



PLANNING COMMISSION AGENDA

MAY 7, 2018

7:00 pm

- 1. CALL TO ORDER -**
- 2. PLEDGE OF ALLEGIANCE –**
- 3. ROLL CALL -**
 - a) Scott Patten
 - b) Sally Doherty
 - c) Kris Kopitzke (Chair)
 - d) Mark Nelson
 - e) Lucia Wroblewski
 - f) Jim Langan
 - g) Roger Bowman
 - h) Annie Perkins
 - i) Justin Sykora
- 4. APPROVAL OF AGENDA –**
- 5. APPROVAL OF MINUTES –**
 - A. April 2, 2018 Meeting Minutes
- 6. REPORTS AND PRESENTATIONS – None**
- 7. PUBLIC HEARINGS –**
 - A. Tom Hinz Variance Application at 4787 Manning Avenue
 - B. Ray Pruban Minor Subdivision Application at 2158 Oakgreen Avenue
- 8. NEW BUSINESS –**
 - A. Schedule Special Planning Commission meeting
- 9. OLD BUSINESS -**
 - A. Draft Ordinance Amendment with Proposed Revisions to Industrial Zone Regulations Regarding Uses, Exterior Storage, Design Standards and Architectural Standards
 - B. Update on City Council Actions – Council Highlights from the April 17, 2018 Council meeting - attached.
- 10. ADJOURN –**

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

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
April 2, 2018

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5 1. **CALL TO ORDER** – Chair Kris Kopitzke called the meeting to order at 7:00 PM

6
7 2. **PLEDGE OF ALLEGIANCE** – was recited.

8
9 3. **OATH OF OFFICE** – Annie Perkins, Justin Sykora

10
11 4. **ROLL CALL** – Present: Chair Kris Kopitzke, Lucia Wroblewski, Mark Nelson, Roger Bowman, Sally
12 Doherty, Annie Perkins, Justin Sykora. A Quorum was present. Absent were Scott Patten & James Langan
13 (both excused).
14 **ALSO IN ATTENDANCE** – City Council member Joe Richter, City Administrator Ron Moore, City Clerk
15 Julie Yoho

16
17 5. **APPROVAL OF AGENDA** – remove item 8b item withdrawn

18 **Motion/Second: Bowman/Nelson to approve the agenda of the April 2, 2018 meeting. Passed 7-0-0.**

19
20 6. **APPROVAL OF MINUTES** –

21 A. March 5, 2018

22 Changes were noted

23 **Motion/Second: Nelson/Wroblewski To approved the minutes of the March 5, 2018 Planning
24 Commission meeting as amended. Passed 5-0-2. (Perkins, Sykora abstain)**

25
26 7. **REPORTS AND PRESENTATIONS** – none

27
28 8. **PUBLIC HEARINGS** –

29 A. Nicholas Squires Variance Application at 14641 Afton Blvd

30 Chair Kopitzke opened the Public Hearing at 7:13 pm

31 Administrator Moore provided the following information:

32 Background

33 Nicholas Squires is proposing to construct a 1,920 square foot accessory building in the front yard of his property
34 at 14641 Afton Boulevard. A photo showing the type of building proposed is attached.

35 The property does not have any frontage on Afton Boulevard, but is located at the end of a private driveway that
36 serves several properties and is also located at the end of a platted but unimproved public street right-of-way. The
37 parcel is 11 acres, which allows an accessory building up to 2,500 square feet. The side and rear setbacks for an
38 accessory building up to 1500 square feet are 50 feet. The setbacks for an accessory building greater than 1500
39 square feet are 100 feet.

40
41 While the required front yard setback is generally 105 feet from the centerline of a public road, the property does
42 not have frontage on an improved public road. Because the property does not abut an existing improved public
43 right-of-way or an approved private road, the property does not have a front lot line. (from Sec. 12-55. Definitions:
44 *“Lot line, front means that boundary of a lot which abuts an existing improved public right-of-way or an
45 approved private road.*

46 *Lot line, side means any boundary of a lot which is not a front lot line or a rear lot line”*

47
48 Based on these definitions, the northwestern lot line of the property, which faces Afton Boulevard and intersects
49 the bulb of the cul-de-sac of the unimproved right-of-way, is a side lot line.

50
51 Because the proposed accessory building is larger than 1500 sq. ft., the required side yard and rear yard setbacks
52 are 100 feet. The accessory building is proposed to be located with a setback to the northeast side lot line of 250
53 feet and a setback from the rear lot line of 300 feet. The setback from the northwest side lot line is proposed to be
54 54 feet vs. the required 100 feet. The accessory building is also proposed to be located 250 feet from the center

55 of the platted cul-de-sac bulb, so that if the cul-de-sac is constructed in the future, the building will meet the required
56 front yard setback.

57
58 As shown on the site plan, only a relatively small portion of the property is suitable and available for a building site,
59 due to topography and the location of the well and drainfield.

60
61 There is a creek running along the southern and western edges of the property, and there is a steep slope running
62 down to the creek. The accessory building is proposed to be located 211 feet from the creek. The required setback
63 is 200 feet. The building is proposed to be located 51 feet from the crest of the bluff that leads down to the creek.
64 The required setback is 40 feet.

65
66 Variance Needed

67 To allow the proposed accessory building, a variance to allow a front yard setback of 54 feet vs. the required 100
68 feet is necessary.

69
70 Findings

71 The following is a list of recommended findings. The Planning Commission may want to provide additional
72 findings.

- 73
74 1. The property and all surrounding property is zoned Rural Residential
75 2. The parcel is 11 acres, which allows an accessory building of up to 2,500 sq. ft.
76 3. The property is very oddly shaped, with triangular shaped property lines
77 4. Large portions of the property have slopes that are not suitable as building sites
78 5. An accessory building of up to 1500 sq. ft. could be constructed in the proposed building location without
79 the need for a variance.
80 6. The perimeter of the property is heavily wooded.
81 7. The proposal would not disrupt the existing natural vegetation
82 8. The proposed accessory building meets the stream and bluff setback requirements
83 9. The parcel abuts a platted but unimproved public right-of-way.

84
85 Conditions

86 If the Planning Commission recommends approval of the variance application, the Commission may also place
87 conditions on the approval to mitigate the impact of the variance. The following are recommended conditions.

- 88
89 1. Any disturbed soils shall be restored as soon as possible, and any erosion control measures
90 recommended by the City Engineer shall be put in place prior to construction and kept in place
91 for the period recommended by the City Engineer.
92 2. Existing vegetative screening shall be maintained
93 3. The color of the building shall be earth tone

94
95 Nicholas Squires explained why he would like to place the building in that location (no other suitable site)
96 No comments were received from the public.

97 **Motion/Second Doherty/Nelson To close the public hearing. Passed 7-0-0.**

98
99 Hearing closed at 7:18 pm

100
101 Discussion

102 Nelson asked about showing an alternate septic site on the plans as typically applications show both the existing
103 and the alternate.

104 Doherty pointed out that if the building was less than 1500 sq ft, a variance would not be required

105 Perkins stated the application was well written. Question over the diagram showing the conforming vs the size
106 requiring variance. Nicholas explained that the depiction was of the extra sq footage which puts it into requiring a
107 variance.

108 Doherty pointed out that a smaller building can be closer to the side lot line.

109 Wroblewski asked if the applicant has an attached garage? (yes).

110 Sykora asked about the woods and types vegetation. Nicholas answered it is a variety of trees, not all buckthorn.

111

112 **Motion/Second Doherty/Wroblewski To approve the Nicholas Squires Variance application with findings**
113 **and conditions listed here except condition #3 requiring the color to be earth tone.**

114 Discussion

115 Administrator Moorse clarified that it is a requirement of a building permit to have a primary and secondary septic
116 site identified.

117 **Motion Amendment Doherty/Wroblewski To add new condition #3 “must conform with septic site**
118 **requirements”**

119 **Motion Vote, Passed 7-0-0.**

120

121 9. NEW BUSINESS

122 A. Proposed Revisions to Industrial Zone Regulations

123 In July of 2017, the Council established a moratorium on the consideration of new zoning applications, the
124 issuance of new permits for use or any expanded new use of land currently identified as being industrially zoned
125 within the City in which exterior storage of any sort is to be used or proposed. The purpose of the moratorium
126 was to provide an opportunity for the City to conduct further study for the purpose of consideration of possible
127 revision and amendments to the City’s official controls to address issues related to its use classifications as
128 identified in Section 12-134, most specifically to those matters related to exterior storage in industrially zoned
129 areas within the City. The purpose of such revisions and amendments is to create a clearer and more updated
130 regulatory framework. The moratorium expires on June 15, 2018.

131

132 After the moratorium was put in place, the Council authorized Mayor Bend, Council member Nelson and
133 Administrator Moorse to review the industrial zone regulations and provide recommendations for amendments.
134 This group has met with Chris Eng, Washington County Economic Development Director, and has reviewed lists
135 of allowed light industrial uses from other cities, to identify desired and feasible uses in the industrial zones, as
136 well as currently allowed uses that would hinder the ability to obtain the desired uses. The group has also
137 discussed uses that do not fit the rural character desired in Afton. In addition, the group identified a number of
138 currently allowed residential-related uses that would conflict with industrial uses.

139

140 The group also reviewed landscaping and design standards from other cities to update the existing Industrial
141 district standards to better match and facilitate the types of uses desired. The following are proposed additions to
142 the current list of allowed uses in the industrial zones, a list of currently allowed uses proposed to be deleted, and
143 proposed revisions to the existing architectural standards and landscape requirements. These proposed revisions
144 are being provided to the Planning Commission for review and feedback, so that an ordinance amendment
145 reflecting proposed changes can be prepared and a public hearing can be held at the May 7 Planning Commission
146 meeting.

147

148 Discussion regarding Permitted Uses to be Added:

149 Bowman asked about other ways to limit access to a building rather than limiting square footage. Administrator
150 Moorse explained that this is how other cities have chosen to limit size and type of traffic. Wroblewski asked about
151 5000 sq ft maximum. Moorse explained that was what was recommended. Perkins asked if there is a limit on how
152 many tenants could be in one building; and also how many acres could fall into this zoning? Moorse replied
153 approximately 250 acres, not all of which is vacant or available. Wroblewski asked if solar is mentioned. Moorse
154 said it is currently allowed.

155

156 Discussion Regarding Uses to be Removed:

157 Bowman asked about the removal of arts and crafts studio. Kopitzke said he'd like to have a CUP cover some of
158 these uses, rather than list them. Moose explained some of these require large spaces yet have few employees,
159 others generate a lot of traffic. Bowman asked about a retail outlet for manufactures. Moose replied wholesale only
160 would be allowed. Bowman asked about medical and laboratory and sewer aspect of that. Moose replied that some
161 of those may not be able to locate here.
162 Kopitzke stated he does not want architectural standards in the industrial zone and asked if "green space" is defined
163 anywhere.
164 Nelson suggested edits for item D1.
165 Doherty asked if 20% green space would cause the setbacks to be larger. Perkins asked if green space could be
166 defined and provide a recommendation. Moose replied that there is an opportunity if we want to have requirements
167 such as more natural pollinator friendly vs manicured, or to require recycling of runoff for irrigation.
168 Bowman asked about setback requirements there. Could we allow close setback on freeway side? Could we allow
169 higher building? Moose replied the currently setback is 150'.
170 Doherty stated that if there is a public hearing on draft next month, a re-write of new intentions / preamble to
171 describe the overall goal is needed.
172 Kopitzke commented on the buffer yard location. Also there would be enforcement issues on some of the landscape
173 standards. Moose replied the purpose is to provide expectations
174 Perkins recommended talking with Murphy Warehouse, an Eagan company with solar roof. Skyora agreed they are
175 a good example of how green can be successful.
176 Kopitzke stated that the parking area requirements seem too restrictive. Would like to see that addressed as part of
177 CUP process.
178 Administrator Moose stated that a Draft Ordinance will be developed after feedback is received from the council.
179 The moratorium expires in June, public hearing needs to be in May.
180 The Planning commission would like more time to review if possible for the May mtg.

181
182 11. OLD BUSINESS –

183 A. Update on City Council Actions

- 184 1. Council highlights from the March 20, 2018 Council meeting
185 Council member Richter provided a summary of the Council meeting.
186 Kopitzke provided a summary of the PLCD discussion.

187
188 12. ADJOURN

189 **Motion/Second: Bowman/ Doherty To adjourn. Passed 7-0-0**

190 Meeting adjourned at 8:35pm
191
192
193
194

195 Respectfully submitted by:

196
197 _____
198 Julie Yoho, City Clerk
199
200

201 **To be approved on May 7, 2018 as (check one): Presented: _____ or Amended: _____**

City of Afton

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

Planning Commission Memo

Meeting: May 7, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: May 1, 2018

Re: Thomas and Louise Hinz Variance Application at 4787 Manning Avenue

Background

Thomas and Louise Hinz are proposing to relocate the driveway at 4787 Manning Avenue to the north to provide a safer entrance to Manning Avenue. The property is 4.7 acres and is zoned Agriculture, as is the property to the north, south and east. The current driveway has a poor sightline to traffic coming over a hill to the south. The Minnesota Department of Transportation (Mn/DOT), which is constructing road improvements on Manning Avenue in the area of 4787 Manning Avenue, has proposed relocating the driveway to the north to improve the sightline. Because the preferred location of the driveway is in the area of an existing culvert under Manning Avenue, the driveway is proposed to be located north of the culvert, three feet from the north property line. Plans from Mn/DOT showing the existing driveway, the proposed driveway and the existing culvert located between the existing and proposed driveways are attached. The proposed plans require a variance to the required ten foot sideyard setback.

The City Engineer has viewed the current and proposed driveway location, and is recommending the driveway be moved to the proposed location to improve the safety of access to Manning Avenue.

Variance Needed

To allow the proposed driveway relocation, a variance to allow a sideyard setback of 3 feet vs. the required 10 feet is necessary.

Public Hearing

The public hearing is an opportunity for the public to ask questions and provide comments regarding the application.

Findings

The following is a list of recommended findings. The Planning Commission may want to provide additional findings.

1. The property and all surrounding property is zoned Agriculture
2. The parcel is 4.7 acres.
3. The property is located on Manning Avenue, on which the amount of traffic has been increasing.
4. The sightline from the existing driveway to traffic coming over a hill from the south is inadequate.

5. The Minnesota Department of Transportation (MN/DOT) which is constructing road improvements on Manning Avenue in the area of 4787 Manning Avenue, has proposed relocating the driveway to the north to improve the sightline.
6. An existing culvert under Manning Avenue requires the driveway to be moved farther north than otherwise necessary to provide an adequate sightline.
7. The City Engineer is recommending the driveway be moved to the proposed location to improve the sightline to traffic and the safety of access to Manning Avenue.

Conditions

If the Planning Commission recommends approval of the variance application, the Commission may also place conditions on the approval to mitigate the impact of the variance.

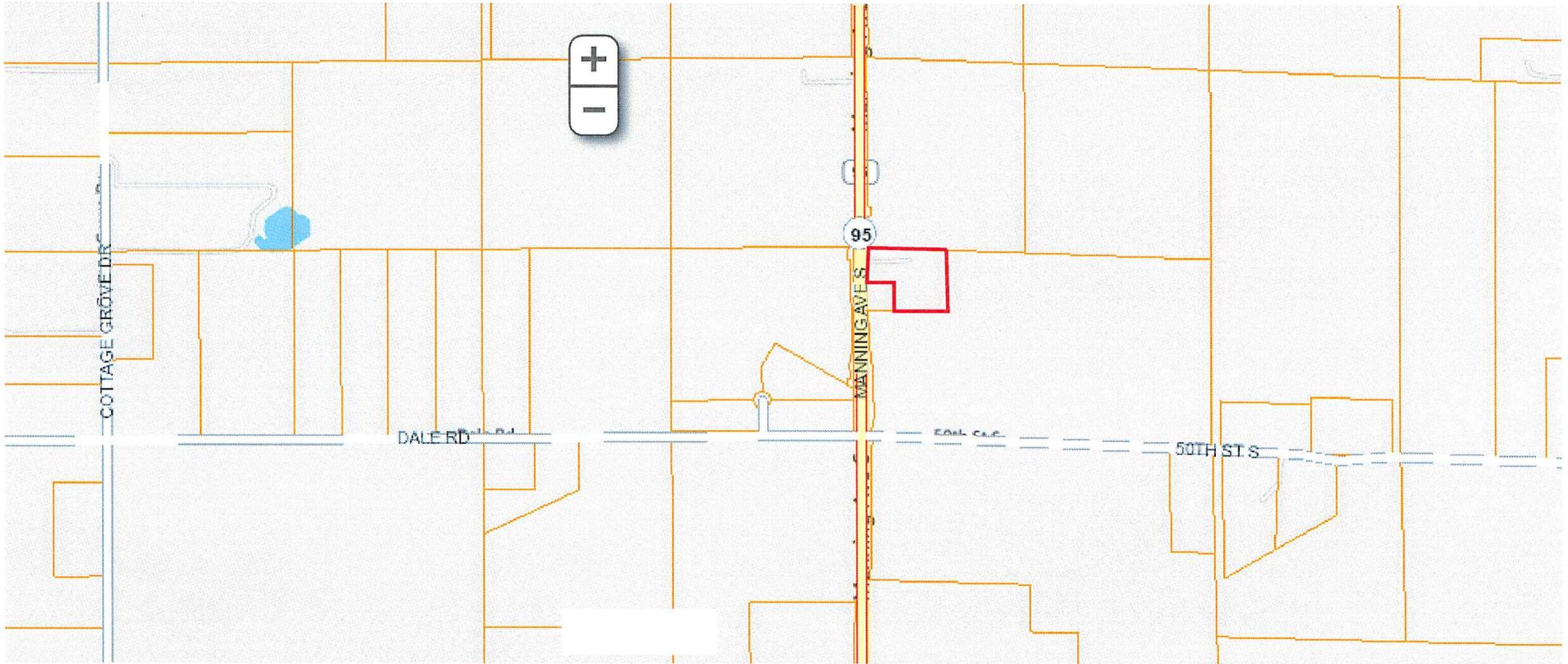
Planning Commission Recommendation Requested:

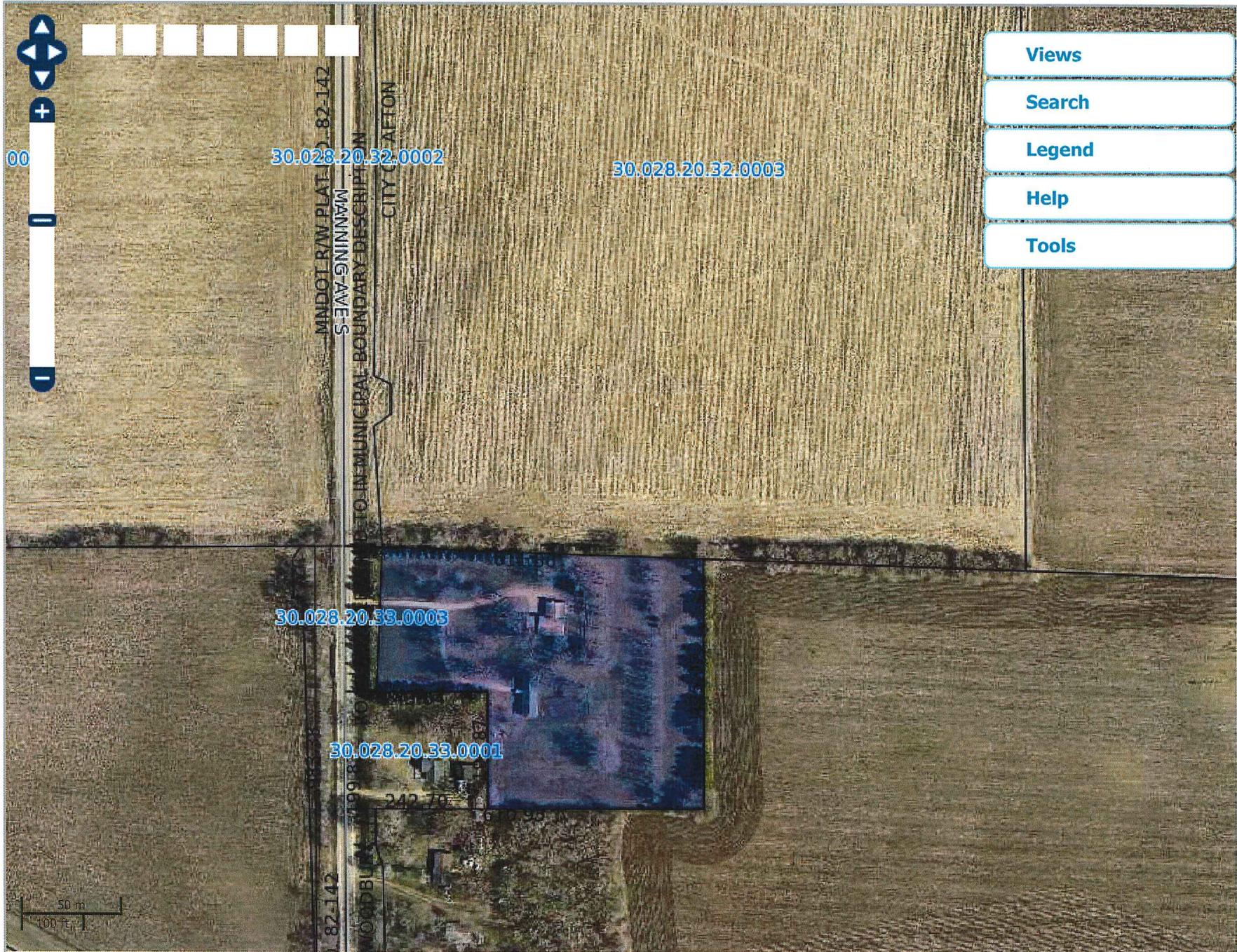
Motion regarding a recommendation concerning the Thomas and Louise Hinz variance application at 4787 Manning Avenue, with findings, and conditions if applicable.

