City of Afton

PLANNING COMMISSION AGENDA

December 3, 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. November 5, 2018 Meeting Minutes

6. **REPORTS AND PRESENTATIONS –**
   A. City of Woodbury Presentation Regarding its Draft 2040 Comprehensive Plan
   B. City of Woodbury Presentation Regarding the Preserve at City Place Comprehensive Plan Amendment

7. **PUBLIC HEARINGS – None**

8. **NEW BUSINESS –**
   A. Afton Creek Preserve Final Plat
   B. Planning Commission Comments Regarding the City of Woodbury Preserve at City Place Comprehensive Plan Amendment
   C. Planning Commission Comments Regarding the City of Woodbury Draft 2040 Comprehensive Plan

9. **OLD BUSINESS -**
   A. Planning Commission Member Areas of Specialization Regarding the Zoning Code
   B. Update on City Council Actions – Council Highlights from the November 20, 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
November 5, 2018

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

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

3. **ROLL CALL** – Present: Chair Kris Kopitzke, Roger Bowman, Mark Nelson, Lucia Wroblewski, Sally Doherty, Justin Sykora. A Quorum was present. Absent were Annie Perkins, Scott Patten, James Langan (all excused).
   ALSO IN ATTENDANCE – City Administrator Ron Moorse

4. **APPROVAL OF AGENDA** –
   Motion/Second Bowman/Wroblewski to approve the agenda for the November 5, 2018 Planning Commission meeting. Passed 6-0.

5. **APPROVAL OF MINUTES** –
   A. October 1, 2018
   Motion/Second Bowman/Nelson to approve minutes of the October 1, 2018 Planning Commission as modified. Passed 6-0.

6. **REPORTS AND PRESENTATIONS** – none

7. **PUBLIC HEARINGS** – none

8. **NEW BUSINESS** - none

9. **OLD BUSINESS** –
   A. Tom Gasser Variance Application at 4220 River Road
   The application was continued from October meeting to address issues regarding the extent of grading and excavation behind the house. Change has been made in the grading plan to minimize the amount of excavation required.
   Discussion was held over the plan revisions. The applicant took previous feedback and made changes as requested.

   Motion/Second Bowman / Doherty To recommend approval the Tom Gasser Variance Application at 4220 River Road of to the City Council, with findings and conditions listed, plus findings 11, 12 & 13 and Condition # 5. Passed 6-0.
   Findings
   1. The property is zoned Rural Residential and is located in the Lower St. Croix River Bluffland and Shoreland Management Overlay District
   2. The existing house is nonconforming in terms of setbacks from River Road, the bluffline and the OHWL of the St. Croix River
   3. The proposed addition would not reduce the existing setbacks
   4. The proposed addition would meet side yard setback requirements
   5. The bulk of the proposed house addition would be screened from view from the river during leaf-on conditions
   6. The color of the house is proposed to be earth tone
   7. The existing house meets the 35 foot height requirement and the proposed addition would not increase the height of the house
   8. The drainage from the roof of the house is proposed to be captured by rain gutters and piped directly to two rain gardens
   9. The proposal includes grading in areas with slopes of 12% or greater for the construction of rain gardens and for excavation and grading at the rear of the addition.

DRAFT

10. A knee wall/retaining wall at the west wall of the addition is proposed to minimize excavation and grading in the steep slope area behind the addition.
11. The site is already flat where construction is intended and does not violate protected slope.
12. The proximity of the neighbor to the north prohibits construction in that area of the property.
13. Applicant too feedback from previous meeting and made significant changes to comply

Conditions

1. House color shall be earth tone
2. The house shall be located and constructed according to the survey and plans submitted with the variance application, subject to revisions as required or approved by the City.
3. Existing vegetative screening shall be maintained, with the exception of the removal of two trees as indicated in the application.
4. Any disturbed soils shall be restored as soon as possible, and any erosion control measures recommended by the City Engineer shall be put in place prior to construction and kept in place for the period recommended by the City Engineer.
5. Minimize use of heavy equipment on the site.

B. Planning Commission Member Areas of Specialization Regarding the Zoning Code
Discussion was held over areas of the code that all members should review.
Similar topic areas will be grouped together. Areas of specialization will be assigned based on interest and can be discussed further at the next meeting.

C. Update on City Council actions
Administrator Moorse provided a summary of the October City Council meeting.

10. ADJOURN
Motion/Second Bowman/Nelson To adjourn. Passed 6-0

Meeting adjourned at 8:15 PM.

Respectfully submitted by:

_____

Julie Yoho, City Clerk

To be approved on December 3, 2018 as (check one): Presented: _____ or Amended: _____

DRAFT

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

Planning Commission Memo

Meeting: December 3, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: November 26, 2018

Re: Presentation Regarding the City of Woodbury Draft 2040 Comprehensive Plan

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The City of Woodbury has provided the following link to its Draft 2040 Comprehensive Plan for the City's review and comment. http://www.woodburymn.gov/departments/planning/draft_2040_comprehensive_plan.php.

To assist in the City's review process, Dwight Picha, Woodbury's Community Development Director, will provide a presentation regarding the Draft 2040 Comprehensive Plan, and particularly elements of the Plan most closely related to Afton. Attached are materials related to the Draft 2040 Comprehensive Plan that particularly relate to Afton. These include excerpts from four sections of the Plan as follows:

- Community Context: pp. 7-13 and 24-28
- Land Use: pp. 36-38, 49-51 and 55-60 (Please see particularly the Land Use Plan map on page 38 and the Land Use Phasing Plan map on page 59, and the highlighted section regarding the Northeast Area commercial development plan on page 49).
- Housing: pp. 71-74.
- Water Supply: pp. 210-220 (Please particularly see the Existing Water Distribution System map on page 213 and the Future Water System Plan map on page 226, as well as strategies and planning for a sustainable water future on pages 214 to 220.)

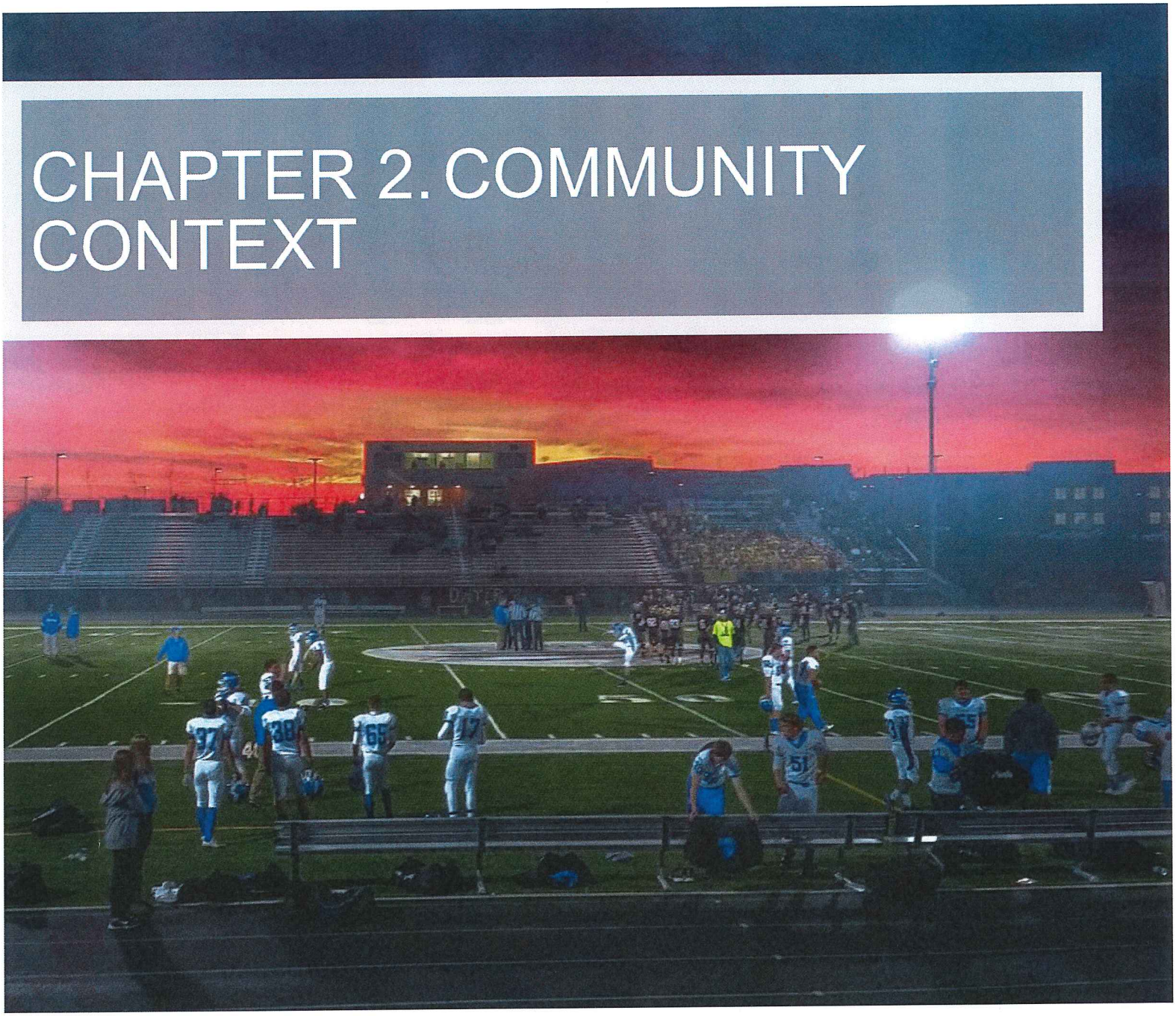
Planning Commission Questions Regarding the Draft 2040 Comprehensive Plan
During and/or following the presentation by Dwight Picha, the Planning Commission has an opportunity to ask questions regarding the Draft 2040 Comprehensive Plan to obtain any clarification needed to enable the Commission to provide recommended comments regarding the Plan to the Council.

Comprehensive Plan Review Process
The City's review of the Draft 2040 Comprehensive Plan involves providing comments to the City of Woodbury regarding the Plan. The first step is the Planning Commission providing a set of recommended comments to the Council. The Council then reviews the Draft 2040 Comprehensive Plan, along with the Planning Commission's recommended comments, and determines final comments to be provided to the City of Woodbury.

Planning Commission Comments
The Planning Commission's discussion to identify comments regarding Woodbury's Draft 2040 Comprehensive Plan is included as a separate item on the meeting agenda under "New Business".

Planning Commission Recommendation Requested
No Recommendation Required.

CHAPTER 2. COMMUNITY CONTEXT



Planning for the future of Woodbury does not occur on a blank slate. The 2040 Comprehensive Plan builds on the existing built and natural environment, responds to the changing population, and considers how trends and emerging technologies will influence the City's future. A wide range of information was collected and reviewed through the planning process. In addition to highlighting trends and emerging technologies, the Community Context chapter highlights the key physical, demographic and economic factors that shape the Comprehensive Plan.

CHAPTER CONTENT

Community Heritage 8
Physical Characteristics 9
Characteristics of the Population 14
Future Growth 23
Future Trends and Emerging Technologies 26

COMMUNITY HERITAGE

Woodbury is one of Minnesota's fastest growing cities and was the 9th largest community by population in 2018 with more than 70,000 residents. And while we continue to grow, it is important to acknowledge and reflect on our history. When Woodbury became a city in 1967, there were fewer than 5,000 residents. In spite of its rapid growth, Woodbury has worked diligently to maintain a sense of community and to recognize the contributions of Woodbury's earliest settlers. The community is characterized by people who value family, friendships, and community involvement, as illustrated by national recognition as a great place to live and numerous other awards.

The first settlers came to Woodbury in 1844. Most of the area's early settlers migrated from the eastern states and from Germany. Early immigrants also came from Ireland, Sweden, Switzerland, Scotland and Denmark. Over the years Woodbury's settlement patterns have transitioned away from multiple-acre farms to the suburban community that it is today.

Originally named Red Rock, after a sacred stone painted by the famous Dakota Chief Little Crow, the town was renamed in 1859 when the state legislature discovered another Red Rock Township in Minnesota. Woodbury was named after Levi Woodbury of New Hampshire, a friend of the first town board chairman. Town meetings were held in the homes of various residents until 1876, when the first town hall was built.

In 1967, residents approved village incorporation and chose the mayor-council form of government. With the new government came planning and park commissions, resulting in new steps to guide development and construction. The City's first comprehensive land use plan was developed in 1967 and a new city hall was constructed in 1975, approximately 100 years after the construction of the first town hall. In 2017, the City held a wide variety of community events to celebrate Woodbury's first 50 years as a city.

As the interstate freeway system was developed and 3M built and then expanded their world headquarters nearby, Woodbury became known as a bedroom community. In recent decades, the community has established itself as a destination for retail and health care and we continue to draw new residents from all around the world. The community has long committed to housing choice and residents are drawn to a wide variety of housing options with an excellent park and recreation system and access to high quality education. While the ensuing chapters of this comprehensive plan do not discuss the community's heritage in depth, it is important to note that the City acknowledges its past and its culture as it plans for its future.

PHYSICAL CHARACTERISTICS

Woodbury's physical setting forms the foundation of the Comprehensive Plan. Among the key physical characteristics of Woodbury are:

» Woodbury's location provides excellent accessibility.

» Existing land use patterns influence the type and location of future development.

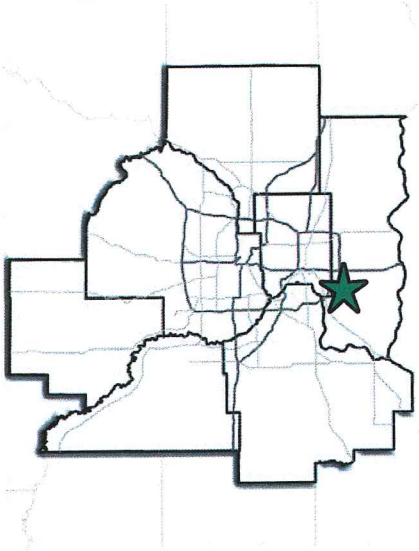
» Housing is the largest land use and a defining characteristic.

Location

Woodbury lies in Washington County in the eastern portion of the seven-county Twin Cities Metropolitan Area. It is approximately 11 miles from downtown Saint Paul and less than 20 miles from Minneapolis (see map in **Figure 2-1**).

Woodbury enjoys the benefits of a unique location in the region. Two major regional highways (I-94 and I-494) connect Woodbury with employment centers and amenities in the Twin Cities. These highways also provide local businesses with excellent access to customers, employees and shipping.

Figure 2-1. Location



Existing Land Use

Woodbury contains approximately 22,800 acres (approximately 36 square miles). **Table 2-1** contains the estimated area in each land use while the map in **Figure 2-2** shows a snapshot of land use in 2016. The map uses an interpretation of property tax data to determine existing land use. The purpose of this map is not to precisely specify the use of each parcel, but to illustrate the overall pattern of development.

Some key aspects of the existing land use pattern include:

» Low density residential is the dominant land use. This form of housing occupies almost one-third of Woodbury's total land area.

» Commercial and industrial uses are primarily concentrated along highway corridors.

» Undeveloped land guides future residential development into the eastern and southern sections of the community.

» The last large area of undeveloped land with freeway frontage is located in northeast Woodbury.

Other physical characteristics influence the future growth and development of Woodbury. These characteristics are captured in each chapter to provide the context needed to understand the direction identified.

» Public objectives for Economic Development **Chapter 6** influence the use of land for commercial and industrial purposes. As existing land uses age, the need for reinvestment and the opportunity for redevelopment will increase.

» Characteristics of the natural environment are integral factors in the development pattern of Woodbury. Natural features create amenities that attract development. Some natural features (wetlands, slopes, soils) limit where development can occur. Woodbury seeks to manage development in a way that preserves key elements of the natural environment, for more information see **Chapter 9. Natural Resources.**

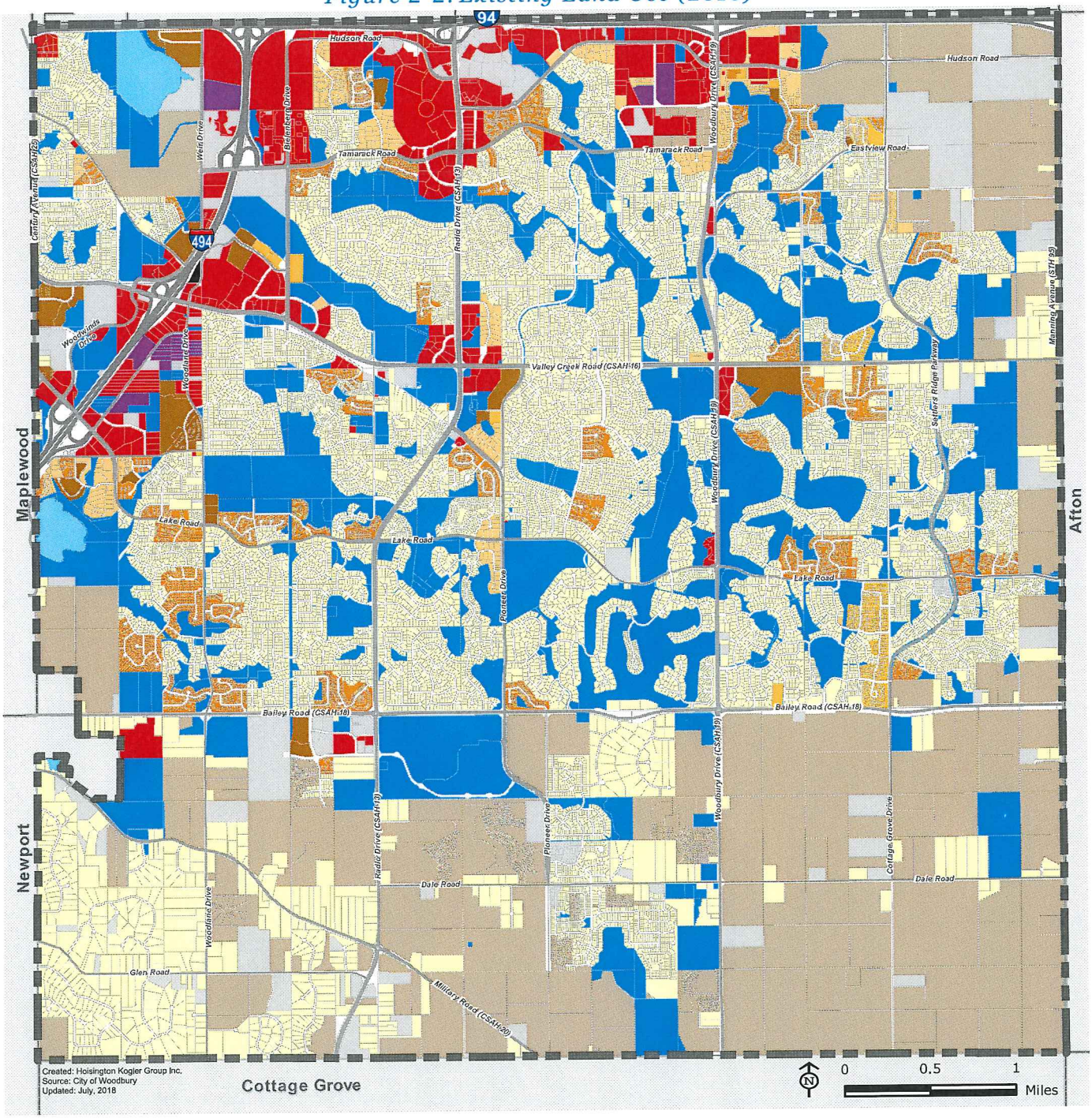
» Parks, Trails and Open Space influence the form of development and the quality of life in Woodbury, for more information see **Chapter 8.**

ESTIMATED LAND AREA BY EXISTING LAND USE (2016)

Existing Land Use Type	Estimated Acreage	% Total Area
Agriculture	5,178	22.6%
Single Family Residential Detached	6,700	29.3%
Single Family Residential Attached	326	1.4%
Residential (1-3 Dwelling Units / Acre)	122	0.5%
Medium Density Residential	729	3.2%
Residential (4+ Dwelling Units / Acre)	246	1.1%
Public / Semi-Public / Institutional	3,952	17.3%
Commercial	1,139	5.0%
Industrial	92	0.4%
Public Utilities	3	0.0%
Right-of-Way	3,195	13.9%
Vacant	1,071	4.7%
Lake / Open Water	137	0.6%
TOTAL	22,890	100%

Table 2-1. Estimated Land Area by Existing Land Use

Figure 2-2. Existing Land Use (2016)



Legend

Existing Land Use

- Agricultural
- Single Family Residential- Detached
- Single Family Residential- Attached
- Residential 1-3 Units
- Medium Density Residential
- Residential 4+ Units
- Public/Semi-Public/Institutional
- Commercial
- Industrial
- Public Utilities
- Right-Of-Way
- Vacant
- Lake / Open Water
- Woodbury Boundary
- Parcels

- Major street corridors are an important factor in organizing land uses see **Chapter 7. Transportation** for more information.
- The extension of a regional sanitary sewer interceptor provides the capacity for land to be developed, see **Chapter 10. Sanitary Sewer** for more information.
- The municipal water system provides safe drinking water and support for fire suppression. The understanding of the extent and impact of ground water contamination with perfluorobutanoic acid (PFBA) and the implications for future development were evolving during the planning process see **Chapter 11. Water Supply** for more information.
- Stormwater management systems are required to support development, but also become defining physical features Ssee **Chapter 12. Surface Water** for more information.

Housing

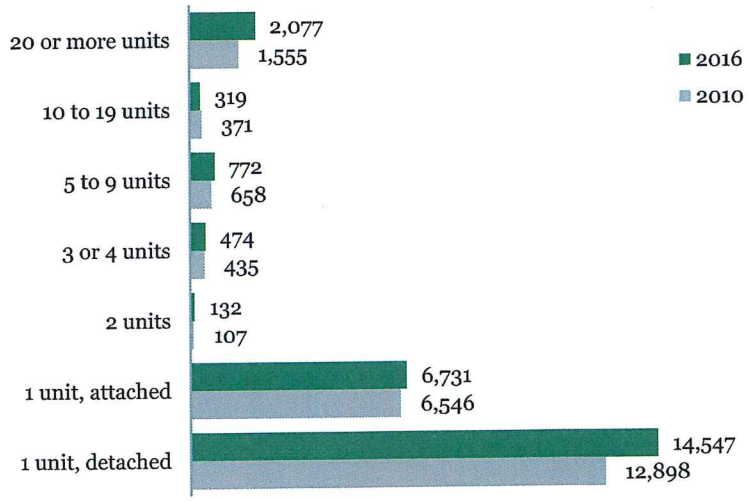
Housing is the single largest form of built land use. Housing shapes the form and character of the community. It influences who lives in Woodbury today and in the future.

Although somewhat dated, the 2010 Census provides some useful descriptions of the housing stock. Where available, the 2010 Census data has been updated with information from the 2012-2016 American Community Survey or other sources as noted. Here and elsewhere in this Comprehensive Plan, significant amounts of data are drawn from the American Community Survey which will be abbreviated as the ACS.

The number of housing units in Woodbury has increased by 11 percent from 2010 to 2016. The Census reported 2,479 new housing units in Woodbury over this six year period (see **Figure 2-3**).

Single family detached housing is the most common type of housing in Woodbury. This type of housing is occupied by a single family and is not physically connected to any other housing unit. It made up 58 percent of all housing units in 2016. New single family detached housing units accounted for more than 50 percent of the growth from 2010 to 2016.

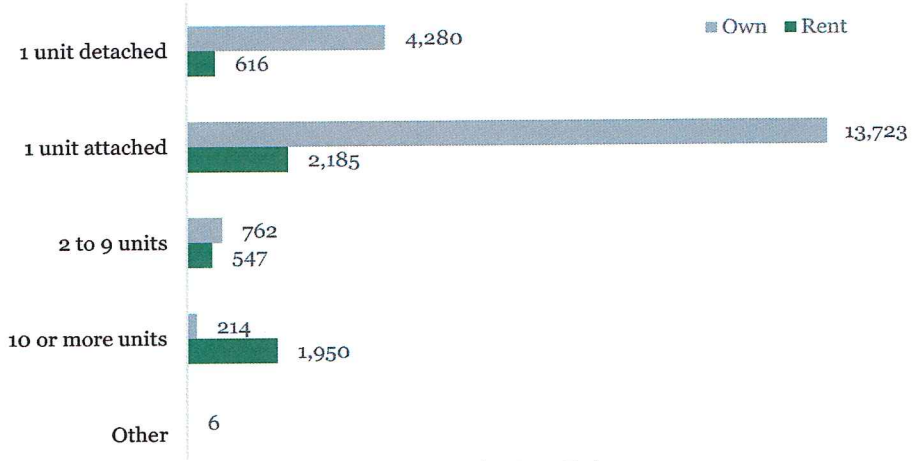
Figure 2-3. Housing Units in Woodbury



Source: ACS (2012-2016) 5 Year Estimates

As shown in Figure 2-4, multi-family housing accounted for 40 percent of the housing growth in the last six years. In 2010, 14 percent of all housing units were multi-family (two or more units in a structure). By 2016, this share had increased to 16 percent, adding 860 new housing units.

Figure 2-4. Tenure by Unit

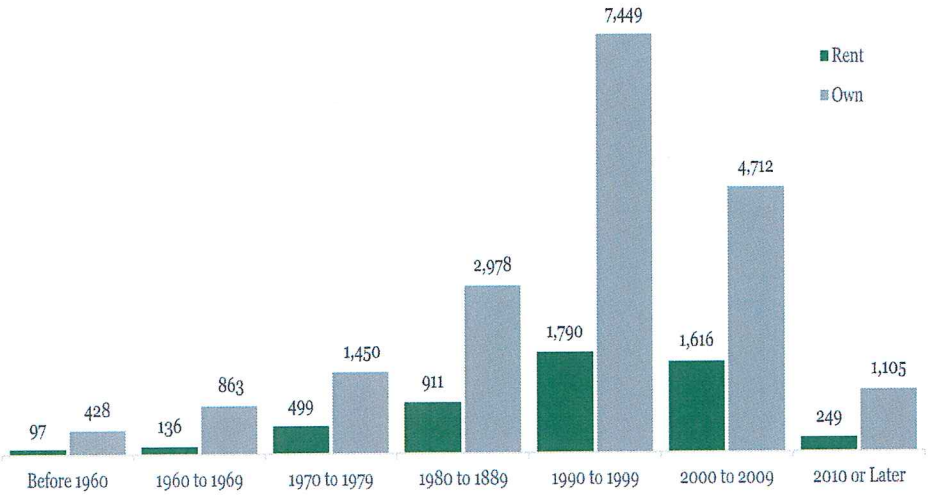


Source: ACS (2012-2016) 5 Year Estimates

Most housing in Woodbury is owner-occupied. The 2010 Census reported that 85 percent of all housing units were occupied by the owner. The 2012-2016 American Communities Survey suggests that this percentage has decreased since 2010 and that the home ownership rate in Woodbury is now approximately 78 percent. Almost half of rental units in Woodbury were multi-family (Figure 2-4).

Approximately 64 percent of the housing units reported in the 2012-2016 ACS were built between 1980 (38 percent) and 1999 (26 percent) (Figure 2-5). Only five percent of the housing stock was added between 2000 and 2009, with only 0.9 percent addition of housing stock after 2010.

