



PLANNING COMMISSION AGENDA

June 6, 2016

7:00 pm

1. **CALL TO ORDER -**
2. **PLEDGE OF ALLEGIANCE –**
3. **OATH OF OFFICE -**
 - A. **Roger Bowman**
4. **ROLL CALL -**
 - Barbara Ronningen (Chair)
 - Sally Doherty
 - Kris Kopitzke
 - Mark Nelson
 - Judy Seeberger
 - Lucia Wroblewski
 - Scott Patten
 - Jim Langan
5. **APPROVAL OF AGENDA –**
6. **APPROVAL OF MINUTES -**
 - A. May 2, 2015 Meeting Minutes -
7. **REPORTS AND PRESENTATIONS – None**
8. **PUBLIC HEARINGS - None**
9. **NEW BUSINESS –**
 - A. Schedule Presentation Regarding Minimal Impact Design Standards
10. **OLD BUSINESS -**
 - A. Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive
 - B. Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail
 - C. Comprehensive Plan Update Process
 1. Land Use Classifications
 2. Identification of Issues for Review
 3. Updated Afton Density Calculations, as of 12/31/2015
 - D. Draft City Council Minutes -
 - E. Update on City Council Actions -
11. **ADJOURN –**

-- This agenda is not exclusive. Other business may be discussed as deemed necessary. --

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

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
May 2, 2016, 7:00 PM

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5 1. **CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 7:00 p.m.

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

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9 3. **OATH OF OFFICE - REAPPOINTMENTS**

10 A. James Langan – Administrator Moose administered the Oath of Office to James Langan for
11 reappointment to a 3-year term.

12
13 4. **ROLL CALL** – Present: Langan, Wroblewski, Kopitzke, Seeberger, Nelson, Doherty and Chair
14 Ronningen. Excused absence: Patten. **Quorum present.**

15
16 **ALSO IN ATTENDANCE** – Council Liaison Stan Ross, City Administrator Ron Moose and City Clerk Kim
17 Swanson Linner.

18
19 5. **APPROVAL OF AGENDA** – Chair Ronningen added two items: Item 10.D, 2012 Park Plan; and, Item
20 10.E, Mailing Packets.

21 **Motion/Second: Wroblewski/Doherty. To approve the May 2, 2016 Planning Commission agenda as**
22 **amended. Motion carried 7-0-0.**

23
24 6. **APPROVAL OF MINUTES** –

25 A. April 4, 2016 Planning Commission Meeting Minutes – Several minor typos. Line 110, add “...mosque
26 goes in an area, (from a study in the United Kingdom).”

27 **Motion/Second: Patten/Kopitzke. To approve the April 4, 2016 Planning Commission Meeting minutes as**
28 **amended. Motion carried 5-0-2 (Abstain: Langan and Doherty).**

29
30 7. **REPORTS AND PRESENTATIONS** – none.

31
32 8. **PUBLIC HEARINGS** –

33 A. Chaim Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive – Public Hearing –
34 Chair Ronningen opened the Public Hearing at 7:08 p.m.

35 Administrator Moose explained that Chaim Teitelbaum has requested a minor subdivision at 15511 Afton
36 Hills Drive to subdivide the existing fifteen-acre parcel into three, five-acre residential parcels. The parcels
37 would have access directly via a driveway from Afton Hills Drive. The most westerly parcel overlays an
38 existing home while the two new parcels to the east would accommodate new home construction. Each of the
39 three parcels meets all minimum requirements, including: 300 feet of width on a public road right-of-way, five
40 acre lot size, 2.5 acres of contiguous buildable area, and land suitable for driveway access. Soil borings were
41 completed for septic system sites on the two new parcels. The soil borings indicate the soils appear to be suitable
42 for septic systems. Moose indicated that the two new parcels will impact the City’s park system, therefore park
43 dedication will be required. The Park Committee addressed the issue at their April 27 meeting and
44 recommended a cash contribution in lieu of land dedication be required (7.5 percent of the pre-development
45 value with a minimum of \$5,000 per lot and a maximum of \$10,000 per lot). The City Engineer reviewed the
46 application and indicated drainage and utility easements required along the perimeter of each parcel – 10 feet
47 wide along the front and rear property lines and 5 feet wide along the side property lines are reflected in the
48 subdivision survey. Dedication of such easements are required by the City and are a condition of approval. The
49 property to be subdivided includes significant areas of land with slopes of 18% or greater. The subdivision
50 process requires protection of these areas by scenic easements. The subdivision ordinance (Sec. 12-1257) directs
51 preservation of natural site features, including large trees; therefore, home, accessory building and driveway
52 placement should give due consideration to the preservation of significant trees. Proposed Parcel C has a unique
53 and possibly problematic driveway access to the abutting parcel to the south, dividing it into two halves.

54 Chair Ronningen gave the applicant an opportunity to speak, which was declined.
55 There were no public comments.
56

57 **Motion/Second: Nelson/Wroblewski. To close the Public Hearing at 7:15 p.m. Motion carried 7-0-0.**
58

59 Commission Discussion

60 Commissioners had a concern about the driveway easement on Parcel C and the location of the proposed
61 driveway. Commissioners were unclear as to the extent driveways needed to be separated or whether a shared
62 driveway for Parcel C would require a variance. Staff and commissioners were unable to locate definitive
63 ordinance sections regarding the issues on Parcel C.
64

65 **Motion/Second: Ronningen/Nelson. To continue the Chaim Teitelbaum Minor Subdivision application at
66 15511 Afton Hills Drive, to the June 6 Planning Commission meeting to give more time to gather more
67 information about the driveway issues. Motion carried 7-0-0.**
68

69 **B. Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision
70 Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail – Public Hearing – Chair Ronningen
71 opened the Public Hearing at 7:32 p.m.**

72 Administrator Moose reviewed the variance and minor subdivision applications for properties at 15311
73 Putnam Boulevard and 2573 Stagecoach Trail both of which are owned by Brown Trout LLC. The properties
74 are zoned Rural Residential. The property at 15311 Putnam Boulevard has historically had its public road
75 frontage and its driveway access directly from Putnam Boulevard. In 2008, the City closed Putnam Boulevard
76 to traffic due to unsafe conditions related to a sharp curve that was not economically feasible to reconstruct.
77 Although the road has been closed, the road right-of-way has not been vacated. At the time of the road closure,
78 the owner of the property also owned the property to the south at 2573 Stagecoach Trail and used a driveway
79 from Stagecoach Trail to access the property. Since that time, both properties were purchased by Brown Trout
80 LLC and existing houses on both parcels have been removed.

81 Moose explained that when Brown Trout LLC applied for a building permit for a new house on the 15311
82 parcel, staff notified them that, because the property could no longer use Putnam Boulevard, a variance was
83 required to enable the access to come through the 2573 Stagecoach Trail property via a driveway easement.
84 Because the property owner was unaware of this requirement and had planned to begin construction of a house
85 on the 15311 parcel and based on advice from the City Attorney, the property owner was allowed to begin
86 construction of the house subject to a written agreement that the certificate of occupancy for the house would
87 not be granted until the access issue was resolved through a variance process. The property owner has applied
88 for a variance to the requirements of Afton City Code:

89 **Sec. 12-84. Driveway access permits and standards.**

- 90 A. *Access required.* All lots or parcels shall have direct adequate physical access for
91 emergency or public safety vehicles along the frontage of the lot or parcel from either
92 an existing improved city street or an existing private road approved by the City. In
93 addition to the required direct physical access, a lot or parcel may have a private
94 easement access driveway to the lot over adjacent lots or parcels.

95 In the case of this parcel, the City closed the road on which the parcel has its frontage. Because the closure
96 of Putnam Boulevard did not occur through a right-of-way vacation process, there was no public hearing or
97 notification to affected property owners. Also, because the former property owner chose to access the property
98 through the 2573 Stagecoach Trail property, the City had not been advised of an access issue caused by the
99 closure of Putnam Boulevard. The purpose of the variance application is to resolve the loss of access onto
100 Putnam Boulevard by allowing the only access to the 15311 parcel to be from Stagecoach Trail through an
101 easement on the adjacent 2573 Stagecoach Trail property.

102 The property owner is proposing a lot line rearrangement to reflect corrections to property ownership boundaries
103 and to enable a new house on the 15311 parcel to meet the side yard setback. The minor subdivision is not
104 creating any additional lots; it is changing the lot line between the two subject parcels.

105 The property owner is building a new house on the 15311 parcel. While the initial house plans met the
106 southern side yard setback, plan revisions resulted in a portion of the garage and the septic system being located
107 too close to the side property line. When staff conducted the zoning and permit reviews for the proposed new
108 house, the site plan did not include the property line between the 15311 parcel and the 2573 parcel. This resulted
109 in the review process overlooking the fact that a portion of the garage and the septic system did not meet the
110 required side yard setback. The lot line rearrangement proposed in the minor subdivision application will enable
111 both the garage and the septic system to meet the side yard setback requirements.