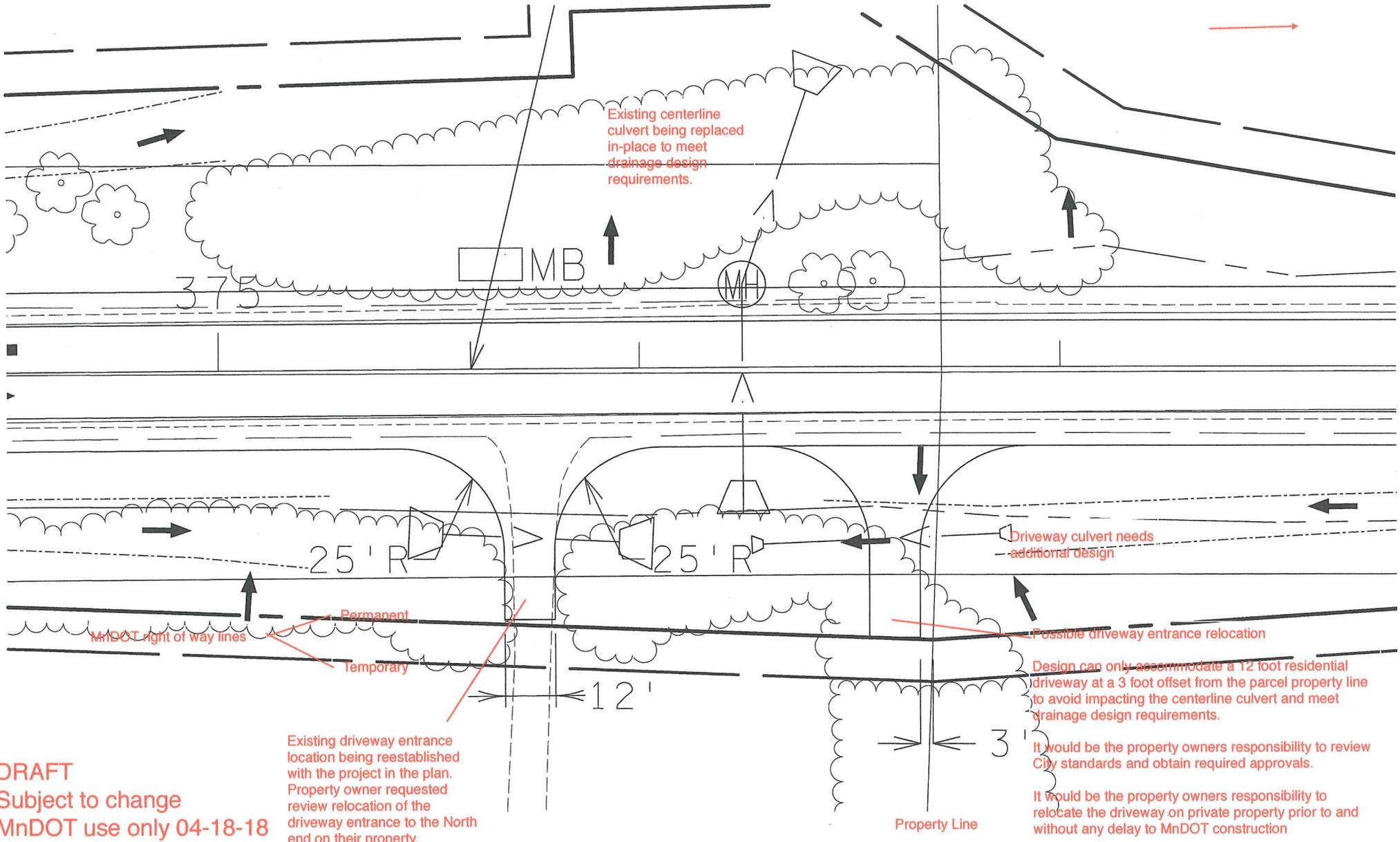


Property Viewer

[Sign in](#)







DRAFT
 Subject to change
 MnDOT use only 04-18-18

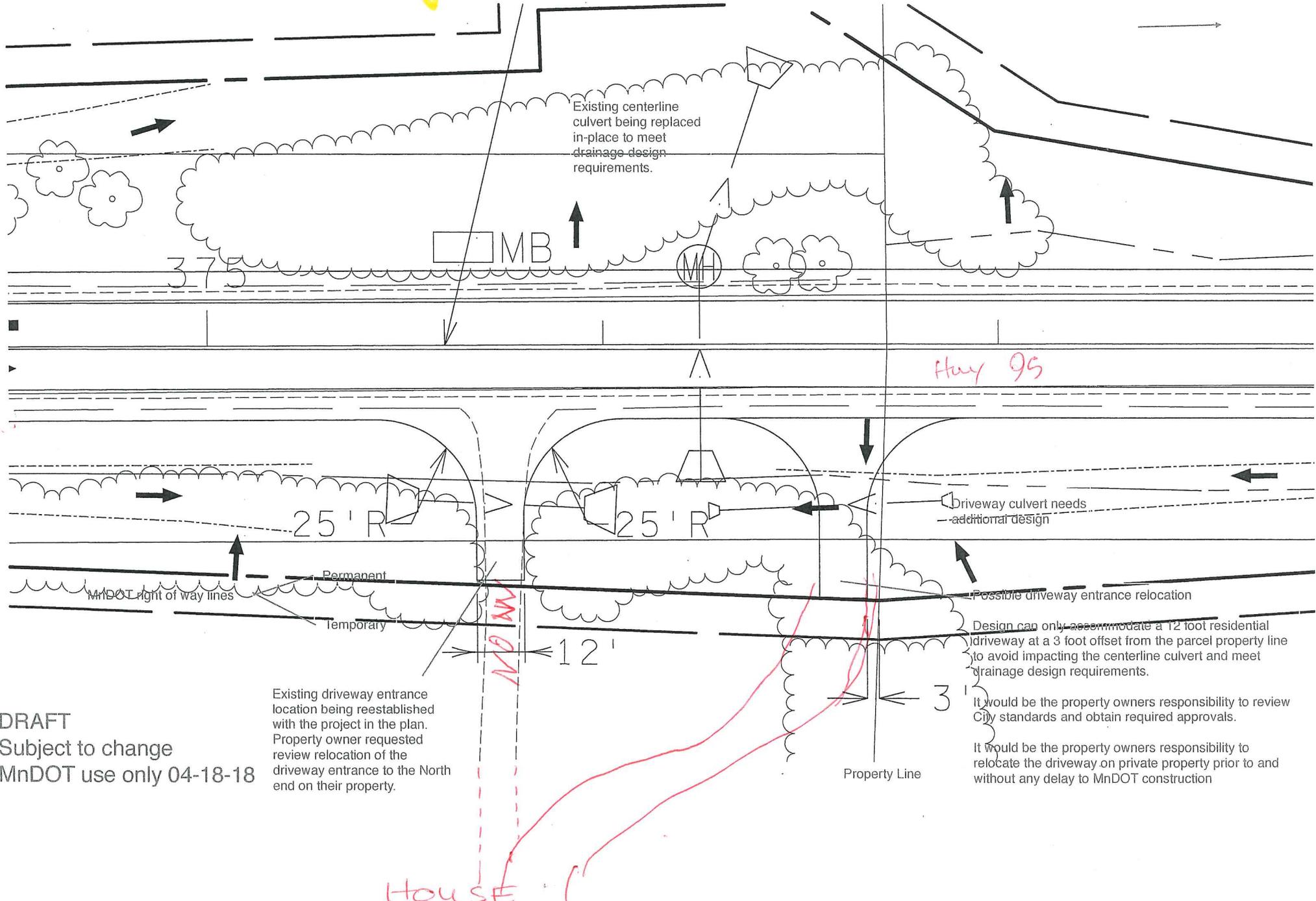
Existing driveway entrance location being reestablished with the project in the plan. Property owner requested review relocation of the driveway entrance to the North end on their property.

Design can only accommodate a 12 foot residential driveway at a 3 foot offset from the parcel property line to avoid impacting the centerline culvert and meet drainage design requirements.

It would be the property owners responsibility to review City standards and obtain required approvals.

It would be the property owners responsibility to relocate the driveway on private property prior to and without any delay to MnDOT construction

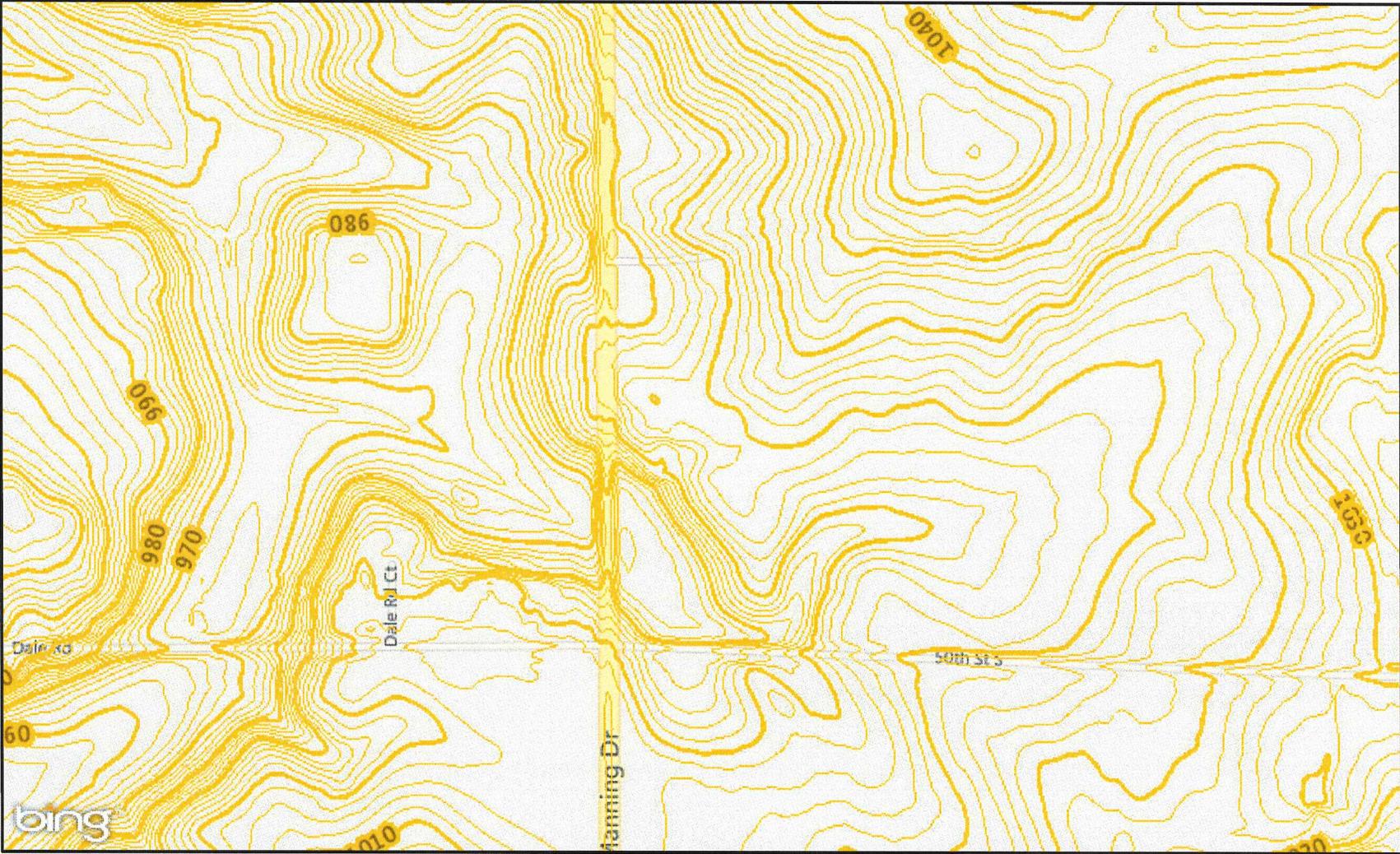
- Copy -



DRAFT
 Subject to change
 MnDOT use only 04-18-18

Existing driveway entrance location being reestablished with the project in the plan. Property owner requested review relocation of the driveway entrance to the North end on their property.

4787 Manning Ave



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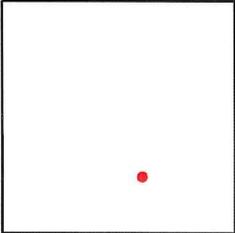
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Note: Elevation images and contours were generated from LIDAR derived elevation surfaces acquired 2007-2012.



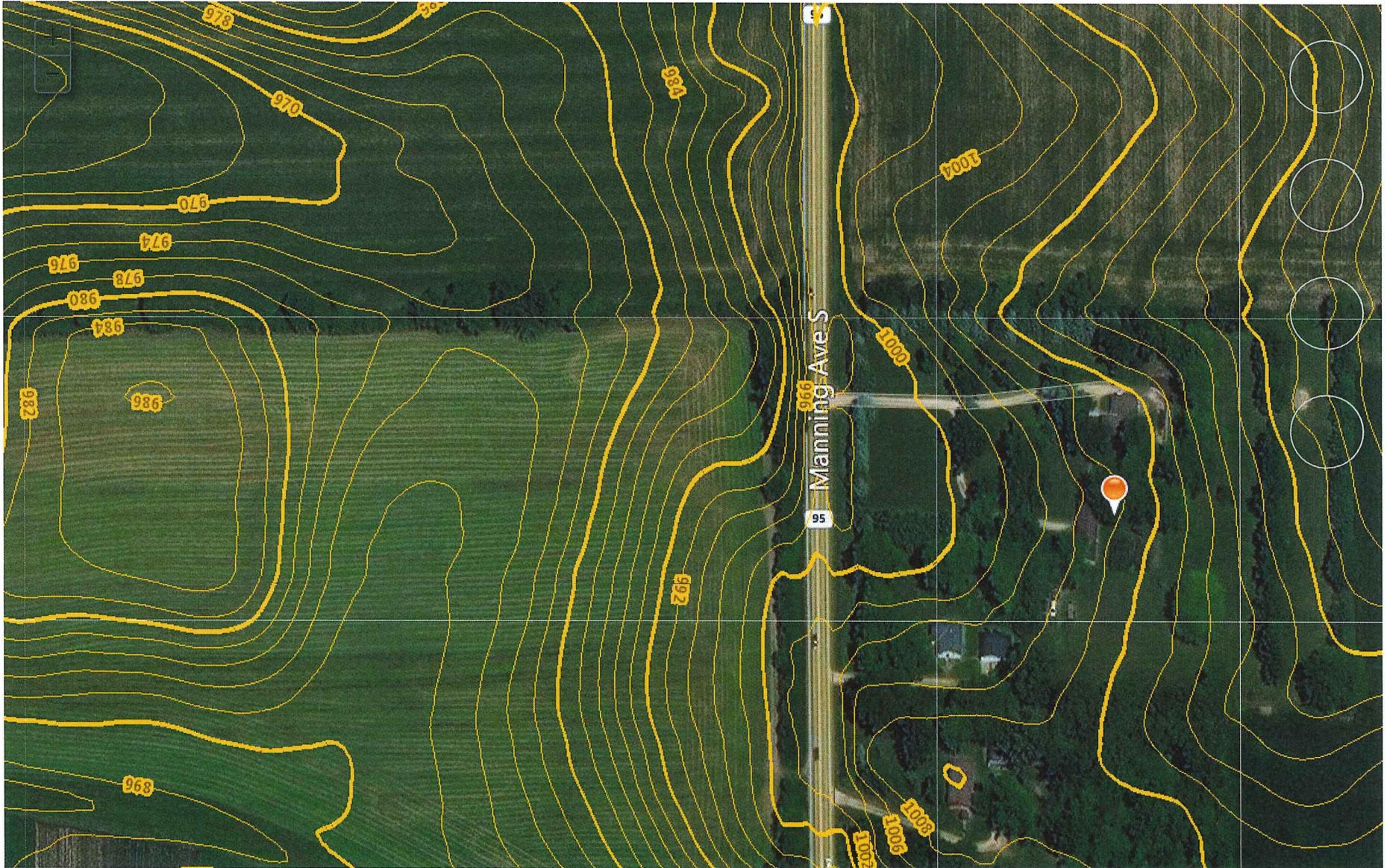
Scale: 1:7,919



Created on 5/1/2018

MnTOPO

4787 manning ave



Applicant(s): Thomas A. Hinz & Louise A. Hinz
Phone: 651-329-5424
Mailing Address: 4787 Manning Avenue South, Afton, MN 55001
Property Address for variance: 4787 Manning Avenue South, Afton, MN 55001

Variance request description: Move property driveway north to 3 feet from north property line.

City Ordinance Section number(s), that variance is requested for: LAND USE Sec. 12-84

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? The property use will stay the same, residential 5 acres in agriculture zoning.

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? Increased traffic on Manning Avenue coupled with hilly topography at this location has made the driveway entrance to Manning Avenue unsafe. Moving the driveway to the north will improve safety by improving the ability to see northbound traffic.

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: The topography and increased traffic at this location create a safety hazard. We are requesting a driveway change to create a driveway with the same type of safety as the surrounding properties.

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: Traffic on Manning Avenue has continually increased since our purchase of the property in 1984.

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: Moving the driveway will create a safer environment, but will not confer any special privileges.

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: _____

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: The use of the property will not change and causes to detriment to the surrounding properties.

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: Granting this variance creates no economic gain.

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: Granting this variance will not affect the essential character of the area. It serves only to create a safer entry point onto Manning Avenue.

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: This variance seeks only to improve safety. The use of the property remains the same and is in harmony with the Afton comprehensive plan.