Figure 2-5. Age of Housing Stock



Source: ACS (2012-2016) 5 Year Estimates

Development Trends

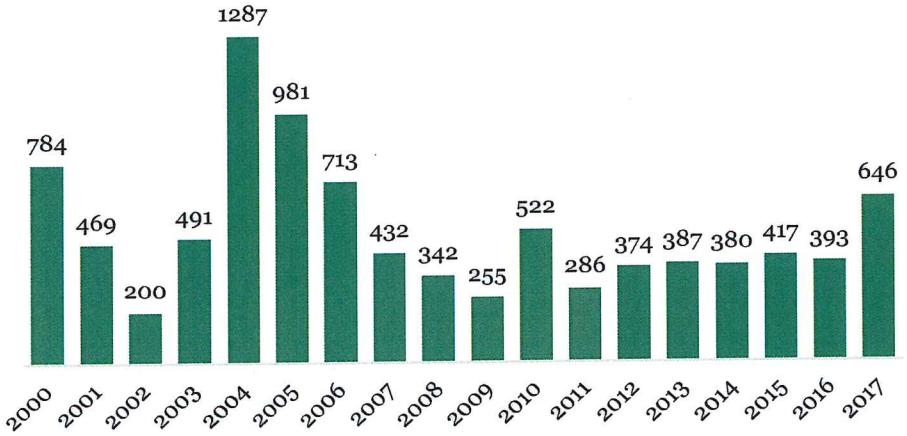
Building permit data provides another means of examining community growth trends.

The chart in **Figure 2-6** shows annual new housing starts (based on building permit data). This chart makes several important points about residential development trends in Woodbury:

» 9,359 new housing units were built between 2000 and 2017.

» New residential development fell each year from 2004 (1,287 units) to 2009 (255 units). This trend was primarily related to the City's growth management policies with declining market conditions playing an increasing role in 2007 and beyond. New residential development rebounded after 2009 and has continued to be steady through 2016. New housing permits jumped to more than 600 in 2017.

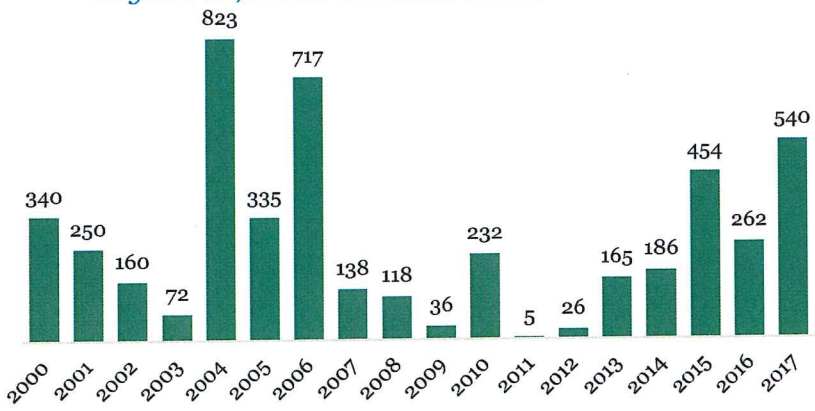
Figure 2-6. New Housing Starts



Source: City of Woodbury (2017)

Woodbury has also experienced significant commercial and industrial development (see **Figure 2-7**). As of 2018, Woodbury was home to more than eleven million square feet of commercial and industrial square footage. As the community ages, redevelopment will become an increasingly notable component of Woodbury's growth.

Figure 2-7. New Commercial Construction

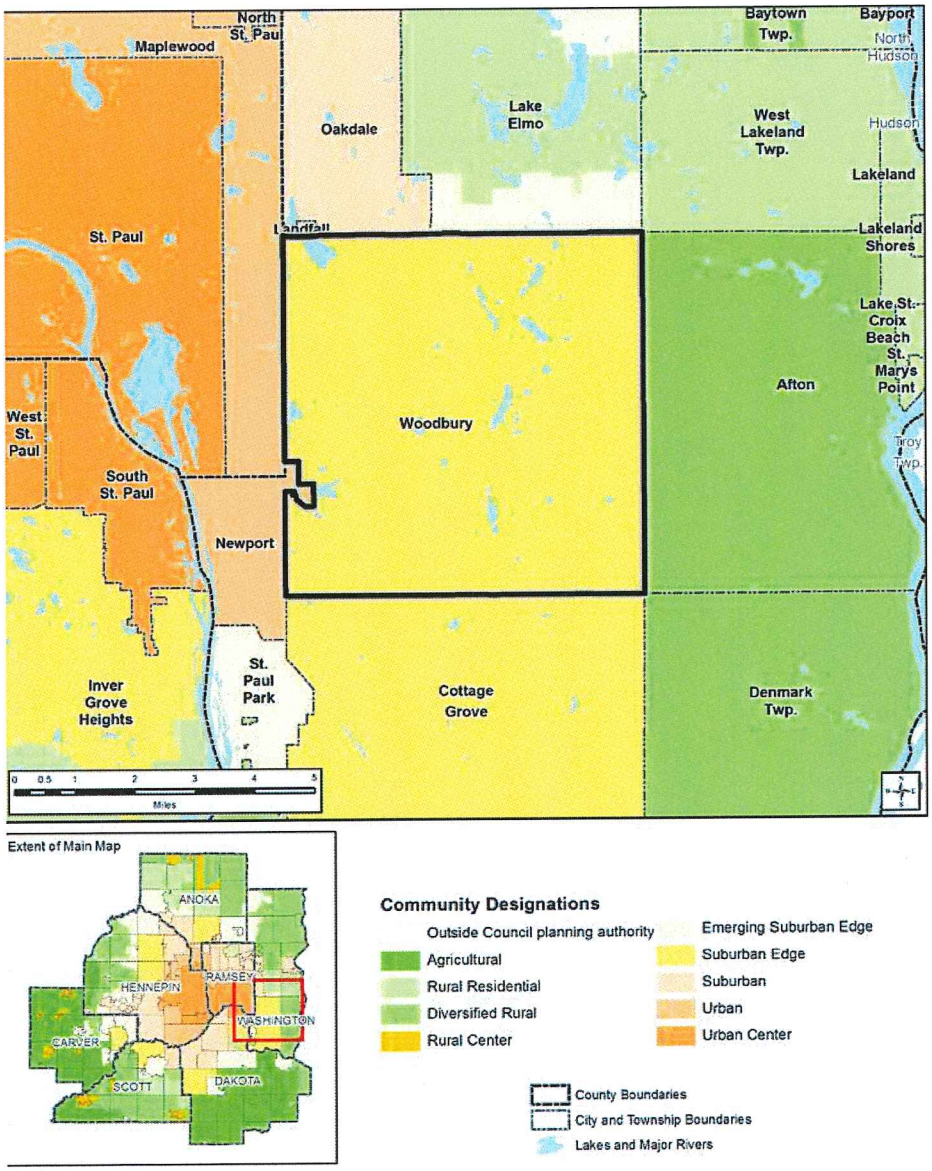


Source: City of Woodbury (2017)

Community Designation - Thrive MSP

The regional long-range plan for the Twin Cities region produced by the Metropolitan Council characterizes Woodbury as a "suburban edge" community. Suburban edge communities are defined by the Metropolitan Council as those areas of the region with land uses that currently have or are projected to be served by regional sewer infrastructure. Per the "Checklist of Minimum Requirements for Woodbury", the City is required by the Metropolitan Council to include a map (Figure 2-18 below) acknowledging Woodbury's designation by the Metropolitan Council as a "suburban edge" community. The City is also required to acknowledge the expectation that future residential growth will occur with residential densities ranging from three to five units per net acre.

Figure 2-18. Met Council Community Designation for the City of Woodbury



Housing Forecasts

A study of future housing needs in Washington County provides insights on future development in Woodbury. This 2017 study was prepared by Maxfield Research Inc. for the Washington County Housing and Redevelopment Authority. The results of the study are discussed in greater detail in the Housing **Chapter 5**.

The study makes several points about the housing market in Woodbury):

- Woodbury is the largest submarket in Washington County and is projected to maintain the largest household, population, and employment base.
- Demand for housing will be driven by an expanding employment base and close proximity to job centers in the Twin Cities core.
- The study not only forecasts the amount of housing demand, but also the type of housing that will be needed. The chart in **Figure 2-19** shows a breakdown of demand for general occupancy and senior housing through 2020.

Abbreviations

SF - Single Family

MR - Market Rate

Cong - Congregate Living

AL - Assisted Living

MC - Memory Care

Figure 2-19. Woodbury Projected General Occupancy Demand (2016-2020)

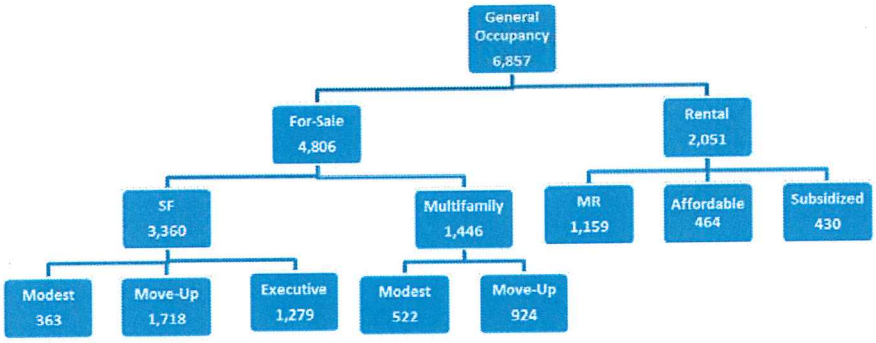
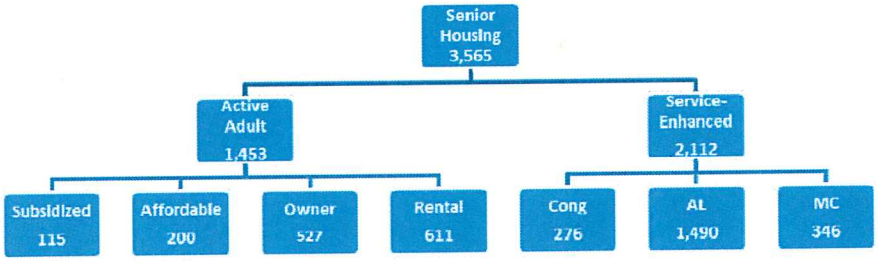


Figure 2-20. Woodbury Projected Senior Demand (2020)



Limitations of Projections

Projecting future populations and growth rates is a challenge. Although the projections in this chapter offer an optimistic estimate of future growth, a variety of factors will influence the actual outcomes, including:

- State and regional population and job growth/loss
- Overall economic and housing market conditions
- Housing styles
- Energy costs
- Aging of the population and other demographic changes
- Competition from other communities

An important element of implementing the Comprehensive Plan will be to monitor these changes and implications for the future of Woodbury and to adjust the Plan as necessary through amendments. In particular, the community may want to revisit its projections once data from the 2020 Census is available.

FUTURE TRENDS AND EMERGING TECHNOLOGIES

A key component of any comprehensive plan is an analysis of future trends and emerging technologies that may affect the intersection of land use and infrastructure planning that constitutes the majority of this long-term planning document. This 2040 Comprehensive Plan recognizes that both technologies and personal preferences will continue to evolve as time moves forward. Rather than speculate on how or when these technologies and trends will impact the future of Woodbury, this plan intends to lay the policy framework to be adaptive, aware and forward thinking as clarity on these trends and technologies occurs.

The following paragraphs identify several emerging technologies and trends that will impact what Woodbury looks like in the future. There are certainly other trends that will emerge over time, and this plan will provide guidance as the City continues to grow as a leading community in which to live, work and thrive.

Changing Community Demographics

Woodbury values the diversity of its residents, and looks to sustain and improve a sense of community where all residents feel welcome, safe and connected. This document plans for a city that continues to be family-friendly with a younger median age and larger household size than the region as a whole. It also recognizes that demographics are shifting, the City is increasingly multicultural, and household size and composition is changing.

Perhaps the most predictable demographic shift will be the aging of residents. As Woodbury's age structure changes, there will be impacts to the social characteristics of the community including changing demands for transportation services, park and recreation amenities, and housing options.

The City has long supported the goal of providing a variety of housing types that accommodate people at any stage in their life, and this Comprehensive Plan continues that commitment. As demographics change, the City will need to consider how housing, transportation and recreation options will meet the changing needs of residents. While the precise impacts of these and other demographic changes will only be known with time, the City is committed to responding to and supporting the changing needs of its residents.

EMBRACING DIVERSITY

Woodbury embraces its growing diversity and has decades of experience adapting to change, having evolved from a quiet, largely agricultural community in the 1960s, into a bustling, diverse, economic hub of the East Metro today. It is important to retain and enhance all the great qualities and characteristics that have attracted so many people to Woodbury in the first place, while also realizing that "community" means something different to everyone. As Woodbury continues to grow and becomes more diverse, fostering an inclusive and welcoming community is paramount to the City's continued success. It is important that everyone feels welcome, safe and connected in the community. The City also is committed to providing the best public service possible to people of all backgrounds and is taking proactive steps to ensure City staff has an understanding of all forms of diversity.

A Market Shift Toward Higher Density Living

A housing trend has developed that indicates an increase in the number of households who will inhabit higher density housing options as a lifestyle choice. These choices are occurring as the market delivers projects with a higher level of commercial to residential integration, increased multimodal design that stresses connectivity and an increase of transit-oriented development (TOD) opportunities. Housing preferences change with time and Woodbury's long-term commitment to housing choice will continue to evolve along with these preferences. Woodbury will need to continue to use its municipal housing and redevelopment authority (HRA) powers and tools while growing its partnerships with developers, non-profit groups and the Washington County Community Development Agency (WCCDA).

The most relevant information about the future of housing in Woodbury can be seen in the Housing and Land Use chapters of this plan. This plan adds additional mixed-use areas to the **Existing Land Use (2016)** map in response to the future trends in housing and retail. These mixed-use areas are located at future high traffic volume intersections and will offer the City the opportunity to be flexible in the future as housing preferences may demand more walkability to Places to Work as well as Places to Shop. Furthermore, beginning groundwork is provided within the **Land Use** chapter regarding TOD designs and housing products in conjunction with the proposed Gold Line Bus Rapid Transit (BRT), with specific guidelines and standards to be generated in the future when more clarity is available.

Expansion of Transportation Options

It is clear that transportation alternatives are on the cusp of changing. It is anticipated that within the lifespan of this document ride-sharing, autonomous vehicles and increased access to public transportation will change how future generations move about the region. However, at the time of the authoring of this plan these innovations are merely exciting concepts without tangible and concrete examples of how they will impact the routines, lifestyles and habits of future residents. This 2040 Comprehensive Plan does not attempt to envision how the world will be different if and when these new transportation options are implemented. Instead, it attempts to provide analysis and policy direction in the area of transportation planning based on existing multi-model options. These options include driving, biking, transit and walking. Evidence of this is found in the **Parks, Recreation and Open Space** and **Transportation** chapters of this plan, which highlight the way in which Woodbury's existing and future neighborhoods will be connected via a robust network of trails to provide for non-motorized transportation.

Impact of Online Commerce

Retail technologies and preferences are changing and online retail now constitutes a larger share of shopping in the United States than in previous years. As this online trend grows, real estate investments connected to retail will need to adapt accordingly. While this comprehensive plan does envision a community where retail commerce is more digital in nature than today, this document envisions there will still be a strong demand for brick and mortar shopping opportunities. In addition to the areas of the community guided for Places to Shop, the **Future Land Use** map adds a handful of new mixed-use parcels in Woodbury based in large part on the assumption that today's desire for convenience is a trend that is here to stay. As such, providing areas for future development where flexibility is intentionally built into the design process will serve the City well.

Water Resources

External factors, as well as impacts from Woodbury residents and businesses, will continue to affect the City's natural resources. The City of Woodbury recognizes the connection between surface water, groundwater and drinking water, and how important it is to consider all three of these together when making policy decisions. Woodbury's "One Water" vision leads us to look at quality, quantity and planning for the future.

First, new groundwater and drinking water technologies will likely lead to enhanced capabilities both to test for and react to potential contamination. With increasing dialogue around water quantity, Woodbury continues to explore how to ensure adequate water supply for our community into the future. It is unknown how federal and state agencies will react to these water concerns and what new regulations may be proposed. The City will need to be able to respond to changing conditions or controls to ensure that residents have safe and reliable access to water.

Second, as of the time of the drafting of this 2040 Comprehensive Plan, the City has adjusted its infrastructure standards to align with the National Oceanographic and Atmospheric Administration's Atlas14 precipitation frequency model. The modeling that the City's engineers employ suggests that Woodbury can expect to see a greater frequency of more intense storm events in the future. This type of modeling is an evolving science and the City will closely monitor the topic. Woodbury's response to Atlas14 has been to improve flood storage through pond upsizing when technically feasible. Woodbury continues to plan for effective management of surface water quality through its infrastructure systems and maintenance. The chapters on **Water Supply**, **Surface Water** and **Natural Resources** address these topics in the most depth.

INTRODUCTION

The Purpose and Introduction, Community Context and Vision and Guiding Principles Chapters provide the foundation for the Comprehensive Plan. The Land Use Chapter, in turn, provides the framework for how land will be used to help achieve the future vision for Woodbury. This chapter seeks to reinforce desirable land use patterns, identify places where change is needed and guide the form and location of future growth.

This chapter consists of the following components:

- Figure 4-1 shows the land uses assigned to each parcel of land.
- Land use categories describing the land uses depicted on the Land Use Plan. This section includes land use goals and policies to be implemented throughout the Comprehensive Plan.
- Other sections of this chapter describe specific aspects of land use in Woodbury including but not limited to phasing, redevelopment, and affordable housing.

The Land Use Plan is shaped by a variety of factors, including:

- The existing built and natural environment in Woodbury.
- Past experience in implementing the Comprehensive Plan.
- Development trends and projections (shown in Table 2-2 of Chapter 2. Community Context) for future growth including the population, household, and employment forecasts established by the Metropolitan Council.
- System plans for transportation, sanitary sewer, water supply and surface water management.
- The desire to promote sustainable land use patterns.
- The vision for Woodbury's future.

Unlike the other chapters within this Comprehensive Plan, the Land Use Chapter has specific goals and policies for each land use category instead of overarching guiding principles.

LAND USE PLAN

Figure 4-1 shows the designated land use for all property in Woodbury. The estimated land area contained in each category is shown in Table 4-1.

The Land Use Plan builds on previous community planning in Woodbury. The Land Use Plan seeks to:

- Organize the community in a manner that seeks to promote alternative mobility options, to respect the natural environment, and to result in enduring development patterns.
- Make efficient use of municipal utility systems and facilitate the orderly and financially feasible expansion of these systems to ensure that premature development of property does not occur.
- Provide the capacity for the type of growth desired by the community.

The Land Use Plan is only one piece of the land use vision for Woodbury. The other parts of the Land Use Chapter of this Comprehensive Plan work with this map to explain the intent and objectives for future land use. Further, this map lays the foundation for land use controls that are used by the City to implement the

FUTURE LAND USE		
LAND USE CATEGORY	TOTAL ACREAGE	% OF TOTAL LAND AREA
Urban Reserve	1,416.40	6.20%
Rural Estate	1,914.33	8.37%
Urban Estate	176.72	0.77%
Low Density Residential	8,379.91	36.65%
Medium Density Residential	349.83	1.53%
High Density Residential	403.74	1.77%
Mixed Use	268.05	1.17%
Urban Village	55.73	0.24%
City Centre	63.87	0.28%
Gateway	110.76	0.48%
Places to Shop	575.03	2.52%
Places to Work	1,264.04	5.53%
Other/ROW	3,219.65	14.08%
Open Space (Public/Private)	3,700.89	16.19%
Public / Semi-Public	963.88	4.22%
TOTAL	22,864.84	100%

Table 4-1. Future Land Use (Gross Acres and % of Total)

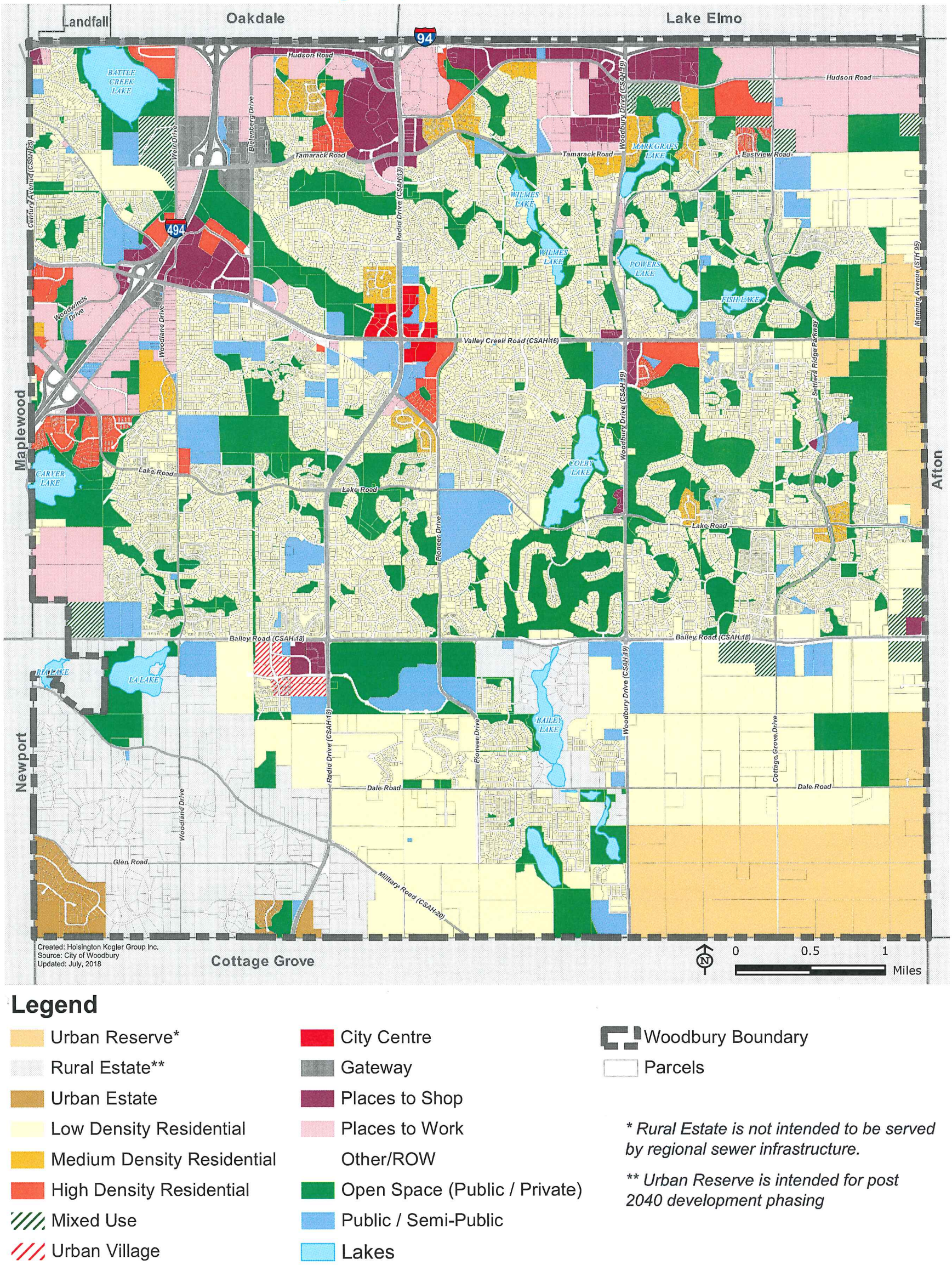
Comprehensive Plan.

Land Use Categories

The Land Use Plan seeks to achieve a balance that provides for the overall needs and desires of Woodbury residents, employees and business owners. The plan uses the following land use categories to define the physical development patterns of Woodbury:

- Places to Live
- Rural Estate
- Urban Estate
- Low Density Mixed Residential
- Medium Density Residential
- High Density Residential
- City Center
- Urban Village
- Mixed Use
- Places to Shop
- Places to Work
- Gateway
- Urban Reserve
- Open Space (Public and Private)
- Public/Semi-Public

Figure 4-1. Land Use Plan



Legend

- Urban Reserve*
- Rural Estate**
- Urban Estate
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Urban Village
- City Centre
- Gateway
- Places to Shop
- Places to Work
- Other/ROW
- Open Space (Public / Private)
- Public / Semi-Public
- Lakes
- Woodbury Boundary
- Parcels

** Rural Estate is not intended to be served by regional sewer infrastructure.*

*** Urban Reserve is intended for post 2040 development phasing*

4. Require pedestrian connections between Places to Shop areas and the City's trail system and other adjacent developments, to provide safe pedestrian movements through parking areas and to store fronts.

5. Require that neighborhood convenience centers are developed as part of a Planned Unit Development.

Places to Work

Strategically located at the crossroads of I-94, I-494 and I-694, Woodbury is a highly desirable location for business. Access to the existing transportation system is a necessary and critical component of the land guided as Places to Work. Woodbury has seven interchanges with the freeway system, which connects the City to the larger metropolitan area. These connections provide an attractive market for companies that rely on shipping and distribution over the regional roadway system and have employees who come from all over the metropolitan area. A significant amount of land along the freeways is guided as Places to Work, which provides the visibility and/or accessibility that businesses need to attract both customers and employees.

The Places to Work land use category envisions a variety of business uses including office, industrial, warehouse/distribution and business campus development, as well as healthcare, office/showroom, office/warehouse, light manufacturing, wholesale business and light industry uses. The City's economic development efforts have consistently focused on attracting and retaining a diverse mixture of quality businesses. This land use is critical to Woodbury's resiliency because it provides local jobs thereby enhancing the ability of people to both live and work in Woodbury. It also expands and diversifies the City's property tax base, and enhances Woodbury's overall economic competitiveness.

It is the intent of the Plan to create business or industrial parks where buildings and uses relate to each other to become "places" rather than function as freestanding elements. As such, accessory commercial uses such as hotels, coffee shops and non-fast food restaurants may be allowed in Places to Work as they provide ancillary services and amenities for office/industrial development as a means to attract high quality businesses.

As Woodbury's population continues to grow, the City will work to achieve a balance over time between the growth in households and in the number of jobs. As of the end of 2017, Woodbury had more commercial space classified as places to work (6 million square feet) than places to shop (5 million square feet). The City will continue to focus its economic development efforts on attracting a quality and diverse job and tax base, which will help Woodbury implement its mission to "be a leading community in which to live, work and thrive."

Over the next twenty years, two new areas of focus for Places to Work are emerging: transit and redevelopment. Metro Transit is heading up the planning and engineering connected to the METRO Gold Line Bus Rapid Transit that, if implemented, would provide both all-day and bi-directional transit service to bring workers from the metropolitan area to Woodbury. Property near the proposed "Tamarack Station" is guided as Places to Work, and will enhance Woodbury's ability to attract larger employers that seek transit options for their employees. (See Gold Line Station Area Planning)

As Woodbury ages, both reinvestment in and maintenance of commercial properties and the infrastructure that serves them will be required to ensure that Woodbury's positive identity endures over time. To effectively facilitate reinvestment and redevelopment, Woodbury will remain committed to quality design and development.