112 A lot line rearrangement can be accomplished through a simple subdivision if both parcels involved are
113 fully conforming both before and after the subdivision, but requires a minor subdivision if there are existing
114 non-conformities. While both parcels meet the minimum lot area of 5 acres, the minimum contiguous buildable
115 area of 2.5 acres and minimum lot width of 300 feet, the 2573 parcel has a number of legally non-conforming
116 buildings that do not meet required setbacks. Also, although the 15311 parcel has 300 feet of frontage on
117 Putnam Boulevard, the parcel cannot use this frontage for access because of the closure of Putnam Boulevard.
118 The minor subdivision reflects access through an easement on the 2573 parcel. These existing non-conformities
119 required the lot line rearrangement to be accomplished through a minor subdivision. If Stagecoach Trail access
120 for 15311 is approved, the property address must be changed to a Stagecoach Trail address, since that is where
121 the emergency vehicles will access the property.

122 The City Engineer has indicated drainage and utility easements along the perimeter of each parcel – 10 feet
123 wide along the front and rear property lines and 5 feet wide along the side property lines are to be reflected in
124 the subdivision survey and are required to be dedicated easements as required by the City.

125 The subdivision process requires protection of land with slopes of 18% or greater; these properties include
126 significant areas with steep slopes; therefore, scenic easements are required.

127 The applicant indicated that the closing of Putnam totally isolated the property. He bought the property from
128 Tom Johnson after Putnam was closed. He has torn down both parcels' existing houses. He and his family own
129 41 contiguous acres.

130 There were no public comments.

131
132 **Motion/Second: Doherty/Wroblewski. To close the Public Hearing at 7:40 p.m. Motion carried 7-0-0.**

133
134 Commission Discussion

135 Commissioners questioned the need for a subdivision and variance if the 2573 Stagecoach Trail parcel
136 won't be sold and/or built on in the future. They suggested the applicant simply combine the two parcels in
137 order to have their driveway access to their new home. The same issues as the earlier subdivision about the
138 extent driveways needed to be separated or whether a shared driveway would require a variance were raised.
139 The question of whether cutting a parcel in half with a driveway easement also came forward for discussion.

140
141 **Motion/Second: Ronningen/Wroblewski. To continue the application for the Brown Trout LLC variance**
142 **at 15311 Putnam Boulevard and the Minor Subdivision application at 15311 Putnam Boulevard and 2573**
143 **Stagecoach Trail in order to gather additional information about the driveway access and for the**
144 **applicant to consider his option to combine the parcels, and therefore not require a variance or**
145 **subdivision. Motion carried 7-0-0.**

146
147 **9. NEW BUSINESS – none.**

148
149 **10. OLD BUSINESS -**

150 **A. Comprehensive Plan Update Process – Chair Ronningen walked through each section of the Comp Plan**
151 **and commissioners gave brief comments about what might need updating.**

- 152 1. **Background:** Ronningen provided the city with data updates from the Met Council.
- 153 2. **Environmental Resources Plan:** The NRGC should review this section at their next meeting and
154 provide comments to the PC to consider.

- 155 3. Riparian Systems and stormwater buffers and wildlife corridors should be reviewed and determine
156 if the city is providing adequate protections.
- 157 4. Groundwater needs to be addressed and strengthened, as the DNR has recently taken some
158 communities off of aquifers and transferred their water source to surface water. Council Member
159 Richter, attending one of the East Metro Water Resources meetings, reported the DNR saying,
160 “those river cities will need to start thinking about getting their water from the river.”
- 161 5. Energy needs to have wind and solar energy added. Commissioner Nelson will draft a revision.
- 162 6. E & R Goals & Policies
- 163 • 4.b. Maintain aquifer levels. The NRCG may want to strengthen goal 4.b. by adding
164 Strategies to this section. For instance, the City may want to be more involved in Metro area
165 and DNR conversations about aquifer levels and water resources.
 - 166 • 7.c. Natural corridors. Add an accompanying item to the “policies” statements and develop
167 “strategies” for the Environmental Resources Plan section.
- 168 7. **Housing and Land Use Plan:** Areas to look at are:
- 169 • Ag Zoning District, particularly #3 that talks about the Preservation and Land Conservation
170 Development (PLCD) and other Ag density issues.
 - 171 • Find definitions that fit Afton better, such as adding more options for Ag “activities” that
172 include elements of agribusiness. Commissioners questioned the difference in impact
173 between “home occupations” being invisible to their neighbors and some “commercial” or
174 “agriculture” activities.
 - 175 • Affordable Housing, delete the entire paragraph, as Afton has no requirements in this area.
 - 176 • Old Village, particularly the issues surrounding the definition of “commercial” and how that
177 relates to other areas of Afton.

178 Chair Ronningen indicated that more detailed discussions will occur at the June 6 PC meeting, so
179 commissioners should do a detailed review of sections and come with suggestions.

180 Staff was directed to post the Comprehensive Plan with the septic amendment onto the website.

181

182 B. Draft City Council Minutes – were provided in the packet.

183

184 C. Update on City Council Actions – Council Liaison Stan Ross reported on CC actions from April 19.

185

186 D. 2012 Park Plan – Chair Ronningen asked if the Planning Commission had reviewed the 2012 Park Plan.
187 Staff indicated that the Park Plan had not changed since the Planning Commission reviewed it. Therefore, the
188 City Council took action to approve the 2012 Park Plan in 2015.

189

190 E. Mailing Packets – Chair Ronningen asked if the packets can be mailed on Wednesday, so that
191 commissioners get them on Thursday. The postage on the packets indicated they were mailed Wednesday, but
192 some did not get theirs until Friday or Saturday. [A follow-up with the new Office Assistant found that she was
193 not informing the Post Office that they were all within Afton...therefore, the packets went to the Eagan sorting
194 facility. This has been corrected.] Staff intends to mail PC and CC packets on the Wednesday before meetings.

195

196 11. ADJOURN –

197

198 **Motion/Second: Kopitzke/Wroblewski. To adjourn the meeting at 8:39 p.m. Motion carried 7-0-0.**

199

200 Respectfully submitted by:

201

202

203

204 _____
Kim Swanson Linner, Deputy Clerk

205

206 **To be approved on June 6, 2016 as (check one): Presented: _____ or Amended: _____**

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

Planning Commission Memo

Meeting: June 6, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: May 31, 2016

Re: Schedule Presentation and Discussion Regarding Minimal Impact Design Standards

Minimal Impact Design Standards (MIDS) are standards and processes used to guide construction projects and development plans in a way that minimizes impacts to surface water and protects water quality. MIDS regulations are being used by cities and watershed management organizations, such as the Valley Branch Watershed District and the Middle St. Croix Water Management Organization (MSCWMO).

The MSCWMO has obtained grant funding to assist cities in incorporating MIDS into their zoning regulations. The MSCWMO and an engineering consultant with expertise in MIDS have reviewed Afton's zoning regulation and have developed recommendations regarding incorporating MIDS into those regulations. Because the Planning Commission is responsible for zoning regulations, the first step in this process is to meet with the Planning Commission to provide information about MIDS and have an opportunity for questions and discussion, then to review and discuss the proposed MIDS regulations. This process takes a minimum of one hour, and depends upon the number of questions and amount of discussion desired by the Planning Commission.

While the easiest way of scheduling this meeting would be to hold it as part of a regular Commission meeting, this option is dependent upon the number and complexity of other items on the meeting agenda. Another option is to select another date when the Commission members could meet.

Planning Commission Direction Requested:

Motion regarding scheduling a time for a presentation and discussion regarding MIDS.

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

Planning Commission Memo

Meeting: June 6, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: May 31, 2016

Re: Chaim Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive

Chaim Teitelbaum has applied for a minor subdivision at 15511 Afton Hills Drive to subdivide the existing fifteen-acre parcel into three, five-acre residential parcels. Each parcel would obtain its access directly via a driveway from Afton Hills Drive. The most westerly parcel overlays an existing home while the two new parcels to the east would accommodate new home construction.

The Planning Commission, at its June 6, 2016 meeting, continued action on the minor subdivision application to enable questions regarding code requirements related to driveways, particularly the number of driveways allowed on a parcel and the distance required between driveways, to be addressed. Staff has reviewed the code requirements regarding driveways and has attached the relevant code language. While the Agricultural zone has regulations regarding the distance between driveways on the same side of the street, the Rural Residential zone does not have these restrictions. Also, Sec. 12-196. Parking. 170 A. General provisions, paragraph 7 indicates: "There shall be only one driveway access for each residential lot, except by Administrative Permit." Because there is an existing driveway access on parcel C serving the property to the south, the second driveway access on parcel C to serve the proposed home site on parcel C could be approved by administrative permit.

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

Septic System Sites

Soil borings have been completed for septic system sites on the two new parcels. The soil borings indicate the soils appear to be suitable for septic systems. 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 new 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 Park Committee addressed the question of land dedication vs. a cash contribution at its April 27 meeting, with the recommendation that a cash contribution be required in lieu of a land dedication.