RECEIVED

APR 24 2018

CITY OF AFTON

Z18-07

CITY OF AFTON
VARIANCE APPLICATION

Owner Address City State Zip Phone
Thomas & Louise Hinz 4787 Manning Avenue So. Afton MN 55001 651-329-542

Applicant Address City State Zip Phone
(if different than owner)

Project Address
4787 Manning Avenue So. AFTON MN 55001

Zoning Classification Existing Use of Property PID# or Legal Description
Agriculture Residential, 5 acre 30.028.20.33.0004

Please list the section(s) of the code from which the variance(s) are requested.
Land Use Sec. 12-84

Description of Request
We are requesting a variance to move our driveway to the north. The increased traffic on Manning Avenue coupled with hilly topography at this location has made the driveway entrance onto Manning Avenue unsafe. Moving the driveway to the north will improve safety by improving the ability to see northbound traffic.

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
4-24-18

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.

Table with columns: FEES, DEPOSITS, TOTAL, DATE PAID, CHECK #, RECVD BY. Includes handwritten values like \$850, 4-24-18, 5115.

ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION

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

Property ID: **30.028.20.33.0004** Bill #: **1091775**

Taxpayer: HINZER FAMILY TRS
THOMAS A & LOUISE A HINZ
4787 MANNING AVE S
AFTON MN 55001-9643



04000728



TAX STATEMENT 2018
2017 Values for Taxes Payable in

| VALUES AND CLASSIFICATION | | | |
|------------------------------|---|------------|------------|
| Taxes Payable Year: | | 2017 | 2018 |
| Step 1 | Estimated Market Value: | 0 | 313,700 |
| | Homestead Exclusion: | | 9,000 |
| | Taxable Market Value: | 0 | 304,700 |
| | New Improvements/ Expired Exclusions: | | |
| Property Classification: | | | Res Hstd |
| <i>Sent in March 2017</i> | | | |
| Step 2 | PROPOSED TAX | | |
| | <i>Did not include special assessments or referenda approved by the voters at the November election</i> | | |
| <i>Sent in November 2017</i> | | | |
| Step 3 | PROPERTY TAX STATEMENT | | |
| | First half taxes due | May 15 | \$2,137.00 |
| | Second half taxes due | October 15 | \$2,137.00 |
| Total Taxes Due in 2018: | | | \$4,274.00 |

\$\$\$ 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.



04000728

Property Address:
4787 MANNING AVE S
AFTON MN 55001

Description:
Section 30 Township 028 Range 020 THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 28, RANGE 20, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 56 MINUTES 35 SECONDS EAST,

Line 13 Special Assessment Detail:
SWWS STORMWATER UTILITY-PAY 2018 71.05
COUNTY ENVIRONMENTAL CHARGE PHE DEP 3.00

Principal: 74.05
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"/> | \$4,199.95 | |
| 2. Use these amounts on Form M1PR to see if you are eligible for a special refund. | | | \$0.00 | |
| Tax and Credits | 3. Property taxes before credits | \$0.00 | \$4,199.95 | |
| | 4. Credits that reduce property taxes | | | |
| | A. Agricultural and rural land credits B. Other Credits | \$0.00 \$0.00 | \$0.00 \$0.00 | |
| 5. Property taxes after credits | | \$0.00 | \$4,199.95 | |
| Property Tax by Jurisdiction | 6. WASHINGTON COUNTY | A. County General B. County Regional Rail Authority | \$0.00 \$0.00 | \$913.80 \$6.83 |
| | 7. CITY OF AFTON | | \$0.00 | \$982.80 |
| | 8. State General Tax | | \$0.00 | \$0.00 |
| | 9. ISD 833 SOUTH WASHINGTON | A. Voter approved levies B. Other Local Levies | \$0.00 \$0.00 | \$1,580.88 \$596.62 |
| | 10. Special Taxing Districts | A. Metropolitan Council B. Metropolitan Mosquito Control C. South Washington Watershed D. County CDA | \$0.00 \$0.00 \$0.00 \$0.00 | \$24.86 \$13.41 \$24.94 \$44.75 |
| | 11. Non-school voter approved referenda levies | | \$0.00 | \$11.06 |
| | 12. Total property tax before special assessments | | \$0.00 | \$4,199.95 |
| | 13. Special assessments | | \$0.00 | \$74.05 |
| | 14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS | | \$0.00 | \$4,274.00 |

✂ Detach at perforation & mail this stub with your 2nd half payment in the enclosed green envelope.
Res Hstd

PAYABLE 2018 2nd HALF PAYMENT STUB
TO AVOID PENALTY PAY ON OR BEFORE: October 15

Property ID: **30.028.20.33.0004** Bill #: **1091775**



Taxpayer:
HINZER FAMILY TRS
THOMAS A & LOUISE A HINZ
4787 MANNING AVE S
AFTON MN 55001-9643

SECOND HALF TAX AMT
\$2,137.00

MAKE CHECKS PAYABLE TO:
Washington County
P.O. Box 200
Stillwater MN 55082-0200
 CHECK
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

**CITY OF AFTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City of Afton Planning Commission will convene on Monday, May 7, 2018 at 7:00 PM at Afton City Hall, 3033 St. Croix Trail S., to conduct the following public hearing:

To consider a variance application by Tom Hinz at 4787 Manning Avenue to enable a driveway to be setback three feet from the north side property line rather than the required 10 foot setback.

All interested persons are encouraged to attend the public hearing. Public hearings are held for the purpose of providing information regarding land use proposals and receiving comments and questions from the public regarding the proposals.

Materials will be available for viewing at Afton City Hall, 3033 St. Croix Trail, Afton MN and will be posted on the City website, at www.ci.afton.mn.us, on the Thursday prior to the meeting. Click on "City Commissions and Committees" and go into "Planning Commission Packets."

A quorum of the City Council or other Commissions may also be present to receive information at the meeting.

Ron Moorse
City Administrator
City of Afton

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

Planning Commission Memo

Meeting: May 7, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: May 2, 2018

Re: Ray Pruban Minor Subdivision Application at 2158 Oakgreen Avenue – **Public Hearing**

Ray Pruban has applied for a minor subdivision at 2158 Oakgreen Avenue to subdivide the existing 45 acre parcel into three lots. Mr. Pruban has a purchase agreement on the property that is subject to approval of the minor subdivision.

Minimum Requirements

Each of the three parcels meets all minimum requirements, including the following

1. 300 feet of width on a public road right-of-way
2. Five acre lot size
3. 2.5 acres of contiguous buildable area
4. Land suitable for driveway access

The subdivision meets the following Agriculture zone requirements

1. Density of 3 lots per qtr-qtr section
2. The access for each parcel is through a driveway directly from Oakgreen Avenue
3. The driveways are a minimum of 300 feet apart

Septic System Sites

Soil borings have been completed for septic system sites on each parcel. The soil borings indicate the soils appear to be suitable for septic systems. It is recommended that obtaining a letter from the Washington County Septic Inspector indicating the suitability of soils for septic system sites be a condition of approval. Additional soil testing, percolation tests and a septic design will be required before a septic permit can be granted by Washington County.

Park Dedication

Recognizing that the two additional parcels will impact the City's park system, park dedication will be required. The 2012 Parks Plan does not appear to direct any land dedication to occur at or near the subject site. This being the case, a cash contribution in lieu of land dedication may be required (7.5 percent of the pre-development value with a minimum of \$5,000 per lot and a maximum of \$10,000 per lot). The Parks Committee addressed the question of land dedication vs. a cash contribution at its April 25 meeting, with the recommendation that a cash contribution be required in lieu of a land dedication.

Drainage and Utility Easements

The City Engineer has indicated that 10 foot wide 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.

Scenic Easements

The property to be subdivided includes areas of land with slopes of 18% or greater. To protect these areas with steep slopes, they are required to be placed into scenic easements as part of the subdivision process. While the subdivision survey labels these as conservation easements, the survey will be corrected to label them as scenic easements.

Public Road Right-of-Way

While there is a 16.5 foot wide strip of property under separate ownership between the Oakgreen Avenue road surface and the subject property, this strip is overlaid by public right-of-way easements that provide access to the subject property along Oakgreen Avenue. These easements are shown on the survey.

In the southeast corner of the subject property, a portion of the Oakgreen Avenue road surface is on the subject property. A public road right-of-way easement should be dedicated over this area.

Natural Features

The Subdivision Ordinance (Section 12-1257) directs the preservation of natural site features including large trees. While it does not appear that the proposed subdivision will have any significant impacts in this regard; home, accessory building and driveway placement should give due consideration to the preservation of significant trees.

Pre-existing Storm Water Pond and Easement

In the southeast corner of the subject property, the survey shows a surface water drainage easement and grades related to a stormwater pond. The easement and pond are pre-existing.

Findings

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

1. The subject property is located in the Agriculture zone, as are the properties to the west, north and east. The properties to the south are zoned Rural Residential.
2. The Agriculture zone allows residential use with five-acre minimum lot size at a density of 3 lots per qtr-qtr section.
3. The property includes a full qtr-qtr section plus an additional 5 acres to the southwest.
4. The subdivision meets all subdivision requirements

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. All drainage and utility easements shall be subject to the review and approval of the City Engineer.
3. All grading, drainage and erosion control issues shall be subject to review and approval by the City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
4. Scenic easements shall be placed on all slopes greater than 18%
5. The developer shall execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision

6. A public road right-of-way easement shall be dedicated over the area where the Oakgreen Avenue road surface is on the subject property
7. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with Section 12-1270 of the Subdivision Ordinance
8. The developer shall obtain a letter from the Washington County Septic Inspector indicating the suitability of soils for septic system sites
9. Permits for individual septic systems to serve new homes on each of the parcels shall be obtained from the Washington County Public Health Department at the time of application for building permits for those homes, and all requirements of the septic permits shall be met.
10. All driveways shall comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer.

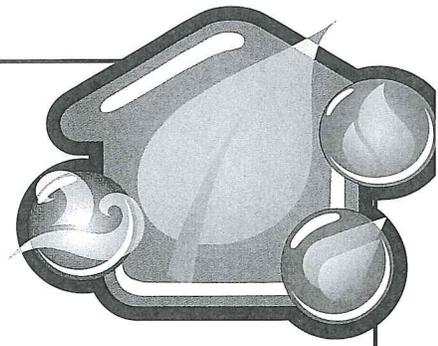
Planning Commission Direction Requested:

Motion regarding a recommendation concerning the Ray Pruban Minor Subdivision application at 2158 Oakgreen Avenue, including findings, and conditions if applicable.

AMARIS

CUSTOM HOMES

...where healthy living is built-in



April 18, 2018

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

Reference: Minor Subdivision Application
2158 Oakgreen Avenue South

Dear Mr. Ron Moorse,

Enclosed is the official application for the minor subdivision of 2158 Oakgreen Ave South we have been discussing. The application is pretty straight forward as far as I can see, but there are a few things worth bringing to your attention for clarification purposes.

- 1) In our initial discussion you mentioned a strip of land that came up in the past. Based on the information you provided and our own investigations there is a strip of land that runs along the east property line and the road. However, a public right of way easement was granted to the City of Afton for this and this is shown on the survey. I have attached that document for reference.
- 2) Although not specifically asked for or listed in the checklist for a minor subdivision we engaged Midwest Natural Resources to complete a wetland delineation report. With the time of year it is and the extended winter weather conditions a formal wetland delineation has not yet been completed as of this application. However,, preliminary findings have been outlined in the attached preliminary determination letter. I have identified the three potential wetland locations outlined in that letter as areas A, B and C.
 - a. Area A appears to be in an area the surveyor has identified as a 13% grade.
 - b. Area B appears to be in an area the surveyor has identified as an 18% grade that we are proposing a conservation easement to the City of Afton.
 - c. Area C appears to be in the surface water drainage basin and already covered by a drainage and utility easement document no. 3681423 conveyed to Valley Branch Water Shed District.

We will need further direction if a completed wetland delineation report is required at the minor subdivision stage and clarity on to whom any easements will run to.

- 3) On April 2nd we made application with Washington County for the approval of the septic system review for the development. In speaking with Chris LeClair we were thinking we'd be able to get out to the site by now and tentatively was rescheduled

AMARIS HOMES, LLC | P.O. BOX 251276 | WOODBURY, MN 55125

P 651.426.0584

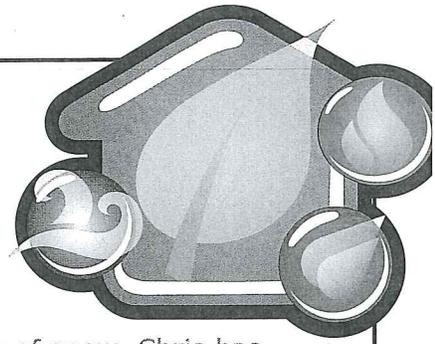
W WWW.AMARISCUSTOMHOMES.COM

F 651.426.0585

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for next week but that was before we got hit with 15 more inches of snow. Chris has promised I am on the top of the list and I am proposing we proceed with the minor subdivision application and I will produce that letter from the county prior to the actual meetings taking place. That should give us enough time...we can only hope.

As you already know Amaris Homes is a custom green home builder with an excellent reputation of building sustainable, healthy, durable green homes. Our intent is to offer these three lots to purchasers who wish to build with Amaris Homes and take advantage of the type of product we offer. I look forward to working together to getting this approved and our continuing our investment in the City of Afton.

If there are any questions, please do not hesitate to email or call.

Sincerely,

Raymond Pruban
Chief Manager
Amaris Homes, LLC
Cell 651-242-4850
Email rpruban@amariscustomhomes.com

AMARIS HOMES, LLC | P.O. BOX 251276 | WOODBURY, MN 55125

P 651.426.0584

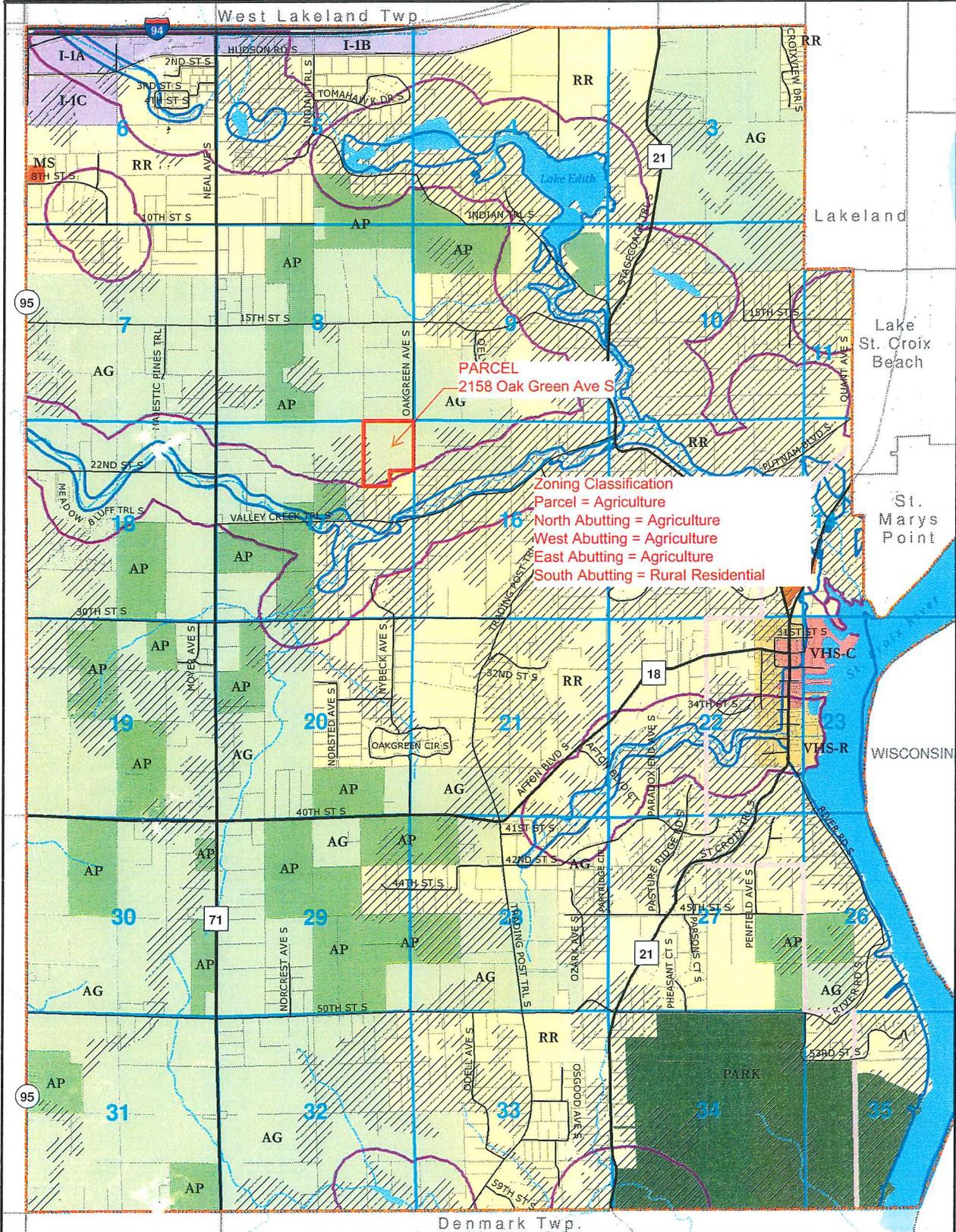
W WWW.AMARISCUSTOMHOMES.COM

F 651.426.0585

Zoning Map

ZONING CLASSIFICATION

MAP 11



| | | | | | |
|------------------------------------|-------------------------------|-------------------|----------------|---------------|---|
| Agriculture | State Park | City of Afton | Streams | 0 0.5 1 Miles | N |
| Ag Preserve | Marina Services | Parcel Boundaries | Section Lines | | |
| Village Historic Site- Commercial | Conservancy Overlay | Major Road | Lakes & Rivers | | |
| Industrial | St. Croix River Bluffland | Local Road | | | |
| Village Historic Site- Residential | Floodplain Overlay (100 Year) | | | | |
| Rural Residential | Shoreland Management Areas | | | | |

Map prepared October 2010 1000 Friends of Minnesota TRC Data Sources: City of Afton, Metropolitan Council, MN DNR, MN DOT, Washington County

MINOR SUBDIVISION / GRADING AND EROSION CONTROL PLAN

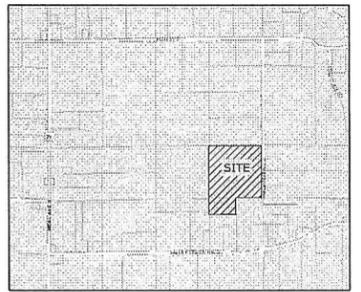
~for~ AMARIS DEVELOPMENT, LLC
 ~of~ 2158 OAKGREEN AVENUE SOUTH
 AFTON, MN 55001

EROSION CONTROL / REVEGETATION SPECS.

- Prior to rough grading, install silt stop fence in locations shown. Additional silt stop fence will be required where local conditions require. Install tree protection as deemed necessary by the city forester prior to any grading.
- Any grading shall proceed on an area by area basis to minimize uncompleted areas.
- As each area outside the street is graded, provide native topsoil, seed, and mulch anchored with a straight set disc within seven days after rough grading.
- Maintain and repair silt stop fences (including removal of accumulated silt) until vegetation is established.
- Any sediment tracked onto the street from construction activities will be removed on a daily basis.