Northeast Area

With more than 400 acres of contiguous land guided for Places to Work, the Northeast Area offers a unique opportunity to diversify the City's job and tax base. This diversification will occur by creating a business environment that will ultimately provide office/showroom, warehouse, distribution and light industrial business that are currently underrepresented within the City's tax base. Located adjacent to I-94, land uses in the Northeast Area will likely include businesses that benefit from proximity and access to a major freeway distribution corridor which also will provide the ability to capture a wide variety of labor from Woodbury residents, the east metropolitan area and Wisconsin. Land absorption will likely take many years due to the sheer size of the Northeast Area, which will require the City to monitor economic trends and conditions in order to deliver the high quality and diverse business environment that this Chapter envisions.

Places to Work Goals

The City of Woodbury seeks to achieve the following goals through the implementation of the Places to Work category:

1. Provide a diversity of employment opportunities for Woodbury residents.
2. Provide a sound economic base for the City, school districts and Washington County.
3. Achieve a balance over time between the growth in jobs and households.
4. Retain existing businesses and allow for expansion opportunities.
5. Create opportunities for signature developments at the key gateways to Woodbury.
6. Have attractive development throughout Places to Work.
7. Provide safe and convenient pedestrian movements to and within Places to Work areas.

Policies for Places to Work

Implementation of the Land Use Plan for Places to Work will be guided by the following policies:

1. Develop an economic development strategic plan and a business outreach plan to attract new businesses and to retain and grow existing companies.
2. Encourage landowners in areas guided as Places to Work to consolidate land and develop a master plan for business park-type development rather than piecemeal developments.
3. Provide well-planned park areas close to amenities for office/industrial development as a means to attract high quality businesses.
4. Guide high profile office development to major intersections along the freeway or "gateways" into the community.
5. Enforce architectural guidelines to ensure the aesthetics of future development are consistent with the Woodbury identity.
6. Encourage expansion of employment opportunities with "head of household" incomes enhancing the ability of Woodbury residents to work locally.
7. Optimize the capacity and flexibility of public infrastructure to serve business needs and to ensure that high employment areas have direct access to the transportation network to minimize traffic impacts on residential areas.
8. Partner with MN DOT, Washington County, Gold Line Partners, Metro Transit and other stakeholders to improve transportation and transit systems, and to encourage future office and industrial developments to design for transit.
9. Encourage and facilitate office development on remaining vacant and underutilized parcels along transit corridors.
10. Facilitate development of light industrial, distribution, office/warehouse and office/showroom uses within the Northeast Area.

Gateway

The Gateway land use category seeks to ensure that areas visible from the freeway system are developed with high quality, signature office developments. The designation intends to create a setting that is oriented to office development with limited supporting or ancillary retail at these gateways into the community. Waiting for just the right developments in these locations may take extraordinary patience.

This category recognizes that some retail development may be needed to support the primary business campus land use while not allowing retail uses to overtake the area. Retail uses should not exceed thirty percent of the floor area of the development. The remaining land uses must be consistent with Places to Work.

Gateway Goals

In addition to the goals for Places to Work, the City of Woodbury seeks to achieve the following goals through the implementation of the Gateway category:

1. Present a desirable image at the entrances to Woodbury with enhanced and coordinated design.
2. Focus site design to facilitate high quality office development with limited supporting retail.
3. Encourage projects to be building intensive, with buildings having substantial height and mass visible from the freeway.
4. Promote well-planned, unified and architecturally compatible developments.
5. Ensure appropriate infrastructure is present to support additional development.
6. Optimize the development potential at these signature gateway locations to meet economic development goals.

Gateway Policies

In addition to the policies for Places to Work, implementation of the Land Use Plan for Gateway will be guided by the following policies:

1. Require the use of a Planned Unit Development for projects in Gateway areas.
2. Limit retail uses to no more than 30% of the floor area within the Planned Unit Development.
3. Increase perception and awareness of buildings using placement, height, mass and signature architecture.
4. Prohibit uses requiring outdoor storage.
5. Require screening of parking areas, loading docks and truck parking.
6. Require landscaping along major roadways consistent with adopted corridor plans, where applicable.
7. Incorporate pedestrian and bicycle connections as appropriate.
8. Reinforce Woodbury's image as a premier business location through quality building design and landscaping.
9. Leverage opportunities to connect to transit services as they become available.

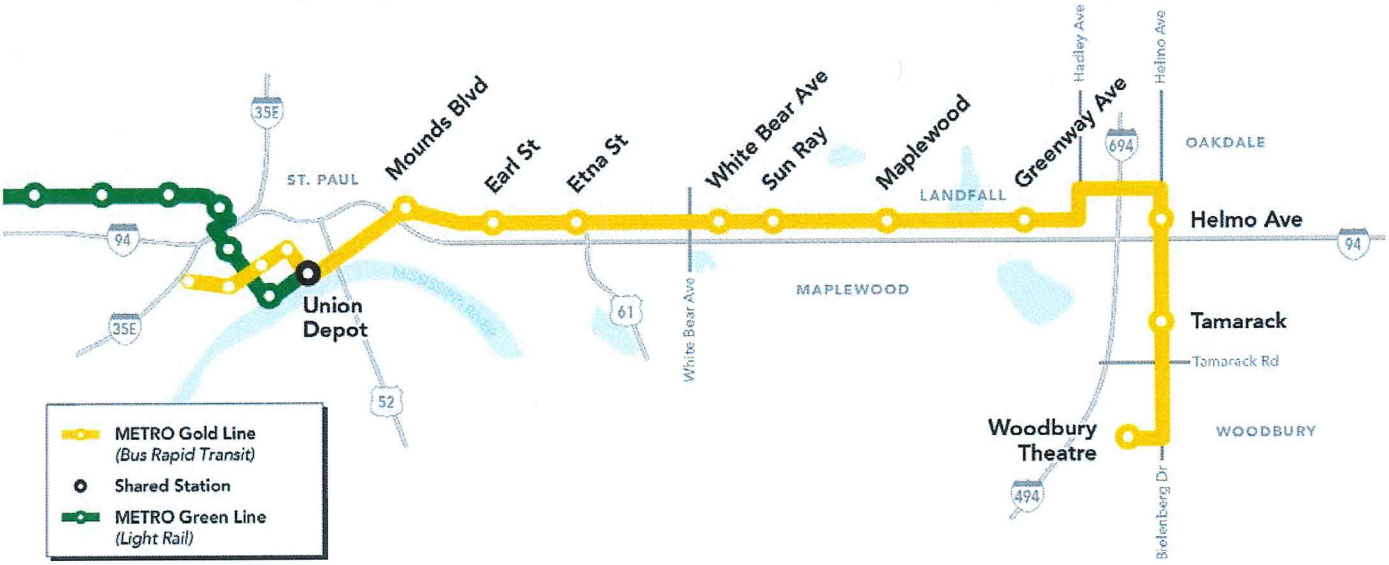
Other Land Use Plan Elements

Certain aspects of Woodbury's plan for land use are not completely expressed in the Land Use Plan Map and the related description of land use categories. This section explains goals and policies for other land use objectives.

Gold Line Station Area Planning

The METRO Gold Line is a planned nine-mile Bus Rapid Transit (BRT) dedicated guideway that will connect Woodbury to Saint Paul and other eastern suburbs (Figure 4-2). Service is currently scheduled to begin in 2024 at the earliest. The Gold Line corridor is proposed to run east-west along the north side of I-94 from the Union Depot in Saint Paul to Oakdale, then cross over I-94 on a new bridge connecting Helmo Avenue and Bielenberg Drive. In Woodbury the Gold Line would run north-south following Bielenberg Drive then turning onto Guider Drive, where the corridor ends.

Figure 4-2. METRO Gold and Green Line BRT Project Map

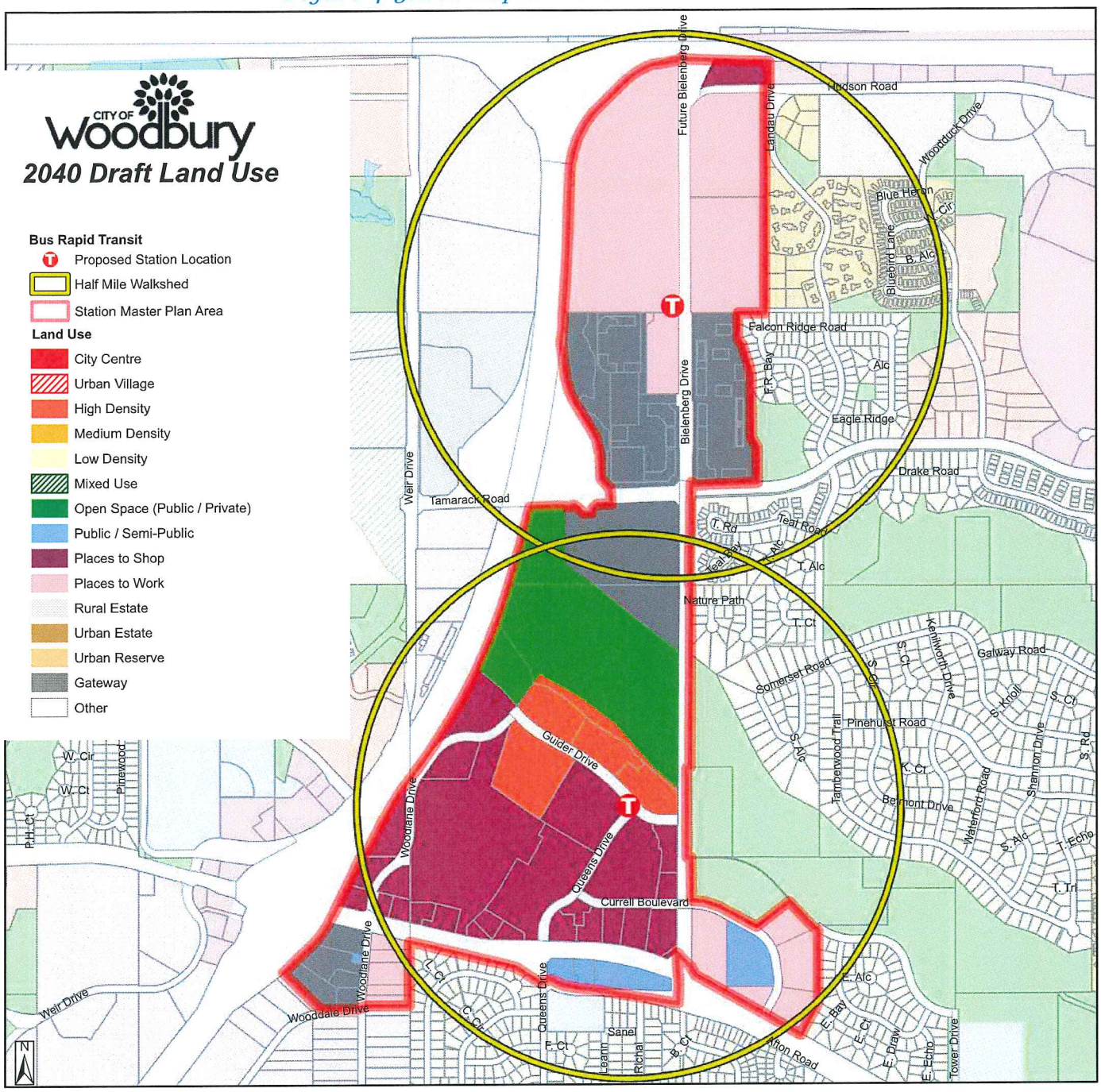


Several stations are planned along the Gold Line, and each of the five communities along the route has its own vision for the area surrounding these stations. Woodbury will continue to work with other communities along the corridor as part of a larger planning effort to tie these community visions together to form a cohesive plan for the entire corridor.

Two of the proposed stations along the Gold Line are in Woodbury. One station will be at the end of the line near the Woodbury Theater, and another station will be located approximately one quarter-mile north of Tamarack Road on Bielenberg Drive. The addition of all-day, bi-directional transit to these two station areas provides a unique opportunity for the City to optimize the potential development or redevelopment through the master planning process. The City will use this process to study and secure the appropriate combination of land uses for each station area based on each area's unique development opportunities, market conditions and ridership potential. Master planning at the station areas will promote cohesive architectural identity using building materials, landscaping, and other architectural or streetscape features to create a unique sense of place.

The City will incorporate Bus Rapid Transit-Oriented Development (BRTOD) principles into the master planning process. Figure 4-3 depicts an area approximately one half-mile around each station. The master planning process will create a walkable and bike-friendly environment with a mixture of land uses

Figure 4-3. Bus Rapid Transit TOD Land Use



that may include housing, office, retail, or other amenities. Using the BRTOD principles to inform the master plan will enhance the station area's access to jobs, housing, goods and services, and recreational opportunities.

Gold Line Station Area Goals

1. Define and implement Woodbury's vision for a vibrant, transit-supportive station area that meets Woodbury's community and architectural standards.
2. Maximize the economic development opportunities around BRT stations by helping the City compete regionally and nationally to attract new business investment while helping existing companies recruit and retain employees.
3. Identify infrastructure investments and policy changes to support desired outcomes.
4. Be supportive of and complementary to Metro Transit's existing Express Bus services.
5. Improve walkability and multi-modal accessibility along the Gold Line corridor.
6. Provide transportation alternatives for seniors and others who can't drive, or choose not to drive.
7. Review the City's Density Policy to determine if an additional category of density bonus should be included to facilitate high density residential uses near BRT stations. If implemented, the new density bonus category would be the City's preferred economic development incentive for BRTOD.
8. Optimize BRTOD through master planning at and around the station areas.

Gold Line Station Area Policies

Planning for BRTOD includes emphasizing the fundamentals of density and walkability. To that end the City will:

1. Add trail or sidewalk connections as needed along the Gold Line corridor to ensure that walking and bicycling routes are direct, safe, and pleasant to use.
2. Work with Metro Transit, owner of the Woodbury Theatre station area, to optimize the redevelopment potential through joint development.
3. Ensure that new buildings are designed and situated to support public transit.
4. Utilize the master planning process to evaluate BRTOD-related comprehensive plan amendments.

Sustainable Design

All aspects of the Comprehensive Plan work to make Woodbury a more sustainable place. The following policies describe site design and development standards that should apply to all new development and redevelopment:

1. Encourage development within existing MUSA boundaries to prevent premature extension of utilities and infrastructure.
2. Encourage reasonable buffers between buildings and wetlands, water bodies, riparian areas or ecologically sensitive areas.
3. Develop properties in such a way so as to avoid flood damage from 100 year storm events.
4. Encourage use of land use tools to facilitate creation of greenway corridors.

5. Encourage development and construction methods that minimize site disturbance, promote energy and resource conservation, waste reduction and recycling.
6. Encourage use of native plantings.
7. Encourage use of stormwater management techniques to reduce the volume of stormwater leaving sites for new development and seek reductions in stormwater leaving previously developed sites.
8. Encourage sustainable buildings that minimize resource use in their construction, maintenance and operation while reflecting the high quality design standards of the community.

Phasing

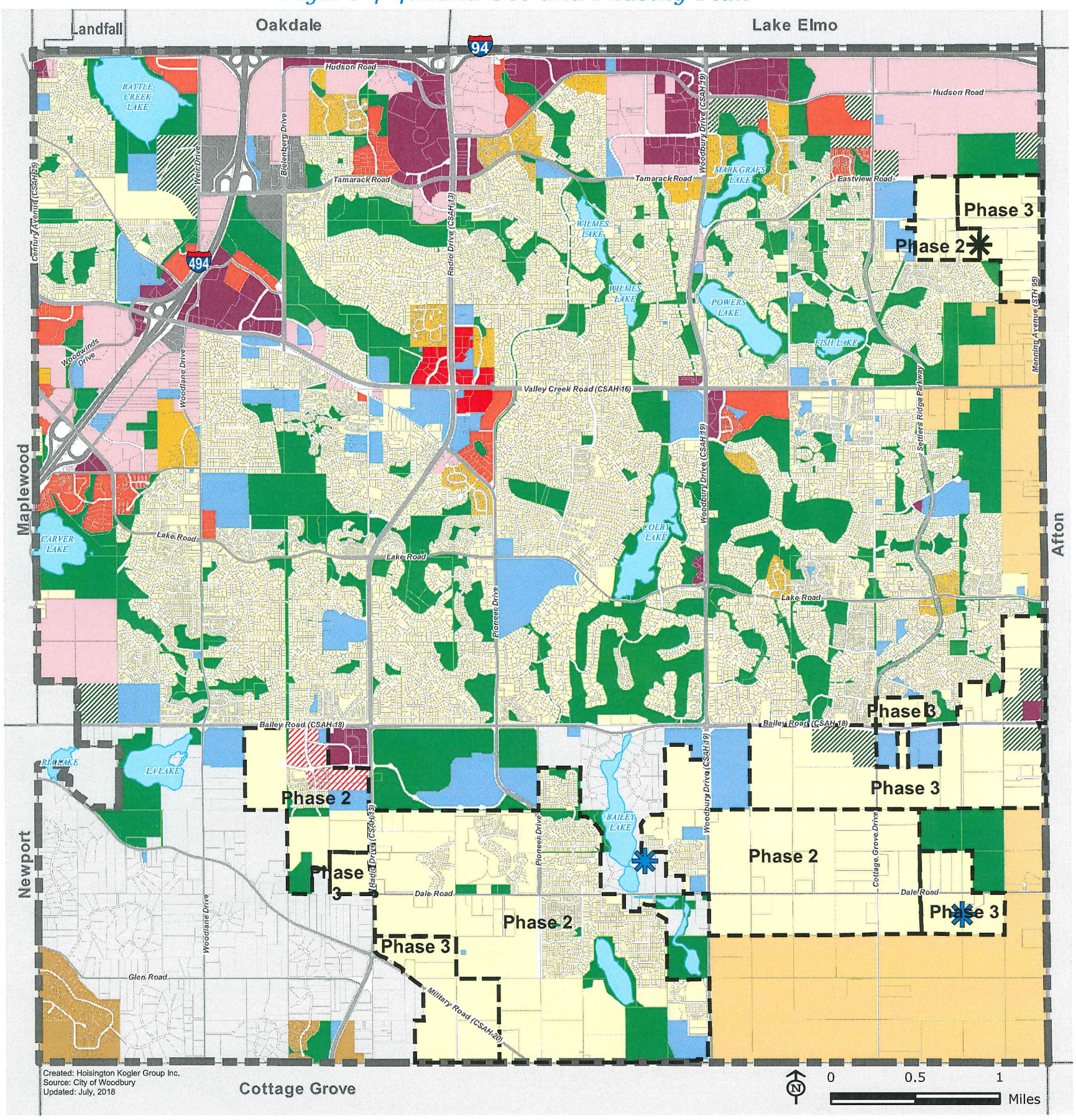
The phasing plan serves as a guide for when public infrastructure, such as roadways, sanitary sewer and water, will be available in specific areas of Woodbury. The Metropolitan Council requires communities within the metro area to provide a plan that shows growth in staged increments. It is intended that the City Council will adopt a sub-phasing plan at a future date that will further refine the locations, timeline and necessary infrastructure that will be needed to ensure development occurs in an orderly fashion.

Residential Phasing

The phasing plan shows two residential phases of growth extending to the year 2040. The residential phasing plan would accommodate a target growth rate of an average of approximately 400 housing units per year (see **Figure 4-4**). To protect against premature development of property, the City will update its Growth Management Policy to implement the residential phasing plan. All phasing planning will ensure adequate public infrastructure (streets, sewer, water) is planned for and funded. Premature development of property has a direct impact on the public health, safety and general welfare of the City of Woodbury and its stakeholders.

Two issues strongly guide development of a plan for phasing residential growth through the year 2040. The first issue is the goal of managing growth. The other issue is the location of future infrastructure. Residential phasing areas were established generally based on the sanitary sewer interceptor and other infrastructure investments. It is the City's intent to serve as much of this area as possible with a cost effective sanitary sewer trunk system. The ultimate service area will be determined based on the final design of public infrastructure and service areas adjacent to existing Rural Estate and Urban Reserve may differ from the estimated service area shown on the land use map as identified in the future by the City Council.

Figure 4-4. Land Use and Phasing Plan



Legend

- Urban Reserve
- Rural Estate
- Urban Estate
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use
- Urban Village
- City Centre
- Gateway
- Places to Shop
- Places to Work
- Other/ROW
- Open Space (Public / Private)
- Public / Semi-Public
- Lakes

Phasing

- Phase 2
- Phase 3
- Final phasing area line to be determined by final utility design
- Final urban service area line to be determined by final utility design
- Woodbury Boundary
- Parcels

FUTURE HOUSING NEEDS

In 2017, the WCCDA commissioned a Comprehensive Housing Needs Assessment. This study was performed by Maxfield Research Inc. The Needs Assessment contained specific projections of future housing demand and recommendations for Woodbury in tables DMD-10 and DMD-11. Among the findings were:

» Projected demand for 5,516 new housing units from 2016 to 2030

» This demand consists of 2,926 ownership units, 1,662 general-occupancy rental units and 928 senior housing units

» Of the demand for senior housing units

- 46 percent are active senior units
- 35 percent are assisted living senior units
- 13 percent are memory care senior units and
- 6 percent are congregate senior care units

This study will be a valuable resource for the City as it works to prevent gaps in the housing stock.

Meeting the Region's Future Affordable Housing Needs

The housing plan element of local comprehensive plans is required to acknowledge the community's portion of the regional affordable housing need. The City of Woodbury is committed to planning for and providing housing options that are affordable to low- and moderate-income households in a manner that is consistent with the Metropolitan Council's 2040 Housing Policy Plan. The City has long supported affordable housing efforts both philosophically and financially and will continue to do so in the future.

In previous years, Woodbury has been successful in developing affordable housing. In the 1996 – 2010 period, for example, Woodbury was one of only six communities in the seven-county area to meet its Livable Communities housing goals as determined by the Metropolitan Council. While the ensuing Great Recession led to a slowdown in new construction and a general marketplace retreat from the development of naturally occurring affordable housing, Woodbury increased its ability to offer housing choice to low- and moderate-income households by creating four locally funded housing loan programs in 2009.

Nevertheless, since 2011, CommonBond Communities constructed the 45-unit Views at City Walk, Twin Cities Habitat for Humanity constructed the last of their 34 units in Garden Gate and The Glen at Valley Creek (42 units) and the Legends of Woodbury (216 units) were approved and will be open prior to 2020. In addition to these 337 new construction units, the City's municipal housing and redevelopment authority (HRA) rolled out four loan programs that have helped more than 200 low- and moderate-income households either purchase or rehab existing units of Woodbury's affordable housing stock between 2009 and 2017. (More information about these programs may be seen in the **Implementation** section of this Housing Chapter below.) **Table 5-3** shows affordable housing production in Woodbury and the other Suburban Edge communities between 2011 and 2016.

SUBURBAN EDGE COMMUNITIES AFFORDABLE HOUSING CONSTRUCTED 2011-2016					
Priority Site	Single-Family Detached	Duplex, triplex and quad	Townhomes (single-family attached)	Multifamily (5 units or more)	Total
Blaine	37	1	40	29	107
Chaska	12	0	46	82	140
Cottage Grove	15	0	14	184	213
Inver Grove Heights	1	0	0	84	85
Lakeville	1	0	45	57	103
Maple Grove	10	0	21	144	175
Plymouth	6	0	1	83	90
Shakopee	16	0	39	139	194
Woodbury	**1**	**0**	**25**	**45***	**71**

*** NOTE: Two affordable rental projects were approved by the City and received all necessary project financing in 2017 that will add 42 affordable rental units at The Glen at Valley Creek as well as 216 affordable rental units at the Legends of Woodbury.**

****NOTE: The Metropolitan Council has designated Woodbury as a Suburban Edge community. The communities listed in this table represent the nine Suburban Edge communities in the Twin Cities metropolitan area, as defined by the Metropolitan Council.**

Table 5-3. Suburban Communities' Affordable Housing Constructed 2010-2016 (Metropolitan Council)

While the Metropolitan Council projects that Woodbury will add 2,700 households between 2021 and 2030, the Metropolitan Council's 2040 Housing Policy Plan has also forecasted that Woodbury would need to add 1,043 units of affordable housing as its fair share of the region's affordable housing need. Adding this number of affordable housing units would mean that 39 percent of total projected household growth in Woodbury for the 2021-2030 decade would consist of affordable housing.

This allocation of affordable housing need is based on assumptions regarding the proportion of low-income households and the number of affordable housing units built by the private market. This analysis of need and local allocation are separate from how the housing and development industries function and are not supported by the free market.

From a pragmatic perspective, the City is firm in its resistance to the suggestion that 1,043 new or additional units of affordable housing will be created in Woodbury between 2021 and 2030. The current allocation of 39 percent (1,043 units) of all new households is a greater proportion than the 27 percent allocation (2,057 units) from 2011 to 2020. As shown in **Table 5-3**, new affordable housing in Woodbury has only numbered 329 units.