Dedication of Easements. The City Engineer has indicated drainage and utility easements are required along the perimeter of each parcel – 10 feet wide along the front and rear property lines and 5 feet wide along the side property lines. 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 significant areas of land with slopes of 18% or greater. To protect these areas with steep slopes, they are placed into scenic easements as part of the subdivision process.

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.

Access Easement. Access to the abutting parcel to the south is provided via an easement through proposed Parcel C. The location of this easement divides Parcel C into two halves. While this may be a topic that is separate from the minor subdivision application, Parcel C may be more desirable/useable if the easement were relocated or shifted so that vehicle traffic would not bisect the new lot.

Findings

1. The subject property is located in the Rural Residential zone, as is all property surrounding it
2. The Rural Residential zone allows residential use with five-acre minimum lot size
3. 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. Park dedication requirements shall be satisfied at the time of final subdivision approval in accordance with Section 12-1270 of the Subdivision Ordinance
7. Permits for individual septic systems to serve new homes on parcels B and C 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.
8. 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 Chaim Teitelbaum Minor Subdivision application at 15511 Afton Hills Drive, including findings, and conditions if applicable.

Sec. 12-84. Driveway access permits and standards.

A. Access required. All lots or parcels shall have direct adequate physical access for emergency or public safety vehicles along the frontage of the lot or parcel from either an existing improved city street or an existing private road approved by the City. In addition to the required direct physical access, a lot or parcel may have a private easement access driveway to the lot over adjacent lots or parcels.

B. Permit required. Construction or alteration of all driveways onto city streets, approved private roads, county roads, and state roads shall require a driveway access permit. All driveways onto a street designated as a state highway shall require an access permit from the state. All driveways onto a street designated as an approved private road or city street shall require an access permit from the City Engineer. All driveways onto a county road shall require an access permit from the county highway department and must meet all county regulations. A performance deposit shall be required as per the City ordinance.

C. Permit application. All applications for a city driveway permit shall be submitted to the Zoning Administrator. Applications shall include:

1. Application for driveway permit;
2. A site plan drawn to scale including, but not limited to, the following information: Proposed location of driveway, all structures on the lot, septic system drainfield, well, and major topographic features;
3. Financial guarantee;
4. Copy of an issued county or state access permit if required.

D. Driveway design standards. All driveways and all applications for such shall indicate that the proposed driveway meets the following standards:

Maximum slope 12%, but driveways with slopes greater than 10% must have bituminous surface
Minimum width 12 feet

Maximum width 22 feet

Minimum clearance each side of centerline 6 feet, but if less 10 feet bituminous surface may be required by City Engineer

Surface strength Minimum of 6 inches class V gravel or its equivalent as determined by the City Engineer

Culverts Size and type to be determined by the Zoning Administrator as per engineering standards.

Aprons or an alternative as per engineering standards shall be required.

Maximum side 4:1, but slopes as steep as 3:1 may be allowed in an area of fill subject to approval of the City Engineer. Where existing slopes are steeper than 3:1, a driveway may be permitted upon compliance with a stabilization plan prepared by a registered professional engineer to City Engineer satisfaction.

Minimum width in right-of-way 16 feet

Maximum grade in right-of-way 3%

Minimum turning radius onto street 5 feet

Maximum turning radius onto street 15 feet

Minimum driveway angle in right-of-way 60°-90°

Minimum vertical clearance 12 feet

Minimum lot line setback 10 feet

Minimum setback from principal structure 3 feet

Minimum setback from intersection of two or more rights-of way 60 feet (20 feet in VHS)

All applications for a driveway permit that do not meet these minimum standards shall submit any additional information as may be required by the Zoning Administrator.

E. Turnaround. All residential structures set back more than 150 feet from the centerline of the fronting city street or approved private road shall provide a turnaround in the driveway near the principal structure. The turnaround area shall be a minimum of 40 feet by 50 feet, have a minimum turning radius of 45 feet if a cul de-sac, or be a design approved by the Zoning Administrator. All turnarounds shall have the same surface strength as required for the driveway.

F. Permit issuance restricted. No building or septic permit shall be issued for a particular parcel of property until a driveway permit has been approved or issued.

G. Conformity of work. Before any site preparation work is done, that part of the driveway located in the street right-of-way shall be constructed according to the permit.

H. Number and type. The number and types of driveways onto city streets may be controlled and limited in the interests of public safety and efficient traffic flow as determined by the Zoning Administrator.

Sec. 12-140. Agricultural (A) zoning district. 136 A. Purpose. The A zoning district is intended to recognize land in the City that is primarily rural in character with the primary land use being farming or agriculture. This district is designated in recognition of the comprehensive plan that states the City's policy to retain prime agricultural land and to encourage the continuance of commercial farming. While non-farm housing is a permitted use as regulated herein, the primary purpose of the district is to preserve and protect land for commercial farming. B. Permitted uses and structures. The following uses shall be permitted: 1. Single Family Residential housing at a density of one dwelling unit per 10 acres provided that: (Total Acreage / 10 = allowed density) All numbers shall be rounded down. Each dwelling unit shall be located on a separately owned parcel which shall be at least five acres in area; 2. The parcel on which a dwelling unit is located shall have at least 300 feet of frontage along an existing, improved public street; 3. The driveway serving the parcel shall be separated from adjacent driveways on the same side of the street by the following distances depending upon street type:

- a. Local street..... 300 feet
- b. Collector street..... 300 feet
- c. Minor arterial..... 500 feet
- d. Minimum distance from the intersection of two or more of the above...100 feet

Sec. 12-196. Parking. 170 A. General provisions.

7. Required off-street parking space in any zoning district shall not be utilized for open storage of goods, or for the storage of vehicles that are inoperable, for sale or for rent. B. Design and maintenance of off-street parking areas. 170 Cross reference(s)--Parking generally, § 22-56 et seq. Code 1982, § 301.713 171 Ord 1997-19, 4/20/99 LAND USE CD12:77 1. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. In no case shall a driveway exceed 32 feet in width unless an Administrative Permit has been obtained approving the larger width. Driveway access shall be so located as to cause the least interference with traffic movement. **There shall be only one driveway access for each residential lot, except by Administrative Permit.**

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

Planning Commission Memo

Meeting: June 6, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moore, City Administrator

Date: May 31, 2016

Re: Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail

Background

The properties at 15311 Putnam Boulevard and 2573 Stagecoach Trail are both owned by Brown Trout LLC. The properties are zoned Rural Residential. The property at 15311 Putnam Boulevard has historically had its public road frontage and its driveway access directly from Putnam Boulevard. In 2008, the City decided to close Putnam Boulevard to traffic due to unsafe conditions related to a sharp curve that was not economically feasible to reconstruct. Although the road has been closed, the road right-of-way has not been vacated. At the time of the road closure, the owner of the property also owned the property to the south at 2573 Stagecoach Trail, and used a driveway from Stagecoach Trail to access the property. Since that time, the existing houses on both properties have been removed and both properties were purchased by Brown Trout LLC.

Brown Trout LLC proposed a variance to allow the access to the Putnam Boulevard parcel to come from an easement through the Stagecoach Trail property. Brown Trout LLC also proposed a minor subdivision to relocate the lot line between the Putnam Boulevard and Stagecoach Trail parcels. The Planning Commission, at its May 2, 2016 meeting, continued action on the variance and minor subdivision applications due to concerns about the feasibility of two driveways on the Stagecoach Trail parcel and to enable the applicant to consider combining the parcels to eliminate the need for both the variance and the subdivision.

The applicant has revised the minor subdivision plan to relocate the lot line between the two parcels so that the new house is located on the Stagecoach Trail parcel. This enables the new house to obtain its access directly from Stagecoach Trail, rather than through an easement. The minor subdivision also proposes that the access to the redesigned Putnam Boulevard parcel be provided from a driveway that accesses the Putnam Boulevard right-of-way and that is constructed in the Putnam Boulevard right-of-way to connect with Stagecoach Trail. This driveway would require a license agreement to allow the use of the Putnam Boulevard right-of-way, but would eliminate the need for a driveway access variance. The driveway is proposed to be located such that it does not appear that Putnam Boulevard is open to public vehicular traffic. The proposed driveway plan is being provided to Washington County for their review. The County's review comments will be provided at the meeting.

Surveys

Attached are a survey showing the existing two parcels and the proposed new house, a survey showing the proposed two parcels and the proposed new house, including the driveway for the Putnam Boulevard parcel being located in the Putnam Boulevard right-of-way and connecting to Stagecoach

Trail, and an enlargement of the portion of the survey showing the proposed driveway in the Putnam Boulevard right-of-way.

Dedication of Easements. The City Engineer has indicated drainage and utility easements are required along the perimeter of each parcel – 10 feet wide along the front and rear property lines and 5 feet wide along the side property lines. These easements are to be 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 properties involved in the subdivision include significant areas of land with slopes of 18% or greater. To protect these areas with steep slopes, they should be placed into scenic easements as part of the subdivision process.

