council. She then said that this is really dysfunctional. She further said that the  
40 Open Space Ordinance has some flaws but she feels it would be a serious mistake to completely  
41 repeal it.

42  
43 Ms. McGann said that the spirit of the Ordinance required forward thinking. She then said that if  
44 this is taken away the options for people who need to dispose of their property are taken away.  
45 This piece of legislation that was approved is an awesome way to preserve open space. She

1 Commissioner Ronningen said that she does not think that the ordinances should be an issue.

2  
3 Jane Pahl said that she would recommend finding out if they have a sewer system when making  
4 comparisons.

---

6  
7 **8. OLD BUSINESS**

8  
9 **A. Update on City Council Actions**

10  
11 Chair Fox indicated that there were no council actions since the Planning Commission meeting  
12 on January 22, 2008.

13  
14 Council Member Nolz indicated that there was a maximum dollar amount to review results of the  
15 Xcel fly ash study and the City received a grant. Administrator Strauss resigned. Council met  
16 this afternoon to interview candidates for the Interim City Administrator position.

17  
18 **B. Open Space and/or Preservation and Land Conservation Developments**  
19 **Ordinance**

20  
21 Chair Fox said he liked the zoning change requirement in the CGI ordinance. In the Pennella  
22 proposal rather than zoning change it would be an easement in favor of the City, residents of  
23 development and the abutting properties. The issue he has with that is in development along  
24 Manning some of the abutting properties would not be in Afton.

25  
26 Commissioner Ronningen said that preserving open space means you do not develop it. She then  
27 said that she likes the Ordinance from Grant.

28  
29 Commissioner Holzmer said that the Met Council has said to keep the zoning at 10 acres because  
30 that leaves it open for future urbanization.

31  
32 Chair Fox said that the other issue that came out of the Grant proposal is that it does nothing to  
33 provide access to the "landlocked" parcels of land. Grant says that is up to the property owners  
34 to work out. He then said that the PAUD and the other proposal would provide the ability to  
35 build roads in the area to develop them.

36  
37 Commissioner Ronningen said that she does not feel that a special interest group should receive  
38 special treatment. She then said that she feels that Grant's Ordinance is very simple and easy to  
39 understand. She then said that she thinks that cluster housing is a fad that keeps coming out but  
40 she sees no merit to it.

41  
42 Commissioner Chalupa said she would like to protect resident interests with as little government  
43 control as possible.  
44

1 Ray Swanson from the West Lakeland planning Commission said that they would like to work  
2 together with Afton as it seems the issues and concerns are the same with this proposed  
3 development.

4  
5 **MOTION/SECOND: Fox/Holzmer. To Continue the Public Hearing to the Next Meeting.**

6  
7 **Ayes – 6**

**Nays – 0**

**Motion carried.**

8  
9 **8. OLD BUSINESS**

10 **A. Update on City Council Actions**

11  
12 No report.

13  
14 **B. Open Space and/or Preservation and Land Conservation Development**  
15 **Ordinance**

16  
17 The Commission took at short recess to review the Ordinance at 8:20 p.m..

18  
19 The Commission reconvened at 8:30 p.m.

20  
21 The Commission began reviewing the Open Space and/or Preservation and Land Conservation  
22 Ordinance page by page.

23  
24 Commissioner Holzmer questioned the allowed uses in the ag zone and whether this is  
25 conflicting with the purpose of what the City is trying to do. Planner Holien said she does not  
26 think it is conflicting.

27  
28 Commissioner Ronningen would like to go to 80 acres not 40.

29  
30 Chair Fox would like to suggest that they be contiguous acres.

31  
32 Commissioner Holzmer said that he does not think this ordinance would ever be used on a 40  
33 acre parcel.

34  
35 The Commission agreed to change to 80 acres.

36  
37 **The Commission discussed land locked parcels. The consensus was that individual property**  
38 **owners would need to work out access issues with other property owners.**

39  
40 The Commission discussed the issue of conservation easements in favor of abutting landowners  
41 on Page 6 of the Ordinance. Commissioner Bend suggested editing the language to state that this  
42 would be all abutting Afton landowners, but would not include landowners outside Afton's  
43 boundaries.

44



1 The Commission discussed the conservation easements and how to preserve undeveloped  
2 parcels.

3  
4 Commissioner Pennella would like to see a farmer to be able to retain ownership after  
5 development with restrictions for no further development but allow the land to be farmed.