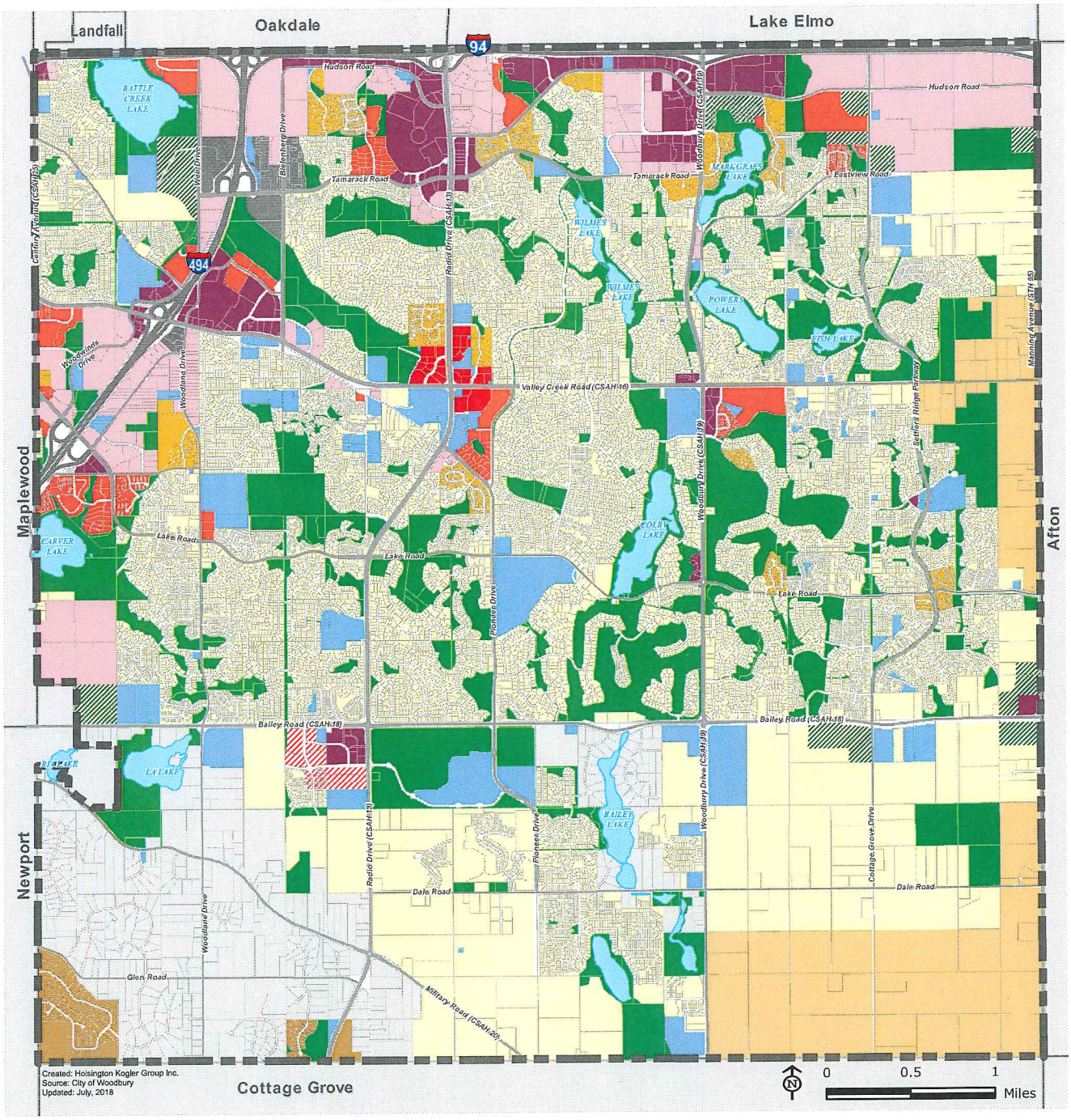
LAND USE DESIGNATIONS FOR AFFORDABLE HOUSING	
Land Use	Units per Acre
Rural Estate	0 to 0.33
Urban Estate	0.33 to 3.5
Low Density Residential	2 to 3.5
Medium Density Residential	4.5 to 8
High Density Residential	10 to 15
Urban Village	8 to 10
Mixed Use	10 to 15

Table 5-4. Land Use Designations for Affordable Housing

The barrier to new construction of affordable housing is not a land use barrier; but, rather, an economics barrier. Therefore, the economic realities of housing development will likely preclude the City from allocating that high a share of its total household growth to affordable housing. While these factors make it impractical to commit to a specific numeric 2021-2030 affordable housing goal in this Comprehensive Plan, the City will comply with the Livable Communities requirements of the Metropolitan Council, by working with the Metropolitan Council to create a realistic assessment of changing conditions as well as a goal for future affordable housing needs as 2021 draws near.

In evaluating the Comprehensive Plan, the Metropolitan Council will use the amount of land guided for densities of eight units per acre or greater to determine if Woodbury has guided sufficient acreage to allow for the potential future development of 1,043 affordable housing units prior to 2030. Not reflected in **Table 5-4** is the City Council's ability to award density bonuses to projects that meet specific public policy objectives including affordable housing. For more information about density bonuses, please see the **Chapter 4. Land Use** or the case study regarding **Density Bonuses** in the implementation section of this Housing Chapter. As shown in **Table 5-4**, properties guided in the Land Use

Figure 5-2. Land Use Plan



Legend

- Urban Reserve*
- Rural Estate**
- Urban Estate
- Low Density Residential
- Medium Density Residential
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- Public / Semi-Public
- Lakes
- Woodbury Boundary
- Parcels

** Rural Estate is not intended to be served by regional sewer infrastructure.*

*** Urban Reserve is intended for post 2040 development phasing*

Chapter of this 2040 Comprehensive Plan as future high density residential, mixed use, and/or Urban Village uses provide an opportunity for the City to meet this affordable housing requirement.

The Metropolitan Council criteria for evaluating the Comprehensive Plan is based on the assumption that densities of eight units or more per acre is needed to create the "opportunity" for affordable housing. While the premise is true (high land and development costs are a barrier at lower densities), merely making land available does not lead directly to affordable housing. A more active approach is needed to actually produce and maintain affordable housing.

Housing Maintenance

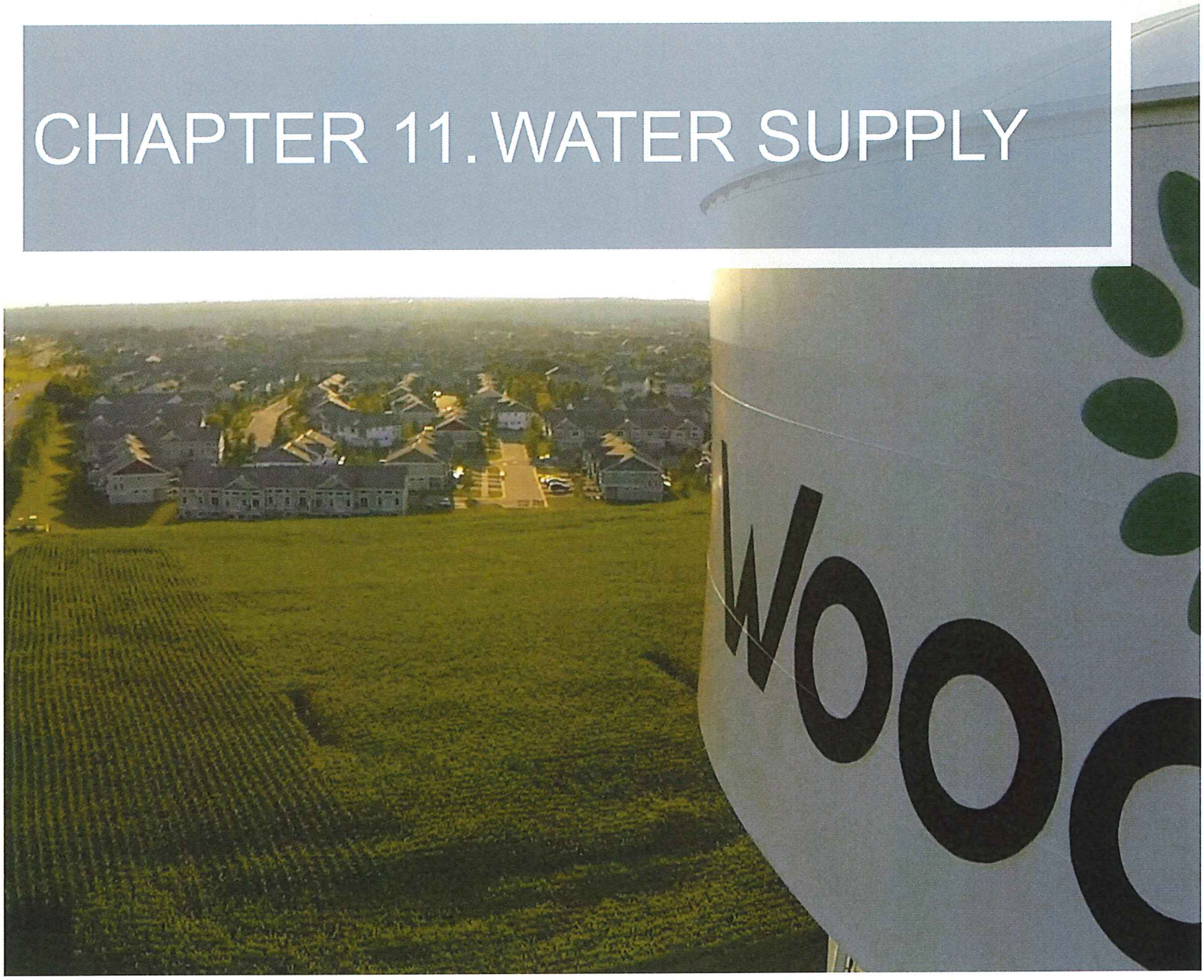
The financial condition of homeowners' associations and the implications of mortgage foreclosures are part of the broader issue of housing maintenance. One of the Guiding Principles of the 2040 Comprehensive Plan is to "plan for reinvestment and redevelopment." Reinvestment and the maintenance of property is required to ensure that the qualities of Woodbury endure over time.

According to the 2012-2016 American Community Survey Census, Woodbury is home to 17,190 housing units (69 percent of total housing stock) that were constructed prior to 1990. These homes are more than 25 years old. By the year 2040, Woodbury will have more than 25,000 housing units at this threshold. Woodbury wants to be a community that encourages people to maintain their homes. To-date, most residents have been able to use a combination of personal resources and debt obtained from the private market to make home improvements. The City will need to observe trends in its neighborhoods and be prepared to use its HRA tools, as needed, to provide residents with access to capital to make home improvements.

Aging of the Population

While there is no doubt that the region's population will grow older over the life of this 2040 Comprehensive Plan, the specific implications for housing in Woodbury are less clear. An implementation step of this 2040 Comprehensive Plan will be to update the City's Housing Action Plan. As noted earlier, the County's Housing Needs Assessment shows future demand for senior housing. The future Housing Action Plan process should include a narrative regarding what the City should do to help residents stay in their current homes and age in community. The narrative should also discuss how economic conditions encourage different family and non-family household structures to live in Woodbury.

CHAPTER 11. WATER SUPPLY



Minnesota Statute 473.859 requires Water Supply Plans to be completed for all local units of government in the seven-county Metropolitan Area as part of the local comprehensive planning process. Additionally, Minnesota Statute 103G.291 requires all public water suppliers that serve more than 1,000 people to have a Water Supply Plan approved by the Minnesota Department of Natural Resources (DNR). An approved Water Supply Plan is required by the DNR to obtain Water Appropriations Permits.

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Introduction 210
Water Supply Guiding Principles 210
Existing Conditions 212
Implementation 221

MN STATUTE

Minn. Stat. § 473.859 COMPREHENSIVE PLAN CONTENT.

Subdivision 3. Public facilities plan.

A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit. A public facilities plan must be in at least such detail as may be necessary to establish existing or potential effects on or departures from metropolitan system plans and to protect metropolitan system plans. A public facilities plan shall contain at least the following parts:

(1) a transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation services and facilities;

(2) a sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;

(3) a parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction; and

(4) a water supply plan as described in section 103G.291, subdivision 3.

Definition

Resilience:

The capacity to respond, adapt and thrive under changing conditions.

Quantity:

The amount of water needed and used both now and in the future.

Quality:

Federal and state standards are met for the designated end use.

Planning for the Future:

Ensure the water system is designed and developed to accommodate the future of Woodbury.

INTRODUCTION

Woodbury's Water Supply Plan was approved by the Metropolitan Council and the Minnesota Department of Natural Resources (DNR) in August 2017. The Water Supply Plan consists of four parts:

Part 1: Water supply system description and evaluation

Part 2: Emergency planning and response procedures

Part 3: Water conservation plan

Part 4: Metro area water suppliers

The Metropolitan Council's required Comprehensive Plan elements for addressing water supply is the completion of a Water Supply Plan. The City of Woodbury also prepares a Water Supply, Storage and Distribution Plan (WSSDP). The WSSDP provides a detailed analysis of the existing and proposed water system and serves as a guide as Woodbury extends City water to urbanizing areas. The WSSDP performs a more thorough scientific, engineering and financial analysis of the existing and future water system than is required to meet the Metropolitan Council and DNR requirements. The current WSSDP was prepared in conjunction with this document. The Water Supply Plan is an appendix of the WSSDP.

The purpose of this chapter is to identify the Water Supply Guiding Principles, existing conditions and issues to be addressed and summarize the implementation plan developed in the WSSDP.

WATER SUPPLY GUIDING PRINCIPLES

"One Water" vision - The City of Woodbury recognizes the connection between surface water, groundwater, and drinking water and the importance of considering impacts to all water resources when making decisions.

Resilience is a key component of the 2040 Comprehensive Plan and is addressed in this chapter. For purposes of the Comprehensive Plan, all water issues are put into one of three categories: Quantity; Quality; or Planning for the Future.

Policies are provided to support the principles where appropriate.

Resilience

Develop the water supply in a manner that minimizes detrimental impacts on natural resources, provides water for current and future generations, and safeguards against climatic changes and natural disasters.

Policies:

» Plan for emergency response and preparedness, engaging multiple departments within the City, as well as County, regional and State government.

Quantity

Provide abundant, safe drinking water for current and future generations of residents by protecting and managing groundwater.

Policies:

» Strive toward flat total annual water usage through 2030.

» Promote water efficiency efforts based on best management practices and public awareness of sustainable water usage.

Quality

Continuously provide safe, reliable, and clean drinking water that meets all state and federal quality standards and guidelines. High quality water also requires adequate pressure and flow.

Policies:

» Promote and participate in local, regional and national drinking water quality discussions.

Planning for the Future

Maintain drinking water quantity and quality at an affordable cost and expand service to new development. The City will continue to fund water system operation and maintenance through appropriate usage charges and plan for the replacement of aging components of the water system. In addition, the City will fund construction of new trunk facilities, wells and storage through area and connection charges and provide water service for developing areas in a manner consistent with the WSSDP and this Comprehensive Plan's Land Use Chapter.

Policies:

» Continue to phase development based on the availability on municipal services.

» Develop water supply infrastructure along with the sanitary sewer system in an efficient and orderly manner.

» Continue to operate the system optimally, avoiding deferred or emergency maintenance, and fund the system appropriately.

Terms/Abbreviations

CD-ENGPW4.11 - Council Directive: Water Efficiency Incentive Program

DNR - Department of Natural Resources

DWSMA - Drinking Water Supply Management Area

EPA - Environmental Protection Agency

GPCD – gallons per capita per day

GWMA - Groundwater Management Area

HBV - Health Based Value

HRI - Health Risk Index

HRL - Health Risk Limits

MDH - Minnesota Department of Health

MGD - million gallons per day

MnTAP - Minnesota Technical Assistance Program

PFBA – Perfluorobutyrate

PFC - Monitor perfluorochemicals

PFOA - Perfluorooctanoic acid

PFOS - Perfluorooctane Sulfonate

SWWD - South Washington Watershed District

WHPP - Wellhead Protection Plan

WRPP - Water Resources Policy Plan

WSSDP - Water Supply, Storage and Distribution Plan

MN STATUTE

Minn. Stat. § 103G.291 PUBLIC WATER SUPPLY PLANS; APPROPRIATION DURING DEFICIENCY.

Subdivision 3. Water supply plans; demand reduction.

(a) Every public water supplier serving more than 1,000 people must submit a water supply plan to the commissioner for approval by January 1, 1996. In accordance with guidelines developed by the commissioner, the plan must address projected demands, adequacy of the water supply system and planned improvements, existing and future water sources, natural resource impacts or limitations, emergency preparedness, water conservation, supply and demand reduction measures, and allocation priorities that are consistent with section 103G.261. Public water suppliers must update their plan and, upon notification, submit it to the commissioner for approval every ten years.

(b) The water supply plan in paragraph (a) is required for all communities in the metropolitan area, as defined in section 473.121, with a municipal water supply system and is a required element of the local comprehensive plan required under section 473.859.

(c) Public water suppliers serving more than 1,000 people must encourage water conservation by employing water use demand reduction measures, as defined in subdivision 4, paragraph (a), before requesting approval from the commissioner of health under section 144.383, paragraph (a), to construct a public water supply well or requesting an increase in the authorized volume of appropriation. The commissioner of natural resources and the water supplier shall use a collaborative process to achieve demand reduction measures as a part of a water supply plan review process.

(d) Public water suppliers serving more than 1,000 people must submit records that indicate the number of connections and amount of use by customer category and volume of water unaccounted for with the annual report of water use required under section 103G.281, subdivision 3.

(e) For the purposes of this section, "public water supplier" means an entity that owns, manages, or operates a public water supply, as defined in section 144.382, subdivision 4.

EXISTING CONDITIONS

Resilience

For the City to provide an adequate supply of clean drinking water to residents, now and in the future, consideration of climate change and other threats facing infrastructure is necessary. Trend analysis has revealed that the region is experiencing greater frequency and intensity of precipitation events. This poses a greater risk to the power grid and transportation network, which would increase the difficulty to respond to a water emergency.

As stated above, the City has an approved Water Supply Plan. Part two of the Plan includes an emergency response plan, operational contingency plan, and emergency response procedures.

Additional issues when considering water system resilience include:

- Groundwater recharge capacity and sustainable withdrawal
- Emergency response protocol, particularly for vulnerable populations
- Adequate power supply for infrastructure, particularly during severe weather and associated power outages
- Impacts of chloride and other contaminants on surface water and groundwater

Quantity

Figure 11-1 shows the existing City water system including watermains, wells, storages tanks (elevated and ground) and booster stations.

The key to evaluating the needs of the future water infrastructure is to determine the future water demand projections through 2040 (Table 11-1). For this analysis, it should be noted that while the population is projected to increase through 2040, the average and maximum daily water demand is projected to remain flat due to a reduced per capita usage over this period.

Key Consideration

Population projections:

The population projections in this chapter were provided by the DNR and are consistent with the City's vision for the future population. However, the population projections used in the sanitary sewer planning efforts were supplied by the Metropolitan Council's WRPP and differ slightly from the values provided by the DNR. Since the Metropolitan Council is the primary agency regulating sewer capacity and the DNR is the primary authority regulating water appropriation, the City of Woodbury has decided to maintain consistency with the primary regulatory authority by using two population projections.

WATER DEMAND PROJECTIONS

YEAR	PROJECTED TOTAL POPULATION (1)	PROJECTED POPULATION SERVED	PROJECTED TOTAL PER CAPITA WATER DEMAND (GPCD)**	PROJECTED AVERAGE DAILY DEMAND (MGD)***	PROJECTED MAXIMUM DAILY DEMAND (MGD) (2)
2016*	68349	62883	na	6.7	15.7
2020	72500	67839	115	7.7	19.2
2025	76500	70631	110	7.8	19.4
2030	80500	75839	105	7.8	19.6
2035	84150	78281	100	7.8	19.6
2040	87800	83139	95	7.8	19.5

*Actual Average and Peak Demand Data. ** GPCD – gallons per capita per day

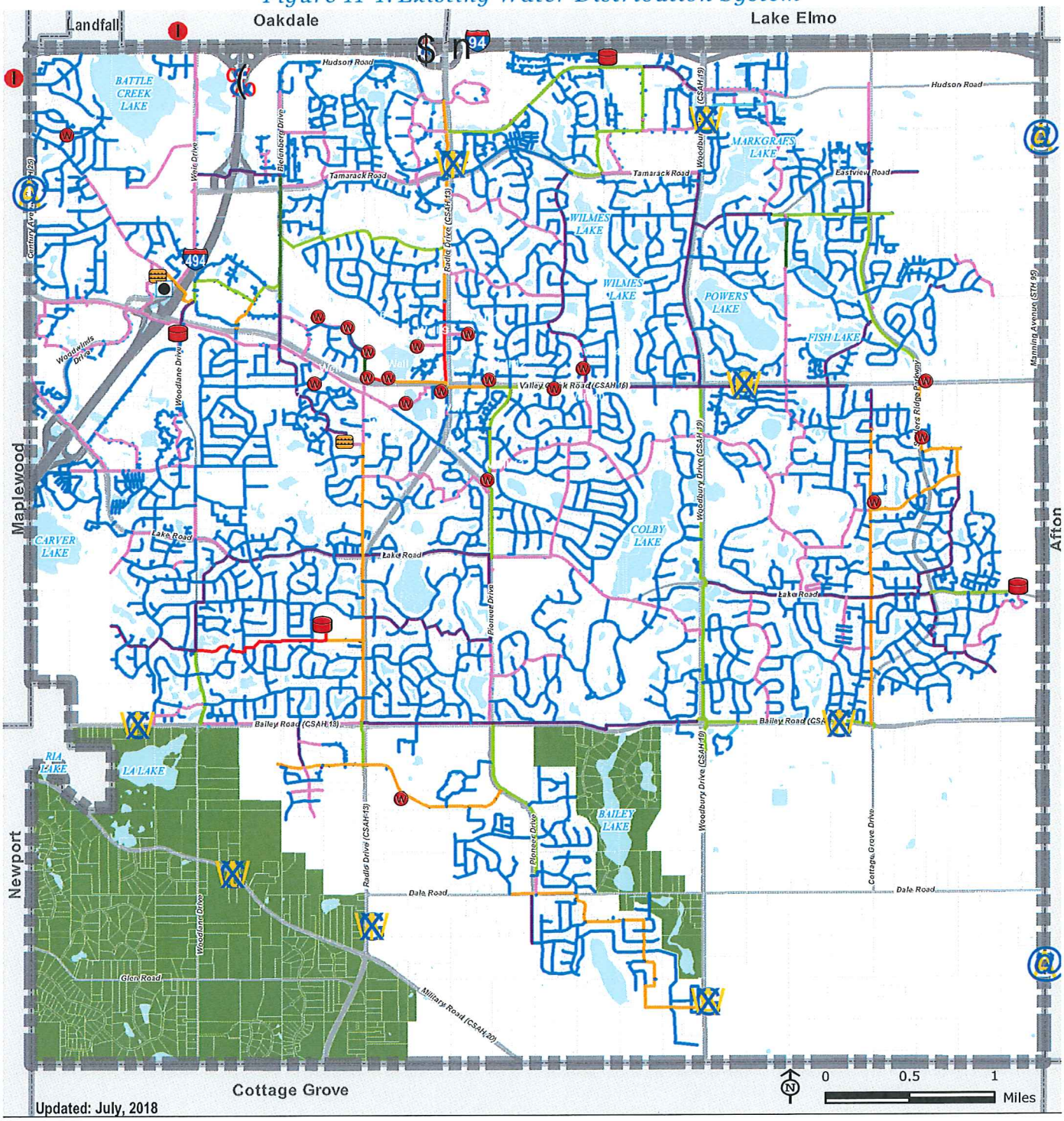
***MGD – million gallons per day

1 Total Population Projections based on Metropolitan Council Projections

2 Peaking Factor based on DNR Water Supply Plan value and discussions with City Staff

Table 11-1. Water Demand Projections

Figure 11-1. Existing Water Distribution System



Legend

- Booster
- Existing Wells
- Exiting Interconnect
- Ground Storage Tanks
- Towers
- Lakes
- Parcels
- County Boundries
- Woodbury Boundary

Existing Pipe Sizes

- 6 - 8
- 10
- 12
- 16
- 18
- 20
- 24
- 30

Permitted Wells

The City is within the North and East Metro Groundwater Management Area (GWMA) as defined by the DNR. GWMAs are established in a specific area where all suppliers are using a common aquifer and share similar concerns, particularly water quantity. The GWMA provides a framework for a comprehensive approach to ensuring that groundwater supplies are adequate to meet human needs (now and in the future), while protecting lakes, streams, wetlands and other valued water resources.

The White Bear Lake lawsuit, filed in 2014 and appealed by the DNR in 2017, has the potential to impact the permitting of new withdrawals in the North and East Metro GWMA. Most of Woodbury is outside of the current five mile radius of White Bear Lake as specified in the Ramsey County judge's order, August 2017. However, the original lawsuit and subsequent appeals will likely impact groundwater permitting and use decisions across the entire state, not just within the North and East Metro GWMA.

Woodbury operates nineteen wells in three well fields: Tamarack Well Field, East Well Field and South Well Field. The East Well Field currently includes three wells; however, the DNR is concerned that these wells may impact the baseflow of Valley Creek, a trout stream with its headwaters in close proximity to the East Well Field. Based on this, the amount of water that can be pumped from the East Well Field is limited by permit and the City is not proposing additional wells in this area. As part of the City's appropriation permit to operate these wells, the City owns and maintains a network of groundwater monitoring wells and submits bi-annual reports on Valley Creek flows to the DNR.

The newest well (Well 19) and all future wells will be located in the southern portion of the City. Due to location, the South Well Field has the potential to create conflict with private wells, adjacent municipal wells and is closer to groundwater contamination plumes than the City's other well fields. Development in this area is projected to need additional supply, and its existing land use allows the City to protect supply through limiting infiltration and other best management practices. Addressing these issues will allow for development to continue as proposed in this Comprehensive Plan.

Sustainable Water Future for Woodbury – Quantity

Council adopted the Sustainable Water Future for Woodbury Strategic Initiative for 2015-2017 and 2017-2019. Additional information regarding the Strategic Initiative can be found in Chapter 9, Natural Resources.

The desired outcome of the initiative related to water quantity is:

Strive towards flat total annual water usage (community-wide aquifer withdrawal including contamination mitigation and private wells) through 2030 (based on a fve year rolling average, with 2014 as the base).

Strategies to achieve this outcome include:

1. Implement water conservation and efficiency programs, including monitoring, reporting, and marketing.
2. Use the Water Supply Plan, the Comprehensive Plan, the Surface Water Management Plan, and other long-range planning tools to set the vision and goals of City water infrastructure systems.
3. Participate and be a leader in regional groundwater policy discussions.

4. Establish the City's position and involvement level on water-related legal issues and monitor associated cases.
5. Be proactive in the legislative process, including but not limited to, groundwater management and protection, technology and emerging issues.

Water Efficiency

Water efficiency is a critical component of the Strategic Initiative described above. Efficiency is smart water usage that employs various tactics to reduce water consumption. Education, outreach and incentives are important tools for public awareness of efficient water usage, as well as for affecting behavior. Since 2014, the City has taken steps to provide stable funding for water efficiency programming, as well as acquiring grant funding from partner organizations that share in water efficiency goals. The timeline below details critical steps taken between 2014 and the writing of this plan.

Two programs were approved in 2016 and 2017 by the City Council: the Commercial Irrigation Cost Share and the Residential Irrigation Controller Program. Both programs were designed and tested through years of pilot studies. The Water Efficiency Incentive Programs have been funded by small rate increases to customers eligible for participation. Future efficiency programs will follow a similar process and may target indoor water efficiency, sprinkler head replacements or other efficiency improvements. Continuation and extension of the Water Efficiency

TIMELINE OF WATER EFFICIENCY PROGRAMS

2014

City staff completes internal water summit planning meeting.

City receives Environmental Assistance grant from PCA to increase education efforts.

City Council adopts Water Resources Policy Statement and Strategies.

2015

Minnesota Technical Assistance Program (MnTAP) sponsors intern with the City to study water efficiency of commercial irrigation systems.

South Washington Watershed District (SWWD) provides cost share funding for 2-year pilot study of homeowners association irrigation retrofit program.

City receives funding from Metropolitan Council and Washington County to update city-owned irrigation systems with efficiency technology.

2016

MnTAP sponsors intern with the City to study homeowner irrigation controller efficiency programming.

City Council adopts Council Directive: Water Efficiency Incentive Program (CD-ENGPW4.11) and authorizes the first program for commercial and homeowners association irrigation system upgrades.

City Council approves rate increases to commercial and homeowners association irrigation systems to fund efficiency programs.

2017

SWWD and Washington County provides funding for homeowner irrigation system pilot study.

City Council approves second program under CD-ENGPW4.11, establishing the Residential Irrigation Controller Program.

City Council approves second rate increase for commercial and association irrigation customers and rate adjustment for residential water users to help fund efficiency programs.

Eagle Valley Golf Course irrigation system was updated. The updated system will improve efficiency.

City Council updated City Code to comply with Minnesota State Statutes regarding the installation of moisture-sensing technology on all irrigation systems and the requirement that new irrigation controllers be WaterSense certified.

Incentive Program and its funding will allow the City to assist different groups in improving water use efficiency. This program relies on partners that share in the City's commitment to responsibly managing groundwater, including Washington County, Washington Conservation District, watershed districts, the Metropolitan Council and State agencies. The City will also continue to provide educational resources through the City website and other communication tools on water efficiency topics such as landscaping and lawn watering tips.