Driveway

Driveway construction will need to comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer. A license to use the public right-of-way for the driveway to serve the Putnam Boulevard parcel would need to be recorded with the subdivision.

Findings of Fact

The Planning Commission's recommendation needs to be based on a set of findings of fact. The findings of fact that are used as the basis of the Commission's recommendation should be listed.

Staff Findings: The following general findings are offered by staff for review and consideration by the Planning Commission:

1. The property at 15311 Putnam Boulevard has 300 feet of frontage on Putnam Boulevard
2. Prior to the closure of Putnam Boulevard, the property obtained its access from Putnam Boulevard
3. The City closed Putnam Boulevard to traffic, but did not vacate the Putnam Boulevard right-of-way
4. The proposed driveway location to access the 15311 Putnam Boulevard parcel would require a license to use the Putnam Road right-of-way.
5. The subject properties are located in the Rural Residential zone, as is all property surrounding them
6. The Rural Residential zone allows residential use with five-acre minimum lot size
7. The minor subdivision is not creating any additional lots. It is realigning the lot line between the two subject parcels.
8. While both parcels meet the minimum lot area of 5 acres, the minimum contiguous buildable area of 2.5 acres and minimum lot width of 300 feet, there are also a number of existing legal non-conformities and the new house and septic system require the proposed lot line realignment to meet the required side yard setback.

Staff Recommendation

If the Planning Commission determines that the findings support the approval of the minor subdivision application, staff recommends the following conditions be placed on the approval recommendation. In addition, staff recommends the Planning Commission identify any other reasonable conditions to be placed on the approval.

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 plans 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 applicant shall execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision
6. Driveway construction shall comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer.
7. A license to use the public right-of-way for a driveway to serve the 15311 parcel shall be recorded with the subdivision

Planning Commission Recommendation Requested

Motion regarding the Brown Trout LLC Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail, with findings, and conditions if applicable.

Sec. 12-84. Driveway access permits and standards.

A. Access required. All lots or parcels shall have direct adequate physical access for emergency or public safety vehicles along the frontage of the lot or parcel from either an existing improved city street or an existing private road approved by the City. In addition to the required direct physical access, a lot or parcel may have a private easement access driveway to the lot over adjacent lots or parcels.

B. Permit required. Construction or alteration of all driveways onto city streets, approved private roads, county roads, and state roads shall require a driveway access permit. All driveways onto a street designated as a state highway shall require an access permit from the state. All driveways onto a street designated as an approved private road or city street shall require an access permit from the City Engineer. All driveways onto a county road shall require an access permit from the county highway department and must meet all county regulations. A performance deposit shall be required as per the City ordinance.

C. Permit application. All applications for a city driveway permit shall be submitted to the Zoning Administrator. Applications shall include:

1. Application for driveway permit;

2. A site plan drawn to scale including, but not limited to, the following information: Proposed location of driveway, all structures on the lot, septic system drainfield, well, and major topographic features;

3. Financial guarantee;

4. Copy of an issued county or state access permit if required.

D. Driveway design standards. All driveways and all applications for such shall indicate that the proposed driveway meets the following standards:

Maximum slope 12%, but driveways with slopes greater than 10% must have bituminous surface

Minimum width 12 feet

Maximum width 22 feet

Minimum clearance each side of centerline 6 feet, but if less 10 feet bituminous surface may be required by City Engineer

Surface strength Minimum of 6 inches class V gravel or its equivalent as determined by the City Engineer

Culverts Size and type to be determined by the Zoning Administrator as per engineering standards.

Aprons or an alternative as per engineering standards shall be required.

Maximum side 4:1, but slopes as steep as 3:1 may be allowed in an area of fill subject to approval of the City Engineer. Where existing slopes are steeper than 3:1, a driveway may be permitted upon compliance with a stabilization plan prepared by a registered professional engineer to City Engineer satisfaction.

Minimum width in right-of-way 16 feet

Maximum grade in right-of-way 3%

Minimum turning radius onto street 5 feet

Maximum turning radius onto street 15 feet

Minimum driveway angle in right-of-way 60°-90°

Minimum vertical clearance 12 feet

Minimum lot line setback 10 feet

Minimum setback from principal structure 3 feet

Minimum setback from intersection of two or more rights-of way 60 feet (20 feet in VHS)

All applications for a driveway permit that do not meet these minimum standards shall submit any additional information as may be required by the Zoning Administrator.

E. Turnaround. All residential structures set back more than 150 feet from the centerline of the fronting city street or approved private road shall provide a turnaround in the driveway near the principal structure. The turnaround area shall be a minimum of 40 feet by 50 feet, have a minimum turning radius of 45 feet if a cul de-sac, or be a design approved by the Zoning Administrator. All turnarounds shall have the same surface strength as required for the driveway.

F. Permit issuance restricted. No building or septic permit shall be issued for a particular parcel of property until a driveway permit has been approved or issued.

G. Conformity of work. Before any site preparation work is done, that part of the driveway located in the street right-of-way shall be constructed according to the permit.

H. Number and type. The number and types of driveways onto city streets may be controlled and limited in the interests of public safety and efficient traffic flow as determined by the Zoning Administrator.

EXISTING SITE SURVEY

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

SONNENTAG CONSULTING, LLC.

616 TOWER RD.
HUDSON, WI 54016
PH. 651-334-3332



PROJECT:
BROWN TROUT LLC
15311 PUTNAM BLVD S
AFTON, MN
PART OF NE-SE, SECTION 15,
T28N, R20W, WASHINGTON
COUNTY, MN

NOTES:

- LEGEND:**
- PROPERTY LINE
 - - - EXISTING BITUMINOUS EDGE
 - · - · EXISTING GRAVEL EDGE
 - ⊙ FOUND COUNTY SECTION CORNER MONUMENT (AS NOTED)
 - FOUND 1" OUTSIDE DIAMETER IRON PIPE
 - FOUND 0.75" OUTSIDE DIAMETER IRON PIPE (W/CAP #13774)
 - ⊞ SET 3/4" X 18" REBAR WEIGHING 1,502 LBS PER LIN. FT (W/CAP #48650)
 - ⊕ SET SURVEY MARK NAIL

BEARINGS REFERENCED TO THE EAST LINE OF THE NE 1/4 OF THE SE 1/4 OF SECTION 15, T28N, R20W WHICH BEARS S01°10'59"E AS DEFINED BY STACK LAND SURVEYING ON 9-19-1988.

DRAWN BY: JMS
CHECKED BY: JWG
DATE: 04/01/16
DWG FILE: 115-LEZEN(RIVAS)
REF FILE:
JOB NUMBER: 115-LEZEN(RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16