6  
7 Commissioner Ronningen said that she thinks that the property would have to be leased back to  
8 the farmer to allow that to happen.

9  
10 The Commission reinstated the stricken language in paragraph five.

11  
12 Commissioner Knutson said that she had a question in Section 12-145 A regarding the wording  
13 on Ag zoning and she is wondering if the wording should be in a different location and wonders  
14 whether the RR district should be added too.

15  
16 Planning Staff and City Staff took notes regarding the proposed changes to the document and  
17 agreed to make the changes.

18  
19 **MOTION/SECOND: Ronningen/O'Hara. To Recommend that the City Council Approve**  
20 **the Ordinance as Amended This Evening.**

21  
22 Commissioner Bend, on page 3, paragraph 3, he is wondering what happens if there is a previous  
23 subdivision what date do you determine the permitted density.

24  
25 Commissioner Pennella said that once a PLCD is done there can be no further subdividing.

26  
27 **Ayes - 6**

**Nays - 0**

**Motion carried.**

---

28  
29 **8. OLD BUSINESS**

30 **A. Ordinance Amendment Section 12-134**

31  
32 Handled earlier in the meeting.

33  
34 **B. Update on City Council Actions**

35  
36 No report.

37  
38 **C. Comprehensive Plan Review and Update**

39  
40 Chair Fox noted there was a workshop meeting last week on the Comprehensive Plan update and  
41 there is another scheduled for the 21<sup>st</sup>.

42  
43 **D. Build Out Study**

44

1 Planner Holien reviewed the requested CUP and Ordinance amendment to allow the  
2 transportation school.

3  
4 **MOTION/SECOND: Richter/Welter. To Approve Resolution Approving a CUP for a**  
5 **Transportation School and Ordinance Amendment.**

6  
7 Council Member Nelson said that he is against this and the residents do not want more trucks up  
8 there and there is no guarantee that the property will stay on the tax rolls. Doing this allows the  
9 potential for another school that is bigger.

10  
11 **ROLL CALL: Richter/Nolz/Nelson/Mucciacciaro/Welter**

12  
13 **Ayes – 3                      Nays – 2(Nelson/Mucciacciaro)      Motion carried.**

14  
15 **2. Consideration of an Ordinance Amending Section 12-145 and Article**  
16 **XII of Chapter 12 of the City Code to Allow Preservation and Land**  
17 **Conservation Developments in the Agricultural District.**

18  
19 Planner Holien reviewed the proposed Ordinance with Council.

20  
21 **MOTION/SECOND: Richter/Welter. To Approve an Ordinance Amending Section 12-**  
22 **145 and Article XII of Chapter 12 of the City Code to Allow Preservation and Land**  
23 **Conservation Developments in the Agricultural District.**

24  
25 Council Member Mucciacciaro asked Mayor Welter to read an article from the Stillwater  
26 Gazette.

27  
28 Council Member Nelson asked for a circumstance where this ordinance will actually be used.

29  
30 Mayor Welter said that she thinks there is a different philosophy on the Council and in the  
31 community regarding how much encouragement of this type of development the City wants.

32  
33 Council and Staff discussed the Ordinance. Council Member Nelson said that he feels this is a  
34 huge mistake.

35  
36 **ROLL CALL: Mucciacciaro/Nelson/Nolz/Richter/Welter**

37  
38 **Ayes – 3                      Nays – 2(Nelson/Mucciacciaro)                      Motion carried.**

39  
40 **C. Century College: Request for Waiver from Section 12-78 of the City Code**  
41 **of Ordinances to Allow Reapplication of a Denied Conditional Use Permit**  
42 **Within 6 Months of the Date of Denial.**

43  
44 **MOTION/SECOND: Nolz/Richter. To Waive the Requirement to Wait 6 Months.**

45



## Memorandum

**To:** Nick Guilliams

**From:** Sean Delmore, PE, PTOE

**Date:** October 12, 2017

**Re:** Curve Warning Evaluation at Trading Post Trail and 60<sup>th</sup> Street and Speed Limit Sign on Eastbound 60<sup>th</sup> Street, Afton, Minnesota  
WSB Project No. 1856-560

### Introduction

WSB was contracted to evaluate the curve located at the intersection of Trading Post Trail/60<sup>th</sup> Street. WSB will provide recommendations for the location of advisory speed and warning signs for the curve, and a speed limit sign on eastbound 60<sup>th</sup> Street approaching Trading Post Trail based on the methodology below. See **Figure 1** and **Figure 2** for field pictures of the curve. **Figure 3** illustrates the project location and recommended speed and signage.