VICINITY MAP

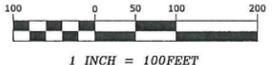
PART OF SEC. 17, TWP. 28, RNG. 20



WASHINGTON COUNTY, MINNESOTA
 (NO SCALE)

NORTH

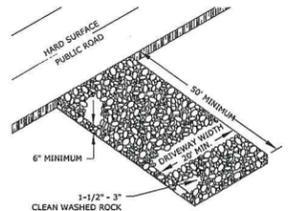
GRAPHIC SCALE



1 INCH = 100 FEET

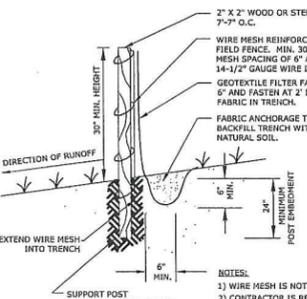
LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES WASHINGTON COUNTY CAST IRON MONUMENT
- ⊙ DENOTES SEPTIC SOIL BORING (BY OTHERS)
- ⊗ DENOTES HOUSE PAD BORING LOCATION
- ⊕ DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES POWER POLE
- ⊕ DENOTES TELEPHONE PEDESTAL
- DENOTES PROPOSED CONTOURS
- DENOTES LIDAR CONTOURS
- DENOTES OVERHEAD WIRE
- DENOTES BITUMINOUS SURFACE
- DENOTES TREE LINE FROM AERIAL
- DENOTES 13%-18% SLOPE
- DENOTES 18% AND GREATER SLOPE
- DENOTES PROPOSED SILT FENCE
- DENOTES PROPOSED ELEVATION



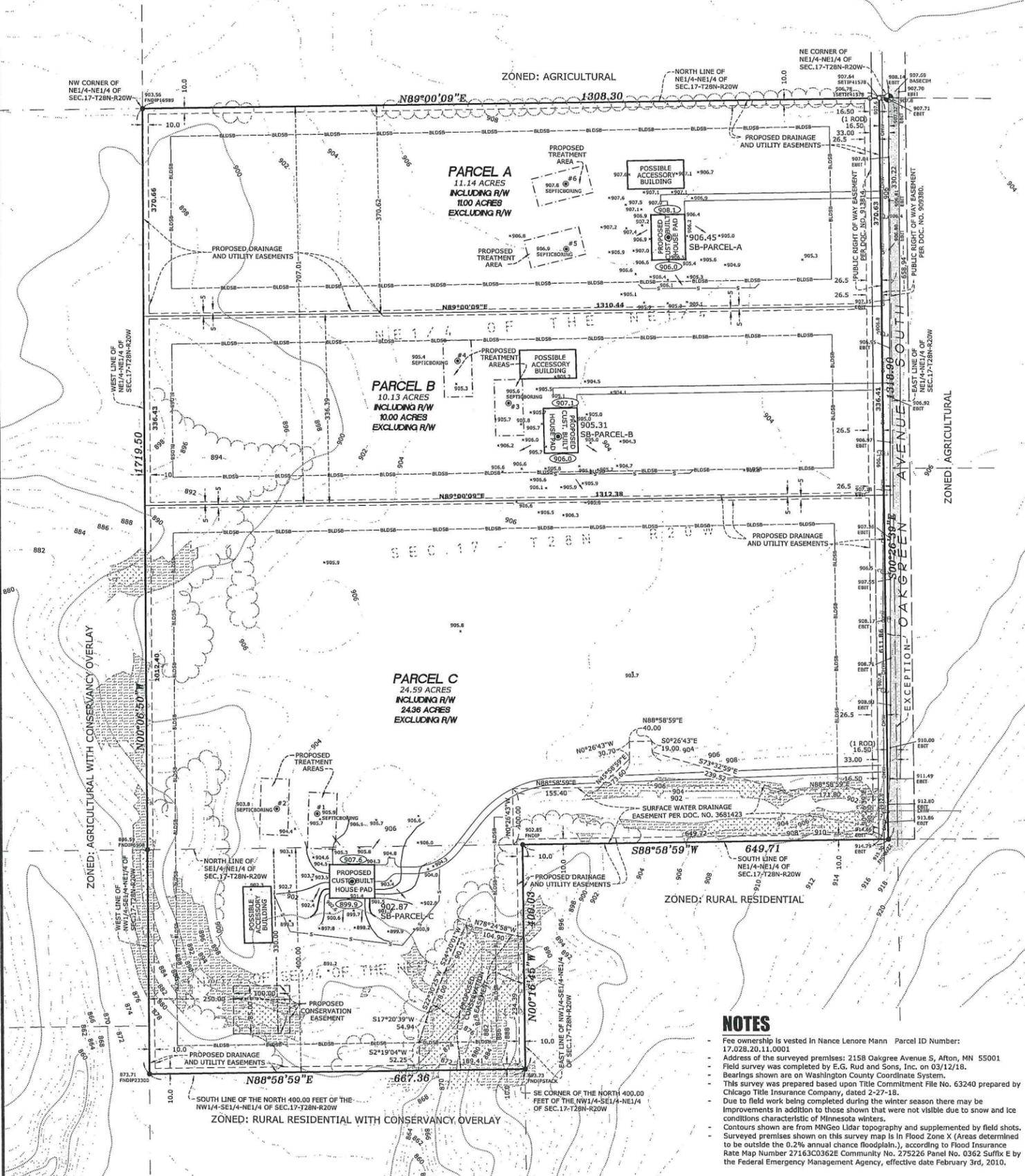
ROCK CONSTRUCTION ENTRANCE

N.T.S.



SILT FENCE

N.T.S.



NOTES

- Fee ownership is vested in Nance Lenore Mann Parcel ID Number: 17.028.20.11.0001
- Address of the surveyed premises: 2158 Oakgreen Avenue S, Afton, MN 55001
- Field survey was completed by E.G. Rud and Sons, Inc. on 03/12/18.
- Bearings shown are on Washington County Coordinate System.
- This survey was prepared based upon Title Commitment File No. 63240 prepared by Chicago Title Insurance Company, dated 2-27-18.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- Contours shown are from MNGeo Lidar topography and supplemented by field shots.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain), according to Flood Insurance Rate Map Number 27163C0362E Community No. 275226 Panel No. 0362 Suffix E by the Federal Emergency Management Agency, effective date February 3rd, 2010.

OVERALL PROPERTY DESCRIPTION

The Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota, except the East 1 Rod thereof; and the North 400 feet of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota.

ZONING AND SETBACKS

CURRENT ZONING: AGRICULTURAL WITH CONSERVANCY OVERLAY

PROPOSED ZONING: AGRICULTURAL WITH CONSERVANCY OVERLAY

SETBACKS:
 OAKGREEN AVENUE SOUTH 105 FEET FROM CENTERLINE
 SIDE YARD SETBACK 50 FEET
 REAR YARD SETBACK 50 FEET
 MAXIMUM BUILDING HEIGHT 35 FEET

DEVELOPMENT REQUIREMENTS FOR ZONE - A (AGRICULTURAL)
 MINIMUM LOT AREA 10 ACRES
 MINIMUM STREET FRONTAGE 300 FEET
 MINIMUM LOT DEPTH 300 FEET
 MAXIMUM LOT DEPTH THREE TIME THE WIDTH OF THE LOT ON ANY LOT OF TEN ACRES OR MORE.
 MAXIMUM SITE COVERAGE 10% OR 1/2 ACRE WHICHEVER IS GREATER INCLUDES STRUCTURE AND/OR IMPERVIOUS SURFACE.
 MAXIMUM BUILDABLE SLOPE 18% FOR STRUCTURES EXCEPT SUBSTANDARD STRUCTURES.
 MAXIMUM SLOPE FOR SEWAGE TREATMENT SYSTEMS AND DRIVEWAYS 12%

AREA COMPUTATIONS

TOTAL AREA OF SITE: 45.86 ACRES
 PROPOSED NUMBER OF LOTS: 3
 DENSITY: 0.06 UNITS PER ACRE

BUILDABLE AREA

(CONTIGUOUS AREA OF LOT LESS SLOPE 13% OR GREATER AND NON-TYPICAL DRAINAGE AND UTILITY EASEMENT)

PARCEL A: 11.00 ACRES
 PARCEL B: 10.00 ACRES
 PARCEL C: 20.59 ACRES

IMPERVIOUS SURFACE CALCULATIONS

| PROPOSED HOUSE PAD DRIVEWAY | PROPOSED BITUMINOUS | EXISTING BITUMINOUS | TOTAL IMPERVIOUS | PERCENT IMPERVIOUS |
|-----------------------------|---------------------|---------------------|------------------|--------------------|
| PARCEL A 4,800 S.F. | 5,400 S.F. | N/A | 10,200 S.F. | 2.1% |
| PARCEL B 4,800 S.F. | 7,816 S.F. | N/A | 12,616 S.F. | 2.9% |
| PARCEL C 4,800 S.F. | 12,804 S.F. | 312 S.F. | 17,916 S.F. | 1.7% |

PROPOSED HOUSE AND DRIVEWAY SIZE AND LOCATION ARE SUBJECT TO CHANGE PENDING FINAL DESIGN.

BENCHMARK

MNDOT STATION NAME: TOLMIE
 ELEVATION = 922.777 FEET (NAVD88)

PROPOSED DESCRIPTION FOR PARCEL A

The north 370.62 feet of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota, except the East 1 Rod thereof.

PROPOSED DESCRIPTION FOR PARCEL B

The south 336.39 feet of the north 707.01 feet of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota, except the East 1 Rod thereof.

PROPOSED DESCRIPTION FOR PARCEL C

That part of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota, which lies south of the north 707.01 feet thereof.
 AND
 The North 400 feet of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota.

PROPOSED DRAINAGE AND UTILITY EASEMENT DESCRIPTION FOR PARCEL A

A perpetual easement for drainage and utility purposes, over, under and across the west 10.00 feet; the north 10.00 feet; the south 5.00 feet; and the east 26.50 feet of the following described property:

The north 370.62 feet of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota, except the East 1 Rod thereof.

PROPOSED DRAINAGE AND UTILITY EASEMENT DESCRIPTION FOR PARCEL B

A perpetual easement for drainage and utility purposes, over, under and across the west 10.00 feet; the north 5.00 feet; the south 5.00 feet; and the east 26.50 feet of the following described property:
 The south 336.39 feet of the north 707.01 feet of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota, except the East 1 Rod thereof.

The north 400 feet of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota.

PROPOSED CONSERVATION EASEMENT DESCRIPTION FOR PARCEL C

The part of the north 400 feet of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota, described as follows:

Beginning at the southeast corner of said north 400 feet of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4); thence on an assumed bearing of North 00 degrees 16 minutes 45 seconds West, along the east line of said Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4), a distance of 234.39 feet; thence North 78 degrees 24 minutes 58 seconds West a distance of 104.90 feet; thence South 24 degrees 20 minutes 01 second West a distance of 90.12 feet; thence South 22 degrees 30 minutes 25 seconds West a distance of 78.00 feet; thence South 17 degrees 20 minutes 39 seconds West a distance of 54.94 feet; thence South 02 degrees 19 minutes 04 seconds West a distance of 52.25 feet to the south line of said Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4); thence North 88 degrees 58 minutes 59 seconds East, along said south line, a distance of 189.41 feet to the point of beginning.

AND
 The south 85.00 feet of the north 330.00 feet of the east 100.00 feet of the west 250.00 feet of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota.

PROPOSED DRAINAGE AND UTILITY EASEMENT DESCRIPTION FOR PARCEL C

A perpetual easement for drainage and utility purposes, over, under and across the west 10.00 feet; the north 5.00 feet; the east 26.50 feet; and the south 10 feet of the east 659.71 feet of the following described property:

That part of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota, which lies south of the East 1 Rod thereof.

AND

A perpetual easement for drainage and utility purposes, over, under and across the west 10.00 feet; the south 10.00 feet; and the east 10.00 feet of the following described property:

The North 400 feet of the Northwest Quarter (1/4) of the Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section 17, Township 28, Range 20, Washington County, Minnesota.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
 Date: 4/19/18 License No. 41578

| NO. | DATE | DESCRIPTION | BY |
|-----|---------|-----------------|-----|
| 1 | 4/19/18 | REVISED PARCELS | BJP |
| 2 | | | |
| 3 | | | |



E.G. RUD & SONS, INC.

Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

218-08

RECEIVED

APR 18 2018

CITY OF AFTON

CITY OF AFTON
MINOR SUBDIVISION PERMIT APPLICATION

| | | | | | |
|--|--------------------------|---------------------------|------------|--------------------------|--------------------|
| Owner | Address | City | State | Zip | Phone |
| Nance Mann | 9684 Wellington Court | Woodbury | MN | 55125 | |
| Applicant (if different than owner) | Address | City | State | Zip | Phone |
| Amaris Homes, LLC | P. O. Box 251276 | Woodbury | MN | 55125 | 651-242-4850 |
| Project Address | | AFTON | MN | 55001 | |
| 2158 Oakgreen Avenue South | | | | | |
| Zoning Classification | Existing Use of Property | PID# or Legal Description | | | |
| Agriculture | Farm | 1702820110001 | | | |
| Description of Request | | | | | |
| Minor subdivision into three lots (11 acres, 10 acres and 24.6 acres) | | | | | |
| 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. | | | | | |
|  | | | | | 04-18-2018 |
| Signature of Owner/Applicant | | | | | Date |
| Make checks payable to City of Afton : | | | | | |
| FEES: | | Escrow: | | TOTAL: <u>\$1,750.00</u> | |
| Minor Subdivision | \$250.00 | Minor Subdivision | \$1,500.00 | DATE PAID: | <u>4-18-18</u> |
| | | | | CHECK #: | <u>6300</u> |
| | | | | RECVD. BY: | <u>[Signature]</u> |
| ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION | | | | | |

**CITY OF AFTON
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING**

TO WHOM IT MAY CONCERN: Notice is hereby given that the City of Afton Planning Commission will convene on Monday, May 7, 2018 at 7:00 PM at Afton City Hall, 3033 St. Croix Trail S., to conduct the following public hearing:

To consider a minor subdivision application by Ray Pruban to create three lots at 2158 Oakgreen Avenue.

All interested persons are encouraged to attend the public hearing. Public hearings are held for the purpose of providing information regarding land use proposals and receiving comments and questions from the public regarding the proposals.

Materials will be available for viewing at Afton City Hall, 3033 St. Croix Trail, Afton MN and will be posted on the City website, at www.ci.afton.mn.us, on the Thursday prior to the meeting. Click on "City Commissions and Committees" and go into "Planning Commission Packets."

A quorum of the City Council or other Commissions may also be present to receive information at the meeting.

Ron Moorse
City Administrator
City of Afton



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

FRITSCHÉ EMMA L TRS
or Current Resident
13681 15TH ST S
AFTON MN 55001

HYBERTSON BRION L & STACY L SURRETT
or Current Resident
13710 VALLEY CREEK TRL S
AFTON MN 55001

MOUA PATRICK B & MAI YANG MOUA
or Current Resident
1916 OAKGREEN AVÉ S
AFTON MN 55001

HEDDLE DANIEL J & DEBRA A
or Current Resident
2303 OAKGREEN AVE S
AFTON MN 55001

WADE JAMES W & MARJORIE A
or Current Resident
13506 VALLEY CREEK TRL S
AFTON MN 55001

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

MANN NANCE L
or Current Resident
9684 WELLINGTON CT
WOODBURY MN 55125

ANDERSON ALAN D & KRISTA A
or Current Resident
2170 OAK GREEN AVE S
AFTON MN 55001

BLASKO SCOTT C & AUDREY L
or Current Resident
PO BOX 88
AFTON MN 55001

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

THOMAS KATHLEEN M
or Current Resident
13736 VALLEY CREEK TRL
AFTON MN 55001

VANG PAOLEE
or Current Resident
2005 OAKGREEN AVE S
AFTON MN 55001

LOCALIZED LLC
or Current Resident
PO BOX 196
AFTON MN 55001

AFTON SOD FIELDS LLC
or Current Resident
27 PIPERS PASS
HAINES CITY FL 33844



Report of Geotechnical Exploration

2158 Oakgreen Avenue South

Afton, Minnesota

March 15, 2018

Allied Project 18017

ITCO Allied Engineering Company

7125 West 126th Street, Suite 500

Savage, Minnesota 55378

Ph: 952-890-5909

Fax: 952-890-5883

SUBGRADE EXPLORATION

FOR

2158 OAKGREEN AVENUE SOUTH

Afton, Minnesota

Allied Project No. 18017

March 15, 2018

INTRODUCTION

This report presents the results of subgrade exploration performed by our firm for a minor residential subdivision with large lots. This work was requested by Mr. Ray Pruban of Amaris Homes, LLC on February 16, 2018 and authorized by the same on February 28, 2018. Our work was performed as outlined in our proposal for soil exploration dated February 20, 2018.

PROJECT INFORMATION

The site is located at 2158 Oakgreen Avenue South, Afton, Washington County. The site is approximately 45 acres in size and it will be subdivided into approximately two 10-acre lots and one 25-acre lot that will be split into two lots in the future.

BORING LOCATIONS AND ELEVATIONS

The borings were put down where the three proposed residences will be located and as shown on the site plan included in the appendix. The borings were staked in the field by E.G. Rud & Sons, Inc. and they also provided the ground elevation at each boring location. Elevations listed on the boring logs are based on these ground elevations.

FIELD EXPLORATION

Three Standard Penetration Test (SPT) borings were each put down to a depth of 16 feet on each of the residential lots. The borings were augered to 14.5 feet of depth and the split spoon sampler was driven to 16 feet for the last 1.5 feet of samples. The borings were put down in accordance with ASTM 1586-99: "Standard Method for Penetration Test and Split-Barrel Sampling of Soils". Using this procedure, a 2" O.D. split barrel sampler is driven into the soil by a 140-lb weight falling a distance of 30 inches. After an initial set of 6", the number of blows required to drive the sampler an additional 12 inches is known as the standard penetration resistance or N-value. The N-value provides an indication of the relative density of cohesionless (coarse grained) soils or of the consistency of cohesive (fine-grained) soils.

As the samples were obtained in the field, they were visually and manually classified. Representative portions of the samples were then sealed in clean glass soil jars and returned to the laboratory for further examination and verification of the field classification. The recovered soil samples were classified in accordance with the Unified Soil Classification System, ASTM D: 2488-00. A chart illustrating this classification method is included in the appendix to this report. Logs of the test borings indicating the depth and identification of the various strata, measured penetration resistances, soil classifications and the results of water level checks are included in the appendix to this report.

SUBSURFACE CONDITIONS

Boring A

Boring A consisted of at least 2 feet of topsoil, underlain by 4 inches of sandy clay with some gravel from at least 2.5 feet to 2.88 feet of depth, sand with gravel to 5 feet of depth, sand and gravel to 7.88 feet of depth, and very fine sand with silt (loess) to 16 feet of depth.

Boring B

Boring B consisted of 3 feet of topsoil, underlain by sand with some pea gravel and silt to 5 feet of depth, sand with gravel to 7.5 feet of depth, fine to medium sand with a layer of clayey sand to 10 feet of depth, fine to medium sand to 12.5 feet of depth, sand with some gravel to at least 14 feet of depth, and fine sand from at least 14.5 feet to 16 feet of depth.

Boring C

Boring C consisted of 2.7 feet of topsoil, underlain by moist sand and gravel to 5 feet of depth, coarse sand and gravel to 7.5 feet of depth, moist coarse sand and gravel to at least 9 feet of depth, fine sand with some clay from at least 10 feet to 12.5 feet of depth, and sand with some gravel to 16 feet of depth..

N-values ranged from 5 to 47, indicating that the soils ranged from loose to dense in consistency. N-values below 6 are considered low for residential structures. There was an N-value of 5 in boring B at 5-6.5 feet of depth.

Groundwater was not encountered in any of the borings. Groundwater conditions may vary both seasonally and annually based on precipitation amounts, patterns, and both surface and subsurface drainage in the local area.

Included in the appendix to this report are logs of the test borings, which describe the conditions, encountered at each drilling location. The depth of the individual strata of soil may vary at and between the drilling locations due to unsampled intervals, the occurrence of transitions between soil layers and the natural variability of the subsurface conditions.