SITE SURVEY
SHEET NO.
1 OF 1

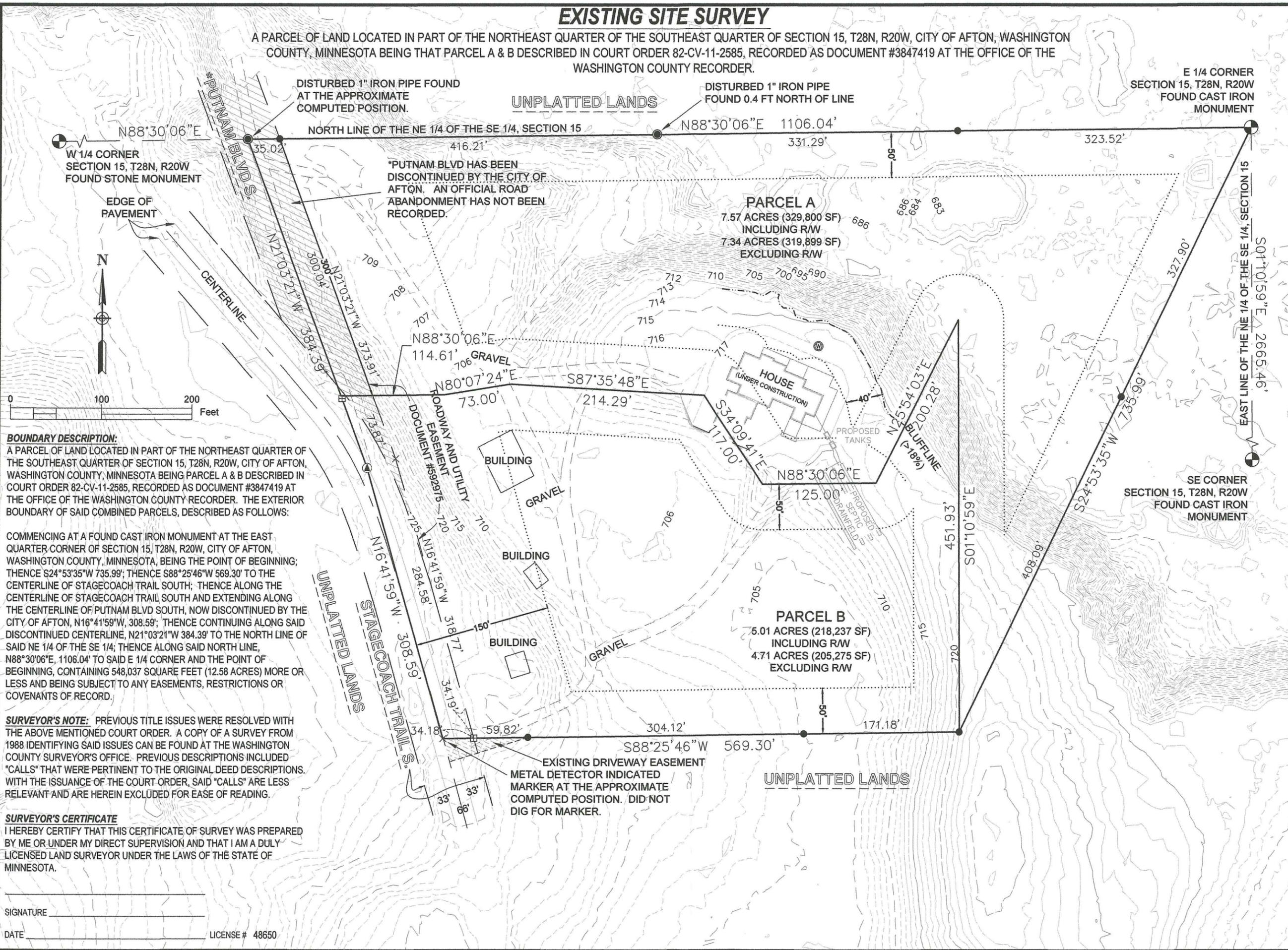
BOUNDARY DESCRIPTION:
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND CAST IRON MONUMENT AT THE EAST QUARTER CORNER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA, BEING THE POINT OF BEGINNING; THENCE S24°53'35"W 735.99'; THENCE S88°25'46"W 569.30' TO THE CENTERLINE OF STAGECOACH TRAIL SOUTH; THENCE ALONG THE CENTERLINE OF STAGECOACH TRAIL SOUTH AND EXTENDING ALONG THE CENTERLINE OF PUTNAM BLVD SOUTH, NOW DISCONTINUED BY THE CITY OF AFTON, N16°41'59"W, 308.59'; THENCE CONTINUING ALONG SAID DISCONTINUED CENTERLINE, N21°03'21"W 384.39' TO THE NORTH LINE OF SAID NE 1/4 OF THE SE 1/4; THENCE ALONG SAID NORTH LINE, N88°30'06"E, 1106.04' TO SAID E 1/4 CORNER AND THE POINT OF BEGINNING, CONTAINING 548,037 SQUARE FEET (12.58 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

SURVEYOR'S NOTE: PREVIOUS TITLE ISSUES WERE RESOLVED WITH THE ABOVE MENTIONED COURT ORDER. A COPY OF A SURVEY FROM 1988 IDENTIFYING SAID ISSUES CAN BE FOUND AT THE WASHINGTON COUNTY SURVEYOR'S OFFICE. PREVIOUS DESCRIPTIONS INCLUDED "CALLS" THAT WERE PERTINENT TO THE ORIGINAL DEED DESCRIPTIONS. WITH THE ISSUANCE OF THE COURT ORDER, SAID "CALLS" ARE LESS RELEVANT AND ARE HEREIN EXCLUDED FOR EASE OF READING.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE _____
DATE _____ LICENSE # 48650



EXISTING SLOPES AND BUILDABLE AREA

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING THAT PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER.

SONNENTAG CONSULTING, LLC.

616 TOWER RD.
HUDSON, WI 54016
PH. 651-334-3332



PROJECT:
BROWN TROUT LLC
15311 PUTNAM BLVD S
AFTON, MN
PART OF NE-SE, SECTION 15,
T28N, R20W, WASHINGTON
COUNTY, MN

LEGEND:

- SLOPES 12-18%
- SLOPES > 18%

NOTE:
BUILDABLE AREA = LOT ACREAGE, EXCEPT THE FOLLOWING AREAS:

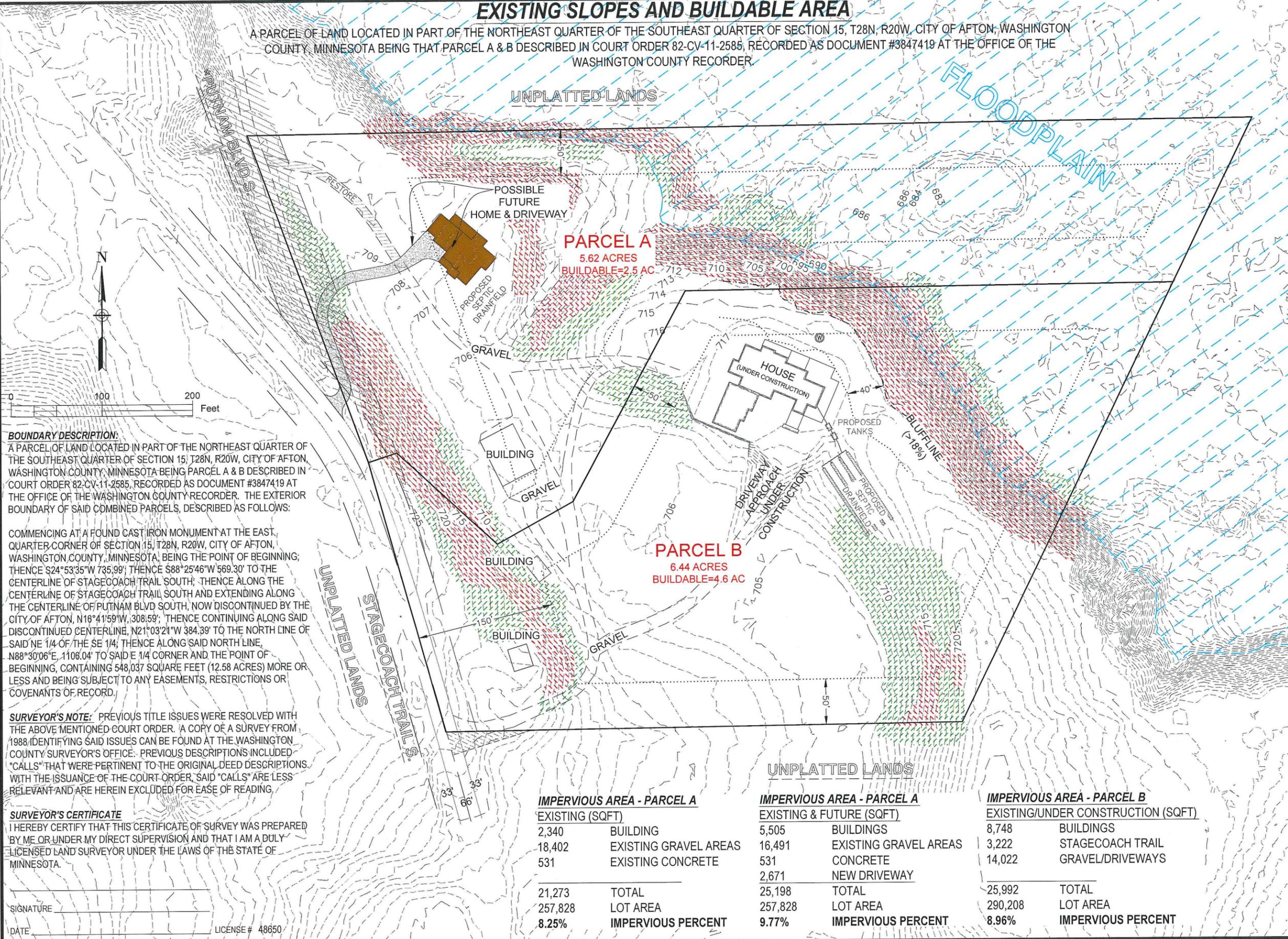
- FLOODPLAIN
- SLOPES > 18%
- RIGHT OF WAY
- DRIVEWAY EASEMENT

THE ELEVATIONS SHOWN ARE ON NAVD 1988 DATUM DERIVED FROM LIDAR DATA AVAILABLE THROUGH THE MN GEOSPATIAL INFORMATION OFFICE. APPROXIMATE SLOPE CATEGORIES WERE GENERATED FROM THE LIDAR SURFACE MODEL.