The Woodbury City Council has adopted a lawn watering policy that permits an odd/even watering schedule and bans watering between noon and 5 p.m. each day. This policy was established in 2007 and may need updating to include reference to current technology or changes in response to water demand or drought. Additionally, City Ordinance has been modified to comply with **Minn. Stat. § 103G.298** and requires the installation of a WaterSense certified controller for all newly installed irrigation controllers. Additional implementation, enforcement and further ordinance updates will be pursued as necessary.

Quality

Sustainable Water Future for Woodbury - Quality

The desired outcome of the initiative related to water quality is to:

> *Continuously provide safe, reliable, clean water that meets all state and federal standards and guidelines for quality.*

Strategies to achieve this outcome include:

- Monitor perfluorochemicals (PFC) contamination, and plan for consequences of emerging issues.
- Continue the wellhead protection program and reflect its goals in the Comprehensive Plan.
- Manage surface water to protect the aquifer.

PFC Contamination

The Minnesota Department of Health (MDH) has been monitoring the City's municipal wells for PFCs, a family of manmade chemicals that have been used for decades to make products that resist heat, oil, stains, grease and water. A specific type of PFC – PFBA – was originally reported in Woodbury wells in 2007. As a result of advancements in detection technology, monitoring began identifying

IMPLICATIONS OF 3M SETTLEMENT

As this plan was bring written, the State of Minnesota settled its lawsuit against 3M Company, filed in 2010, in return for a grant of $850 million. The settlement depicts the top two priorities being: ensure safe drinking water and enhance natural resources. Nine cities, including Woodbury, and two townships in the east metropolitan were named in the settlement as the communities damaged. The Minnesota Pollution Control Agency and Department of Natural Resources were granted the funds with the intent that the State departments will work with the eleven communities to accomplish the priorities of the settlement.

the presence of other PFCs in 2012. The concentrations of all PFCs detected were below the Health Risk Limits (HRL) established by MDH at the time.

PFCs were produced and introduced to the environment years before their potential to harm human health was understood and/or regulated. Continued advances in detection technology results in new chemicals being identified through monitoring (including PFCs not currently monitored). The City of Woodbury must continue to work with State agencies to provide safe and reliable water.

In 2016, the U.S. Environmental Protection Agency (EPA), and subsequently the MDH, reduced their drinking water protective guidance level for two PFCs - PFOA and PFOS. As a result of these changes, MDH notified the City that water from five of Woodbury's 19 municipal wells exceeded either a PFC Health Based Value (HBV) or a health risk index (HRI) value, or both. Several of these instances exceeded the HBV or HRI value only slightly and had been below on previous sampling events. MDH indicated that by the time water reaches users in Woodbury, the amount of PFC in the water is under the HBV and HRI. This is due to mixing of water from various wells within the distribution system, reduced use of the identified impacted wells and rotation in well operation.

Wellhead Protection Plan

The City has completed and is actively implementing a Wellhead Protection Plan (WHPP) in accordance with Minnesota Rules Chapter 4720 and MDH requirements. Wellhead protection is a means of safeguarding public water supply wells by preventing contaminants from entering the area that contributes water to the wellfield over a period of time. These plans are updated every 10 years or when a new well is installed. Wellhead protection plans consists of two parts. The first part of the WHPP includes a delineation of the capture zones of the aquifer that contribute water to wells and an assessment of well vulnerability. This delineation produces the Drinking Water Supply Management Area (DWSMA), seen in Figure 11-2. Woodbury's wells are considered vulnerable to contamination, as defined by MDH due to the time it takes for water to move from the land to the aquifer. City Code, Chapter 27 Section 8, identifies restrictions for drilling new wells in an effort to protect the quality of the groundwater resource. The second part of the WHPP involves the creation of goals, objectives, an action plan, evaluation program, and contingency plan.

As the water system grows, and areas around wells develop and redevelop, it is the City's responsibility to continue to update the WHPP. Additionally, future modeling may show that Woodbury's DWSMA extends into other municipalities or that DWSMAs of other municipalities extend further into Woodbury. This overlap is most likely to occur with the City of Cottage Grove. As more jurisdictions share water supply capture zones, more collaboration will be required to secure safe drinking water. Additionally, the City will continue to restrict land use and stormwater infiltration practices around wells to ensure safe drinking water and maintain programs such as abandoned well sealing and storage tank and pipeline management.

Water Treatment

The current treatment of the City's water consists of chlorinating and fluoridating the water supply before entering the distribution system. Additionally, two wells are treated with low levels of polyphosphate to sequester minerals present in the groundwater supply.

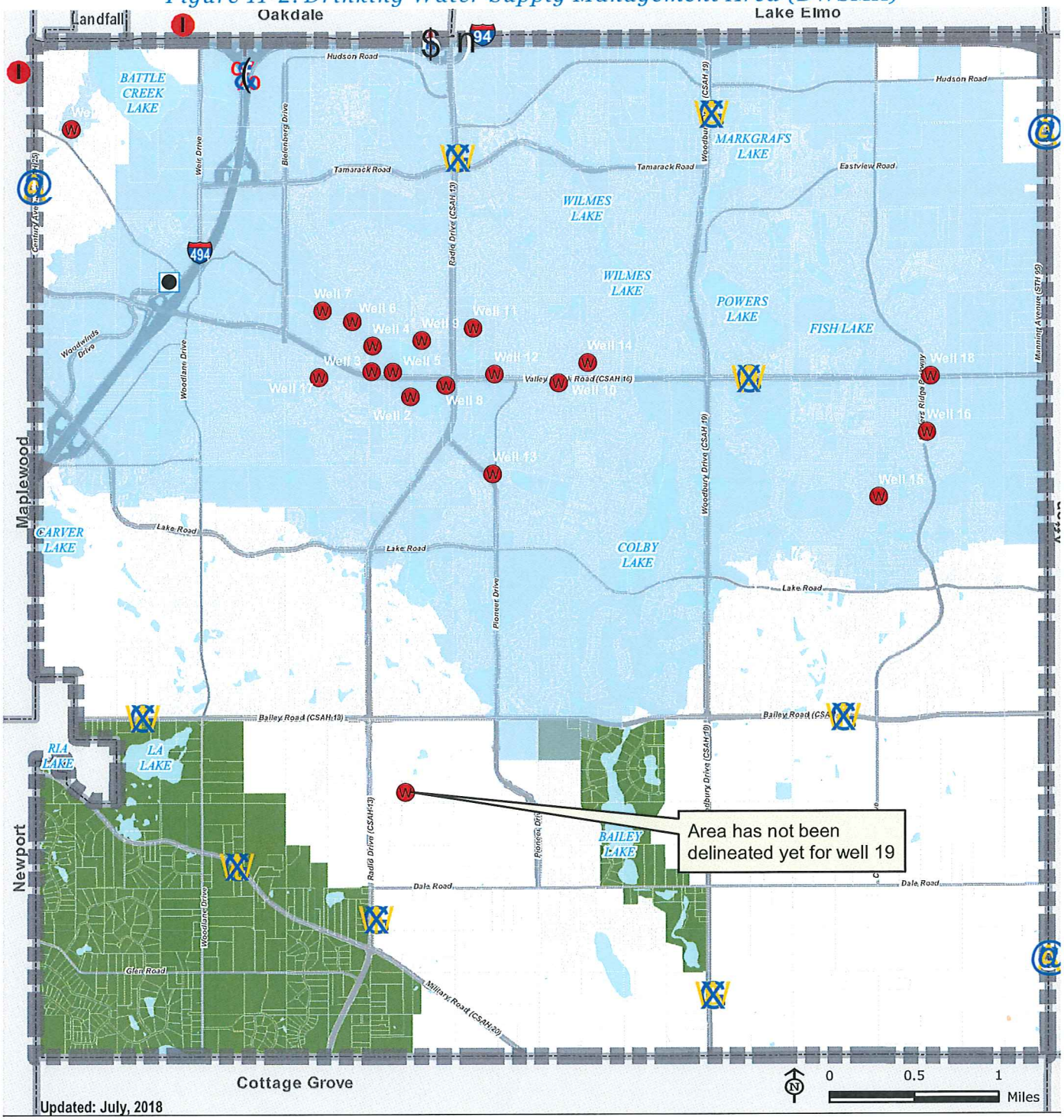
There is growing concern around the Twin Cities Metropolitan Area that monitoring shows chloride levels are rising in surface waters and shallow groundwater. Snow

Key Consideration

Chlorides:

Chlorides threaten natural resources, sanitary sewer treatment operations, water supply and surface water resources. Each of these chapters in this Plan address chlorides through existing conditions, as an emerging issue, and through implementation.

Figure 11-2. Drinking Water Supply Management Area (DWSMA)



Legend

- Booster
- Existing Wells
- Exiting Interconnect
- DWSMA
- Unserved Area
- Lakes
- Parcels
- County Boundries
- Woodbury Boundary

and ice management is one of two significant sources of these chlorides. The other source is individual residential water softeners. While the water used inside homes does go to a wastewater treatment plant, these plants are not designed for chloride removal. The only known methods of removing chloride in water is through reverse osmosis and distillation, which is generally considered to be costly and impractical for treatment plants. Failure to address chloride levels before reaching the wastewater treatment plant may result in higher costs passed from the Metropolitan Council onto Woodbury residents.

Planning for the Future

Sustainable Water Future for Woodbury – Planning for the Future

The desired outcome of the initiative related to planning for the future is:

> *Maximize options and opportunities to maintain water quality and availability in the face of threats to water resources.*

Strategies to achieve this outcome include:

- Use the Water Supply Plan, the Comprehensive Plan, the Surface Water Management Plan, the Wellhead Protection Plan, and other long-range planning tools to set the vision and goals of City water infrastructure systems.
- Explore interconnect options with other cities, future well location options, alternative water sources and private well considerations for existing and new wells.
- Participate and be a leader in regional groundwater policy discussions, including continued participation in the Washington County Municipal Water Coalition.
- Establish the City's position and involvement level on water-related legal issues and monitor associated cases.
- Be proactive in the legislative process regarding groundwater management and protection.

Key Consideration

The Washington County Municipal Water Coalition consists of interested community stakeholders engaged to address the long-term sustainability of water supplies within the north and east metropolitan area. The coalition consists of representation from the following municipalities: Bayport, Cottage Grove, Lake Elmo, Newport, Oak Park Heights, Oakdale, Saint Paul Park, Stillwater and Woodbury.

Funding

The water supply system of Woodbury will need to be robust and resilient to meet the needs of the existing and future population. In addition to the challenges detailed elsewhere in this chapter, the City will need to finance installation of new infrastructure and the inspection, maintenance and replacement of the existing water system.

It is City policy that new infrastructure is paid for by development through the use of area and connection charges. Replacement and rehabilitation are paid for by existing users through usage charges. These charges must be regularly evaluated and modified to ensure water system inspection, maintenance, replacement and efficiency is properly funded.

Private Wells

Private wells are used in areas of the City that are not connected to the municipal water supply. There are around 600 private wells within the City. As the water supply and sewer systems are extended into developing areas, it is important to review the location of private wells and the ability to serve those areas with municipal services. The City must review the potential of providing services to areas where infrastructure was not envisioned and is not currently proposed, such as the southwest corner of the City, but may be desired in the future.

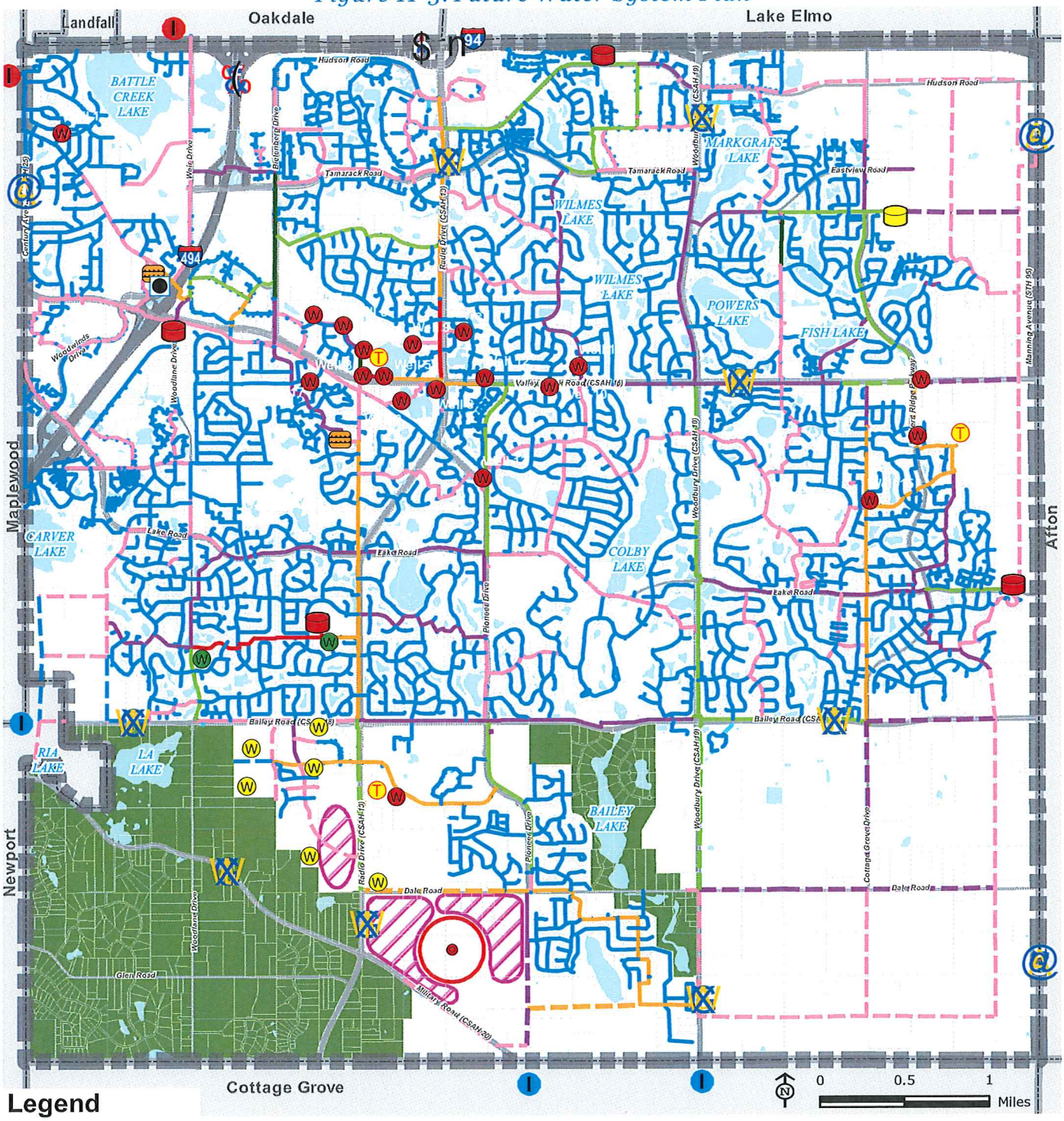
The installation and removal of private wells can also impact wellhead protection planning, and the installation of municipal wells can negatively impact private wells through drawdown. Additionally, inspection and maintenance of private wells is the responsibility of the homeowners. Neither the City nor the State require regular testing of these wells. The safety of individual wells, including PFC contamination, is a concern for current and future private well users.

Alternative Water Sources

Managing Woodbury's existing potable water supply has resulted in system-wide operational modifications and efficiency programs to ensure quality and reliability. These operational changes include limiting production of the East Well Field to protect high value natural resources, limiting production from five Tamarack Well Field wells due to existing contamination, and implementing robust water efficiency programs to minimize the overall draw on the potable water supply.

Transitioning to a regional supply system using surface water as the drinking water source has been proposed in parts the Twin Cities Metropolitan Area, however this is not the City-preferred solution to the water supply challenges the City currently faces.

Figure 11-3. Future Water System Plan



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

Planning Commission Memo

Meeting: December 3, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: November 26, 2018

Re: City of Woodbury Presentation Regarding the Preserve at City Place Comprehensive Plan Amendment

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The City of Woodbury has provided a copy of the Preserve at City Place Comprehensive Plan Amendment for the City's review and comment. To assist in this process, Dwight Picha, Woodbury's Community Development Director, will provide a brief presentation regarding the Comprehensive Plan Amendment and the Preserve at City Place development proposal. Attached are materials related to the Comprehensive Plan Amendment and the Preserve at City Place development proposal.

Comprehensive Plan Amendment Review Process
The Comprehensive Plan Amendment review process involves a review and recommended comments by the Planning Commission. The Council then reviews the amendment, along with the Planning Commission's recommended comments, and determines final comments to be provided to the City of Woodbury.

Summary of Comprehensive Plan Amendment
The purpose of the Comprehensive Plan Amendment is to re-guide 17.86 acres of land located at the northeast corner of Hudson Road and Spring Hill Drive from "Places to Work" to "High Density Residential" to enable a new 253 unit market-rate apartment complex. (see the attached Woodbury Planning Commission Staff Report).

Planning Commission Comments
The Planning Commission's discussion to identify comments regarding Woodbury's Draft 2040 Comprehensive Plan is included as a separate item on the meeting agenda under "New Business".

Planning Commission Recommendation Requested
No recommendation required.

RECEIVED
OCT 18 2018
CITY OF AFTON

CITY OF Woodbury

October 16, 2018

City of Afton
Attn: Community Development
3033 St. Croix Trail
P.O. Box 219
Afton, MN 55001-0219

RE: City of Woodbury Comprehensive Plan Amendment, Preserve at CityPlace, Project No. 04-2018-00307

The City of Woodbury recently received a request to amend the comprehensive plan for approximately 17.86 acres of land located at the northeast corner of Hudson Road and Spring Hill Drive. The project has been rezoned from GW, Gateway District to R-4, Urban Residential District. The amendment proposes for the site to be re-guided from Places to Work to High Density Residential.

The Applicant is requesting approval of a new 253 unit, market-rate apartment complex all in one phase. The project features an underground parking garage, courtyard with resort style amenities, a variety of unit types from studio to three bedroom, townhome style living, and architecture complementary to the CityPlace development. The project space is confined due to topography and significant oak preservation, and therefore will be built vertically instead of horizontally.

A copy of the planning staff report explaining the request in detail is attached to this letter, along with the approved Council Letter and Resolution. Please review this amendment and send any written comments to my attention or e-mail me at gina.gore@woodburymn.gov. If you have no comments or issues, please **still send your written response** indicating that you have received the plan and have no comments.

In order to facilitate the review by the Metropolitan Council for the MUSA expansion, we respectfully request that you provide us written feedback by December 15th, 2018. If we do not receive comments from you by that date, we will assume that you do not wish to comment.

If you have any questions, please call our department at 651-714-3533.

Sincerely,

Gina Gore
Planner I

Enclosures
1. October 8, 2018 Staff Report
2. October 10, 2018 Supplemental Council Letter
3. Signed Resolution
4. 11 x 17s

CITY OF WOODBURY

PLANNING COMMISSION STAFF REPORT

OCTOBER 8, 2018

Project No.:	04-2018-00307	**Prepared By:**	Eric Searles City Planner 651-714-3532 Eric.searles@woodbury.mn.gov
Project Name:	Preserve at City Place	**Recommendation:**	Approval
Request:	Comprehensive Plan Amendment/ Rezoning/Amended Planned Unit Development/Conditional Use Permit/ Preliminary Plat/Site and Building Plan	**Site Size:**	17.86 Acres
Tree Impact:	N/A	**# Units:**	253
Location:	Northeast corner of Hudson Road Spring Hill Drive	**Density:**	14.16 Units/Acre
Zoning District:	GW, Gateway (existing) R-4, Urban Residential (proposed)	**# Lots:**	3
		Building Sq. Ft.	N/A
Comprehensive Land Use Plan:	Places to Work (existing) High Density (proposed)	**Parkland Dedication:**	See Below

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PROPOSAL

Commercial Investment Properties has submitted an application for a Comprehensive Plan Amendment, Rezoning, Amended Planned Unit Development, Conditional Use Permit, Preliminary Plat, and Site and Building Plan for the Preserve at City Place development. The Applicant is requesting approval of a new 253 unit, market-rate apartment complex. The property is located at the northeast corner of Hudson Road and Spring Hill Drive. The property is zoned Gateway District and is guided as Places to Work on the Land Use Plan.

PLANNING CONSIDERATIONS

Environmental Assessment Worksheet (EAW) - An EAW was required prior to approval of the Planned Unit Development for City Place as the overall site exceed 300,000 square feet of commercial space. The approved EAW established a requirement that this subject parcel would

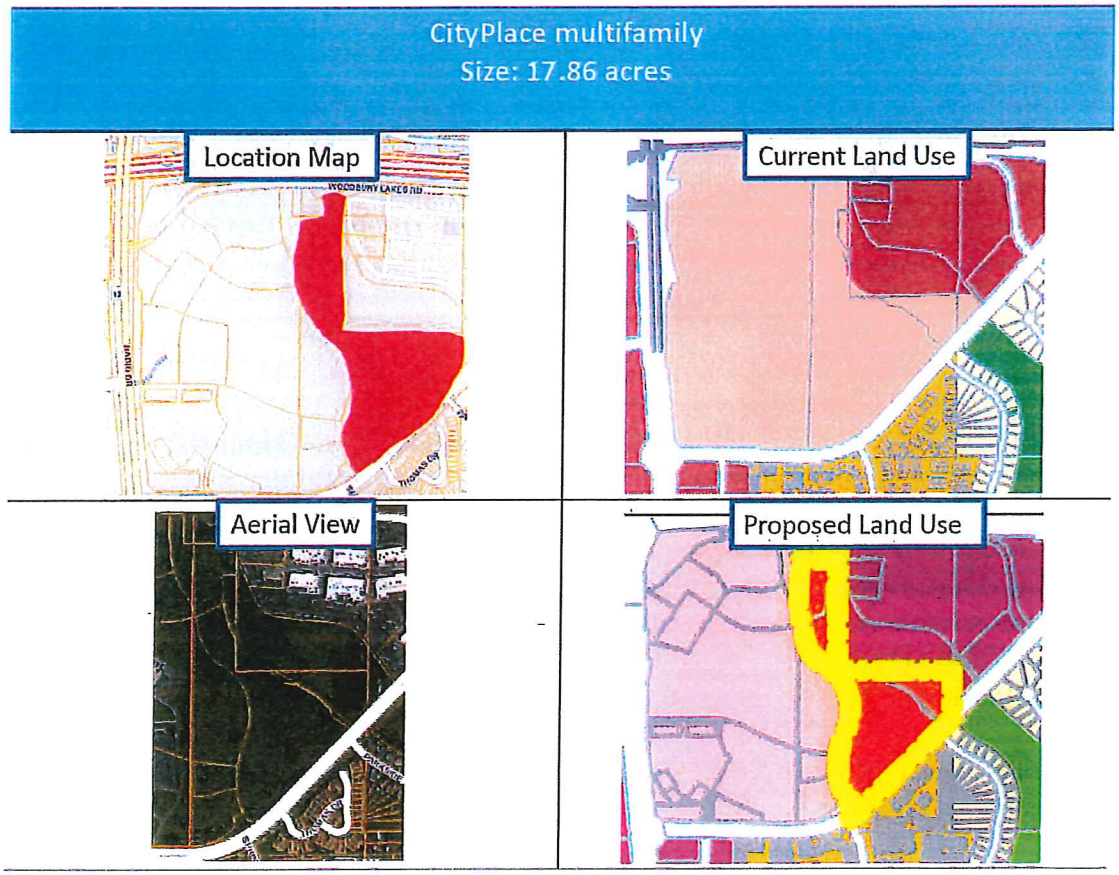
also be required to complete an EAW as there was not a detailed plan for the property at the time of the City Place EAW approval. That required EAW has been completed and it identified the proposed project does not have the potential for significant environmental effects. The City Council will certify the findings of EAW in advance of acting on the zoning application.

Amendment to the Comprehensive Plan – The Applicant is requesting a change to the Comprehensive Plan from Places to Work to High Density Residential. The City has historically required one of the following findings of fact to be made to support a change to the land use of a property via a Comprehensive Plan Amendment.

- A mistake was made in designating the property Places to Work in the Comprehensive Plan.
- Times and conditions have changed to warrant a change in the plan.

Staff identifies that the times and conditions have changed to warrant a change in the plan. The City of Woodbury has been working on the decennial update to its Comprehensive Plan since late 2015. In March 2016, the City Council established the 2040 Comprehensive Plan Task Force which met twenty times over the past two years with a final meeting on July 12, 2018.

The subject property was first identified to be modified to High Density in March of 2017 in advance of the Woodbury Community Expo. All initial land use modifications were first shown to the public at this event. The graphic below shows the subject site.



Since March of 2017, all subsequent DRAFT land use maps have included the proposed re-guiding to High Density. The task force again reviewed the requested modification in May and June of 2018 with final support for the land use change occurring in July of 2018 when the task force voted to recommend approval of the 2040 Comprehensive Plan to the City Council.

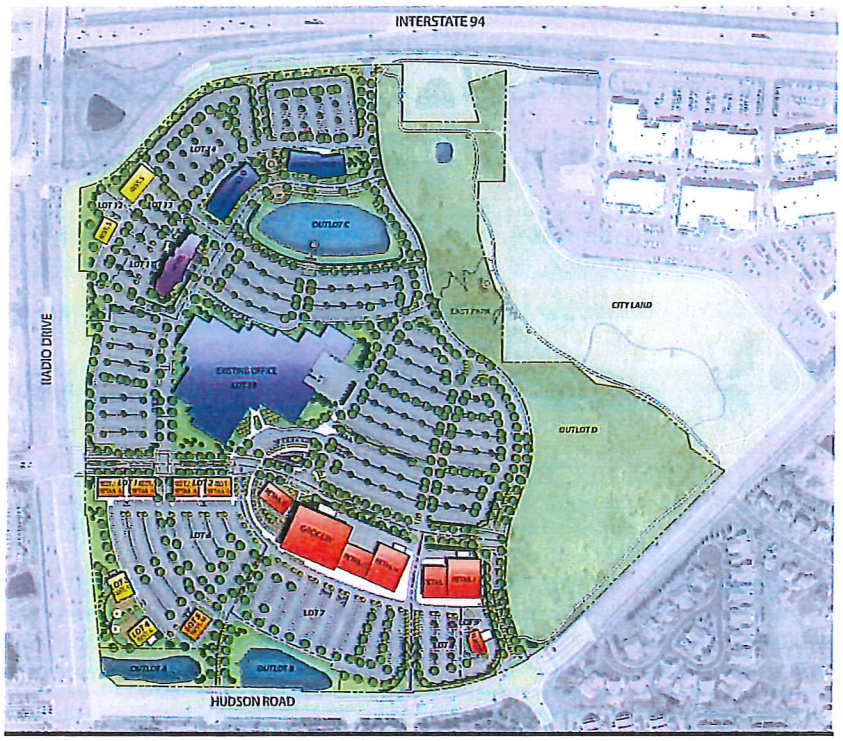
At their July 25th meeting the City Council approved a resolution which identified the following:

1. Affirming the process connected to the draft 2040 Comprehensive Plan and endorsing its vision and guiding principles;
2. Approving the draft 2040 Comprehensive Plan conditional upon review and approval by the Planning Commission and review by surrounding communities and affected agencies;
3. Authorizing the City Administrator or his designee to submit the draft 2040 Comprehensive Plan to the surrounding communities and affected agencies; and
4. Authorizing the City Administrator or his designee to submit the draft 2040 Comprehensive Plan to the Metropolitan Council for their final review following the Planning Commission review and the review by the surrounding communities and affected agencies.