Trading Post Trail is currently a paved unmarked two-lane roadway with posted speed limit of 30 mph heading westbound towards 60<sup>th</sup> Street. Pavement ends at the western tangent of the curve where the road turns into 60<sup>th</sup> Street. 60<sup>th</sup> Street is currently an unpaved two-lane roadway with no posted speed limit. Two short reverse curves and two private driveway accesses are located on 60<sup>th</sup> Street within 400 feet of the curve with Trading Post Trail. The curve at Trading Post Trail and 60<sup>th</sup> Street is currently signed with chevrons, which appeared to be in poor condition. A housing development is being considered in the vicinity that proposes to pave a portion of 60<sup>th</sup> Street starting at the curve and heading westward towards Oakgreen Avenue.

### Advisory Speed and Warning Signs for Curve at Trading Post Trail and 60<sup>th</sup> Street

In accordance with the 2015 Minnesota Manual on Uniform Traffic Control Devices (MUTCD) 2C.8, the advisory speed was established by conducting field measurements with an accelerometer. The Curverite Model 1200 Advisory Speed Meter was the accelerometer used for this study, and the device was installed and calibrated according to manufacturer specifications. Several runs with the accelerometer were conducted at various speeds to determine the appropriate advisory speed. A g-force measurement range between 0.230 and 0.329 G-ft/s<sup>2</sup> is considered generally acceptable for establishing the advisory speed. Based on the results of the runs shown in **Table 1** below, the advisory speed for this curve is 20 mph, which is 10 mph below the speed limit of 30 mph.

**Table 1 – Accelerometer Measurements**

Speed (mph)	25.3	24.4	24.5	22.4	19.8	19.2	15.7	14.3
Direction	W	E	W	E	W	E	W	E
G-Force (G-ft/s <sup>2</sup> )	0.463	0.419	0.399	0.383	0.295	0.29	0.191	0.185

Other site condition considerations include poor sight distance due to an embankment and vegetation, presence of a private driveway at the tangent of the curve, and reverse curves within 600 feet. As the driveway was private and the reverse curves were very short signage was not deemed necessary to address those considerations. Based on Table 2C-5 of the 2015 MNMUTCD, the recommended signage would be Turn (W1-1) Signs with 20 mph speed advisory plaques (W13-1P) placed at the beginning of the curve in each direction and replacement of the existing Chevrons (W1-8). See **Figure 3** for recommended sign placement.

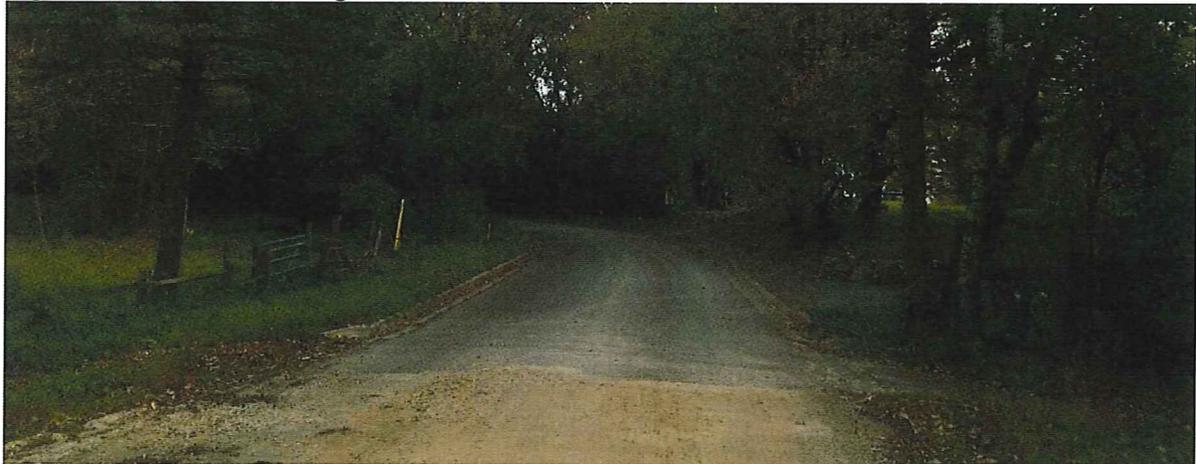
**Posted Speed Limit for Eastbound 60<sup>th</sup> Street**