DRAWN BY: JMS
CHECKED BY:
DATE: 04/01/16
DWG FILE: 113-LEZEN (RIVAS)
REF FILE:
JOB NUMBER: 113-LEZEN (RIVAS)

REVISION DESC.	STAFF	DATE
RELEASED FOR REVIEW	JMS	04/18/16
IMPERVIOUS AREAS	JMS	04/27/16
REVISED LOT LAYOUT	JMS	05/25/16

SLOPES & BUILDABLE AREA
SHEET NO. 1 OF 1



BOUNDARY DESCRIPTION:
A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, T28N, R20W, CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA BEING PARCEL A & B DESCRIBED IN COURT ORDER 82-CV-11-2585, RECORDED AS DOCUMENT #3847419 AT THE OFFICE OF THE WASHINGTON COUNTY RECORDER. THE EXTERIOR BOUNDARY OF SAID COMBINED PARCELS, DESCRIBED AS FOLLOWS:

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SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE _____
DATE _____ LICENSE # 48650

IMPERVIOUS AREA - PARCEL A

EXISTING (SQFT)	
2,340	BUILDING
18,402	EXISTING GRAVEL AREAS
531	EXISTING CONCRETE
<hr/>	
21,273	TOTAL
257,828	LOT AREA
8.25%	IMPERVIOUS PERCENT

IMPERVIOUS AREA - PARCEL A

EXISTING & FUTURE (SQFT)	
5,505	BUILDINGS
16,491	EXISTING GRAVEL AREAS
531	CONCRETE
2,671	NEW DRIVEWAY
<hr/>	
25,198	TOTAL
257,828	LOT AREA
9.77%	IMPERVIOUS PERCENT

IMPERVIOUS AREA - PARCEL B

EXISTING/UNDER CONSTRUCTION (SQFT)	
8,748	BUILDINGS
3,222	STAGECOACH TRAIL
14,022	GRAVEL/DRIVEWAYS
<hr/>	
25,992	TOTAL
290,208	LOT AREA
8.96%	IMPERVIOUS PERCENT

RIVAS - PUTNAM BLVD S. PROPOSED FUTURE DRIVEWAY AND TRAIL



POSSIBLE
FUTURE
HOME & DRIVEWAY

F

BI

PROPOSED DRIVEWAY
(3% GRADE @ APPROACH TO STAGECOACH)
(8-10% GRADE TO BLD SITE)

DRIVEWAY
TRAIL

INSTALL MAILBOX AND LOW
GROW LANDSCRAPING

EXISTING ROAD TURN SIGNS

BUILDING

GRAVEL

BUILDING

UP

50'

708

709

GRAVEL

706

710

715

720

725

RIGHT OF WAY

RIGHT OF WAY

RIGHT OF WAY

RIGHT OF WAY

>420' TO ADJACENT
DRIVEWAY

>380' TO ADJACENT
DRIVEWAY

50'

Memo

To: Mayor Bend, City Council and Planning Commission

From: Kim Swanson Linner, City Clerk

Date: May 31, 2016

Re: **UPDATED** 2015 Afton Density Calculations Worksheet of Building Permits (since 2010)

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

Met Council estimates and data is accurate through April 1, 2015.

CITY OF AFTON has updated its data through year end 2015 to reflect the total new construction and demolition of homes to date.

Maximum Density by Afton's Comprehensive Plan: 1 dwelling unit per 10 acres overall maximum density.

DESCRIPTION	SQ. MI.	ACRES	1 per 10 density	2016 Net Total HH available
Total Land and Water Area	26.4 sq. miles	16,896 Acres	divide by 10	1,689
Total Land Area (No Water)	25.2 sq. miles	16,128 Acres		
Total Land Area of Old Village		150 Acres		
Total Land Area of Roads (including rights-of-way)		363 Acres		

DATA SOURCES			Households	Population	Existing # of HouseHolds	Ave HH Size
2015 Met Council Estimates			1,105	2,906		
2010 Census Actual			1,139	2,886	4/30/2016	2.53 ppl/HH
Permits by Year	# New	# Demo	(Net total)			
2010	5	2	3			
2011	5	1	4			
2012	7	1	6			
2013	11	3	8			
2014	4	3	1			
2015	10	0	10			Build out available
TOTAL			1,161	2,890	1,161	528 *

*Total Build out = 2016 Net Total HH available (**1,689**) minus Existing # of HH (**1,161**) = **528 housing units available.**

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PROCEEDINGS OF THE AFTON CITY COUNCIL
CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

DRAFT City Council Regular Meeting Minutes
May 17, 2016
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 P.M.

1. **THE MEETING WAS CALLED TO ORDER** at 7:00 P.M. by Mayor Bend.

2. **THE PLEDGE OF ALLEGIANCE** – was recited.

3. **ROLL CALL:** Council Members Nelson, Ross, Richter, Palmquist and Mayor Bend. **Quorum Present.**

ALSO PRESENT: City Attorney Fritz Knaak, City Engineer Diane Hankee, Planning Commission Chair Barbara Ronningen, City Administrator Ron Moorse and City Clerk Kim Swanson Linner.

4. **APPROVAL OF AGENDA** –

A. Agenda for the Regular City Council Meeting of May 17, 2016 – Item 9C14, Wedding Venue, was added; Item 7a, Sheriff's Report, was moved to after Item 4A, Approval of the Agenda, to accommodate the deputy's schedule.

Motion/Second: Palmquist/Richter. To approve the agenda of the May 17, 2016 Regular City Council Meeting as amended. Motion carried 5-0-0.

7A. Sheriff's Monthly Report – Deputy Sullivan reported that emergency vehicles have had difficulty finding several addresses in the last month due to address numbers missing from mailboxes or driveways. He asked that residents check to make sure the address is readable, put the address on BOTH SIDES of the mailbox, and make sure the DRIVEWAY indicates the address as well. There have been break-ins and trespassers at the city property. Deputies have secured the building and have put other surveillance and security measures in place; they will also be patrolling more frequently.

5. **APPROVAL OF MINUTES** -

A. Minutes of the March 16, 2016 Joint City Council Work Session with the Natural Resources and Groundwater Committee –

Motion/Second: Palmquist/Richter. To approve the minutes of the March 16, 2016 Joint City Council Work Session with the Natural Resources and Groundwater Committee as presented. Motion carried 4-0-1 (Abstain: Nelson, due to absence).

B. Minutes of the April 19, 2016 Regular City Council Meeting –

Motion/Second: Palmquist/Richter. To approve the minutes of the April 19, 2016 Regular City Council Meeting as presented. Motion carried 5-0-0.

5. **PUBLIC INPUT** –

- 1) Bob Cohrs, 15025 Afton Hills Drive, spoke about Afton Hills Drive road conditions.
- 2) Mary Boyd, 15111 Afton Hills Drive, commented that Afton Hills Drive going up to the loop road is in bad condition and they believe it needs a total reconstruction. They reported watching the potholes being repaired and believe the repairs would hold better if they were pre-sealed and the mix tamped in. They referred to the number of households in Afton Hills contributing about \$90,000 to taxes and wondered how much of that would go to road repair.

6. **REPORTS/PRESENTATIONS** -

A. Sheriff's Monthly Report – [was moved to after 4A]

- 57 **B. Tom Niedzwiecki, Budget Report** – [Mr. Niedzwiecki was not in attendance.]
58 **C. Lower St. Croix Fire District Report** – Nelson reported that the 2017 budget was approved and it shows a
59 savings to Afton and 3 of the other cities. Bend indicated the refinancing dropped the rates.

- 60
61 **7. CONSENT AGENDA** – Item C was pulled from the Consent Agenda.
62 **A. Just and Correct Claims**
63 **B. 4M Fund Transfer – APRIL - Resolution 2016-20**

64
65 **Motion/Second: Palmquist/Richter. To approve the Consent Agenda, Items A and B including Resolution**
66 **2016-20. ROLL CALL: All Ayes. Motion carried 5-0-0.**

- 67
68 **C. Election Judge Salary Increase** – Head Judge, \$12 to **\$14/hour**; Election Judge, \$8 to **\$10/hour**.
69 Council members wanted to know how the increase impacts the Election budget line item. Past years have shown a
70 balance, so staff felt the budget line item was sufficient.

71
72 **Motion/Second: Richter/Ross. To approve the Consent Agenda, Items C, Election Judge Salary Increases for**
73 **Head Judges from \$12 to \$14/hour and Regular Election Judges from \$8 to \$10/hour. ROLL CALL: All**
74 **Ayes. Motion carried 5-0-0.**

75
76 **5. CITY COUNCIL BUSINESS -**

- 77 **A. Planning Commission Report** – Chair Ronningen reported that the Planning Commission held two Public
78 Hearings which needed to be continued to the June PC meeting due to not having information from the staff review
79 of the application with which to make a decision.

- 80
81 **B. Engineering Report** – City Engineer Diane Hankee reported:

82 a. Proposal for Boundary Survey of the Mount Hope Cemetery Property – WSB provided a proposal to
83 complete a boundary survey for Mount Hope Cemetery in the amount of \$3,578. The boundary survey has been
84 requested to enable the Afton Historical Society to conduct maintenance activities at the Cemetery.

85 Council questioned why the title work (\$600) was included, as the City Attorney had done title work in the last
86 five years for the property. It was noted that a telecommunications company had also done a survey of the property
87 which is on file and could be used to find boundaries.