CONCLUSIONS AND RECOMMENDATIONS

Organic topsoil, peat, organic soils, and any soft soil layers, which may be encountered, should not be relied upon for support of the proposed residential footings, slabs or controlled fills that will support these elements. These materials should be removed and replaced below the proposed structure. A qualified soil technician should examine the excavated areas before suitable fill material is placed. ITCO Allied Engineering Co. can provide this service during construction.

It should be possible to provide support for the planned structure with a conventional spread footing foundation system. If unsuitable soils are encountered, these can be corrected by using excavation and controlled refilling procedures together with an observational approach. This would require excavation in order to prepare for the placement of controlled fill to make grade for concrete for footings or slabs.

The non-root infested and inorganic on-site soils would generally be suitable for reuse as controlled and compacted fill material. The topsoil or other materials, which would not be suitable for use as controlled fill, may be able to be used as surface fill in the lawn and landscaping areas. Additional recommendations are presented in the following sections.

1. EXCAVATION

In general, grubbing and stripping operations should remove all significantly organic or root infested soils from the areas to be worked. Frozen material, soft consistency clays or otherwise unsuitable soil and debris should be removed. Where undocumented fill or otherwise unsuitable soils are exposed in the base of excavations, which will support slabs, pavements or footings, these materials should also be removed. Frozen soils resulting from frost penetration may turn soft upon thawing and would need to be removed.

For the support of fill sequences, slabs, or footings it will be important to remove unsuitable soils prior to the placement of the controlled and compacted fill to make grade for concrete foundations and slabs. Once the organic topsoil layers and otherwise unsuitable materials have been removed, the completed excavations should be observed by an experienced soil engineer or technician and the conditions judged to be suitable prior to the placement of controlled and compacted fill to make grade for concrete footings or slabs. The following areas should be observed at the time of construction and unsuitable soil removed and replaced as necessary to obtain suitable soil and adequate compaction of the soil for the proposed residential structure or other facilities.

| Soil Boring | Soil depth associated with soils requiring modification |
|-------------|---|
| A | Remove at least 2 feet of topsoil* |
| B | Remove 3 feet of topsoil* |
| C | Remove 2.7 feet of topsoil* |

*If a full basement will be provided the topsoil would be removed as part of the basement excavation. However, for a slab on grade residential structure and a garage, the topsoil will need to be removed and replaced below the slabs. Suitable fill should be placed as described in FILL PLACEMENT below.

Regarding the low N-value found in boring B mentioned previously, this should likely be sufficiently deep for a slab on grade building so that no corrections would be required and for a full basement the low N-value layer would be removed as part of the basement excavation. However, it is recommended that a foundation inspection be done for any slab on grade buildings on lot B.

2. FOUNDATIONS

It may be possible to provide support for spread footing foundations systems using excavation and controlled filling procedures outlined above under EXCAVATION. As mentioned previously, the topsoil, peat, organic silt, organic clay, soft silt, and any uncontrolled fill encountered during the excavation work should not be relied upon for support of footings, slabs or controlled fills which will support these elements. It will be important to monitor the conditions exposed in the excavations during the grading work prior to the placement of fill to make grade for concrete for footings or slabs. Hand auger borings and Dynamic Cone Penetrometer (DCP) tests should be done in the completed excavations and the exposed conditions judged suitable by an experienced soil engineer or technician prior to the placement of footings or fill. ITCO Allied Engineering Co. is capable of and available to do this work.

Once the recommendations presented in this report have been implemented, a net allowable bearing pressure of 2000 pounds per square foot may be utilized for the proportioning of individual footings. In designing the footings, it is recommended that they be designed to exert approximately equal pressures to the bearing strata. This should limit total and differential settlements to 1" and ½" respectively.

For frost protection, we recommend that footings in unheated areas be placed at a depth of 48 inches below finished grade. For decks and porches it is recommended that this be increased to 60 inches if the soil is frost susceptible. In heated portions of the building, a depth of 42 inches would be adequate. Where full or partial basements are utilized, frost depths for garage areas and porch structures should be maintained as outlined above.

3. FILL PLACEMENT

In the event that unsuitable soils are encountered and need to be replaced, the fill material should be mineral soil, preferably granular, and free of debris, boulders and organic material. The non-organic

on-site soils would be suitable for reuse as controlled fill material provided that they are dry enough to meet compaction requirements. It may be difficult to dry wet soils sufficiently and it may be necessary to replace some of this material with off site material.

Fill should be placed and compacted in a manner that will allow complete compaction of the entire fill layer to a minimum of 95% of the Standard Proctor Density according to ASTM D: 698 in the building pad area. Required compaction should be increased to 98% below all footings. For roadway construction, the top 3 feet of roadway subgrade should be compacted to 100%. A minimum of one representative field density test should be performed for each two feet of fill placed at a time in a given work area. Density tests in mass fill areas should be performed at a rate judged sufficient to represent the fill sequence as a whole. Where sand fills are to be compacted, smooth "drum" type vibratory equipment would be preferred, however, a sheepsfoot roller with short wide pads may provide adequate compaction.

Fill areas should be properly oversized to provide for adequate distribution of the imposed loads. The fill supporting structural elements should extend at least one foot horizontally beyond the structure, slab or edge of the footing. Fill surfaces should extend downward and outward on a 1:1 slope to competent soil. If the fill slope is unconfined by other soils, the downward and outward slope should be flattened and stabilized. Also, no unremedied excavations should be carried out within the fill oversize area

4. FINAL SITE TOPOGRAPHY

The final soil surfaces should be graded to provide adequate drainage away from structures and pavements in order to minimize deleterious effects associated with water infiltration. The areas adjacent to footing walls should be adequately compacted (not loosely placed) and provided with drainage outlets to avoid this zone acting as a "sump" and creating nuisance water conditions. Compliance with the building code provision for positive surface drainage away from the structure should also aid in reducing the quantity of infiltration into the backfill zones adjacent to foundation walls.

STANDARD OF CARE

The recommendations contained in this report are professional opinions. These opinions were arrived at in accordance with generally accepted engineering practices currently in use at this time, location and for projects of this type. Other than this, no warranty is implied or intended. Soil samples recovered from the test borings will be retained in our offices for a period of thirty days from the date of this report. After that time they will be discarded unless prior written instructions to the contrary are received.

I hereby certify that this report and/or specification has been prepared by me or under my direct supervision and that I am a duly registered Professional Engineer under the laws of the State of Minnesota. If you have any further questions or we can be of any further assistance, please do not hesitate to phone or write.

ITCO ALLIED ENGINEERING COMPANY

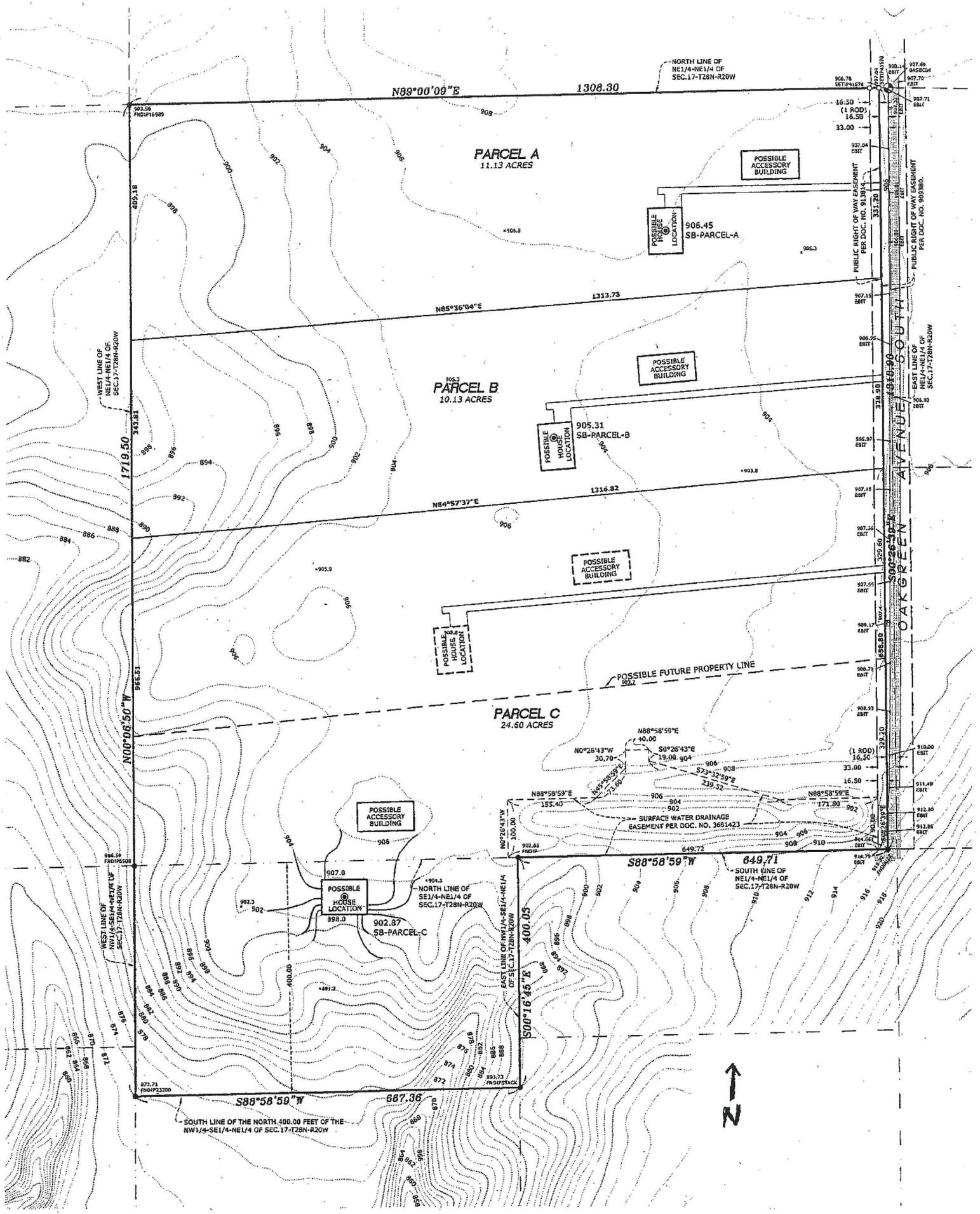


Robert Sullentrop, P.E.

Minnesota Registration No. 17823

APPENDIX A

Boring Location Plan



APPENDIX B

Boring Logs

ITCO ALLIED ENGINEERING CO.

Project: 2158 Oakgreen Avenue South

LOG OF BORING **B**

Sheet 1 of 1

DRILLER Mike

TECHNICIAN Tom

BORING NO. / LOCATION B

DRY ON COMPLETION? Yes

DATE March 13, 2018 SURFACE ELEV. 905.3 FT.

REFUSAL: No DEPTH FT. ELEV. FT.

SAMPLED 16.0 FT. 4.9 M

BORING TIME: 12:15 PM

BOTTOM OF HOLE DEPTH 14.5 FT. ELEV. 890.8 FT.

BORING ADVANCED BY: POWER AUGERING X

WATER LEVEL DATA (IF APPLICABLE)

DRILLING: DEPTH FT.
ELEV. FT.

After 24 Hrs DEPTH FT.
ELEV. FT.

Cave-in DEPTH 13.7 FT.

| STRATUM DEPTH | | SAMPLE DEPTH | | SAMPLE NUMBER | SAMPLE TYPE | FIELD RESULTS | | LABORATORY RESULTS | | | STRATUM DESCRIPTION |
|---------------|-------|--------------|------|---------------|-------------|---------------|----|--------------------|----|----|---|
| | | FROM | TO | | | N-Value | Qp | LL | PI | %M | |
| FT. | ELEV. | FT. | FT. | | | | | | | | |
| 0.0 | 905.3 | 0.0 | 2.0 | 1 | Grab | | | | | | Dark Brown/Black Clayey Topsoil |
| 2.5 | 902.8 | 2.5 | 4.0 | 2 | SS | 8 | | | | | 6" Dark Brown/Black Clayey Topsoil Dark Brown Sand W/Some Pea Gravel & Silt, SW-SM |
| 5.0 | 900.3 | 5.0 | 6.5 | 3 | SS | 5 | | | | | Brown Sand W/Gravel, SW |
| 7.5 | 897.8 | 7.5 | 9.0 | 4 | SS | 11 | | | | | Light Brn Fine to Medium Sand, SP W/Layer of Clayey Sand, SC |
| 10.0 | 895.3 | 10.0 | 11.5 | 5 | SS | 10 | | | | | Brown Fine to Medium Sand, SP |
| 12.5 | 892.8 | 12.5 | 14.0 | 6 | SS | 15 | | | | | Brown Sand W/Some Gravel, SW |
| 14.5 | 890.8 | 14.5 | 16.0 | 7 | SS | 10 | | | | | Light Brown Fine Sand, SP |

REMARKS:

APPENDIX C

Soil Classification System

ALLIED TEST DRILLING COMPANY SOIL CLASSIFICATION SYSTEMS

| Unified Soil Classification System ASTM: D 2488-84 | | | | |
|--|--|--|---|---|
| Major Divisions | | | Group Symbol | Typical Group Names |
| COARSE-GRAINED SOILS Granular soils More than 50% retained on the No. 200 sieve | GRAVELS More than 50% of coarse fraction retained on No. 4 sieve | Clean gravels < 5% passing No. 200 sieve | GW | Well-graded gravels, Well-graded gravel with sand ¹ |
| | | Gravel with fines >12% passing No. 200 sieve | GP | Poorly-graded gravel, Poorly-graded gravel with sand ¹ |
| | | | GM | Silty gravel, Silty gravel with sand ¹ |
| | | GC | Clayey gravel, Clayey gravel with sand ¹ | |
| | SANDS 50% or more of coarse fraction passes No. 4 sieve | Clean sands < 5% passing No. 200 sieve | SW | Well-graded sand, Well-graded sand with gravel ² |
| | | | SP | Poorly-graded sand, Poorly graded sand with gravel ² |
| | | Sand with fines >12% passing No. 200 sieve | SM | Silty sand, Silty sand with gravel ² |
| | | | SC | Clayey sand, Clayey sand with gravel ² |
| FINE-GRAINED SOILS Cohesive soils 50% or more passes the No. 200 sieve | SILTS AND CLAYS Liquid limit less than 50 | ML | Silt, Silt with sand ³ , Sandy silt ⁴ | |
| | | CL | Lean clay, Lean clay with sand ³ , Sandy lean clay ⁴ | |
| | | OL | Organic silt, Organic clay | |
| | SILTS AND CLAYS Liquid limit more than 50 | MH | Elastic silt, Elastic silt with sand ³ , Sandy elastic silt ⁴ | |
| | | CH | Fat clay, Fat clay with sand ³ | |
| | | OH | Organic clay, Organic silt | |
| HIGHLY ORGANIC SOILS | | | PT | Peat |

Boundary classifications are designated by dual group symbols. For example, (SP-SM) for Poorly-graded sand with silt.
¹More than 15% sand ²More than 15% gravel ³15% to 30% retained on No. 200 sieve ⁴30% retained on No. 200 sieve

| AASHTO Soil Classification System | | | | | | | | | | | | |
|--|---|--------|--------------|---------------------------------|--------|--------|--------------|---|--------|--------------|----------------|-------------------------------|
| | Granular Materials (35% or less passing No. 200 sieve) | | | | | | | Silt-Clay Materials (>35% passing No. 200 sieve) | | | | A-8 |
| | A-1 | | A-3 | A-2 | | | | A-4 | A-5 | A-6 | A-7 | |
| | A-1-a | A-1-b | | A-2-4 | A-2-5 | A-2-6 | A-2-7 | | | | | |
| Sieve Analysis: Percent Passing | | | | | | | | | | | | |
| No. 10 | 50 max | | 51 min | | | | | | | | | |
| No. 40 | 30 max | 50 max | 10 max | 35 max | 35 max | 35 max | 35 max | 36 min | 36 min | 36 min | 36 min | |
| No. 200 | 15 max | 25 max | 10 max | 35 max | 35 max | 35 max | 35 max | 36 min | 36 min | 36 min | 36 min | |
| Characteristics of Fraction Passing No. 40: | | | | | | | | | | | | |
| Liquid limit | | | | 40 max | 41 min | 40 max | 41 min | 40 max | 41 min | 40 max | 41 min | |
| Plasticity Index | 6 max | | NP | 10 max | 10 max | 11 min | 11 min | 10 max | 10 max | 11 min | 11 min | |
| Usual Types of Significant Constituents | stone fragments gravel and sand | | fine sand | silty or clayey gravel and sand | | | | silty soils | | clayey soils | | Peat, highly organic soils |
| General Subgrade Rating | Excellent to good | | | | | | Fair to poor | | | | Unsatisfactory | |



SEPTIC PERMIT APPLICATION

Washington County Department of Public Health & Environment
14949-62nd St N, P.O. Box 6, Stillwater MN 55082-0006
651.430.6655 FAX: 651.430.6730

2018

| PERMIT NUMBER |
|---------------|
| |

Property & Applicant Information

| | | | |
|-------------------------------------|---|---------------------------------|--|
| Property Address: | | PIN: | |
| Use of Building: | <input checked="" type="checkbox"/> Single Family Home <input type="checkbox"/> Non-Single Family | Application Type: | <input checked="" type="checkbox"/> New <input type="checkbox"/> Replace or Alter Existing |
| Property Owner | | | |
| Name(s) Amaris Homes, LLC | Address P. O. Box 251276 City Woodbury Zip 55125 | Phone Number(s) 651-426-0584 | |
| Applicant (If Different From Owner) | | | |
| Name(s) Nance L Mann | Address 9684 Wellington Ct City Woodbury MN Zip 55125 | Phone Number(s) | |
| Email Address For Issued Permit | rpruban@amarishomes.com | | |

Permit Types

| Installation and Modification Permits | | | |
|--|--|-------------------------------------|-----------|
| Type | Purpose | ✓ | Total Fee |
| Installing a new or replacement system | Single Family Dwelling | <input type="checkbox"/> | \$714 |
| | Non-Single Family/Commercial | <input type="checkbox"/> | \$1,066 |
| | Installation Permit Renewal | <input type="checkbox"/> | \$153 |
| Other | System Abandonment | <input type="checkbox"/> | \$122 |
| | Tank Replacement Only | <input type="checkbox"/> | |
| | System Repair | <input type="checkbox"/> | |
| Connect to Existing System | <input type="checkbox"/> | | |
| Subdivision/Lot Split/ Soil Review | # of Lots: <u>3</u> X \$87 per lot + Base fee \$204= <u>466.00</u> | <input checked="" type="checkbox"/> | |
| Make Checks Payable to WASHINGTON COUNTY | | | Total Fee |

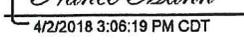
The following exhibits are required as part of the application and shall be attached hereto: Soil Boring Logs; Site Plan drawn to scale showing location of buildings, lot lines, soil hydraulic loading rate information, soil boring holes, proposed location of system and location of well(s), the System Design; and the Final Building Plan. The house and drainfield areas must be staked. Inaccurate or incomplete information will result in delays in processing or denial of the application.

AGREEMENT: The undersigned hereby makes Application for Permit to Install or Extend the Sewage Treatment System herein specified, agreeing that all work shall be done in strict accordance with ordinances and regulations of the County of Washington, Minnesota. Applicant agrees that the Site Plan, Sketches, and Design submitted herewith, and which are reviewed by Washington County, together with any requirements and/or restrictions made necessary by conditions peculiar to a particular location, shall become part of the permit. Owner and Applicant further agree to provide access, at reasonable times, to Washington County for the purpose of performing inspections required and that no part of the system shall be covered until it has been inspected and accepted. **APPLICATION IS FOR AN INSTALLATION AT A SPECIFIC LOCATION; ANY DEVIATION FROM THE APPROVED LOCATION SHALL VOID THE PERMIT.** It shall be the responsibility of the applicant for the permit to notify the Washington County Department of Public Health and Environment that the installation is ready for inspection.