The procedure steps identified above are required by the Metropolitan Council and are not anticipated to generate material changes to the proposed plan. This procedural process generally takes between seven to nine months and without approval of this Comprehensive Plan Amendment the proposed project would need to wait until May or June of 2019 to be reviewed under the 2040 Comprehensive Plan.

Rezoning - The existing zoning for the property is GW, Gateway District. The application requests a modification to the site zoning to R-4, Urban Residential to allow for the proposed residential use. The proposed zoning change is appropriate based on the recommend land use change to High Density as State law requires a city to rezone properties consistent with their land use.

Existing PUD - At their August 6, 2014 meeting the Council approved the City Place Planned Unit Development. The approval included the establishment of the land uses, site design, landscaping, civil engineering, and building architecture. The approval further established the pedestrian system and identified transportation improvements that were necessary to mitigate the impact of the redevelopment. The following graphic was used during the PUD approval which identified the subject property (Outlot D) as future development. The PUD did not further address this parcel beyond that designation.



The Amended PUD is requested to allow flexibility in regards to required parking and building height as further discussed below.

PUD - The Applicant requests Amended Planned Unit Development (PUD), Conditional Use Permit, and Preliminary Plat approval for the development site. The Planned Unit Development (PUD) application requests flexibility to the Zoning Ordinance for the following requirements.

Standard	**Zoning Requirement**	**Proposed**
Parking	Two spaces per unit if one indoor space is provided underground **(506 spaces)**	One space per bedroom/den plus 10% of the required per bedroom/den parking for overflow parking. **(457 Spaces)**
Building Height	40 feet in R-4	77 feet

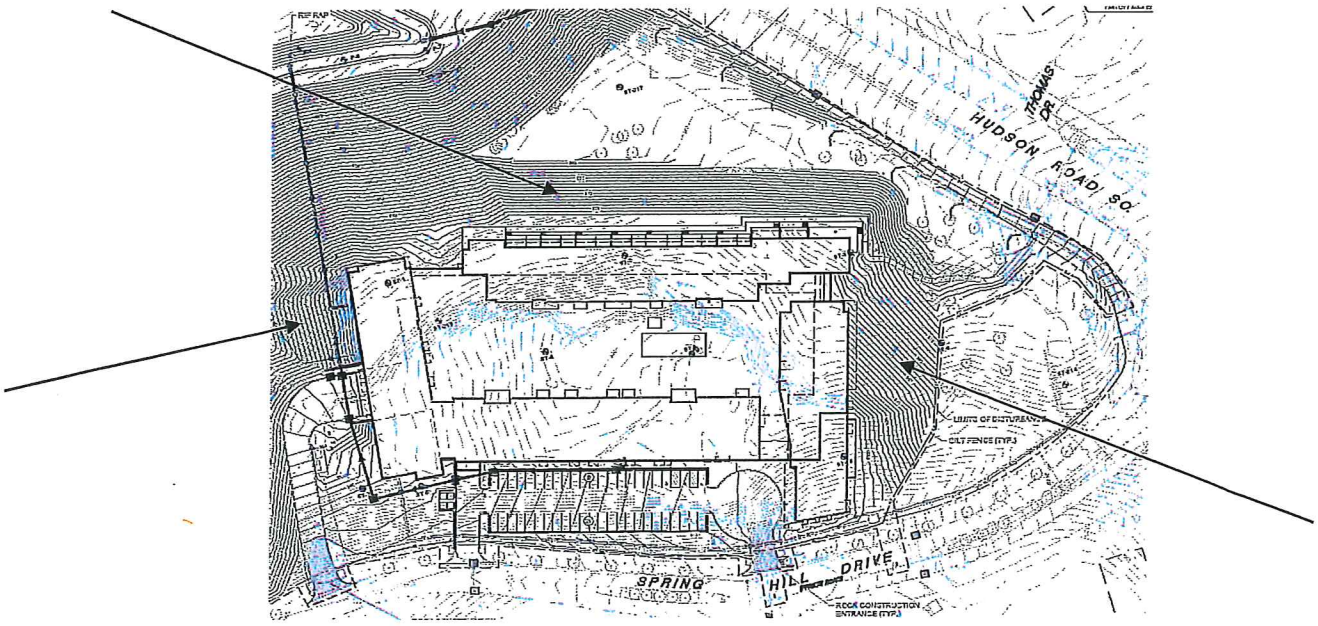
As shown above, the Applicant has requested flexibility to the Zoning Ordinance requirements identified above regarding the required parking for the facility. The City has historically utilized the two (2) spaces per unit requirement for multi-family projects. As stated above, the Zoning Ordinance requires one (1) space indoor and one (1) space outside with this method being utilized by the majority of apartment uses within the community. Staff has identified that at many of the existing facilities the outside surface lots are not fully utilized and the projects provide more parking than needed. Staff began to investigate alternate parking calculation methods and it was determined that establishing a parking count based on the number of bedroom units is more indicative of actual parking demand. It was also identified that it is

necessary to plan for parking needs for guests. By adding the two safety factors of requiring a space for den spaces and adding 10% additional parking for overflow or guest needs the appropriate balance is established. The parking calculation for the proposed use is shown below:

Unit Type	Number	Parking Stalls Required per Bedroom
Alcove	33	33
1 BR	87	87
1 BR + Den	14	28
2 BR	90	180
2 BR + Den	12	36
3 BR	17	51
Sub-Total	**253**	**415**
Guest	10%	42
TOTAL		**457**

The proposed project provides a total of 457 with 411 of the spaces provided within the parking garages and 46 spaces provided within a surface lot to the east of the main entrance.

The second area of requested flexibility is for building height. The Applicant is requesting a maximum height of 77 feet which exceeds the maximum height in the R-4, District. The increased height is necessitated by the significant site topography which does not allow the footprint of the building to expand above what is provided. Therefore, the only option is to build higher or a significant number of units would be lost. The graphic below shows the plus or minus 30 feet of grade change on this site.



Staff further identifies the flexibility is warranted as the existing GW, Gateway District zoning does not have a maximum height and if not rezoned a taller office or commercial structure could be permitted.

General standards for PUD approval.

The City may approve the PUD development only if it finds that the development satisfies all of the following standards, found in City Code Sec. 24-206. The PUD is implemented through a Conditional Use Permit (CUP); findings for the CUP are provided in the draft resolution.

(1) The proposed PUD is in conformance with any adopted master plan for the project area.

The proposed PUD is not a part of a master plan area.

(2) The PUD is designed to form a desirable and unified environment within its own boundaries.

As a condition of approval all building materials within the PUD shall be of a similar design and color. The proposed plan includes a number of trails and sidewalks which provide pedestrian opportunities to the existing commercial center.

(3) The development plan provides for the creation, preservation or restoration of natural resources such as native vegetation, valuable habitat, lakes, streams, wetlands, shorelands, flood plains, woodlands, steep slopes and similar areas.

Through park dedication, the Developer is preserving the existing oak woodlands to the north of the site. The majority of the existing vegetation along Hudson Road will also remain.

(4) The PUD is consistent with the planned and efficient provision of public improvements and would not burden the existing tax base by increasing development in areas without adequate infrastructure or public facilities.

A detailed traffic study was completed as part of this project which identified adequate public facilities are available to serve the site.

(5) The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.

The proposed multi-family use will not have an undue or adverse impact on the surrounding properties. The site design minimized tree removal adjacent to Hudson Road and the project proposes to construct trail segments that are currently gaps within the City system.

(6) The tract under consideration is under single ownership or control.

The property is under one control.

(7) *Single-family detached units or clustering of housing units may be allowed as a PUD in areas providing urban services, or in the R-2 Estate District, providing parks and open space are an integral part of the plan.*

The project will dedicate 3.32 acres of open space to the City and will construct sidewalks and trails to provide access to existing open space.

(8) *Each phase of the development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.*

The project will be constructed in one phase.

(9) *Common elements proposed as part of the PUD are appropriate for the scale, location, shape, size, density and topography of the development and must be suitably improved for the intended use(s) except that significant natural features may be preserved or restored.*

The proposed building is an appropriate scale to the rest of the City Place development. Many architectural and landscaping themes will be carried over into this project.

The existing oak woodlands to the north of the building are preserved as part of this application.

(10) *The project area is at least ten acres in size unless the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the city.*

The site is over 10 acres in size.

Conditional Use Permit - A Conditional Use Permit shall be required for all Planned Unit Developments. City Code Sec. 24-43 outlines the guidelines for granting a Conditional Use Permit. Please reference the attached draft resolution for the required findings of fact.

Preliminary Plat - The proposed Preliminary Plat creates multiple lots and outlots as identified in the chart below.

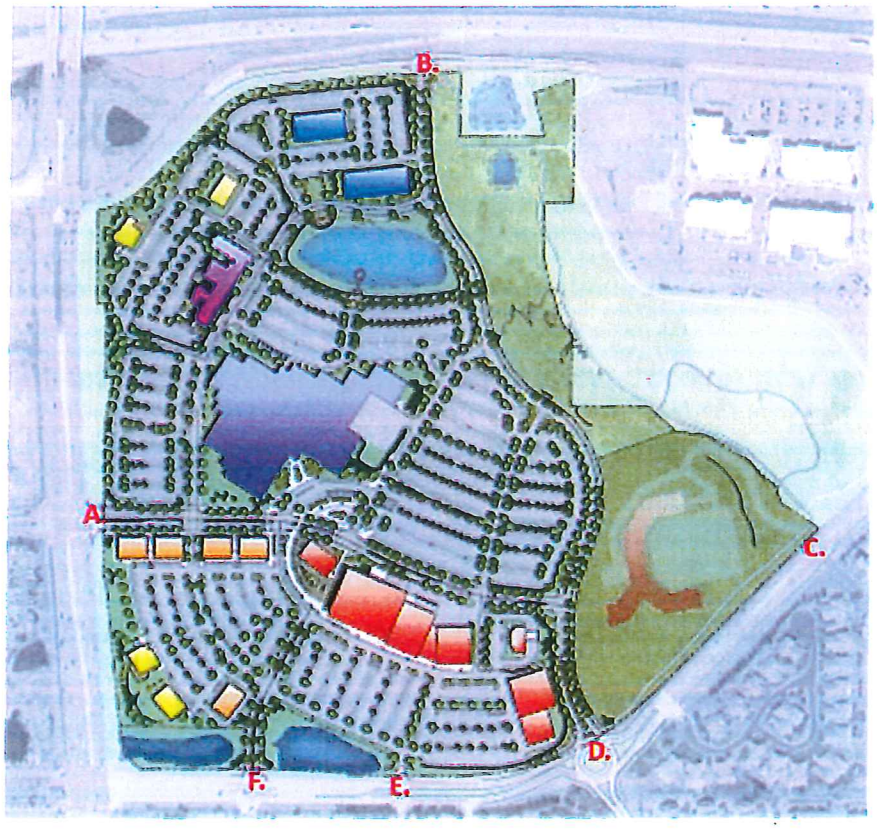
Lot	Size	Proposed Use
Lot 1	9.41 Acres	Multi-Family
Outlot A	1.62 Acres	Ponding
Outlot B	3.32 Acres	Park Dedication

To satisfy the park dedication requirements for the project, the Applicant is proposing to deed the area to the north of the multi-family building to the City for tree preservation. This area includes dozens of oaks trees which will be preserved with this dedication.

Site Access - The site will be accessed by three (3) main access points from the existing roadway network. A detailed traffic study was completed both during the development of City Place and as part of this application. The traffic study done concurrently with the review of this application

identified the existing roadway infrastructure was designed appropriately to handle the additional trips generated by this development. The study further concluded the proposed apartment development indicated a net positive impact to the balance of the roundabout at Spring Hill Drive and Hudson Road by adding vehicle trips to the Spring Hill Drive approaches. A balanced roundabout often results in lower approach and traveling speeds at and through the roundabout.

It is important to note the graphic below identifies Access Point C. This access point was requested to be removed by the neighborhood to the south as part of the neighborhood meeting process for the original City Place PUD.



The initial design of this multi-family project included an access point onto Hudson Road at Access Point C. Staff and the Applicant re-evaluated the site design in an attempt to accomplish the neighborhood request and were successful in creating a site plan that provides access only along Spring Hill Drive with no additional access onto Hudson Road. This plan revision was well received at the neighborhood meetings for this project.

Architecture – The conditions of approval for the PUD require that all buildings within the PUD shall be constructed of complementary materials with the proposed elevation meeting this requirement with the use of brick and stone that are consistent with City Place. The exterior facades exceed the architectural ordinance requirement of 65 percent Class I material.

The massing for the proposed building is comprised of three legs connected to each other by sky bridges and revolving around a large central outdoor courtyard space. Generally, the building massing steps down in scale from west to east in response to the sloping grade. Therefore, the building will appear tallest at the elevation along the street facing the existing City Place development.

STREET LEVEL VIEW FROM SPRING HILL LOOKING NORTH

STREET LEVEL VIEW OF SPRING HILL DROP-OFF & ENTRY

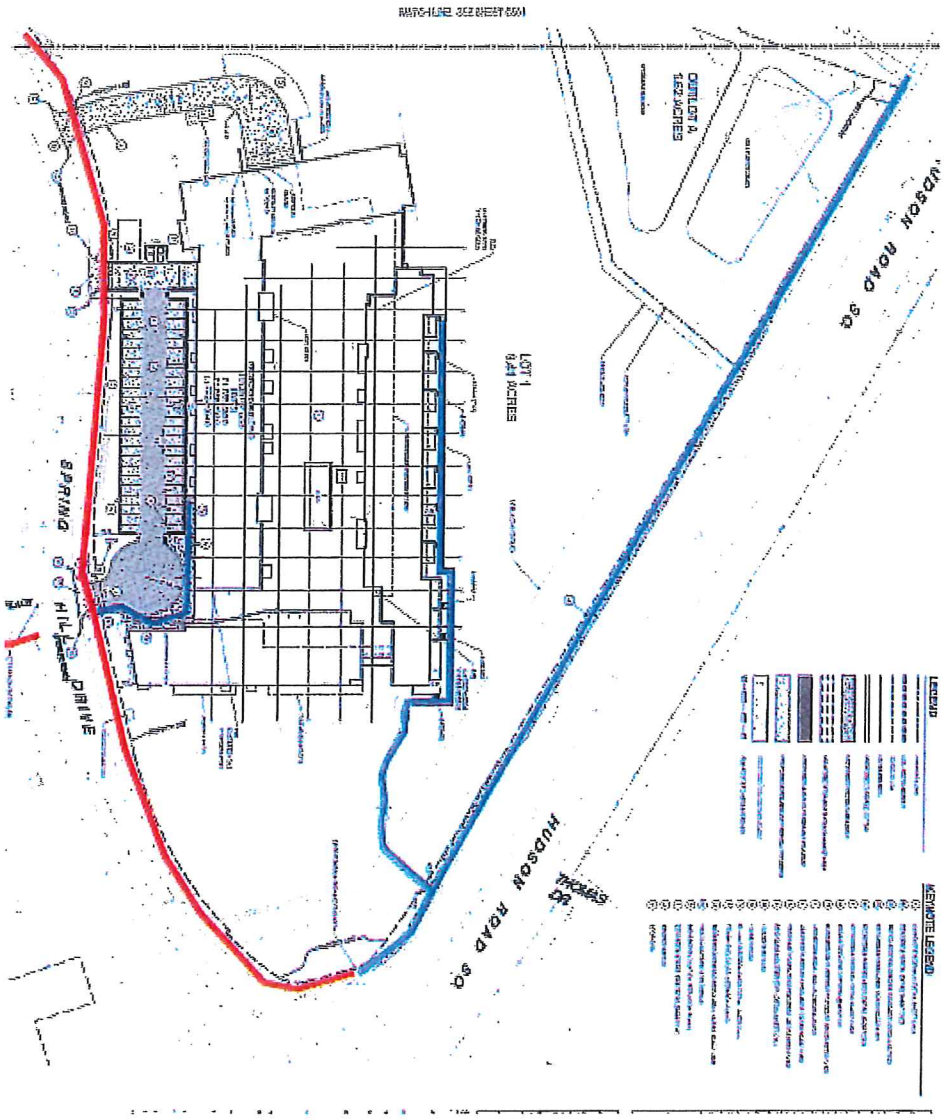
VIEW FROM CITYPLACE BLVD. LOOKING EAST

VIEW FROM HUDSON ROAD LOOKING NORTHWEST

Site Amenities - The interior of the building will include a lobby, fitness center, yoga studio, club room, a private event room, and a dog washing station. Outside the central courtyard is one of the defining design elements for the project. The space is programmed with several amenities for the future residents including a resort style pool with terrace, multiple grill stations, lounge areas, fire pit and extensive landscaping which is designed to create a unique and attractive environment for recreation, relaxation and social activity.

Exterior Lighting – All lighting within the PUD shall be uniform and shall be reviewed and approved as part of each Site and Building Plan approval. No illuminated signage shall be permitted on the south or east elevations.

Pedestrian Access - The graphic below identifies the proposed pedestrian infrastructure for the project. The red identifies the existing infrastructure that was previously built with the blue lines identifying the additional proposed trails and sidewalks. The proposed system ties into the existing pedestrian network of City Place which will provide the future residents high quality pedestrian or bicycle access to places to work, shop and eat.



Stormwater Management – The City Code requires stormwater management be provided to meet water quantity, infiltration, and water quality requirements. The application identifies the construction of two basins to meet the requirements.

Neighborhood Meeting – The first neighborhood meeting was held on August 13, 2018 with 19 residents in attendance. Questions were raised regarding traffic along Hudson Road and if the existing screening along Hudson Road could be better preserved to soften the visual presence of the proposed building.

The plans submitted for neighborhood review included a trail along Hudson Road that was setback from the curb line of Hudson Road. To provide this design, it was necessary to grade into the existing slope and tree line which eliminate some of the existing trees. Staff committed to reviewing design options and to hold a second meeting to answer the technical traffic questions.

A follow-up meeting was held on September 11, 2018 with nine residents in attendance. Staff showed the modified pedestrian plan which shifted the trail to a sidewalk and placed it along the back of the curb in certain areas which eliminated the need to impact the existing slope and allowed for the preservation of the existing trees. Staff further provided the following information regarding the traffic questions:

1. What are the number of vehicle trips expected with the apartment complex development?
    a. Based on trip generation estimates, it is anticipate the site to generate approximately 1,100 average daily trips.

2. What is the current traffic volume on Hudson Road near Spring Hill Drive?
    a. 10,600 vehicles per day

3. Why is there a 45 miles per hour sign posted east of Radio Drive, then as you approach the roundabout there are 15 miles per hour signs?
    a. The segment of Hudson Road east of Radio Drive has an established speed limit of 45 miles per hour by the Department of Transportation, based on State Statutes for speed limits. The roundabout approaches include an advanced warning sign that informs drivers there is a roundabout ahead and includes an advisory speed limit sign of 15 miles per hour. Advisory speed limit signs have black text and a yellow background, they are not enforceable speed limits, but they serve to advise drivers of recommended speeds due to conditions on the roadway (such as a roundabout) where slower speeds are more appropriate than the posted speed limit. These are often posted based on roadway design criteria.

4. How can the speed limit be reduced on Hudson Road?
    a. A speed study must be requested by the City to the Department of Transportation. Speed limits are set based on a traffic study and largely relate to the 85th percentile speed collected on the roadway segment. If speeds are higher than the speed limit, the speed limit would likely be raised. Hudson Road is an arterial roadway which provides mobility on the roadway network with higher traffic volumes and speeds. Arterial roadways and the mobility they provide play an important role in the function of our transportation network as they keep traffic volumes and speeds lower on residential roadways. While we often desire lower

speeds on roadways, studies have shown that drivers will travel at the speed they feel comfortable on a roadway. Arbitrarily changing the speed limits will generally have little effect on the actual 85th percentile speed of the vehicles on the roadway.

5. What is the capacity of the roundabout?
   a. The Hudson Road/Spring Hill Drive roundabout can handle approximately 30,000-45,000 vehicles per day depending on the balance of the vehicles approaching the roundabout from each intersection leg. The roundabout at Hudson/Spring Hill is currently operating at approximately 50 percent of the capacity. The traffic study conducted for the proposed apartment development indicated a net positive impact to the balance of the roundabout by adding vehicle trips to the Spring Hill Drive approaches. A balanced roundabout often results in lower approach and traveling speeds at and through the roundabout.

RECOMMENDATION

Staff recommends approval of the Comprehensive Plan Amendment, Rezoning, Amended Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan, Project No. 04-2018-00307, Preserve at City Place, subject to the following conditions:

1. The Applicant shall obtain Metropolitan Council approval for the Comprehensive Plan Amendment prior to the issuance of a land disturbance permit.
2. The Amended PUD and CUP approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted.
3. All conditions of the existing City Place PUD shall remain in full force and effect.
4. No illuminated signage shall be permitted on the south or east elevations.
5. Prior to the issuance of a Building Permit, the Applicant shall submit a revised project name to be approved by the Planning staff. There is an existing Preserve project within the community.
6. Within six (6) months of the Certificate of Occupancy, if directed by the Planning staff the Applicant shall provide and install a maximum of 12 additional six (6) foot evergreen trees. These plantings shall be utilized to screen site lighting, close screening gaps, parking areas, and the like.
7. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Department prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City.
8. Prior to the release of the Final Plat for recording, the Applicant shall enter into a Development Agreement.
9. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All proposed materials shall be approved by the Planning staff.
10. Prior to the application of the building material, the Applicant shall construct sample material mock-ups on site for all of the buildings.

11. Prior to the issuance of a building permit, a landscape financial security shall be submitted.
12. The property owners shall complete snow removal, maintenance and replacement of all proposed sidewalks and trails unless a written agreement between the City and owner establishes a different requirement.
13. A maximum of 253 residential units shall be permitted.
14. Prior to the release of the Final Plat, the Developer shall create a separate lot that includes the tree protection area. Said area shall be deeded to the City to satisfy the park dedication requirements for the project.
15. Prior to the issuance of a building permit, elevations shall be submitted providing a minimum of 65 percent Class I materials on all external elevations.
16. All external drive aisles shall have a minimum width of 25 feet. All interior drive aisles shall have a minimum width of 24 feet.
17. All building and site lighting shall be of a consistent style and color throughout the Planned Unit Development. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
18. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
19. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with materials that match materials and colors used on the building.
20. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
21. No exterior storage shall be permitted.
22. The Preliminary Plat approval shall expire six months from the date of the City Council approval unless a Final Plat has been requested or a time extension granted by the City Council.
23. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
24. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
25. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site storm sewer and reuse, sanitary sewer, water main and roadway systems components to the City for review and approval. The Developer will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
26. The Applicant shall be financially responsible for all applicable water, sanitary sewer and storm sewer area and connection charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.

27. The Developer shall be responsible for protecting the proposed on-site storm sewer infiltration basins and components and adjacent storm sewer facilities from exposure to stormwater runoff, sediment and debris during construction activities. Temporary stormwater facilities may be necessary to protect the aforementioned improvements during all construction activities. Construction and maintenance of any temporary stormwater facilities shall be the responsibility of the Applicant.
28. The Applicant shall be responsible for obtaining any necessary right-of-way permits from the City's Engineering Division prior to commencement of any site activities. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies, such as, MPCA, South Washington Watershed District, Washington County, etc. prior to commencing any site activities.
29. The Applicant shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance and must obtain a land disturbance permit along with any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance. The Applicant will also be responsible for obtaining any other permits necessary from other applicable agencies such as the Minnesota Pollution Control Agency NPDES Permit for construction activities.
30. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
31. Final grading, drainage and erosion control phasing plans must be submitted for review and approval prior to issuance of a land disturbance permit. All site activities shall adhere to the City's Land Disturbance and Erosion and Sediment Control Ordinance, other City ordinances, NPDES permit requirements, MPCA requirements, and South Washington Watershed District requirements prior to commencing any site activities.
32. Emergency overflows (EOF) shall be shown for all catch basins, ponds, basins, rain gardens, swales, etc. proposed with the project. All emergency overflows shall be a minimum of 1.5 feet lower than the lowest ground elevation of adjacent buildings.
33. All public utility improvements and connections to the public systems shall be designed by the City in accordance with all City standard specifications, standard detail plates and standard plans. Easements necessary to accommodate public utility improvements will be determined by the final design and shall be shown on the Final Plat. Responsibility for construction of public utility improvements will be determined at the time of Final Plat approval.
34. All rights-of-way, easements and outlots shall be kept free of plantings, retaining walls, signage, etc. that would affect their intended purpose.
35. A right-of-way permit shall be required for work performed within the City or County right-of-way.
36. The Applicant shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.
37. The Developer shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead

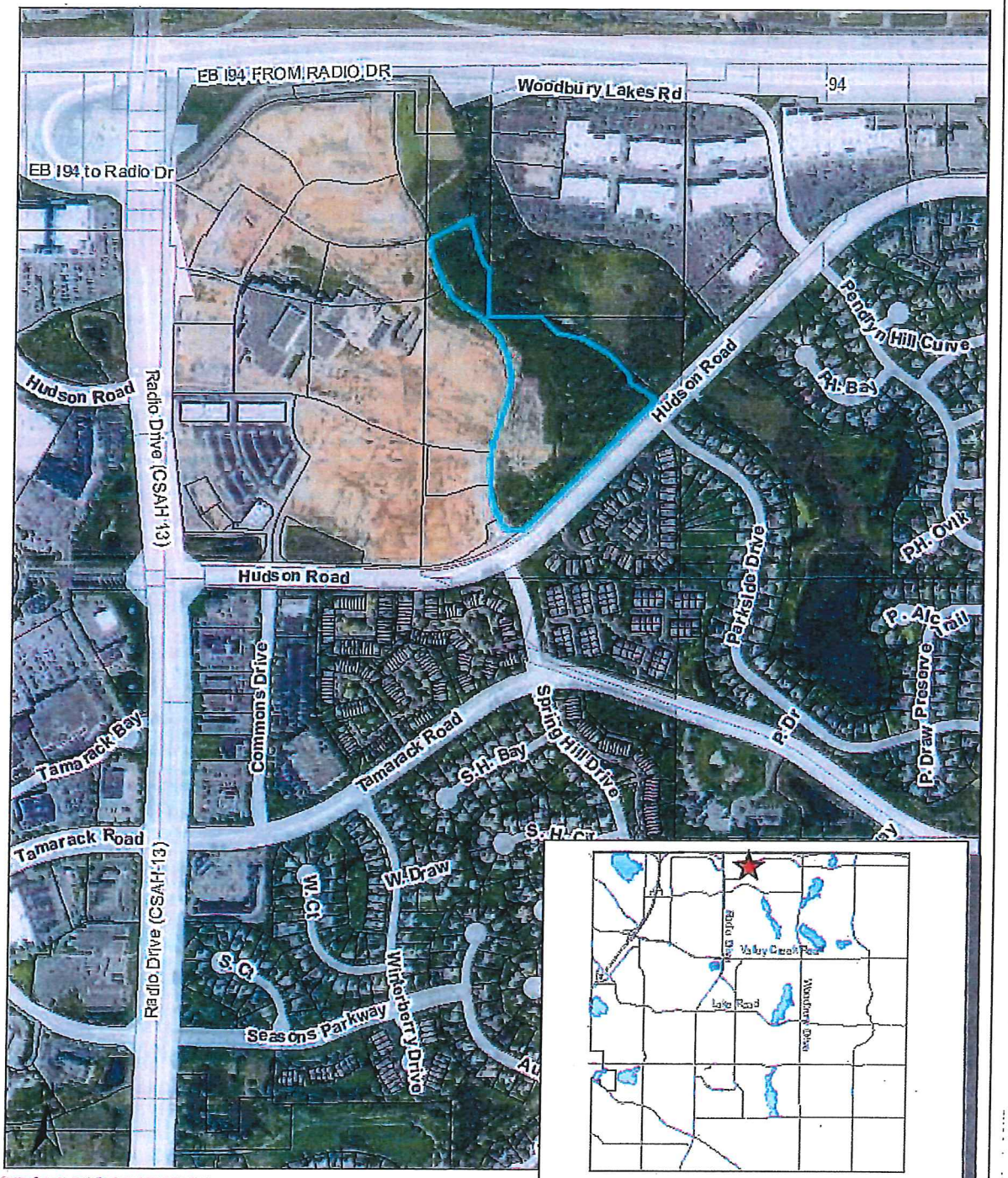
electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.