88
89 **Motion/Second: Bend/Palmquist. To approve the proposal from WSB for a boundary survey of the Mount**
90 **Hope Cemetery property at a cost not to exceed \$3,578. Motion carried 3-1-1 (Nay-Richter; Abstain-Ross,**
91 **due to being President of the Afton Historical Museum which has entered into an agreement with the city to**
92 **do maintenance and restoration of the pioneer cemetery.)**

93
94 b. Minnesota Public Facilities Authority (MPFA) Loan Application for the Downtown Village
95 Improvement Project – Resolution 2016-21 – An updated resolution with final language from the MPFA was
96 provided in the Supplemental Packet.

97
98 **Motion/Second: Palmquist/Bend. To approve Resolution 2016-21 applying for a Minnesota Public Facilities**
99 **Authority Loan from the Clean Water Revolving Fund for the Downtown Village Improvement Projects.**
100 **ROLL CALL: All Ayes. Motion carried 5-0-0.**

101
102 **C. Administration –**

103 1. Thomas Lehmann Request to Address Council about the Driveway Permit Denial at Stagecoach Trail
104 and Sand Hill Road – Background on the issue: In 2009, the property at 1501 Stagecoach Trail was subdivided into
105 two lots. The subdivision materials showed a house location in the southern (lower) portion of the northern lot and
106 a driveway accessing the property from Stagecoach Trail. The house location and driveway access location were
107 based on the large area of steep slopes on the northern portion of the lot, as indicated by the survey on which the
108 subdivision was based. The approval resolution included a condition that the driveway come from Stagecoach
109 Trail. The lot was purchased by Randall Morgan, who submitted a driveway permit application reflecting a

110 driveway off Sandhill Road. The driveway permit was erroneously approved, but was revoked based on the
111 conditions of the subdivision approval. In the interim, Mr. Morgan completed substantial grading for a driveway
112 from Sandhill Road. A stop work order was placed on the driveway. Mr. Morgan has since brought a legal action
113 against the City regarding the driveway permit.

114 Mayor Bend gave Mr. Lehmann, legal representative for Randy Morgan, the opportunity to address the
115 Council.

116 Mr. Lehmann detailed three requests for his client:

- 117 1. A process for a new subdivision approval that would include a driveway off Sandhill Road.
- 118 2. Discussion of the three surveys of the property showing the planned homesite does not approach slopes
119 greater than 18% and would meet all City zoning codes.
- 120 3. Asking the Council to direct staff to approve necessary administrative permits for a driveway and for a
121 house on the property.

122 Mayor Bend indicated that with litigation ongoing, it would be inappropriate for Council to discuss any
123 negotiation or details at an open meeting. A Special City Council Meeting in a Closed Session would need to be
124 scheduled and properly noticed.

125

126 2. 2015 Audit Report – Administrator Moose stated that Michael Pofahl, who prepared the City’s 2015
127 audit, has completed the 2015 Audit Report. Pofahl presented the report to the Council.

128

129 **Motion/Second: Richter/Ross. To adopt the 2015 Audit Report, the audited financial statements and
130 financial information for the fiscal year ending December 31, 2015. Motion carried 5-0-0.**

131

132 3. Petition Regarding Upgrade and Maintenance of 34th Street – Administrator Moose reported that the
133 City had received a petition from two property owners on 34th Street requesting that the City take on responsibility
134 for the upgrade and maintenance of the roadway from Pennington Avenue to Mount Hope Cemetery. He explained
135 the City maintains 34th Street from Pennington Avenue to the boundary of the property at 15711 34th Street. The
136 City does not maintain the paved roadway as it runs through the property at 15711 34th Street or the gravel roadway
137 and then up a very steep hill to serve three residential properties and Mount Hope Cemetery. The road has
138 historically been maintained by the owners of the residential properties served by the roadway, specifically the
139 owners of the three properties at the top of the hill. None of these three property owners had signed the petition.
140 Moose viewed that a number of years ago, the City Attorney assisted the City in claiming a prescriptive easement
141 over the roadway in response to a claim by the former owner of the 15711 property that the public did not have the
142 right to use the roadway to access Mount Hope Cemetery. The City Attorney has advised it is important to fully
143 understand the current rights and responsibilities of the City in relation to the roadway prior to making decisions
144 regarding the petition.

145 City Attorney Knaak advised that the city has no liability for the condition of the road. Council is able to use
146 their discretion to not maintain the road and if that is the decision, the city should declare the road minimum
147 maintenance.

148 Mayor Bend commented that the use of the road will increase as the Afton Museum begins maintenance and
149 restoration of the cemetery, so perhaps the city becomes one of the parcels in the agreement for road maintenance
150 that the residents already have.

151

152 **Motion/Second: Bend/Nelson. To direct staff to prepare the necessary resolution to declare and sign
153 Cemetery Road as a minimum maintenance road and to direct staff to develop an agreement with all parcel
154 owners for maintenance. Motion carried 5-0-0.**

155

156

157 **Motion/Second: Bend/Richter. Except to the extent of the previous motion, to DENY the petition before the
158 Council to have the City take over responsibility for the upgrade and maintenance of 34th Street. Motion
159 carried 5-0-0.**

160

161 Administrator Moose indicated that another Public Comment Card had been turned in after Public Comment.
162 Council agreed to hear the comment.

163
164 Bob DeMaster, 15252 Afton Hills Drive, commented that Afton Hills Drive up to the loop does not have shoulders
165 and that the road sides are very dangerous, as the ravine drops straight down from the edge of the road where the
166 pavement is eroding.

- 167
168 4. 2016 Street Improvement Projects – Administrator Moose reported that the Public Works Committee,
169 working with the City Engineer and Tri-County, has identified a list of priority street improvement needs for 2016.
170 a. Repairs to Afton Hills Drive from Stagecoach Trail to the Afton Hills Drive loop by either: a large
171 patch with a skid loader at a cost of \$11,000; or, a 1 inch overlay at a cost of \$50,000.
172 b. Partial replacement of culvert on 30th Street: \$38,000.
173 c. Crack Filling (see map) within the budgeted amount of \$75,000 for crack filling and seal coating.
174 d. Seal coating on Pateley Bridge and 32nd Street within the budgeted amount of \$75,000 for crack
175 filling and seal coating.
176 e. Reclamation of the full 2 miles of 15th Street: \$550,000.
177 f. Replace six culverts on 15th Street in conjunction with the reclamation project: \$45,182.
178 g. Replace and extend culvert to widen a substandard portion of 15th Street: \$8,600.

179 Moose explained that the 15th Street reclamation project would require the use of the current balance of \$489,000
180 in the Street Improvement Fund and approximately \$100,000 of the \$200,000 Street Improvement levy for 2016.
181 The current funding plan for the Downtown Improvement Projects includes using the \$489,000 in the Street
182 Improvement Fund to provide cash flow for the downtown project. Todd Hubmer of WSB had recommended that a
183 decision regarding the use of the Street Improvement Fund balance be delayed until the City has more information
184 about other funding sources, and ideally until after the City receives bids for the downtown project which will
185 significantly clarify the project costs.

186
187 **Motion/Second: Nelson/Palmquist. To authorize crack fill and seal coating projects as indicated in items ©
188 and (d) above from the 2016 Street Improvement Projects list. Motion carried 5-0-0.**

189
190 **Motion/Second: Richter/Ross. To authorize the 1” overlay for \$50,000, as indicated in item (a) above, and to
191 approve stabilizing the culvert in the area of repair. Aye-Richter, Ross; Nay-Nelson, Palmquist, Bend.
192 Motion failed 2-3-0.**

193
194 **Motion/Second: Bend/Palmquist. To table items (a) and (b) from the 2016 Street Improvement Projects list
195 above to the June 21 City Council meeting, as the city will have legislative funding information by then and
196 will have a better idea of available funds for road maintenance needs. Aye-Nelson, Palmquist, Bend; Nay-
197 Richter, Ross. Motion carried 3-2-0.**

198
199 **Motion/Second: Palmquist/Nelson. To table items (e), (f) and (g) from the 2016 Street Improvement Projects
200 list above to the June 21 City Council meeting, as the city will have legislative funding information by then
201 and will have a better idea of available funds for road maintenance needs. Aye-Nelson, Palmquist, Bend;
202 Nay- Richter, Ross. Motion carried 3-2-0.**

203
204 5. Expanded Use of Planning Consultant – Administrator Moose explained that last year Council
205 authorized the use of a planning consultant to review all major subdivisions in order to assist the City Administrator
206 with workload and to provide necessary expertise. Recently staff has used a planning consultant to assist with the
207 review of some minor subdivisions to ensure all issues were identified and addressed. Moose asked Council to
208 consider that, depending on workload and complexity, staff could be authorized to use a planning consultant to
209 review or assist with the review of land use applications other than major subdivisions, including minor
210 subdivisions, variances and conditional use permits. He indicated the consultant’s fees could be passed through to
211 the applicant, and would be covered by the escrow deposit received with the application.