PERMITS WILL NOT BE ISSUED ONCE FROZEN GROUND CONDITIONS EXIST due to the inability to conduct soil reviews unless arrangements are made BY THE APPLICANT to provide a backhoe, geo-probe, or any other device that can penetrate the frozen soil to allow Washington County to conduct a soil review. In accordance with Minnesota Statute 15.99, Subdivision 2, Washington County has up to 60 days to review and approve or deny a complete permit application.

| | | |
|---|---|---------------|
|  | Digitally signed by Raymond Pruban Jr. DN: cn=Raymond Pruban Jr, o=P O Box 251276 Woodbury, MN 55125, ou=Amaris Homes, LLC, c=US | April 02 2018 |
| Signature of Applicant (if Different from Owner) | | Date |

I hereby give the Washington County Department of Public Health and Environment permission to enter upon my property during normal business hours for the purpose of determining the suitability of the location, design, and construction, which may include minor excavations or soil borings by the Department.

| | | |
|---|---|----------------|
|  |  | April 02, 2018 |
| 4/2/2018 3:06:19 PM CDT | Signature of Owner | Date |

SP TESTING INC.

Steven B. Schirmers – 951 Katydid Lane NE – St. Michael, MN 55376
Cert. No 627 – State License #394 – Phone 763-497-3566 – Fax 763-497-5011
www.sptestesting.wastewater@comcast.net – schirmerswastewater.com

April 2, 2018

INVOICE

**Amaris Custom Home
2158 Oakgreen Ave. S.
3 lot sub-division, Parcels A, B & C
Afton, MN**

**6 preliminary soil borings completed for
Lots A, B & C x \$300 per lot= \$900.00**

Upon Reciept

Thank You

ZONED: AGRICULTURAL

NORTH LINE OF NE1/4-NE1/4 OF SEC.17-T28N-R20W

N89°00'09"E 1308.30

PARCEL A
11.13 ACRES

POSSIBLE ACCESSORY BUILDING

PROPOSED TREATMENT AREAS

POSSIBLE HOUSE LOCATION

PARCEL B

POSSIBLE ACCESSORY BUILDING

PROPOSED TREATMENT AREAS

POSSIBLE HOUSE LOCATION

PARCEL C
24.66 ACRES INCLUDING R/W
24.35 ACRES EXCLUDING R/W

POSSIBLE ACCESSORY BUILDING

POSSIBLE HOUSE LOCATION

PROPOSED TREATMENT AREAS

S88°58'59"W 649.71

ZONED: RURAL RESIDENTIAL

SOUTH LINE OF THE NORTH 400.00 FEET OF THE NW1/4-SE1/4-NE1/4 OF SEC.17-T28N-R20W
ZONED: RURAL RESIDENTIAL WITH CONSERVANCY OVERLAY

PUBLIC RIGHT OF WAY EASEMENT PER DOC. NO. 909380

PUBLIC RIGHT OF WAY EASEMENT PER DOC. NO. 309380

PUBLIC RIGHT OF WAY EASEMENT PER DOC. NO. 3681423

SURFACE WATER DRAINAGE EASEMENT PER DOC. NO. 3681423

AMARIS CUSTOM HOMES
2158 OAKGREEN AVE. S0
PARCEL A, B AND C
ARON MIA WASH. CO.
909000 TREATMENT AREAS 50X100' EACH
" = 200'
NORTH
SURVEYED BY: E. L. AND SONS, INC.
SONS BORANUS BY: S. P. ESTERLINE, INC.
3-26-18



NORTH

3-26-18

SP TESTING INC.

Steven B. Schirmers – 951 Katydid Lane NE – St. Michael, MN 55376
Cert. No 627 – State License #394 – Phone 763-497-3566 – Fax 763-497-5011
www.sptestesting.wastewater@comcast.net – schirmerswastewater.com

April 2, 2018

**Amaris Custom Homes
2158 Oakgreen Ave. S.
3 Lot Sub-Division Lots A, B & C
Afton, MN**

The soils were thawed using coal for 6 days prior to the soil borings.

This letter is in regard with preliminary soil borings for a proposed 3 lot sub-division. 10,000 sq.ft. is required for septic systems.

Soil borings indicated no mottled soil (redox feature) to a depth of 24".

Parcel C the borings were completed deeper finding rocky soil (stones) which mix the soil sample & indicated possible periodically saturated soil (iron deposits which may be redox features at 40" to 54").

A complete site evaluation & design will need to be completed prior to obtaining a building permit. Soil pits will need to be completed for the soil log profiles on all 3 parcels to determine whether a trench system or a mound system will be needed.

Steven B. Schirmers

Soil Observation Log

www.SepticResource.com vers 12.4

| Owner Information | |
|--|----------------------|
| Property Owner / project: <u>Amaris Homes</u> | Date <u>4/2/2018</u> |
| Property Address / PID: <u>2158 Oakgreen Ave. S.Afton</u> <u>3 lot sub-division parcels A, B, & C</u> | |

| Soil Survey Information | |
|--|--|
| <input type="checkbox"/> refer to attached soil survey | |
| Parent mat'l's: | <input type="checkbox"/> Till <input type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Alluvium <input type="checkbox"/> Organic <input type="checkbox"/> Bedrock |
| landscape position: | <input type="checkbox"/> Summit <input type="checkbox"/> Shoulder <input type="checkbox"/> Side slope <input type="checkbox"/> Toe slope |
| soil survey map units: | _____ slope _____ % direction- <u>downhill</u> |

| Soil Log #1 | | | | | | | |
|---|-----------------|--|------------------------------|------------------------|------------------------------|----------|--------------|
| | | <input checked="" type="checkbox"/> Boring | <input type="checkbox"/> Pit | Elevation <u>905.7</u> | Depth to SHWT <u>>54"</u> | | |
| Depth (in) | Texture | fragment % | matrix color | redox color | consistence | grade | shape |
| 0 - 12 | loam | | 10YR 3/2 | | Friable | Weak | Granular |
| 12 - 24 | silty clay loam | | 10YR 4/3 | | Firm | Moderate | Prismatic |
| 24 - 34 | sandy loam | | 10YR 5/4 | | Friable | Weak | Granular |
| 34 - 54 | medium sand | | 10YR 5/3 | | Loose | | Single grain |
| | | | | | | | |
| Comments: Below 54" rocky medium to coarse sand w/ thin layers 1/2" thick fine sandy silty loam w/ mottles 10YR 6/8 | | | | | | | |

2158 Oakgreen Ave. S.Afton

Soil Log #2

| <input checked="" type="checkbox"/> Boring <input type="checkbox"/> Pit | | Elevation <u>903.6</u> | | Depth to SHWT <u>>40"</u> | | | |
|---|-------------------|------------------------|--------------------|------------------------------|-------------|----------|--------------|
| Depth (in) | Texture | fragment % | matrix color | redox color | consistence | grade | shape |
| 0 - 6 | loam | | 10YR 3/2 | | Friable | Weak | Granular |
| 6-24 | silty clay loam | | 10YR 4/3 - 10YR5/4 | | Firm | Moderate | Prismatic |
| 24 - 28 | sandy clay laom | | 10YR 5/4 | | Firm | Moderate | Prismatic |
| 28 - 36 | loamy medium sand | <35 | 10YR 5/3 | | Firm | Moderate | Prismatic |
| 36 - 40 | medium sand | | | | Loose | | Single grain |

2158 Oakgreen Ave. S.Afton

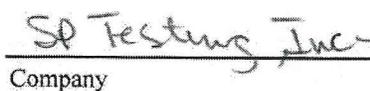
Soil Log #3

| <input checked="" type="checkbox"/> Boring <input type="checkbox"/> Pit | | Elevation <u>905.6</u> | | Depth to SHWT <u>>36"</u> | | | |
|---|-------------------|------------------------|--------------|------------------------------|-------------|-------|--------------|
| Depth (in) | Texture | fragment % | matrix color | redox color | consistence | grade | shape |
| 0 - 10 | loam | | 10YR3/3 | | Friable | Weak | Granular |
| 10 - 26 | loam | | 10YR 4/3 | | Friable | Weak | Granular |
| 26 - 32 | sandy loam | | 10YR 5/4 | | Friable | Weak | Granular |
| 32 - 36 | loamy medium sand | <35 | 10YR 5/3 | | Loose | | Single grain |
| 36 - 50 | medium sand | <35 | 10YR 5/3 | | Loose | | Single grain |

I hereby certify this work was completed in accordance with MN 7080 and any local req's.



Designer Signature



Company

394

License #

Soil Observation Log

www.SepticResource.com vers 12.4

| Owner Information | |
|---|----------------------|
| Property Owner / project: <u>Amaaris Homes</u> | Date <u>4/2/2018</u> |
| Property Address / PID: <u>2158 Oakgreen Ave. S., Afton</u> <u>3 lot sub-division, parcels A, B& C</u> | |

| Soil Survey Information | |
|--|--|
| <input type="checkbox"/> refer to attached soil survey | |
| Parent mat'l's: | <input type="checkbox"/> Till <input type="checkbox"/> Outwash <input type="checkbox"/> Lacustrine <input type="checkbox"/> Alluvium <input type="checkbox"/> Organic <input type="checkbox"/> Bedrock |
| landscape position: | <input type="checkbox"/> Summit <input type="checkbox"/> Shoulder <input type="checkbox"/> Side slope <input type="checkbox"/> Toe slope |
| soil survey map units: | _____ slope _____ % direction- <u>downhill</u> |

| Soil Log #4 | | | | | | | | |
|-------------|-----------|--|------------------------------|------------------------|------------------------------|----------|-----------|--|
| | | <input checked="" type="checkbox"/> Boring | <input type="checkbox"/> Pit | Elevation <u>905.4</u> | Depth to SHWT <u>>24"</u> | | | |
| Depth (in) | Texture | fragment % | matrix color | redox color | consistence | grade | shape | |
| 0 - 10 | loam | | 10YR 3/2 | | Friable | Weak | Granular | |
| 10 - 24 | clay loam | | 10YR 5/4 | | Friable | Moderate | Prismatic | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| Comments: | | | | | | | | |

2158 Oakgreen Ave. S., Afton soil log #5

| <input checked="" type="checkbox"/> Boring <input type="checkbox"/> Pit | | Elevation <u>906.9</u> | | Depth to SHWT <u>>24</u> | | | |
|---|------------|------------------------|--------------|-----------------------------|-------------|----------|-----------|
| Depth (in) | Texture | fragment % | matrix color | redox color | consistence | grade | shape |
| 0 - 12 | loam | | 10YR 3/2 | | Friable | Weak | Granular |
| 12 - 16 | Silty loam | | 10YR 4/3 | | Friable | Weak | Blocky |
| 16 - 24 | clay loam | | 10YR 5/4 | | Firm | Moderate | Prismatic |
| | | | | | | | |
| | | | | | | | |

2158 Oakgreen Ave. S., Afton Soil Log #6

| <input checked="" type="checkbox"/> Boring <input type="checkbox"/> Pit | | Elevation <u>907.8</u> | | Depth to SHWT <u>>24</u> | | | |
|---|-----------------|------------------------|--------------|-----------------------------|-------------|----------|-----------|
| Depth (in) | Texture | fragment % | matrix color | redox color | consistence | grade | shape |
| 0 - 10 | loam | | 10YR 3/2 | | Friable | Weak | Granular |
| 10 - 14 | Silty loam | | 10YR 4/3 | | Friable | Weak | Blocky |
| 14 - 24 | Silty clay loam | | 10YR 5/4 | | Firm | Moderate | Prismatic |
| | | | | | | | |
| | | | | | | | |

I hereby certify this work was completed in accordance with MN 7080 and any local req's.

Sta B. Se
Designer Signature

SP Testing Inc.
Company

394
License #



April 11, 2018

Ray Pruban
Amaris Homes, LLC.
2115 County Road D, Suite B
Maplewood, MN 55109

RE: Preliminary Wetland Determination for 2158 Oakgreen Ave. S. Property, Afton, MN

Mr. Pruban,

On March 28th, Midwest Natural Resources, Inc. (MNR) surveyed the approximate 45 acre property located at 2158 Oakgreen Ave. S. in Afton, Minnesota (**Figure 1**) for the presence of wetlands. Prior to the site visit, a Level 1 delineation of the site was conducted and involved a GIS review of the site in order to determine any potential preliminary wetland boundaries. GIS spatial data that was reviewed included: aerial photos (current and historic), National Wetland Inventory, MN DNR Pubic Waters Inventory, Washington County Soil Survey, and LiDAR.

From the initial Level 1 review of the site, we determined two depressional areas along the southern boundary as being potential wetland areas. The two potential wetland areas were investigated and were determined to not being considered wetland based on a lack of hydrophytic vegetation. These two areas were dominated by upland grasses and forbs that were planted when these two basins were constructed in the late 2000's. At the time of the site visit soils were not investigated due to frozen conditions. It appears these two basins were constructed to hold water from drain tile runoff from the agricultural fields located north of the two basins. An inlet was observed in the larger of the two basins on the north side which is likely connected to drain tile from the adjacent field.

Two other areas were reviewed on-site for the presence of wetland and they include a ravine area located in the southern part of the property and a swale area located along the western boundary. The ravine area was a highly eroded channel within a deciduous woodland dominated by black cherry, hackberry and bur oak. This highly eroded ravine is likely a result of directed drain tile runoff from the fields to the north prior to the installation of the two depressional areas that now receive the drain tile runoff. No signs of wetland vegetation was observed in the ravine area and no flowing water was observed. The second area is a swale located along the western property line within a box elder dominated woodland. This area has runoff directed towards it from the adjacent lands where it flows through in a western direction to an off-site area dominated by upland grasses.

Historic imagery was also reviewed for signatures that would be associated with the presence of wetland within the agricultural fields. Based on our review of all available historic imagery, it was determined that only one area may be considered wetland but a signature was only observed in a couple of the years. A full imagery review will be submitted with the determination report for the site. Based on our initial imagery review we believe there will be no wetland areas located within the agricultural fields.

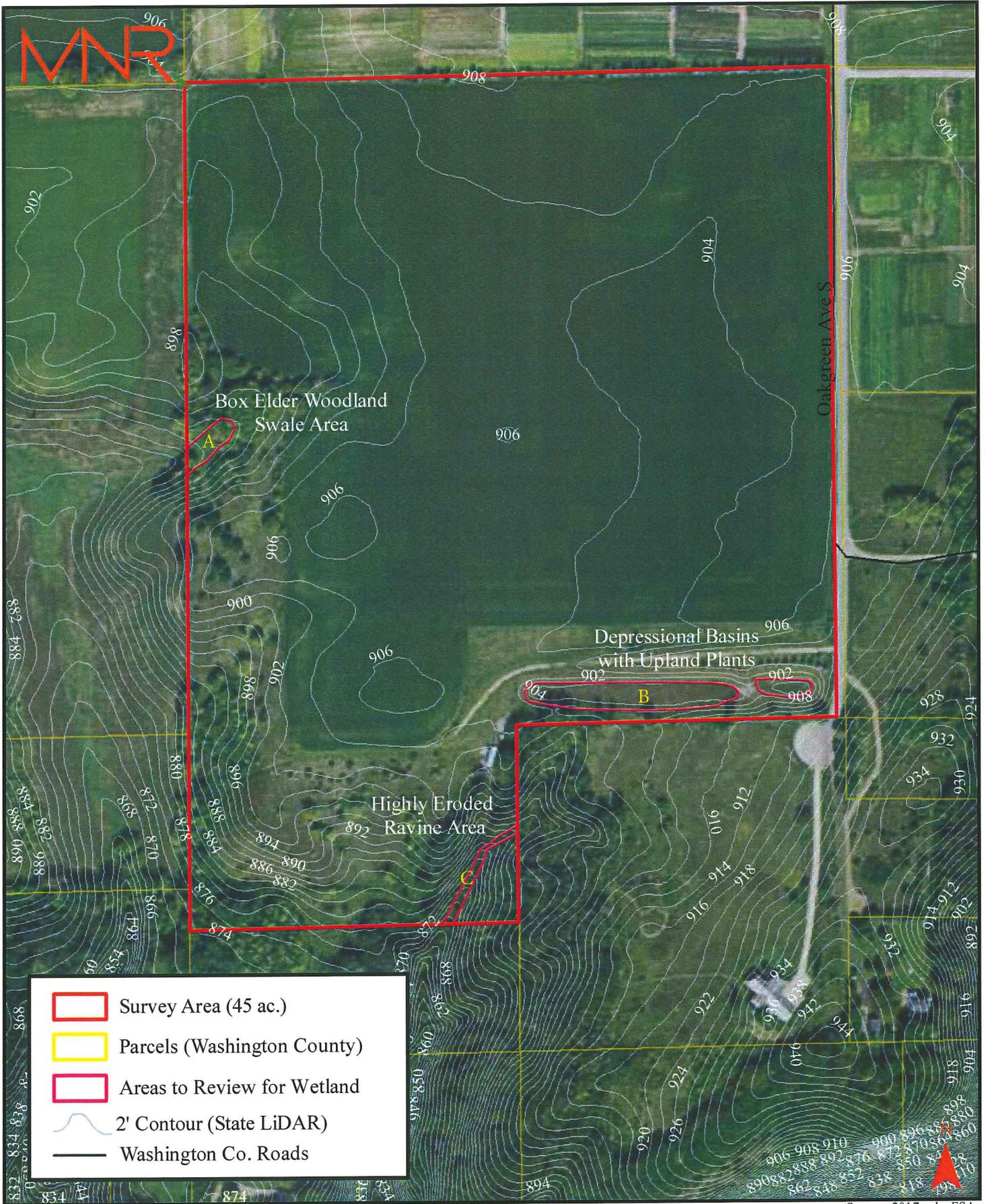
No other areas within the 45 acre property were determined to potentially be considered wetland. Once the growing season begins another site visit will take place to officially record the conditions in these areas reviewed for the presence of wetland.

Feel free to contact me, with any questions you may have regarding our preliminary review of the site for wetlands.

Respectfully submitted,
Midwest Natural Resources, Inc.



Ken Arndt
Sr. Forest Ecologist
Certified Wetland Delineator



Site Map
2158 Oakgreen Ave. S.
Afton, MN

Figure 1



**PURCHASE AGREEMENT:
LAND (NON-RESIDENTIAL)**

This form approved by the Minnesota Association of REALTORS®, which disclaims any liability arising out of use or misuse of this form. © 2017 Minnesota Association of REALTORS®, Edina, MN

1. Page 1 Date 02/07/2018

2. BUYER (S): Amaris Homes, LLC and or its Assigns

3. _____

4. Buyer's earnest money in the amount of Two Thousand

5. _____ Dollars

6. (\$ 2,000.00) shall be delivered no later than two (2) Business Days after

7. Final Acceptance Date of this Purchase Agreement to be deposited in the trust account of: (Check one.)

8. listing broker; or

9. Title Smart, White Bear Lake Mn,
(Trustee)

10. within three (3) Business Days of receipt of the earnest money or Final Acceptance Date of this Purchase
11. Agreement, whichever is later.

12. Said earnest money is part payment for the purchase of the property legally described as

13. Section/Township/Range SECTION 17 TOWNSHIP 02S RANGE 020 NE1/4-NE1/4 SEC 5 1RD & PT NW1/4-SE1/4-NE1/4 S

14. _____

15. Street Address 2154 Oakgreen Avenue S

16. PID # (s) 1702920110001

17. _____, City of Afton

18. County of Washington State of Minnesota, including all fixtures, if any,

19. INCLUDING EXCLUDING all emblements within the Property at the time of this Purchase Agreement, if any,
(Check one.)

20. (collectively the "Property") and INCLUDING EXCLUDING the following personal property, if any, which shall
(Check one.)