38. Street lights shall be required to be installed by the Developer at their intersection along Spring Hill Drive.
39. The location of landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.
40. The irrigation system shall be designed to meet the following design requirements:

- System must be designed by a certified irrigation contractor.
- The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
- Private irrigation wells as a back-up irrigation source are not permitted.
- Irrigation heads shall be placed a minimum six (6") inches from back of curb, trail, sidewalk, or other hard surface.
- EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
- MP rotator heads or equivalent shall be used throughout.

ATTACHMENTS
1. Location Map
2. Rezoning Ordinance
3. Resolution
4. Conditional Use Permit
5. 11 x 17s

Location Map



CITY OF WOODBURY, MINNESOTA
Office of City Administrator

Supplemental Council Letter No. 18-272

October 10, 2018

TO: The Honorable Mayor and Members of the City Council

FROM: Clinton P. Gridley, City Administrator

SUBJECT: **PUBLIC HEARING**
Preserve at City Place
Comprehensive Plan Amendment/Rezoning/Amended Planned Unit Development/Conditional Use Permit/Preliminary Plat/Site and Building Plan
Project No. 04-2018-00307

SUMMARY

Commercial Investment Properties has submitted an application for a Comprehensive Plan Amendment, Rezoning, Amended Planned Unit Development, Conditional Use Permit, Preliminary Plat, and Site and Building Plan to the Preserve at City Place development. The applicant is requesting approval of a new 253 market-rate unit apartment complex. The property is located at the northeast corner of Hudson Road and Spring Hill Drive. The property is zoned Gateway District and is guided as Places to Work on the Land Use Plan.

RECOMMENDATION

~~The Planning Commission will review this application at their October 8, 2018 meeting. Findings of the meeting and recommended conditions of approval will be provided via a supplemental Council Letter.~~

The Planning Commission reviewed this application at their October 8, 2018 meeting. At that time they recommended approval of the Comprehensive Plan Amendment/Rezoning/Amended Planned Unit Development/Conditional Use Permit/Preliminary Plat/Site and Building Plan, Project No. 04-2018-00307 proposal by a 6-0 vote. Staff concurs with the Planning Commission recommendation and recommends Council:

1. Adopt a motion approving the Comprehensive Plan Amendment from Places to Work to High Density Residential; and
2. Adopt the attached Ordinance rezoning certain property from GW- Gateway District to R-4, Urban Residential District; and
3. Approve the Conditional Use Permit via the attached resolution adopting findings of fact; and
4. Adopt a motion approving the Preserve at City Place Amended Planned Unit Development, Preliminary Plat and Site and Building Plan, Project No. 04-2018-00307, all subject to the following conditions:

1. The Applicant shall obtain Metropolitan Council approval for the Comprehensive Plan Amendment prior to the issuance of a land disturbance permit.
2. The Amended PUD and CUP approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted.
3. All conditions of the existing City Place PUD shall remain in full force and effect.
4. No illuminated signage shall be permitted on the south or east elevations.
5. Prior to the issuance of a Building Permit, the Applicant shall submit a revised project name to be approved by the Planning staff. There is an existing Preserve project within the community.
6. Within six (6) months of the Certificate of Occupancy, if directed by the Planning staff the Applicant shall provide and install a maximum of 12 additional six (6) foot evergreen trees. These plantings shall be utilized to screen site lighting, close screening gaps, parking areas, and the like.
7. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Department prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City.
8. Prior to the release of the Final Plat for recording, the Applicant shall enter into a Development Agreement.
9. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All proposed materials shall be approved by the Planning staff.
10. Prior to the application of the building material, the Applicant shall construct sample material mock-ups on site for all of the buildings.
11. Prior to the issuance of a building permit, a landscape financial security shall be submitted.
12. The property owners shall complete snow removal, maintenance and replacement of all proposed sidewalks and trails unless a written agreement between the City and owner establishes a different requirement.
13. A maximum of 253 residential units shall be permitted.
14. Prior to the release of the Final Plat, the Developer shall create a separate lot that includes the tree protection area. Said area shall be deeded to the City to satisfy the park dedication requirements for the project.
15. Prior to the issuance of a building permit, elevations shall be submitted providing a minimum of 65 percent Class I materials on all external elevations.
16. All external drive aisles shall have a minimum width of 25 feet. All interior drive aisles shall have a minimum width of 24 feet.
17. All building and site lighting shall be of a consistent style and color throughout the Planned Unit Development. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
18. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
19. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with materials that match materials and colors used on the building.

20. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
21. No exterior storage shall be permitted.
22. The Preliminary Plat approval shall expire six months from the date of the City Council approval unless a Final Plat has been requested or a time extension granted by the City Council.
23. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
24. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
25. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site storm sewer and reuse, sanitary sewer, water main and roadway systems components to the City for review and approval. The Developer will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
26. The Applicant shall be financially responsible for all applicable water, sanitary sewer and storm sewer area and connection charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.
27. The Developer shall be responsible for protecting the proposed on-site storm sewer infiltration basins and components and adjacent storm sewer facilities from exposure to stormwater runoff, sediment and debris during construction activities. Temporary stormwater facilities may be necessary to protect the aforementioned improvements during all construction activities. Construction and maintenance of any temporary stormwater facilities shall be the responsibility of the Applicant.
28. The Applicant shall be responsible for obtaining any necessary right-of-way permits from the City's Engineering Division prior to commencement of any site activities. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies, such as, MPCA, South Washington Watershed District, Washington County, etc. prior to commencing any site activities.
29. The Applicant shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance and must obtain a land disturbance permit along with any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance. The Applicant will also be responsible for obtaining any other permits necessary from other applicable agencies such as the Minnesota Pollution Control Agency NPDES Permit for construction activities.
30. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
31. Final grading, drainage and erosion control phasing plans must be submitted for review and approval prior to issuance of a land disturbance permit. All site activities shall adhere to the City's Land Disturbance and Erosion and Sediment Control Ordinance, other City ordinances, NPDES permit requirements, MPCA requirements, and South Washington Watershed District requirements prior to commencing any site activities.
32. Emergency overflows (EOF) shall be shown for all catch basins, ponds, basins, rain gardens, swales, etc. proposed with the project. All emergency overflows shall be a minimum of 1.5 feet lower than the lowest ground elevation of adjacent buildings.

33. All public utility improvements and connections to the public systems shall be designed by the City in accordance with all City standard specifications, standard detail plates and standard plans. Easements necessary to accommodate public utility improvements will be determined by the final design and shall be shown on the Final Plat. Responsibility for construction of public utility improvements will be determined at the time of Final Plat approval.
34. All rights-of-way, easements and outlots shall be kept free of plantings, retaining walls, signage, etc. that would affect their intended purpose.
35. A right-of-way permit shall be required for work performed within the City or County right-of-way.
36. The Applicant shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.
37. The Developer shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.
38. Street lights shall be required to be installed by the Developer at their intersection along Spring Hill Drive.
39. The location of landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.
40. The irrigation system shall be designed to meet the following design requirements:

- System must be designed by a certified irrigation contractor.
- The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
- Private irrigation wells as a back-up irrigation source are not permitted.
- Irrigation heads shall be placed a minimum six (6") inches from back of curb, trail, sidewalk, or other hard surface.
- EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
- MP rotator heads or equivalent shall be used throughout.

Written By:	Eric Searles, City Planner
Approved Through:	Dwight W. Picha, Community Development Director
Attachments:	1. Rezoning Ordinance
	2. Resolution
	3. ~~Amended~~ Conditional Use Permit
	4. Planning Commission Staff Report – 10-08-18
	5. 11 x 17 Plans

RESOLUTION NO. 18-172

RESOLUTION OF THE CITY OF WOODBURY, WASHINGTON COUNTY, MINNESOTA

ADOPTING FINDINGS FOR FACT FOR THE
Preserve at City Place
Project No. 04-2018-00307

WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning and Zoning Commission, the city staff, and other applicable advisory commissions or other governmental agencies; and

WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the effect of the proposed use on the Comprehensive Plan; and

WHEREAS, in granting a Conditional Use Permit, the City Council shall consider the effect of the proposed use on the health, safety, and general welfare of occupants of surrounding lands; and

WHEREAS, the Planning Commission reviewed the request for a Conditional Use Permit at their October 8, 2018 meeting. At that time they recommended approval by a 6-0 vote. Staff concurs and recommends the City Council grant a Conditional Use Permit for Preserve at City Place; and

WHEREAS, Section 24-43 of the Woodbury City Code identifies the findings necessary to grant approval of a Conditional Use Permit; and

WHEREAS, the City Council affirms the following findings of fact for the Conditional Use Permit for Preserve at City Place:

1. *Consistency with the comprehensive plan. The proposed plan shall be consistent with the comprehensive plan.*

   The proposed project requests a Comprehensive Plan Amendment to High Density Residential. Contingent upon approval of the Comprehensive Plan Amendment request, the project is consistent with the 15 units per acre maximum density within the High Density category. The project further meets the goals of the Comprehensive Plan by providing a project that is integrated with the adjacent development.

2. *Health and safety. The proposed use shall not negatively impact the health, safety, and general welfare of occupants of surrounding lands.*

   The proposed use does not pose a significant detrimental risk to the health, safety, and general welfare of occupants of surrounding lands.

3. *Public infrastructure facilities. Adequate public facilities and services shall be able to be provided to the site where the use is proposed, and/or existing infrastructure shall be able to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.*

   Adequate public services are provided to the property and the anticipated demand on public services from site development was anticipated in the design of all public systems that serve the property.

4. *Screening and landscaping. Incompatible impacts of the proposed use shall be screened and buffered from adjacent property and the surrounding neighborhood. The city council may require additional landscaping above those required in the zoning ordinance.*

   The proposed use is compatible with the surrounding uses. The existing vegetation along Hudson Road will be preserved to the extent possible.

5. *Architectural standards. The site or building associated with the proposed use meets or exceeds the architectural design and landscaping standards for the district in which it is located. The city council may require additional architectural standards above those required in the zoning ordinance.*

   The proposed building elevations exceed the architectural ordinance and meet all required landscaping standards.

6. *Zoning. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.*

   The application is requesting rezoning to R-4, Urban Residential. Contingent upon that approval, the purpose of the R-4 district is to provide urban development areas including high density product in conformance with the density identified within the Comprehensive Plan. The proposed use provides less than 15 units per acre which is identified as the maximum density within the Comprehensive Plan for High Density land uses.

7. *Traffic. The generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety associated with driveway locations, existing and proposed capacity on adjacent roads, sidewalks and trail connections can be adequately mitigated.*

   A detailed traffic study was conducted which identified adequate infrastructure was present to accommodate the additional trips generated by this use. The site plan proposes to add sidewalks and trails to close gaps within the existing City system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodbury, Washington County, Minnesota to approve the Conditional Use Permit, Project No. 04-2018-00307, Preserve at City Place, subject to the following conditions:

1. The Applicant shall obtain Metropolitan Council approval for the Comprehensive Plan Amendment prior to the issuance of a land disturbance permit.
2. The Amended PUD and CUP approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted.
3. All conditions of the existing City Place PUD shall remain in full force and effect.
4. No illuminated signage shall be permitted on the south or east elevations.
5. Prior to the issuance of a Building Permit, the Applicant shall submit a revised project name to be approved by the Planning staff. There is an existing Preserve project within the community.
6. Within six (6) months of the Certificate of Occupancy, if directed by the Planning staff the Applicant shall provide and install a maximum of 12 additional six (6) foot evergreen trees. These plantings shall be utilized to screen site lighting, close screening gaps, parking areas, and the like.
7. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Department prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City.
8. Prior to the release of the Final Plat for recording, the Applicant shall enter into a Development Agreement.
9. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All proposed materials shall be approved by the Planning staff.
10. Prior to the application of the building material, the Applicant shall construct sample material mock-ups on site for all of the buildings.
11. Prior to the issuance of a building permit, a landscape financial security shall be submitted.
12. The property owners shall complete snow removal, maintenance and replacement of all proposed sidewalks and trails unless a written agreement between the City and owner establishes a different requirement.
13. A maximum of 253 residential units shall be permitted.
14. Prior to the release of the Final Plat, the Developer shall create a separate lot that includes the tree protection area. Said area shall be deeded to the City to satisfy the park dedication requirements for the project.
15. Prior to the issuance of a building permit, elevations shall be submitted providing a minimum of 65 percent Class I materials on all external elevations.
16. All external drive aisles shall have a minimum width of 25 feet. All interior drive aisles shall have a minimum width of 24 feet.
17. All building and site lighting shall be of a consistent style and color throughout the Planned Unit Development. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
18. All areas of the site, where practical, shall be sodded or seeded and maintained. The

property owner shall mow and maintain all site boulevards to the curb line of the public streets.

19. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with materials that match materials and colors used on the building.
20. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
21. No exterior storage shall be permitted.
22. The Preliminary Plat approval shall expire six months from the date of the City Council approval unless a Final Plat has been requested or a time extension granted by the City Council.
23. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
24. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
25. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site storm sewer and reuse, sanitary sewer, water main and roadway systems components to the City for review and approval. The Developer will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
26. The Applicant shall be financially responsible for all applicable water, sanitary sewer and storm sewer area and connection charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.
27. The Developer shall be responsible for protecting the proposed on-site storm sewer infiltration basins and components and adjacent storm sewer facilities from exposure to stormwater runoff, sediment and debris during construction activities. Temporary stormwater facilities may be necessary to protect the aforementioned improvements during all construction activities. Construction and maintenance of any temporary stormwater facilities shall be the responsibility of the Applicant.
28. The Applicant shall be responsible for obtaining any necessary right-of-way permits from the City's Engineering Division prior to commencement of any site activities. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies, such as, MPCA, South Washington Watershed District, Washington County, etc. prior to commencing any site activities.
29. The Applicant shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance and must obtain a land disturbance permit along with any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance. The Applicant will also be responsible for obtaining any other permits necessary from other applicable agencies such as the Minnesota Pollution Control Agency NPDES Permit for construction activities.
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ordinances, NPDES permit requirements, MPCA requirements, and South Washington Watershed District requirements prior to commencing any site activities.

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33. All public utility improvements and connections to the public systems shall be designed by the City in accordance with all City standard specifications, standard detail plates and standard plans. Easements necessary to accommodate public utility improvements will be determined by the final design and shall be shown on the Final Plat. Responsibility for construction of public utility improvements will be determined at the time of Final Plat approval.
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39. The location of landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.
40. The irrigation system shall be designed to meet the following design requirements:

    - System must be designed by a certified irrigation contractor.
    - The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
    - Private irrigation wells as a back-up irrigation source are not permitted.
    - Irrigation heads shall be placed a minimum six (6") inches from back of curb, trail, sidewalk, or other hard surface.
    - EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
    - MP rotator heads or equivalent shall be used throughout.

This Resolution was declared duly passed and adopted and was signed by the Mayor and attested to by the City Administrator this 10th day of October, 2018.

Mary Giuliani Stephens, Mayor

Attest:

Clinton P. Gridley, City Administrator

(SEAL)

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

Planning Commission Memo

Meeting: December 3, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: November 26, 2018

Re: Afton Creek Preserve Application for Final Plat for a Preservation and Land Conservation Development (PLCD) Subdivision to create 18 lots on 219 acres of land at 14220 60th Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813).

Attached are the approved Preliminary Plat, the Final Development Plan and the Final Plat for the Afton Creek Preserve Preservation and Land Conservation Development (PLCD) Subdivision to create 18 lots on 219 acres of land. The purpose of the final plat process is to ensure the final plat correctly reflects the preliminary plat, with any revisions required by the Council, and to demonstrate that the developer has satisfactorily addressed the conditions of preliminary plat approval. The final plat becomes the basis for recording all property lines and easements in the plat.

Planning Commission Review

The PLCD ordinance provides that the Final Development Plan and Final Plat are to be reviewed by the Planning Commission. This is not a new review, but rather, as indicated above, is focused on ensuring the final plat correctly reflects the preliminary plat and that the developer has satisfactorily addressed the conditions of approval.

Plans Attached

- Approved Preliminary Plat
- Final Development Plan (approved Preliminary Plat with revisions to reflect the conditions of approval of the Preliminary Plat)
- Final Plat

Other Attachments

- Final Plat Application Narrative from Developer
- City Engineer Report
- Draft Development Agreement
- Draft Conservation Easement
- Certificate of Survey for the Transfer of Ownership of the Farm Access Road

- Certificate of Survey for the Transfer of land to the Turner/Rohde Horse Farm

Items of Review

- Does the final plat correctly reflect the preliminary plat?
- Has the developer satisfactorily addressed the conditions of preliminary plat approval?
- Has the Minnesota Land Trust prepared a Conservation Easement to be placed on the two open space outlots?
- Has a development agreement that meets the City's requirements been prepared?
- Do grading and drainage plans meet the City's design requirements?
- Does the proposed street that provides access to the subdivision meet the required standards?

Final Plat Conformance with Approved Preliminary Plat.

The Final Plat and Final Development Plan have been reviewed by the City's Planning Consultant and the City Engineer. They have determined that the Final Plat correctly reflects the approved Preliminary Plat, and the Final Plat and/or the Final Development Plan reflect revisions to the Preliminary Plat that were required as conditions of the Preliminary Plat approval. These revisions are as follows:

1. The side lot lines of Lot 2, Block 3 have been redrawn substantially at right angles to straight street lines and radial to curved street lines.
2. The two open space parcels have been designated as outlots.
3. The Final Development Plan shows septic sites conforming to Afton's ordinance requirements
4. The walking paths are shown on the Final Development Plan
5. Reference to a lot 20 has been removed from the Final Plat
6. Lots 1,2,3,4 Block 2 and Lot 13 Block 2 and Lots 1,2,3,4 Block 3 have a 100 foot setback vs. the required 50 foot setback (shown on the Final Development Plan)
7. Required easements for drainage and utilities are shown on the Final Plat

Addressing the Conditions of Preliminary Plat Approval

The developer has provided a narrative that addresses the conditions of the preliminary plat approval. The developer has satisfactorily addressed the conditions of Preliminary Plat approval as follows:

1. Revisions to Preliminary Plat (see Final Plat Conformance with Approved Preliminary Plat above.)
2. The public right-of-way easement for access to Odell Avenue through the parcel at 5550 Odell Avenue has been recorded
3. The Landscape plan has been revised to provide the required tree plantings on Lot 8 Block 2.
4. Required retesting of septic sites has been completed and all sites have suitable soils.
5. The survey work has been prepared for the transfer of ownership of the farm access road
6. The survey work has been prepared for the transfer of excess land to the Turner/Rohde Horse Farm.
7. The Minnesota Land Trust (MLT) has drafted a conservation easement to be placed on the open space outlot parcels. The City Attorney has reviewed the conservation easement and has indicated the easement is satisfactory to meet the goal of preserving and protecting the open space outlots. The developer has agreed to the terms of the conservation easement. The conservation easement is subject to approval by the City Council.
8. Condition No. 25 of the Preliminary Plat approval requires the Final Plat to contain as-built house locations and residential site grading plans, The Final Development Plan shows conforming house locations for each lot. It is not possible to provide as-built house locations prior to the houses being built. In addition, the Final Plat is not allowed to include proposed house locations.
9. Conditions related to the Declaration of Covenants of the Homeowners Association

The City Attorney has reviewed the Declaration of Covenants and the conditions of Preliminary Plat approval that relate to and/or require revisions to the Declaration of Covenants, and has determined the Declaration of Covenants reflects the conditions of approval. The revisions to the Declaration are also listed in the Development Agreement.

10. Park Dedication Requirement. A park dedication fee of $180,000, based on the required 7.5% of the pre-development value of the property and a maximum fee of $10,000 per lot, is included as a requirement in the Development Agreement.

Development Agreement

The City Attorney has drafted a Development Agreement that reflects all related conditions of the Preliminary Plat approval (see attached) and the developer has approved the terms of the agreement, subject to working through a number of technical issues with the City Attorney. The Development Agreement is subject to approval by the City Council.

Conservation Easement

The Minnesota Land Trust has prepared a conservation easement through which it would ensure the conservation values of the open space outlots identified in the agreement are protected in perpetuity (see attached). The conservation easement includes the City as a co--holder of the easement, and is subject to City Council approval.

Grading and Drainage Plans

The City Engineer has reviewed the grading and drainage plans and is recommending approval of the Final Plat subject to three procedural comments and three minor stormwater comments, as outlined in the attached City Engineer's report.

Street Design Plans

The City Engineer has reviewed the street design plans and has indicated the Final Plat submittal meets all street design standards.

Planning Commission Recommendation Requested

Motion regarding the Planning Commission's review regarding whether the Afton Creek Preserve Final Development Plan and Final Plat correctly reflect the preliminary plat, along with the revisions required by the Council, and whether the developer has satisfactorily addressed the conditions of preliminary plat approval.

J . P . B U S H H O M E S

October, 2018
City of Afton Final Plat Application Narrative.

Property: 14220 60th St S Afton MN 55001
Will Carlson-owned 218.6 Acres

Usage: Zoning is Agricultural.
Request to Use Zoning Ordinance Article XII
PRESERVATION AND LAND CONSERVATION
DEVELOPMENTS
Proposer: Will Carlson, Land Owner.
JP Bush Homes, Developer.

FINAL PLAT APPLICATION NARRATIVE
The final plat documents submitted for review and final approval correctly reflect the preliminary plat, with all revisions required by the Council. The documents submitted demonstrate the developer has satisfactorily addressed the conditions of preliminary plat approval. The information submitted includes: The original Approved Preliminary Plat along with a revised "FINAL DEVELOPMENT PLAN" and all supporting documents meeting the conditions of approval of the Preliminary Plat.

Two items submitted need clarification:
A tree planting schedule for screening is shown around the Turner Farm and trees shown on the East Boundary map are for designation of quantities. The actual placement of these East boundary trees will be determined by the neighbors and the developer to ensure the desired screening from the new homes and no access to the old farm access road.

The developer recognizes that the Final Plat mylars cannot include proposed building envelopes. It is not possible to provide as-built house locations prior to the homes being built. The developer has provided a "FINAL DEVELOPMENT PLAN" that shows conforming house locations.

Afton Creek Preserve is a 218-acre site with 50% designated to open space preservation and 50% to homes using the Zoning Ordinance Article XII (PLCD). Minnesota Land Trust has agreed to hold the land in Trust as a Wild Life Native Grass habitat and protection of the Trout Brook waterways and the Saint Croix River and beyond. The Developer has worked with the City through a vigorous process and has received Preliminary Plat approval for the subdivision with 18 homesites on the land.

Please place the Final Plat on the upcoming meetings of the Planning Commission and City Council in December of 2018.

Sincerely
Joe Bush

wsb

Memorandum

To: Ron Moorse, City Administrator

From: Nick Guilliams, City Engineer

Date: December 3, 2018

Re: Afton Creek Preserve Final Plat
Plan Review Comments
WSB Project No. 010641-000

We have reviewed the resubmittal documents provided by Plowe Engineering, Inc. on 10/5/2018 for the Afton Creek Preserve Final Plat Submittal. Based on review of the documents, approval of the final plat is recommended subject to the following conditions:

Procedural Comments:

1. Prior to the start of any construction, permits may need to be obtained from the following agencies:
   a. MPCA Construction General Permit
   b. South Washington Watershed District
   c. City of Afton Stormwater Management Permit

2. Provide a maintenance agreement to ensure that the permanent stormwater basins will be inspected and maintained long term. The agreement at a minimum shall include the following:
   a. Who will conduct maintenance
   b. Inspection frequency
   c. Maintenance necessary to ensure effective performance
   d. Maintenance intervals
   e. Removal of settled materials
   f. Maintenance of vegetation

3. Identify who will own and maintain the retaining walls.

Stormwater Management Comments:

1. Update the plans and HydroCAD models to match.

2. Provide erosion control blanket along Prairie Wind Drive from Station 7 to Station 12 and Station 34 to Station 35 based on profiles shown on sheets C3.1 to C3.4.

3. Rip rap quantities are not to MnDOT standards. For instance, there is a 24" pipe underneath Prairie Wind Drive that calls for 8 C.Y. CL IV rip-rap; however, MnDOT standard plate no. 3133D calls for 12.3 C.Y. CL IV. All locations of rip-rap should be verified and consistent with MnDOT standards.

Street Comments:

No comments. Final plat submittal meets all street design standards.

Please let me know if you have any questions.

178 E 9TH STREET | SUITE 200 | SAINT PAUL, MN | 55101 | 651.286.8450 | WSBENG.COM

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

PRIVATE IMPROVEMENT
DEVELOPER'S AGREEMENT

THIS AGREEMENT made and entered into this _____ day of December, 2018, by and between the

CITY OF AFTON
3033 Saint Croix Trail
PO Box 219
Afton, MN 55001

A Minnesota Statutory City organized under the laws of the State of Minnesota, (the "City"),and

J.P. BUSH HOMES, INC.
1980 Quasar Avenue
Lakeland, MN 55043-5504

A Minnesota Corporation, organized under the laws of the State of Minnesota (the "Developer"), and

Albert W. Carlson
as Trustee of the Trust Agreement of Albert W. Carlson U/T/D February 17, 2010
a Trust organized under the laws of the State of Minnesota, (the "Guarantor")

WITNESSETH, That:

WHEREAS, the Developer has made, by its representative, Joseph P. Bush, an application to the City Council, for approval of a Preservation and Land Conservation Development, as allowed under the City's zoning code and within the corporate limits of the City, on land totaling approximately 218.6 acres owned by Albert W. Carlson and JP Bush homes, and legally described in the official records of Washington County, Minnesota, as follows:

LEGAL DESCRIPTION:

PID # 33.028.20.32.0001

PID # 32.028.20.41.0002

PID # 32.028.20.42.0004

PID # 32.028.20.43.0001

PID # 33.028.20.33.0006 (14220 60th St.)