212 Palmquist felt it would be okay to use city expenses to cover additional review by a consultant. He felt it would
213 be unfair to the applicants, however, to pass through the expenses of another review to their escrow.

214 Richter commented that the City Administrator was hired to be the City's Zoning Administrator and Council
215 agreed to huge increases in the salary in redefining the job duties and qualifications of the City Administrator
216 position by including the Zoning Administrator duties. He felt the Council Meeting was not the correct venue nor
217 the way a restructuring of job duties should be handled.

218 Bend commented that the City Administrator/Zoning Administrator, because of other concerns or a lack of
219 experience, has led him to conclude the city is not getting the results the Planning Commission or City Council
220 needs to act on applications. He felt this costs the city time and it costs the applicant time and perhaps money,
221 which he felt is a concern.

222

223 **Motion/Second: Palmquist/Ross. To approve that the City/Zoning Administrator may use discretion in using**
224 **the services of a planning consultant for the review of minor subdivisions and other land use applications in**
225 **addition to major subdivision applications up to a maximum of \$3,000 per year. Motion carried 4-1-0**
226 **(Richter).**

227

228 6. Washington County Assessment Services Renewal Agreement – Resolution 2016-22 – Administrator
229 Moose reviewed that the City currently has a five year agreement with Washington County for assessment services
230 that expires in July. The County provided a new agreement that reflects the current service arrangement but
231 replaces the current five year fixed term agreement with a rolling agreement that remains in force unless terminated
232 by either party with a six month written notice of its intent to terminate the agreement. The City Attorney has
233 reviewed the agreement and has no concerns.

234

235 **Motion/Second: Richter/Palmquist. To authorize renewing the agreement with Washington County for**
236 **assessment services with the new rolling renewal clause, as set out in Resolution 2016-22. ROLL CALL: All**
237 **Ayes. Motion carried 5-0-0.**

238

239 7. Furnace and Air Conditioner for Upper Level of City Hall – Administrator Moose reported that the
240 furnace and air conditioner that serve the second floor of City Hall appear to be original to the building, which was
241 built in 1982. The furnace had periodic problems this past winter, and is not expected to last through another
242 winter. The air conditioner is functioning well, but is also very old. While the relatively new furnace and air
243 conditioner that serve the main level of City Hall have sufficient capacity to serve the upper level, the existing duct
244 work is not set up to enable them to adequately serve the second floor. The ductwork is located under the concrete
245 floor, so would be very expensive to redesign. Moose explained that staff met with representatives from Lakeland
246 Heating and Air Conditioning and from CenterPoint Energy. Both indicated it would not be worth the money to try
247 to redesign the existing system to serve both levels. Both also indicated it would be very difficult or impossible to
248 properly vent a high efficiency furnace in the location of the existing upper level furnace, so both recommended an
249 80% efficient furnace. Both provided proposals for replacing the existing furnace and for replacing the existing air
250 conditioner. The CenterPoint Energy proposal has a lower cost which included a "pre-season promo" discount of
251 available rebates. However, staff recommended accepting the proposal of Lakeland Heating and Air Conditioning
252 at a cost of \$3,100 for the furnace and \$3,300 for the air conditioner, to be funded from the Buildings and Land
253 Capital Fund, which has a balance of \$81,748. The \$6,400 will be reduced by a rebate of \$100 for the furnace and
254 \$450 for the air conditioner.

255 Council discussed whether the city should replace the air conditional if it is still working.

256

257 **Motion/Second: Bend/Nelson. To approve the proposal from Lakeland Heating and Air Conditioning for the**
258 **replacement of the furnace and air conditioner serving the upper level of City Hall at a cost not to exceed**
259 **\$6,400. Motion carried 4-1-0 (Palmquist).**

260

261 8. Appointment to Planning Commission – Administrator Moose indicated the city received two
262 applications for one vacancy on the Planning Commission. The two candidates, Roger Bowman and Marc
263 Porupsky, were introduced to Council at Council's May 16 Work Session.

264 Council members commented that both applicants were great. Porupsky reportedly withdrew his application,
265 stating he was still interested, and he is still interested in volunteering, but that Bowman be given this opportunity.
266 Porupsky's application will be kept on file.

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Motion/Second: Nelson/Richter. To appoint Roger Bowman to the Planning Commission. Motion carried 5-0-0.

9. Ordinance Amendment Correcting Recently Adopted Solar Ordinance – Ordinance 05-2016 – Administrator Moose explained that Ordinance 03-2015, Solar Energy Systems, was adopted in 2015. A recent review of the ordinance found that, while the language of the ordinance allows community solar energy systems and solar farms as conditional uses in the Industrial districts, the ordinance amendment did not reflect this change to Section 12-134, the Use Table. This ordinance amendment adds the community solar energy systems and solar farms as conditional uses in the Industrial districts in Section 12-134, the Use Table.

Motion/Second: Richter/Palmquist. To adopt Ordinance 05-2016 amending the Solar Energy Systems ordinance to add community solar energy systems and solar farms as conditional uses in the Industrial districts in Section 12-134, the Use Table. ROLL CALL: All Ayes. Motion carried 5-0-0.

10. Ordinance Regulating City-Owned Cemeteries – Ordinance 06-2016 – Administrator Moose reviewed that the City Attorney had provided to Council a model ordinance on regulating maintenance and operation of City-owned cemeteries at their April 19, 2016 meeting. Council directed staff to prepare a draft ordinance to the Afton City Code for Council to consider.

Motion/Second: Palmquist/Ross. To adopt Ordinance 06-2016 regulating the use and maintenance of City-owned Cemeteries to be placed into Chapter 16 of the Afton City Code. ROLL CALL: All Ayes. Motion carried 5-0-0.

11. Sale of Replaced Street Signs – Administrator Moose reported that, as the city replaces its street signs to meet the federal retroreflectivity sign requirements, staff have received inquiries regarding the possibility of purchasing the street signs. The City of Stillwater sells their old signs for \$10.00. Signs that are not sold are recycled as scrap metal.

Motion/Second: Bend/Palmquist. To approve the sale of replaced street signs for \$25.00 per sign. Motion carried 5-0-0.

12. Appointment of Summer Intern – Administrator Moose had no recommendation for hiring a summer intern. Mayor Bend advised that he should bring the item back at such time that there is a recommendation.

13. Schedule Work Session – Administrator Moose had several topics for a Work Session to be scheduled for late May or early June.

14. Wedding Venue – Council Member Richter had added this item and commented that the Council had received an email from the city forwarding a letter from the applicants for the wedding venue on Manning Avenue and how they would proceed with their weddings scheduled for 2016. Richter felt an “Administrative Variance” was an inappropriate way for the city to proceed with this issue.

It was noted that the Hoelderles had submitted a signed statement to the city that they will receive no compensation for the use of their property for the six weddings they had scheduled for 2016 and that they will hold no further weddings on their property without first obtaining necessary City approvals.

It was requested that in the future, agreements such as this come before Council for a decision.

D. Committee Reports -

1. Public Works – Richter reported they had several action items on this agenda.
2. Personnel – Ross reported that a recommendation is getting close for the document storage and task management software.

318 3. Parks – Palmquist reported the committee is struggling in bringing the restroom building to City
319 Council; they are considering fundraising but can't proceed if the building isn't going to be a reality.
320 Member absence from meetings has also been a recent issue.

321 **Staff was directed to draft an ordinance to have the same attendance requirements for all committees as is**
322 **for the Planning Commission.**

323 4. HPC/DR – Moore reported they are still working on the local designation process for historic
324 buildings. The Commission would like to have more historic properties to consider. Belwin was
325 mentioned.

326 5. Natural Resources and Groundwater – none.

327 6. High Speed Internet – Ross reported that construction for the internet upgrade is coming soon.

328 **Staff was directed to draft a resolution to officially disband the committee.**

329

330 **10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES**

331 **A.** Ward 1 Council Member Palmquist – none.

332 **B.** Ward 2 Council Member Richter – none.

333 **C.** Ward 3 Council Member Ross – The Afton Branding Committee did a survey monkey that they'd like
334 everyone to take: "What Afton Means to Me.com."

335 **D.** Ward 4 Council Member Nelson – none.

336 **E.** Mayor Bend – none.

337 **F.** City Attorney Knaak – Prosecution Report is on file.

338 **G.** City Administrator Moore – none.

339

340 **11. ADJOURN –**

341

342 **Motion/Second: Palmquist/Ross. To adjourn the meeting at 10:12 p.m. Motion carried 5-0-0.**

343

344 Respectfully submitted by:

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346

347

348 _____
Kim Swanson Linner, City Clerk

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350 **Approved by Council (on June 21, 2016) as (check one): Presented: _____ Amended: _____**

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352

353 **Signed by Mayor Richard Bend _____ Date _____**