21. be transferred with no additional monetary value, and free and clear of all liens and encumbrances;

22. _____

23. _____

24. _____

25. all of which Property Seller has this day agreed to sell to Buyer for the sum of (\$ 590,000.00)

26. Five Hundred Ninety Thousand

27. _____ Dollars,

28. which Buyer agrees to pay in the following manner:

29. CASH of \$ _____ or more in Buyer's sole discretion, which includes the earnest
30. money and the balance to be paid at the time of closing.

31. The date of closing shall be August 7th, 20 18.

32. DUE DILIGENCE: This Purchase Agreement IS IS NOT subject to a due diligence contingency. (If answer is
(Check one.)

33. IS, see attached Addendum to Commercial Purchase Agreement: Due Diligence.)

34. This Purchase Agreement IS IS NOT subject to cancellation of a previously written purchase agreement dated
(Check one.)

35. _____, 20 _____, (If answer is IS, said cancellation shall be obtained

36. no later than _____, 20 _____.

37. If said cancellation is not obtained by said date, this Purchase Agreement is canceled. Buyer and Seller shall
38. immediately sign a written cancellation of Purchase Agreement confirming said cancellation and directing all earnest
39. money paid here to be refunded to Buyer.)



**PURCHASE AGREEMENT:
LAND (NON-RESIDENTIAL)**

40. Page 2 Date 02/07/2018

41. Property located at 2158 Oakgreen Avenue S Arden MN 55001

42. **OTHER CONTINGENCIES:** This Purchase Agreement is subject to the following contingencies, and if
 43. the checked contingencies specified below, if any, are not satisfied or waived, in writing, by Buyer by
 44. closing, 20 , this Purchase Agreement is canceled as of said date. Buyer and Seller
 45. shall immediately sign a written cancellation of Purchase Agreement confirming said cancellation and directing all
 46. earnest money paid here to be refunded to Buyer. (Check all that apply.)

47. **FINANCING CONTINGENCY:** Buyer shall provide Seller, or licensee representing or assisting Seller, with the
 48. Written Statement, on or before the date specified on line 44.

49. For purposes of this Contingency, "Written Statement" means a Written Statement prepared by Buyer's
 50. mortgage originator(s) or lender(s) after the Final Acceptance Date that Buyer is approved for the loan(s)
 51. specified in this Purchase Agreement, including both the first mortgage and any subordinate financing, if any,
 52. and stating that an appraisal, satisfactory to the lender(s), has been completed and stating conditions required
 53. by lender(s) to close the loan.

54. Upon delivery of the Written Statement to Seller, or licensee representing or assisting Seller, the responsibility
 55. for satisfying all conditions, except work orders, required by mortgage originator(s) or lender(s) are deemed
 56. accepted by Buyer. Upon delivery of the Written Statement, if this Purchase Agreement does not close on the
 57. stated closing date for ANY REASON relating to financing, other than Seller's failure to complete work orders
 58. to the extent required by this Purchase Agreement, including but not limited to interest rate and discount points,
 59. if any, Seller may, at Seller's option, declare this Purchase Agreement canceled, in which case this Purchase
 60. Agreement is canceled. If Seller declares this Purchase Agreement canceled, Buyer and Seller shall
 61. immediately sign a written cancellation of Purchase Agreement confirming said cancellation and directing all
 62. earnest money paid here to be forfeited to Seller as liquidated damages. In the alternative, Seller may seek
 63. all other remedies allowed by law.

64. If the Written Statement is not provided by the date specified on line 44, Seller may, at Seller's option, declare
 65. this Purchase Agreement canceled by written notice to Buyer at any time prior to Seller receiving the Written
 66. Statement, in which case this Purchase Agreement is canceled. In the event Seller declares this Purchase
 67. Agreement canceled, Buyer and Seller shall immediately sign a written cancellation of Purchase Agreement
 68. confirming said cancellation and directing all earnest money paid here to be refunded to Buyer.

69. If the Written Statement is not provided, and Seller has not previously canceled this Purchase Agreement, this
 70. Purchase Agreement is canceled as of the closing date specified in this Purchase Agreement. Buyer and
 71. Seller shall immediately sign a written cancellation of Purchase Agreement confirming said cancellation and
 72. directing all earnest money paid here to be refunded to Buyer.

73. **OTHER CONTINGENCIES:**
 74. The Purchase Agreement is subject to the Buyer's Due Diligence of the Property, in
 75. the Buyer's sole and absolute discretion, including but not limited to, unresolved
 76. title conditions, boundary and topographic surveys, soil borings and conditions,
 77. environmental reports and studies, zoning, wetland reports and studies, and Buyer
 78. obtaining all required governmental agency permits and the Buyer being able to
 79. develop the Property as intended by the Buyer including obtaining financing for the
 80. intended development. If the Buyer terminates the Purchase Agreement prior to
 81. closing all earnest money shall be refunded to the Buyer.

82. The Seller agrees to allow the Buyer and/or its sub-contractors to enter the
 83. Property to conduct its Due Diligence which may include disruption of the property,
 84. such as removal of trees and brush to gain access to conduct testing, soil boring
 85. holes and soil test pits, etc. The Buyer shall fill all soil boring holes and test
 86. pits but shall not be required to return Property to original condition (such as
 87. seeding or replacement of trees or brush). Any trees or brush taken down shall
 88. remain on the property).

89. Seller's expenses for these contingencies, if any, shall not exceed \$ 0.00



**PURCHASE AGREEMENT:
LAND (NON-RESIDENTIAL)**

177, Page 5 Date 02/07/2018

178. Property located at 2158 Oakgreen Avenue S Afton MN 55001
179. **DIMENSIONS:** Buyer acknowledges any dimensions or acreage of land or improvements provided by Seller, third party, or broker representing or assisting Seller are approximate. Buyer shall verify the accuracy of information to Buyer's satisfaction, if material, at Buyer's sole cost and expense.
182. **ACCESS AGREEMENT:** Seller agrees to allow Buyer reasonable access to the Property for performance of any surveys, inspections, or tests as agreed to here. Buyer shall restore the premises to the same condition it was in prior to the surveys, inspections, or tests and pay for any restoration costs.
185. **RISK OF LOSS:** If there is any loss or damage to the Property between the Final Acceptance Date and the date of closing for any reason, including fire, vandalism, flood, earthquake, or act of God, the risk of loss shall be on Seller. If the Property is destroyed or substantially damaged before the closing date, this Purchase Agreement is canceled, at Buyer's option, by written notice to Seller, or licensee representing or assisting Seller. If Buyer cancels this Purchase Agreement, Buyer and Seller shall immediately sign a written cancellation of Purchase Agreement confirming said cancellation and directing all earnest money paid here to be refunded to Buyer.
191. **TIME OF ESSENCE:** Time is of the essence in this Purchase Agreement.
192. **CALCULATION OF DAYS:** Any calculation of days begins on the first day (calendar or Business Days as specified) following the occurrence of the event specified and includes subsequent days (calendar or Business Days as specified) ending at 11:59 P.M. on the last day.
195. **BUSINESS DAYS:** "Business Days" are days which are not Saturdays, Sundays, or state or federal holidays unless stated elsewhere by the parties in writing.
197. **DEFAULT:** If Buyer defaults in any of the agreements here, Seller may cancel this Purchase Agreement, and any payments made here, including earnest money, shall be retained by Seller as liquidated damages and Buyer and Seller shall affirm the same by a written cancellation agreement.
200. If Buyer defaults in any of the agreements here, Seller may terminate this Purchase Agreement under the provisions of MN Statute 559.21.
202. If this Purchase Agreement is not canceled or terminated as provided here, Buyer or Seller may seek actual damages for breach of this Purchase Agreement or specific performance of this Purchase Agreement; and, as to specific performance, such action must be commenced within six (6) months after such right of action arises.
205. **METHAMPHETAMINE PRODUCTION DISCLOSURE:**
206. (A Methamphetamine Production Disclosure is required by MN Statute 152.0275, Subd. 2 (m).)
207. Seller is not aware of any methamphetamine production that has occurred on the Property.
208. Seller is aware that methamphetamine production has occurred on the Property.
209. (See Disclosure Statement: Methamphetamine Production.)
210. **NOTICE REGARDING AIRPORT ZONING REGULATIONS:** The Property may be in or near an airport safety zone with zoning regulations adopted by the governing body that may affect the Property. Such zoning regulations are filed with the county recorder in each county where the zoned area is located. If you would like to determine if such zoning regulations affect the Property, you should contact the county recorder where the zoned area is located.
214. **NOTICE REGARDING PREDATORY OFFENDER INFORMATION:** Information regarding the predatory offender registry and persons registered with the predatory offender registry under MN Statute 243.166 may be obtained by contacting the local law enforcement offices in the community where the Property is located or the Minnesota Department of Corrections at (651) 361-7200, or from the Department of Corrections web site at www.corr.state.mn.us.
219. **SUBJECT TO RIGHTS OF TENANTS, IF ANY, BUYER HAS THE RIGHT TO VIEW THE PROPERTY PRIOR TO CLOSING TO ESTABLISH THAT THE PROPERTY IS IN SUBSTANTIALLY THE SAME CONDITION AS OF THE DATE OF THIS PURCHASE AGREEMENT.**
222. **BUYER IS NOT RELYING ON ANY ORAL REPRESENTATIONS REGARDING THE CONDITION OF THE PROPERTY.**



PURCHASE AGREEMENT: LAND (NON-RESIDENTIAL)

223. Page 6 Date 02/07/2016

224. Property located at 2158 Oakgreen Avenue S Afton MN 55001

225. SPECIAL DISCLOSURES: Seller discloses, to the best of Seller's knowledge, that the Property described in this

226. Purchase Agreement consists of approximately 45.9 acres and is currently zoned

227. Agriculture

228.

229.

230. Seller discloses, to the best of Seller's knowledge, that the Property IS NOT in a designated flood plain area.

232. Seller discloses, to the best of Seller's knowledge, that the Property DOES NOT currently receive preferential tax treatment (e.g. Green Acres).

234. Seller discloses, to the best of Seller's knowledge, that the Property IS NOT enrolled in any federal, state, or local governmental programs (e.g., CREP, CRP, EQIP, WRP, conservation programs, riparian buffers, Sustainable Forest Incentive Act, etc.).

237. ENVIRONMENTAL CONCERNS: To the best of Seller's knowledge there are no hazardous substances or underground storage tanks, except where noted here:

239. None

240.

241.

242. (Check appropriate boxes.)

243. SELLER WARRANTS THAT THE PROPERTY IS EITHER DIRECTLY OR INDIRECTLY CONNECTED TO:

244. CITY SEWER YES NO / CITY WATER YES NO

245. SUBSURFACE SEWAGE TREATMENT SYSTEM

246. SELLER DOES NOT KNOW OF A SUBSURFACE SEWAGE TREATMENT SYSTEM ON OR SERVING

247. THE PROPERTY. (If answer is DOES, and the system does not require a state permit, see Subsurface Sewage Treatment System Disclosure Statement.)

249. PRIVATE WELL

250. SELLER DOES NOT KNOW OF A WELL ON OR SERVING THE PROPERTY. (If answer is DOES and well

251. is located on the Property, see Well Disclosure Statement.)

252. To the best of Seller's knowledge, the Property IS NOT in a Special Well Construction Area.

253. THIS PURCHASE AGREEMENT IS NOT SUBJECT TO AN ADDENDUM TO PURCHASE AGREEMENT:

254. SUBSURFACE SEWAGE TREATMENT SYSTEM AND WELL INSPECTION CONTINGENCY.

255. (If answer is IS, see attached Addendum.)

256. IF A WELL OR SUBSURFACE SEWAGE TREATMENT SYSTEM EXISTS ON THE PROPERTY, BUYER HAS RECEIVED A DISCLOSURE STATEMENT: WELL AND/OR A DISCLOSURE STATEMENT : SUBSURFACE SEWAGE TREATMENT SYSTEM.



**PURCHASE AGREEMENT:
LAND (NON-RESIDENTIAL)**

334. Page 9 Date 02/07/2018

335. Property located at 2158 Oakgreen Avenue S Afton MN 55001

336. **ADDENDA:** Attached addenda are a part of this Purchase Agreement.

337. **NOTE:** Disclosures and optional Arbitration Agreement are not part of this Purchase Agreement.

338. I, the owner of the Property, accept this Purchase
339. Agreement and authorize the listing broker to withdraw
340. said Property from the market, unless instructed otherwise
341. in writing.

I agree to purchase the Property for the price and on
the terms and conditions set forth above.
I have reviewed all pages of this Purchase
Agreement.

342. I have reviewed all pages of this Purchase Agreement.

343. If checked, this Agreement is subject to attached
344. Addendum to Purchase Agreement: Counteroffer.

345. **FIRPTA:** Seller represents and warrants, under penalty
346. of perjury, that Seller IS IS NOT a foreign person (i.e., a
----- (Check one) -----
347. non-resident alien individual, foreign corporation, foreign
348. partnership, foreign trust, or foreign estate for purposes of
349. income taxation. (See lines 295-311.) This representation
350. and warranty shall survive the closing of the transaction
351. and the delivery of the deed.

352. **SELLER**

BUYER

353. *Walter Mann*
2/19/2018 3:25:20 PM CST

Ryan D P B
2/6/2018 9:32:10 PM CST

354. By: _____

By: _____

355. Its: _____
(Title)

Its: Chief Manager Amaris Development, LLC
(Title)

356. 02/19/2018
(Date)

02/07/2018
(Date)

357. **SELLER**

BUYER

358. _____

359. By: _____

By: _____

360. Its: _____
(Title)

Its: _____
(Title)

361. _____
(Date)

(Date)

362. **FINAL ACCEPTANCE DATE:** _____ The Final Acceptance Date
363. is the date on which the fully executed Purchase Agreement is delivered.

364. **THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER(S) AND SELLER(S).**
365. **IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN APPROPRIATE PROFESSIONAL.**

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

Planning Commission Memo

Meeting: May 7, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: May 2, 2018

Re: Scheduling Special Planning Commission Meeting

Staff is in the process of scheduling a Special Planning Commission meeting to review an application by Afton Marina for a CUP for a restaurant. At the May 7 Planning Commission meeting, staff will provide the date that works best for the special meeting.

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

Planning Commission Memo

Meeting: May 7, 2018

To: Chair Kopitzke and members of the Planning Commission
 From: Ron Moore, City Administrator
 Date: May 1, 2018
 Re: Draft Ordinance Amendment Regarding Industrial Ordinance Revisions

In July of 2017, the Council established a moratorium on the consideration of new zoning applications, the issuance of new permits for use or any expanded new use of land currently identified as being industrially zoned within the City in which exterior storage of any sort is to be used or proposed. The purpose of the moratorium was to provide an opportunity for the City to conduct further study for the purpose of consideration of possible revision and amendments to the City's official controls to address issues related to its use classifications as identified in Section 12-134, most specifically to those matters related to exterior storage in industrially zoned areas within the City. The purpose of such revisions and amendments is to create a clearer and more updated regulatory framework. The moratorium expires on June 15, 2018.

Ordinance Amendment

The attached ordinance amendment reflecting revisions to the list of uses allowed in the Industrial zones, clarifying exterior storage regulations, and updating design standards and landscape requirements has been drafted for review by the Planning Commission and City Council prior to finalizing the ordinance amendment for a public hearing. The ordinance amendment will be discussed by the Council at a work session on May 2. Based on feedback from both the Council and Planning Commission, a final ordinance amendment could be placed on the June Planning Commission meeting for a public hearing and recommendation, and brought to the June 19 Council meeting for Council action. This timing requires the moratorium to be extended, which requires a public hearing at the May 15 Council meeting.

Uses to be Added to the List of Allowed Uses in the Light Industrial Zones

- Data Center
- Laboratory, dental, medical
- Flex office (i.e. for engineers, architects, accountants), 5,000 square feet or less in floor area, when located in a multi-tenant building
- Office/warehouse (e-commerce - taking and fulfilling orders, 5,000 square feet or less in floor area, when located in a multi-tenant building
- Training facility (not commercial - operated by a company for its own employees)
- Business service (IT, accounting, etc.)
- Distribution center, 30,000 square feet or less in floor area
- Laboratory, research and development.

Uses to be Deleted from the list of Allowed Uses in the Light Industrial Zones

Note: Any currently allowed use that is currently operating will become legally nonconforming and will be allowed to continue but not to expand.

- Animal Impounding Facility (Delete only from allowed uses in the IIC Zone)
- Blacktop or crushing operations for Hwy construction (temp.)
- Exterior sales and storage (wholesale only)

- Garage, storage commercial (mini storage)
- Nursery, retail sale of plants
- Terminal, transportation/motor freight
- Transportation School
- Residential waterfront uses
- Residential S-F detached housing
- Riding stable
- Private swimming pool
- Private tennis courts
- Recreation equipment storage – private
- Arts and Crafts studio
- Nature Center
- Schools - Public

Elimination of Terminal, Transportation/Motor Freight as an Allowed Use

Staff recommends that, moving forward, no new motor freight or transportation terminals be allowed in the Industrial zones. This can be accomplished in two ways. One method is that the motor freight/transportation terminal use could be deleted from the list of allowed uses. This would make all existing terminals legally non-conforming, which means they could continue to operate but could not be expanded. A second method is that only terminals in existence as of a recent date i.e. May 1, 2018, would continue to be an allowed use. This would prohibit any new terminals and would enable the existing terminals to continue as legally conforming uses. The potential downside to this option is that the existing terminals would be able to expand. Staff is requesting feedback from the Planning Commission and Council regarding which option to use.

Clarification of Exterior Storage and Screening Definitions and Requirements

- Exterior storage includes parking of motor freight trailers, school buses and equipment.
- Exterior storage-screened: Requires a wall made only of materials allowed to be used for the principal structure, requires vegetative screening of the wall, and limits the area of exterior storage to a maximum of 10% of the area of the principal structure.
- Additional screening requirement in the I1c zone
 - A 95% opaque vegetative screen is required along the entire southern and eastern boundaries of the I1c zone

Definitions of Proposed Additional Allowed Uses

At the end of the ordinance amendment are definitions of the proposed additional allowed uses.

Nursery Uses

The code allows nursery and garden supplies (wholesale) in all Industrial zones. The code does not allow Nursery, wholesale growing of plants. The code currently allows Nursery, retail sale of plants, in the I1-A and I1-B zones but not in the I1-C zone. This is the only retail use allowed in the Industrial zones. There are currently no Nursery, retail sale of plants uses in the Industrial zones. The ordinance amendment deletes this use from the list of allowed uses in the Industrial zones.

Responses to Questions from April Planning Commission Meeting

Attached are responses to questions raised by Planning Commission members at the April Planning Commission meeting, based on advice from the Washington County Economic Development Director.

PLANNING COMMISSION DIRECTION REQUESTED:

Staff is requesting feedback regarding the draft ordinance revisions to guide the preparation of a final ordinance amendment to be brought to the June 4 Planning Commission meeting for a public hearing.

Ordinance 01-2018

COUNTY OF WASHINGTON CITY OF AFTON

AN ORDINANCE AMENDING CHAPTER 12 REGARDING ALLOWED USES, DESIGN STANDARDS, LANDSCAPE REQUIREMENTS AND EXTERIOR STORAGE IN THE INDUSTRIAL ZONES

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

The following sections of the Afton Code of Ordinances shall be amended by adding the **bold and underlined** language and deleting the strike-through language.