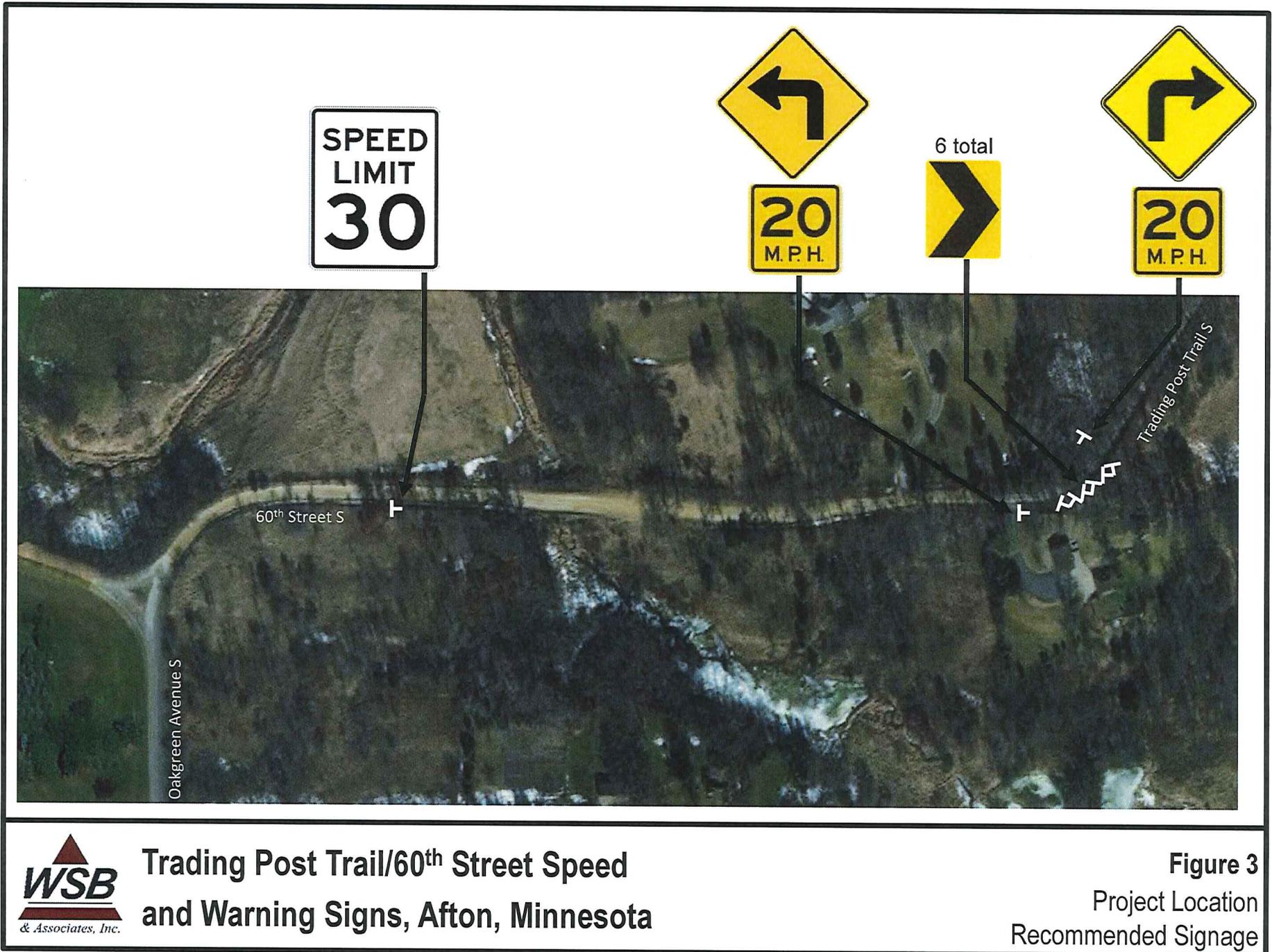
A 30 mph Speed Limit Sign (W2-1) for eastbound 60<sup>th</sup> Street could be placed approximately 500 feet east of the intersection of 60<sup>th</sup> Street/Oakgreen Avenue near the jurisdictional boundary of the City of Afton. See **Figure 3** for recommended placement.

**Figure 1 - Trading Post Trail looking west towards curve.**



**Figure 2 - 60<sup>th</sup> Street looking east towards curve**





**Trading Post Trail/60th Street Speed and Warning Signs, Afton, Minnesota**

**Figure 3**  
Project Location  
Recommended Signage