Sec. 12-134 Uses

Uses in the various districts shall be as follows:

- P = Permitted use
- A = Permitted accessory use
- A/C = Permitted accessory, conditional use permit required*
- C = Conditionally Permitted Use
- I = Interim Use Permit⁹⁰
- ADMIN = Administrative Permit Required
- N = Not allowed
- * = Except as otherwise noted

| | Agricultural (A) | Rural Residential (R) | VHS- Residential (VHS-R) | VHS- Commercial (VHS-C) | Light Industrial (I1-A) | Light Industrial (I1-B) | Light Industrial (I1-C) | Marine Service (MS) |
|---|---------------------|-----------------------------|--------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|---------------------------|
| Agricultural, rural | P | P | N | N | P | P | P | N |
| Agricultural, suburban | P | P | N | N | P | P | P | N |
| Airports, airstrips, heliports | N | N | N | N | N | N | N | N |
| Animal impounding facility | N | N | N | N | P | P | E ⁹¹ N | N |
| Animals, commercial training | C | N | N | N | C | C | C ⁹² | N |
| Antennae or towers over 35 feet in height | C | C | N | N | C | C | N | N |
| Archery range, commercial | N | N | N | N | N | N | N | N |
| Armories, convention halls and similar uses | N | N | N | N | N | N | N | N |
| Auto/car wash | N | N | N | N | N | N | N | N |
| Auto reduction yard/junkyard | N | N | N | N | N | N | N | N |
| Auto repair | N | N | N | N | N | N | N | N |
| Automobile service station | N | N | N | N | N | N | N | N |
| Barbershop, beauty shops | N | N | N | C | N | N | N | N |

| | Agricultural | Rural | VHS- | VHS- | Light Industrial | Light Industrial | Light Industrial | Marine Service |
|--|-----------------------------|-------------|-------------|------------|------------------|------------------|------------------|----------------|
| | (A) | Residential | Residential | Commercial | (I1-A) | (I1-B) | (I1-C) | (MS) |
| | | (R) | (VHS-R) | (VHS-C) | | | | |
| Golf courses | C | N | N | N | N | N | N | N |
| Grading | See Sections 12-215, 12-216 | | | | | | | |
| Greenhouses (commercial production only) | C | N | N | N | N | N | N | N |
| Guest house ⁹⁷ | Deleted | | | | | | | |
| Gun clubs | N | N | N | N | N | N | N | N |
| Gun ranges | N | N | N | N | N | N | N | N |
| Home occupation | P | P | P | P | N | N | P N | N |
| Hotel (see Section 12-223) | N | N | N | C | N | N | N | N |
| Institutional housing | N | C | N | N | N | N | N | N |
| Junkyard | N | N | N | N | N | N | N | N |
| Kennels, private (see Section 12-55) | C | C | N | N | N | N | N | N |
| Kennels, commercial (see Section 12-55) | N | N | N | N | N | N | N | N |
| Land reclamation | See Section 12-215 | | | | | | | |
| Live entertainment or dancing ⁹⁸ | Deleted | | | | | | | |
| Laboratory-Medical, Dental | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>N</u> |
| Laboratory – R&D | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>N</u> |
| Lodging room (not more than two) | A | C | C | N | N | N | N | N |
| Manufacturing, heavy | N | N | N | N | N | N | N | N |
| Manufacturing, light industrial (maximum height 25 feet in I-1C) ⁹⁹ | N | N | N | N | C | C | C | N |
| Marina (including boat rental) ¹⁰⁰ | N | N | N | C | N | N | N | N |
| Medical uses | N | N | N | C | N | N | N | N |
| Mining, sand and gravel | N | N | N | N | N | N | N | N |
| Mobile home court/park | N | N | N | N | N | N | N | N |
| Motel | N | N | N | N | N | N | N | N |
| Multiple family dwellings (three or more units) | N | N | N | N | N | N | N | N |
| Nature center (public and private) | C | C | N | N | N | N | C N | N |
| Nursery, retail sale of plants ¹⁰¹ | S | N | N | N | C N | C N | N | N |
| Nursery, wholesale growing of plants | P | C | N | N | N | N | N | N |

| | Agricultural | Rural | VHS- | VHS- | Light Industrial | Light Industrial | Light Industrial | Marine Service |
|---|-----------------|-----------------|-----------------|-----------------|------------------|------------------|--------------------|-----------------|
| | (A) | Residential | Residential | Commercial | (I1-A) | (I1-B) | (I1-C) | (MS) |
| | | (R) | (VHS-R) | (VHS-C) | | | | |
| Nursery and garden supplies (wholesale) | C | N | N | N | C | C | C ¹⁰² | N |
| Offices (Maximum Height of 35 feet in I-1C) ¹⁰³ | N | N | C | C | C ¹⁰⁴ | C ¹⁰⁵ | C | N |
| Offices, accessory | N | N | N | C | C | C | C | A |
| Office/Warehouse | <u>N</u> | <u>N</u> | <u>N</u> | <u>N</u> | <u>C</u> | <u>C</u> | <u>C</u> | <u>N</u> |
| Off-street loading | N | N | N | A | A | A | A/C ¹⁰⁶ | A |
| Off-street parking | A | A | A | A | A | A | A/C ¹⁰⁷ | N |
| Photo/art studio | N | N | N | C | N | N | N | N |
| Race tracks | N | N | N | N | N | N | N | N |
| *Recreation areas (commercial) | N | N | N | N | N | N | N | N |
| Recreation equipment storage (private) | A | A | A | A | N | N | A <u>N</u> | N |
| Reduction or processing of refuse, trash and garbage | N | N | N | N | N | N | N | N |
| Rental of cars, trailers, campers, trucks and similar equipment | N | N | N | N | N | N | N | N |
| Repair garage (commercial) | N | N | N | N | N | N | N | N |
| Repair shop (small appliances) | N | N | N | C | N | N | N | N |
| Research (see Section 12-55) | C | C | N | N | C | C | C | N |
| Research, agricultural | C | C | N | N | C | C | C | N |
| NO CUP FOR HOMES | | | | | | | | |
| Residential, multiple family | N | N | N | N | N | N | N | N |
| Residential, single-family detached ¹⁰⁸ | P | P | P | P | N | N | P <u>N</u> | C |
| Residential waterfront uses | A | A | A | A | N | N | A <u>N</u> | N |
| Resorts | N | N | N | N | N | N | N | N |
| Rest or nursing home | N | N | N | N | N | N | N | N |
| Retail business | N | N | N | C | N | N | N | N |
| Retail business, accessory to office ¹⁰⁹ | N | N | N | C | C | C | C | N |
| Retail sales of agricultural supplies | C | N | N | N | N | N | N | N |

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| | Agricultural | Rural | VHS- | VHS- | Light Industrial | Light Industrial | Light Industrial | Marine Service |
|---------------------------------------|--------------------|-------------|-------------|------------|------------------|------------------|------------------|----------------|
| | (A) | Residential | Residential | Commercial | (I1-A) | (I1-B) | (I1-C) | (MS) |
| | | (R) | (VHS-R) | (VHS-C) | | | | |
| Theater | N | N | N | C | N | N | N | N |
| Theater, drive-in | N | N | N | N | N | N | N | N |
| Townhouses | N | N | N | N | N | N | N | N |
| Trailer Parks | N | N | N | N | N | N | N | N |
| Truck & auto service station | N | N | N | N | N | N | N | N |
| Temporary farm dwelling (mobile home) | ADMIN | ADMIN | N | N | N | N | N ¹²⁰ | N |
| Transportation School ¹²¹ | N | N | N | N | N | C N | N | N |
| Used auto parts | N | N | N | N | N | N | N | N |
| Utility substation | C | C | C | C | C | C | C | C |
| Vegetative cutting | See Section 12-218 | | | | | | | |
| Vehicle sales | N | N | N | N | N | N | N | N |
| Veterinary clinic | C | N | N | N | N | N | N | N |
| Warehousing | N | N | N | N | C ¹²² | C ¹²³ | C ¹²⁴ | N |
| Waterfront uses (commercial) | N | N | N | C | N | N | N | N |
| Waterfront uses (residential) | A | A | A | A | N | N | A N | N |
| Wholesale business | N | N | N | N | C ¹²⁵ | C ¹²⁶ | C ¹²⁷ | N |

Sec. 12-143. Light Industrial (I-1A), Light Industrial (I-1B), and Light Industrial (I-1C).

A. Purpose. The purpose of these districts is to preserve land along major traffic routes to be used by industrial uses that will provide a sound tax base for the City.

B. Permitted Uses. As permitted and regulated in Section 12-134.

C. Accessory uses. As permitted and regulated in Section 12-134.

D. Architectural Standards.

1. In the industrial zone, structures must be of fire resistive construction and exterior surfaces of all structures must be faced with brick, stone, architectural concrete (block), precast concrete, **EIFS/stucco panels**, or glass, of earthtones or other tones or colors in harmony with the natural characteristics of the area in which it is constructed and approved by the Design Review Commission, acting as the architectural standards committee.

1. **Architectural Review. Building design shall be reviewed and evaluated by the Design Review Commission, City Planner and/or Zoning Administrator.**
2. **Blank facades without windows and doors are prohibited.**
3. **All sides of structures shall have the same quality of architectural treatment.**
4. **Variety and creativity in building façade is encouraged through changes in building materials (but not in quality of materials), fenestration height and roof lines. Primary facades should not present a continuous wall without architectural details that add visual interest.**

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5. Minimizing continuous expanses of wall through façade articulation, recession or projection is encouraged.
6. The incorporation of topographical features into the form of the structure when possible, utilizing natural grades to create unique design, is encouraged.
7. Rooftop Equipment. The view of all rooftop equipment and related piping, ducting, electrical and mechanical utilities abutting a street on buildings constructed shall be screened from the ground level view. Screening may include parapet walls, penthouses, or other architecturally integrated elements. Wood fencing or chain link with slats shall not be used for screening. The term "ground level view" shall be defined as the view of the building from the property line(s) that abuts a street. A cross sectional drawing shall be provided that illustrates the sight lines from the ground level view.
8. Rooftop solar collectors, skylights and other potentially reflective rooftop building elements shall be designed and installed in a manner the prevents reflected glare and obstruction of views from other sites and structures. Screening may be in the form of walls constructed of the same building material and match the coloring of the principal building
9. Roofline. Roof slopes shall not exceed 1:12 for all principal buildings.
10. Overhead Garage Doors. Overhead garage doors shall not be visible from a public street and shall not exceed 10% of the perimeter of the building exterior
11. Fuel Storage Tanks Prohibited. Above ground and underground fuel storage tanks are prohibited
12. Delivery, service, storage, maintenance and trash collection areas shall be located out of view from the public right-of-way or substantially screened through landscaping or architectural features that match the primary structure. Service, storage and trash collection areas are not allowed in setback areas.
13. All permanent utilities connecting to a building shall be underground.

E. Landscaping Standards. All properties zoned Light Industrial shall be landscaped in accordance with the following:

1. Total green space shall be a minimum of 20% of the gross lot area.
2. The minimum number of major or overstory trees on any given site shall be as indicated below. These are the minimum substantial plantings, in addition to other understory trees, shrubs, flowers, and ground cover deemed appropriate for a complete quality landscape treatment of the site.
 - a. Industrial sites shall contain at a minimum the greater of one (1) tree per 500 square feet of gross building floor area, or one (1) tree per 25 lineal feet of site perimeter.
3. Minimum Size of Plantings. Required trees and shrubs shall be of the following minimum planting size:
 - a. Deciduous trees-Three (3) inches in diameter as measured 6 inches above ground.
 - b. Coniferous trees- Six (6) feet in height.
 - c. Shrubs- Shrubs used for screening shall be in #5 containers.

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4. Sodding and Ground Cover. All areas not otherwise improved in accordance with approved site plans shall be planted with tough native materials where appropriate to reduce the amount of watering required and to increase permeability of the site as approved by the Planning Commission and City Council.

5. **The front or side yard from a public street shall be at least 10 feet deep, measured from the street right-of-way line. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, this front or side yard shall extend along the entire frontage of the lot and along both streets in the case of a corner lot.**

6. Buffer Yard. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide a landscaped buffer yard a minimum of 100 feet in width along the boundary of the residential property to provide screening. Where the use is adjacent to property zoned for industrial use, a landscaped buffer yard a minimum of 50 feet in width shall be required. The screening required in this section shall provide 95 percent opacity year round.

a. Plant Units Required. Within the landscaped buffer yard, a minimum of two hundred (200) plant units shall be required for each one hundred (100) feet of property line. Credit for plant units shall be assigned as follows:

| Vegetation | Plant Unit Value |
|-----------------------------|------------------|
| Evergreen Trees | 15 |
| Deciduous Trees | 10 |
| Evergreen/Coniferous Shrubs | 5 |
| Shrubs/Bushes | 1 |

8. Landscape Guarantee. An agreement will be signed between the City and the owner which states that in exchange for issuance of a building permit, the owner will construct, install, and maintain all items shown on the approved plan and that he/she will replace and/or correct any deficiencies or defaults that occur in the plan for a period of two complete growing seasons subsequent to the installation of the landscaping plan. A **letter of credit or cash deposit** ~~landscaping performance bond~~ will be submitted along with the agreement at this time.

a. If after two growing seasons all the commitments are met, then the **letter of credit or cash deposit** ~~bond~~ and contract agreement are released to the applicant or property owner.

b. According to ordinance, the developer/owner is responsible for permanently maintaining the landscaping in a neat and proper fashion.

9. **It shall be the responsibility of the current property owner to see that the approved landscaping plan is maintained in an attractive and well-kept condition. Maintenance shall include replacement of dead or damaged plant material; the furnishing and installation of mulch; weeding; mowing of grass; cleaning of litter; or any other action deemed necessary by the city to ensure the requirements of this section are met. Any action that reduces canopy cover and/or landscaping below what is required in this section shall require in-kind replacement. Failure to maintain a landscape area shall be deemed a violation of this article.**

10. **Parking areas that contain more than four parking spaces shall be landscaped throughout the lot to the extent of at least ten percent of the hard surface area of the parking lot and driveways to the public**

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right-of-way, as measured from the outside curb. These landscaped areas shall consist of curb islands approximately ten feet in width at the ends of each row of parking, excluding locations of handicapped spaces. Curb islands shall also be designed to break up longer rows of parking. Where feasible, linear parking lot landscaped islands, parking lot rain gardens, depressed infiltration curb islands, and demonstrated parking areas shall also be included in the parking lot design. A combination of at least one tree and shrubs or semi-annual flower species plants shall be planted in curb islands or interior parking lot open space for each ten required parking spaces. Where the city determines that the parking lot design cannot reasonably accommodate curb islands or other landscaping open space features or cannot accommodate that amount of landscaping cited herein, plant materials shall be moved to the outside perimeter of the parking lots.

All landscaping shall comply with Sections 12-191 and 12-192. (See below)

F. Lighting. The following shall apply to all Industrial properties in addition to the requirements set forth in Section 12-195.

1. Any light fixture intended to illuminate the site shall contain a cutoff which directs the light at an angle of ninety (90) degrees or less. Exposure of the light source shall not be permitted in view of adjacent property or public right-of-way.
2. The maximum height above the ground grade for light fixtures mounted on a pole is twenty-five (25 feet).
3. No light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Zoning Administrator and the Design Review Commission.
4. All light poles shall be black or another similarly dark color.

F. Exterior Storage Screening Standards

1. Exterior storage includes the storage of goods, materials, equipment, including motor freight trailers and school buses, manufactured products and similar items not fully enclosed by a building.
2. Exterior storage requires screening with a wall constructed only of the materials allowed to be used for the principal structure, and requires vegetative screening of the wall.
3. The area of exterior storage is limited to a maximum of 10% of the area of the principal structure.

Sec. 12-55 Definitions

Business Service means a service provided to other businesses such as Information Technology services or accounting services.

Data Center means a facility used to house computer systems and associated components, such as telecommunications and storage systems.

Distribution Center means a use that, apart from storing products, offers value-added services like product mixing, order fulfillment, cross docking, packaging etc. Typically retail and wholesale orders are shipped from a distribution center and not a warehouse. The maximum size allowed for a distribution center is 30,000 sq. ft.

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Flex Office means industrial space that starts with warehouse space, a portion of which can be converted to office or showroom space. The space can be “flexed” into larger of smaller office vs. warehouse spaces as needed.

Fulfillment Center – Ecommerce means industrial space that serves ecommerce merchants by enabling them to outsource warehousing and shipping. Sellers send merchandise to the fulfillment center, and the outsourced provider ships it to customers for them. The maximum size allowed for a fulfillment center is 30,000 sq. ft.

Training Facility. An indoor training facility operated by a company to train its own employees. Not commercial.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS ____ DAY OF ____, 2018.

SIGNED:

Richard Bend, Mayor

ATTEST:

Ronald J. Moore, City Administrator

Motion by:
Second by:
Palmquist:
Richter:
Ross:
Nelson:
Bend:

Questions from PC re: Industrial Zone Ordinance Changes

We currently allow Nursery, retail sale of plants in two of the three industrial zones. This can involve exterior display of plants and garden supplies. How does this relate to “no unscreened exterior storage”?

There is currently no nursery with retail sale of plants in the Industrial zone. This is not a use that is commonly in Industrial zones, that needs to be in the Industrial zones, that matches the other uses in the Industrial zones, or that meets the goals of quality buildings and quality jobs in the Industrial zones.

Is it a good idea to reduce setback requirements next to I-94, and to allow increased height next to I-94?

Yes, smaller setbacks are beneficial if buildings are constructed of quality materials. Distribution centers want to have 40 foot height vs. the currently allowed 35 feet.

Is the 20% green space requirement reasonable (20% of the gross lot area)?

Yes, and this needs to include primary and secondary septic sites. The secondary septic site needs to be protected over the long term, and needs to be large enough to meet the needs of a range of uses that could be on the site 20 or 30 years into the future.

Public Schools are currently allowed in the I1c zones, but are proposed to not be allowed.

Public Schools are not compatible with the types and levels of traffic in the Industrial zones. Public schools are allowed in the Rural Residential zone, which is the type of zone in which schools are generally located.

Should there be a maximum size for a multi-tenant building used for flex office or office warehouse?

A maximize size limit for a multi-tenant building is not necessary. The size of a building will be controlled by lot size, impervious coverage limitations, green space requirements, setback requirements and septic system requirements.

If not, why do we want to limit the individual tenant spaces to 5,000 square feet each? Can we use an average size across the whole building vs. limiting to 5,000 sq. ft.?

Since the whole building is allowed for the flex office or office warehouse use, the restriction of the size of individual tenant spaces is not necessary. The restriction could be increased (i.e. to 10,000 sq. ft.) or an average tenant space size could be used (i.e. 10,000 sq. ft.). Also, the City could make the review and approval of tenant space size a condition of approval of this type of use.

Natural vegetation vs. manicured grass?

Natural vegetation can be used and matches Afton’s natural, rural character. This would also allow pollinator-friendly vegetation. It would be necessary to require the property owner to adequately maintain the vegetation. Because the more common type of vegetation is manicured grass, and because natural vegetation takes some time to get established, it would not be uncommon to receive questions/complaints about the lack of finished landscaping in the interim period.

Should we encourage/require Leadership in Energy and Environmental Design (LEED) certification or components of LEED certification i.e. recycling of storm water for irrigation? (LEED is a Green building rating system that involves saving energy, water and resources, generating less waste and supporting human health.)

We should encourage but not require LEED certification or components thereof. Because of the competition for industrial users, this type of requirement could increase the cost enough to cause a potential user to choose a different location.

Council Highlights from the April 17, 2018 Council Meeting**The Council:**

- The Council approved the Preliminary Plat for the Afton Creek Preserve Application.
- Approved the Conditional Use Permit for the Afton Creek Preserve Application.
- Approved the City Engineers proposal to represent the City in the 3M Settlement Working Group process.
- Revised the date for prepayment of downtown village assessments without interest.
- Approved deferral of assessment at 15909 Afton Blvd.
- Proclaimed May 12 “Jessie Diggins Day”.
- Approved Afton Historical Museums Proposal to review property files to identify documents with historic value.
- Accepted the picnic table donation from Sandy Alexander in memory of Richard Balsimo.
- Passed a resolution in support of the “Rediscover Afton Event” scheduled for August 4.