THE PARCEL WITH PID NUMBER TO BE ASSIGNED (33.028.20.33.000X described in document No. 4142813)

WHEREAS, the City Council granted all necessary preliminary and final approvals to the Preservation and Land Conservation Development proposal, on April 17, 2018, upon the condition that certain changes be made to the proposal in accordance with the recommendations of the City's staff prior to Final Plat approval and on the condition that the Developer enter into this agreement stipulating the conditions for land acquisition, the provision for site access to adjacent, existing roadways, the installation of stormwater treatment, roads, paths and other public improvements within and adjacent to the proposed plat, as well as the development of on-site improvements, including landscaping and environment mitigation, hereinafter described, all in accordance with the terms and conditions hereinafter set forth.

Definitions

Completion of the Development: A point in time when a Certificate of Occupancy has been issued and the driveway installed for all buildable lots within the development, and all open area within or disturbed as part of the development is vegetated as provided in the plans provided by Developer and approved by the City.

Improvements: Shall include all Grading, Landscaping, Septic System site preparation, Storm Sewers and Appurtenances, Trails, Public Access and Street and Roadway improvements as shown by the Plans and Specifications prepared by _____ entitled "Afton Creek Preserve PLCD" dated _____, 2018 and revised thru _____, 2018 as approved by the City of Afton and its Engineer.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

Land Acquisition

This development is predicated upon the purchase in fee by the Developer of all of the above-described parcels

The Developer shall furnish the City with evidence of fee ownership of the property being platted by way of an attorney's title opinion or title insurance commitment dated not earlier than 30 days prior to the execution of the Plat.

The Developer shall, prior to the acceptance of the Final Plat, show ownership of the parcel located at 5550 Odell Avenue and provide a perpetual easement over that parcel that will access the Plat with an acceptable roadway built to urban

standards and designs and approved by the Afton City Engineer. The developer will provide an acceptable method to assure the long term use of that easement including maintenance thereof, for a period of not less than 40 years.

Designation of Improvements

The City agrees that prior to construction of any improvements, it will undertake, with Developer's cooperation as necessary, a determination as to whether Developer has sufficient means to construct the minimum improvements noted below.

Improvements to be installed at Developer's expense by the Developer include (but should not be considered to be limited to): Grading, Landscaping, Storm Sewers and Appurtenances, including Holding Ponds, and Street and Roadway Improvements hereinafter noted and attached hereto.

1. **Developer Improvements.** The Developer shall secure a contractor to install these improvements, hereinafter referred to as the "Developer Improvements," which contractor shall be approved by the City in its discretion, which approval will not be unreasonably witheld. The cost of Developer Improvements is as shown on Exhibit C attached hereto. All Developer Improvements shall require City inspection and approval and, where appropriate, the approval of any other governmental agency having jurisdiction. The Developer shall construct and install at the Developer's expense the following improvements according to the following terms and conditions:

    a. Site Grading

        i. No grading shall commence until all requirements of the South Washington Watershed District (SWWD) have been satisfied.

        ii. All site grading shall be conducted in accordance with the grading plan as approved by the City and in accordance with NPDES and SWWD requirements. The Developer shall perform the work in accordance with a Storm Water Pollution Prevention Plan (SWPPP) pursuant to Minnesota Pollution Control Agency (MPCA) requirements.

    b. Grading and Erosion Control

        i. The Developer shall grade the site to within 0.2 foot of the grades shown on the approved grading plan. No deviations will be allowed unless a revised plan is submitted and approved by the City and all other regulatory agencies.

        ii. The street right-of-way, storm water storage ponds, and surface water drainage ways shall be graded prior to commencement of utility construction.

iii. The Developer shall be responsible for ascertaining that site geotechnical and groundwater conditions are adequate and conforming with the grading and site improvement as proposed.

iv. The Developer's engineer shall certify in writing, with an as-built survey, that all grading complies with the approved grading plan prior to issuance of any building permits.

v. The Developer shall promptly clear dirt and debris within public rights-of-way and drainage and utility easements resulting from construction by the Developer, its purchasers, builders and contractors within five (5) days after notification by the City. The Developer shall be responsible for all necessary street and storm sewer maintenance, including street sweeping, until all home construction is completed, unless otherwise released by the City. Warning signs shall be placed when hazards develop in streets to prevent the public from traveling on them, including detour signs if necessary. If and when the streets become impassable, such streets shall be barricaded and closed. The Developer shall maintain a smooth, hard driving surface and adequate drainage on all temporary streets.

c. Final street grading, subbase, gravel base, and bituminous base course and wear course, and concrete curb and gutter at the 60th Street median, shall be furnished and installed.

d. Sidewalks and paths as required by the City.

e. Storm sewers, when determined to be necessary by the City Engineer, including all necessary laterals, catch basins, inlets and other appurtenances, shall be furnished and installed.

f. The Developer shall place iron monuments at all lot and block corners and at all other angle points on boundary lines. Iron monuments shall be placed after all street and lawn grading has been completed in order to preserve the lot markers for future property owners. Lot corner irons on the back-property line shall be installed so that the top of the iron corresponds to the finished ground elevation in accordance with the approved grading plan. Guard stakes shall be appropriately installed to mark these irons.

g. Landscaping shall be furnished and installed in accordance with the approved plans.

h. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time. Such exposed areas shall be identified on the approved grading plan. All utilities must be installed underground.

i. As part of the mass grading of the site, topsoil shall be removed and set aside for respreading over the developed area. Topsoil shall be of a quality at least equal to the soil quality prior to development. Topsoil shall not be removed from the site unless authorized by the City

j. Failed erosion control structures or apparent need for additional erosion control measures will be addressed within twenty-four (24) hours notification by the City. If the Developer fails to perform the requested corrections in the time frame given, the Developer hereby grants the City consent to enter onto the property to perform the corrective work. The Developer will reimburse the City for all erosion control work performed on their behalf.

k. The drainage and utility easement within Lot 4, Block 3shall not be constructed or deemed approved for construction without a separate review and approval by the City Engineer. In addition, such approval will not be deemed to have occurred until the City, by its Attorney, agrees to the means by which the maintenance responsibilities will occur, including any necessary subsequent assessments for repair.

l. The Developer shall provide a twenty-foot-wide access easement to the City between Lots 5 and 6, Block 2, for fire and emergency access in a configuration approved by the City Engineer.

m. The Developer expressly recognizes that this subdivision is located on land of exceptional environment sensitivity, particularly with respect to the existence on this site of a natural trout stream. All technically feasible and necessary precautions will be taken during construction on this site to assure that no pollution or other damage to this resource will occur as the result of the construction process.

n. The Developer shall be responsible for constructing any Roadway, Retaining Ponds, Trails and Signages as described on the Afton Creek Preserve plans and specifications as approved by the City Engineer. Said facilities shall include the roadway base, curb and gutter for the median, signage, parking stalls, if any, and sidewalks, if any, associated with said improvements. Said facilities, which after construction and review and inspection and recommendation of acceptance by the City Engineer shall become the property of the City. The City may assess subsequent property owners in the Development for subsequent repair or maintenance of any improvements, including any water retention system in the Development.

2. **Record Drawings.**

a. Upon project completion, Developer shall submit record drawings, in electronic and written format, of all public and private infrastructure improvements, including grading, storm sewer and water retention and

drainage facilities, and roads and trails, constructed by Developer. The files shall be drawn in Washington County NAD 83 Coordinate system and provided in both AutoCAD .dwg and Adobe .pdf file formats. The plans shall include accurate locations, dimensions, elevations, grades, slopes and all other pertinent information concerning the complete work.

b. The Developer shall submit certified compaction testing results for the site grading operations.

c. A summary of the record plan attribute data for the storm sewer, watermain, and sanitary sewer structures and pipes shall be submitted in the form of an Excel Spreadsheet as provided by the City Engineer.

d. No securities will be fully released until all record drawings have been submitted and accepted by the City Engineer.

3. **Iron Monuments and Markers**

As per Minnesota State Statute 505.03 the Developer shall place iron monuments at all lot and block corners and at all other angle points on boundary lines. Where lot lines are platted in wetland areas, the Developer shall place approved wetland boundary markers on the designated wetland edge. Markers shall be placed on every other lot line where the wetland boundary intersects with the lot line. Markers shall be placed before grading activities begin and shall remain undisturbed while grading activities continue. All lot lines, including those of the proposed Lot 2, Block 3, shall be drawn substantially at right angles to straight street lines and radial to curved street lines.

The developer shall install signage along the boundaries of the dedicated Conservation Areas in the plat. Signs shall be installed at least every one hundred fifty feet (150') along the Conservation Area boundaries, with at least one sign on each private lot. The signs shall identify the area as a public conservation area where no vegetative cutting, construction, disturbance, or other encroachment is permitted.

The conservation areas shall be designated as two Outlots on the Plat. Their ownership and a management plan must be approved by the City after review and recommendation by the City Attorney as a condition of any final Plat Approval. This will specifically include provision for the participation of the Minnesota Land Trust in the ongoing maintenance and utilization of the conservation areas. Failure to receive any such approval shall void this agreement.

4. **Lot Trees/Seeding and Landscaping**

The Developer shall complete all vegetative plantings as described by the approved Landscape Plan. The Developer shall maintain the vegetative plantings installed as described by the Engineering Plans for a period of twelve months following the completion and final acceptance by the City of the development. Any plant stock, which dies or fails to flourish during the twelve-month period shall be

Table 4-3 reflects total land uses that are intended for urban services (regional sewer and municipal water) and the respective phase (planning period) for when services would be available by. This table is intended to satisfy a required component from the Metropolitan Council for how land use is depicted in each phase or planning period, 2020, 2030, and 2040.

LANDS WITH MUNICIPAL SERVICE BY PHASE (GROSS)						
	THROUGH 2020		2021-2030		2031-2040	
LAND USE CATEGORY	ACRES	% TOTAL	ACRES	% TOTAL	ACRES	% TOTAL
Low Density Residential	5,284.67	27.30%	2,005.38	10.36%	1,085.77	5.61%
Medium Density Residential	349.83	1.81%	-	-	-	-
High Density Residential	402.53	2.08%	-	-	-	-
Mixed Use	177.82	0.92%	-	-	90.23	0.47%
Urban Village	0.03	0.00%	55.70	0.29%	-	-
City Centre	63.87	0.33%	-	-	-	-
Gateway	110.76	0.57%	-	-	-	-
Places to Shop	566.03	2.92%	-	-	9.00	0.05%
Places to Work	1,264.04	6.53%	-	-	-	-
Other/ROW	2,946.14	15.22%	184.63	0.95%	55.10	0.28%
Open Space (Public/Private)	3,293.06	17.01%	160.61	0.83%	-	-
Public / Semi-Public	902.35	4.66%	61.50	0.32%	-	-
TOTAL	15,361.14	79.36%	2,479.26	12.75%	1,243.61	6.41%

Table 4-3. Land with Municipal Service by Phase (Gross)

Phase 2 (approximately 2012-2029)

Phase 2 involves enough land planned for residential use to accommodate an average annual growth rate of approximately 400 housing units per year over a multiple-year period.

Phase 3 (approximately 2026-2040)

Phase 3 includes property in the southern and northeastern parts of the City. This phase will also accommodate an average annual growth rate of approximately 400 housing units per year. Phase 3 contains fewer acres than Phase 2 to allow for changes to density if demographic shifts warrant. This area will be re-examined as part of the next Comprehensive Plan update.

Urban Reserve (Post 2040)

Land that is proposed to be developed beyond the year 2040 is classified as Urban Reserve. The Rural Estate area is not shown within any stage because it is not intended to receive urban services prior to 2040. It is intended that the Urban Reserve areas will ultimately be developed with timelines identified in future comprehensive plans.

Phasing in the Northeast Area

The phasing plan for the Northeast Area is based on the ability to provide sufficient transportation infrastructure to support development of this area, as described in the Northeast AUAR mitigation plan and its subsequent updates. It is not related to the provision of sanitary sewer service, as the entire area is within the 2020 MUSA. The City may adjust the phase boundaries at its sole discretion in conformance with the AUAR mitigation plan.

replaced by the Developer and maintained through a further twelve-month period. The Developer shall place trees in the front yard of Lot 8, Block 2 unless express approval is given by the City not to include those plantings. The Developer will be responsible for seeding all interior and right-of-way areas that are not paved and all disturbed areas. The Developer will also be responsible for seeding, rip rap-ing, or similar erosion control, drainage swales and emergency overflow swales as directed by the City. The responsibility for seeding boulevards may be transferred to a building permit applicant when proper security is provided to the City. The seeding limits must extend to the shoulders of all adjacent roadways.

A final detailed landscape plan shall be submitted to and approved by the City before building permits will be issued or by a time as authorized by the City in writing. No less than 60% of each residential lot shall be planted in natural prairie grasses, forbes, shrubs and trees.

The Developer shall provide a financial guarantee for all improvements, as described herein and shall include the estimated cost of the Landscape Plan improvements and seeding described by said plans

5. **Signage**

The Developer shall be financially responsible for all Public traffic signs and provide other traffic control signs determined to be necessary by the City.

All signs advertising the PLCD and general sales of lots or residences within the development (including lighting of such signs) must comply with the City's sign ordinance and policies and be approved by the City in advance of installation.

6. Tree Protection and Removal

The Developer shall protect existing trees and remove trees as per the approved final grading plan before building permits will be issued or by a time as authorized by the City in writing.

7. Street Maintenance

The Developer shall be responsible for street maintenance, including curbs, seeding of right-of-way areas, and street sweeping until the project is complete. All streets shall be maintained free of debris and soil until the development is completed. Warning signs shall be placed when hazards develop in streets to prevent the public from traveling on same and directing attention to detours. If and when the street becomes impassible, such streets shall be barricaded and closed. In the event residences are occupied or actively under construction prior to completing streets, the Developer shall maintain a smooth driving surface, adequate drainage, and provide snow and ice control on all incomplete streets.

It is understood that the City will perform snow plowing and any other normal City street maintenance after completion of construction and during the Warranty Period after completion of construction. If the Developer requests and the City

agrees to provide any snowplowing or other maintenance prior to completion of construction, such plowing and maintenance shall be at the expense and risk of the Developer. The City shall not be responsible for any damage to any improvements prior to completion of construction.

8. Damage Responsibilities

The Developer shall be financially responsible for the repair of any damage done to the streets and public utilities from the time of installation until the development is fully completed and approved by the City.

10. Park Dedication and Improvements

The developer shall provide a cash park dedication fee to meet park dedication requirements, to be calculated as required by City Code. Based on the park dedication fee calculation, the park fee due to the City is $180,000. This amount shall be due and payable upon approval of the Final Plat, and prior to recording of the Final Plat.

11. Storm Water Holding Ponds/Groundwater and Wetland Issues

The Developer shall maintain ownership of all storm water holding facilities as located on said property, as required by the City. The Developer shall be responsible for storm sewer cleaning and holding pond dredging, as required by the City prior to completion of the development. Upon completion of the development, the Developer shall submit to the City a certified as built grading plan showing that the facilities meet all design contours as set by the City. To the extent any further maintenance of the facilities were to be required of the City in the future, Developer shall agree for the City to assess those costs to the Developer or to any future property owner in the Development in a manner proportionate to the overall percentage of the property in the development owned by that individual owner.

The Developer shall be financially responsible for any corrective action deemed necessary by the City because of groundwater encountered during, or because of, the building phase
of development.

All wetland and drainage areas within public drainage easements shall not be filled, altered or disturbed without the prior written consent of the City. In the event that any drainage areas on a lot have been filled, altered. or disturbed without the prior written consent of the City and the same is not corrected within thirty (30) days after notice thereof by the City to the owner(s) of such lot, the City, and its agents and contractors, shall have the right to enter upon such lot for the purpose of performing work necessary to correct the disturbance and repairing any damage caused by the disturbance, and assess the costs thereof against the lot, provided, however, that in the event of an emergency, the City shall not be required to provide

notice and an opportunity to the lot owner(s) to perform such necessary work, but may nonetheless assess the cost thereof to the lot.

12. Grading and Surfacing of Roadways

Streets shall be graded to the full width of the right-of-way in accordance with street grades submitted to and approved by the City Engineer. All street grading and gravel base construction will be in accordance with specifications on file in the City and with the review and approval of the City Engineer. Grading must be completed prior to the issuance of any building permits.

Following City Engineer Approval of street grading, streets shall be surfaced, in accordance with the latest recommended plans and specifications provided to and approved by the City. Developer shall wait to pave the bituminous wear course on streets until the later of the following to occur: (1) three years from the date of installation of the bituminous base course; and (2) the completion of 75% of the residential homes construction for the applicable phase of the development. Along the curbing of the concrete median at the 60th Street entrance, a bituminous ramping wedge must be installed by the developer along with the bituminous base course. Prior to paving the bituminous wear course, the ramping wedge must be milled off. The City will thoroughly inspect the median for damage prior to the installation of the bituminous wear course and may require repairs and/or replacement by Developer depending on the severity of the damage.

The Developer shall be responsible for paving 60th Street from Trading Post Trail to Neal Avenue according to plans and specifications prepared by a registered engineer retained by the developer. Plans and specifications shall be submitted to the City of Afton and Denmark Township for review and approval. This construction will be deemed separate from the Development and will require separate security be provided to the City in a form and manner acceptable to the City after review by its Engineer and Attorney. The paving of 60th Street shall be included in the "Off-site Improvements" listed under Plan Security Requirements and Description of Improvements below.

The existing farm access road from Trading Post Trail shall not be used as a construction thoroughfare or road for the development. Upon approval of the final plat, ownership of the farm access road shall be transferred, at no cost, to either or both Dawson/Lewandowski and McConnell, the abutting property owners.

All driveways shall be designed and constructed to fully comply with the provisions of §12-84 of the Afton City Code.

13. Grading and Surfacing of Trails

Trails shall be graded and/or mowed in accordance with the plans approved by the City. The City will thoroughly inspect the trails and may require repairs and/or replacement by the Developer. The Developer shall restore the vegetated areas adjacent to the trails within the trail easement area with a seed mix approved by

the City.

14. Landscaping

Revegetation
Prairie Restoration shall be the vendor planting the conservation easement and the initial planting of all residential lots with a seed mix matching the one submitted with the preliminary plat application.

The security for the development shall include the initial planting by Prairie Restoration, as well as three additional years of maintenance of the vegetation by Prairie Restoration.

15. Screening of Abutting Properties

Lots 1,2,3,4 Block 2, abutting the Turner Rohde Horse Farm, will have a 100 foot rear yard setback instead of the ordinance-required 50 foot setback. Albert W. Carlson will install evergreen trees and prairie grass as a screening buffer within the 100 foot setback area. Tree height will be a minimum of 12 feet with proper spacing for screening.
City to review and approve a tree/vegetation plan for the 100 foot setback area abutting the Turner Rohde Horse Farm, and no tree removals shall be allowed in this area without the approval of the City.

Lot 13 Block 2 and lots 1,2,3, 4 Block 3 that are abutting the Graham, Dawson/Lewandowski, McConnell, Rickard, Mettler, Dickes and Forbes properties will also have a rear yard setback of 100 feet instead of the ordinance-required 50 feet. Albert W.Carlson will also provide evergreen trees along the boundary of the development abutting these properties in locations that screen sightlines to new homes.
Will Carlson has 2.5 acres of land abutting the Turner Rohde Horse Farm that are not being used in the development site requirements or lots. He will either provide an easement for use of this land or the sale of this land for $1.00 to the Turner Rohde Horse Farm owners.

Tree border to be provided to block farm access road from the development on eastern boundary.

Tree border to be provided along eastern boundary of the development abutting existing properties.

The Security for the development shall include all screening of abutting properties, as well as all trees to be planted on the individual lots of the subdivision

16. Other Governmental Jurisdictions

The Developer shall be responsible for securing all necessary approvals and permits from all appropriate Federal, State, Regional, and local jurisdictions prior to the commencement of site grading or construction and prior to the City awarding construction contracts for public utilities. This includes any and all approvals necessary for the preparation or design of the conservation easements.

All grading, drainage and erosion control plans or measures are subject to review and approval by the South Washington County Watershed District.

17. Other Private Improvements

Developer shall be responsible for the installation, pursuant to plans approved by the City, of electricity, telephone, natural gas, and other private utilities for the development. These items shall be installed underground in a common trench to the extent feasible (except for such appurtenant equipment related thereto as is normally installed above ground, such as transformers, meters, and the like) and in the platted utility easements provided in the Plat.

A. Plan Security Requirements for Plat Improvements

Estimated Costs for the Improvements listed below shall be verified as shown by the Developer's Engineer construction estimates.

Description of Improvement	Estimated Cost
1. Removals, Grading and Erosion Control	$447,485.25
2. Plat Improvements	
a. Storm Sewer and Ponding	$213,669.50
b. Roadway Construction	$441,778.00
c. Signage	$ -
d. Landscaping	$ 215,642.75
3. Street Sweeping and Debris Control above	$ Included in Item 1
a. Utility Protection and Repair above	$ Included in Item 2
b. Wetland Protection, Certification and Cleaning above	$ Included in Item 1
Subtotal of items 1-3	$1,318,575.50
Subtotal X 125%	$1,648,219.38
Estimated Legal, Engineering and Administrative fee (5%)	$ 66,000

Subtotal plus Legal, Eng., & Admin. Fees	$1,384,575.50
TOTAL SECURITY REQUIREMENT	$1,714,219.38

Plan Security Requirements for Off-Site Improvements

Estimated Costs for the Improvements listed below shall be verified as shown by the Developer's Engineer construction estimates.

Description of Improvement	Estimated Cost
Off-site Improvements	
a. Roadway Construction/Improvements_____	$250,000
Subtotal X 125%	$ 312,000
Estimated Legal, Engineering and Administrative fee (5%)	$ 15,600
Subtotal plus Legal, Eng., & Admin. Fees	$ 265,600
TOTAL SECURITY REQUIREMENT	$ 327,600

The letter of credit securing performance shall include amounts necessary to pay the city's engineers for on-site monitoring, review of plans and specifications and intermediate and final certifications of completion required prior to all fund releases.

Plat improvements and off-site improvements shall be separately secured by separate letters of credit.

It is recognized and noted that the funds associated with each category in paragraph B are for estimating the total Plan security. The City reserves the right to utilize this security partially or wholly to insure the compliance of any and all of the requirements set forth in paragraph A of this document.

B. Construction of Plan Improvements

1. Construction

The construction, installation, materials, and equipment shall be in accordance with Plans and Specifications prepared by the Developer and expressly approved by the City of Afton after approval by its Engineer. All costs associated with said construction; maintenance and operation through Completion of the Development shall be the responsibility of the Developer.

The developer shall give 48-hour notice to the City Administrator prior to start of construction activities.

Under no circumstances will any construction equipment be allowed to use Odell Avenue.

2. Inspection

All of the work shall be under and subject to the inspection and approval of the City and, where appropriate, any other governmental agency having jurisdiction, any costs associated with said inspections shall be borne by the Developer.

Upon notice by the Developer that any of the improvements have been completed, the City Engineer will inspect the improvements in a timely manner to insure that the improvements were constructed in accordance with the approved plans and terms of this Agreement. Stormwater basins will not be accepted until one year after construction has been completed and it is established that they are functioning in accordance with the approved plans.

3. As-built Plans

The Developer shall furnish, at no cost to the City, at least two sets of as-built plans indicating the location of all approved homes and septic systems in place. The plans shall be in a form approved by the City Engineer who shall certify to the City that said plans correctly represent the locations of the utilities as contracted.

4. Faithful Performance of Construction Contracts

The Developer will fully and faithfully comply with all terms and conditions of any and all contracts entered into by the Developer for the installation and construction of all Improvements and hereby guarantees the workmanship and materials for a period of two (2) years following the City's final acceptance of Improvements. Concurrently with the execution hereof by the Developer, the Developer will furnish to, and at all times thereafter maintain with the City, an irrevocable Letter of Credit, based on one hundred twenty-five percent (125%) of the total estimated cost of the Improvements as indicated in Section B. The Letter of Credit shall be for the exclusive use and benefit of the City of Afton and shall state thereon that the same is issued to guarantee and assure performance by the Developer of all the terms and conditions of this Developer's Agreement and construction of all required improvements in accordance with the ordinances and specifications of the City. Cash Escrow in the amount of $75,128.80 shall be deposited with the City for payment of Legal, Engineering, and Administrative fees. The City reserves the right to draw, in whole or in part, on any portion of the Letter of Credit and Cash Escrow for guaranteeing the terms and conditions of this agreement. The Letter of Credit shall be renewed or replaced by not later than thirty (30) days prior to its expiration with a like letter. If the Letter of Credit is not renewed by the Developer and the City elects to undertake legal action to compel renewal of the security or any similar remedy, all the

City's Legal and Administrative costs incurred in said action shall be borne by the Developer. Once all improvements and punch list items are complete and accepted by the City, the face-value of the letter may be reduced, upon application of the Developer, to an amount necessary to guarantee the two-year warranty following acceptance of the improvements by the City, or to $200,000, whichever is greater.

All fund releases shall be based on completion of plans and specifications and sign-off by the city's engineers.

The final release of funds shall not occur until all improvements in the development, including construction of homes on all lots and the construction of any accessory structures for which a building permit was issued prior to obtaining a certificate of occupancy for the house, has occurred.

The development agreement shall be personally guaranteed by Albert W. Carlson in a form acceptable to the city.

Costs of completion shall be calculated based on an assumed annual 4%, year over year, cost escalation, with provision for a 10-year build-out.

18. **Escrow for City's Costs.**

a. The Developer agrees to establish a non-interest-bearing escrow account with the City in an amount determined by the City Administrator or his designee for the payment of all costs incurred by the City related to the development of the Subdivision including, but not limited to, the following (See Exhibit 1 for breakdown of costs):

i. Planning/ Review

ii. Administration - 3% of Developer Improvement Costs

iii. City Engineering

iv. Street lighting installation (by utility company)

v. Traffic signing improvements

vi. Boulevard tree planting

vii. Street, storm sewer and pond maintenance

viii. Property Taxes. Should the recording of the Final Plat occur after July 1st, any and all property taxes on any public property dedicated as a part of this plat shall be the responsibility of the Developer.

b. If the above escrow amounts are insufficient, the Developer shall make such additional deposits as required by the City. The City shall have a right to reimburse itself from the Escrow upon notice to the Developer, with suitable documentation supporting the charges.

c. Reduction of Security Guarantee for Improvements

The Developer may request reduction of the Security Guarantee based on prepayment or the value of the completed improvements at the time of the requested reduction. If requested by the Developer, the City will perform an evaluation of the work completed only twice per calendar year. If additional evaluations are requested, the Developer will be responsible for the estimated costs incurred by the City for performing the additional evaluations. The amount of reduction will be determined by the City.

d. Payment of Costs and Assessments for Plan Improvements

If the construction of the Plan Improvements does not proceed, the Developer hereby agrees to pay the City for the costs incurred by the City for engineering services, detailed design, right-of-way acquisition, and related City and consultant legal, administrative and fiscal costs incurred regarding the proposed Plan Improvements.

e. Easements

Prior to approval of the final plat, the Developer shall dedicate to the City, at no cost, all temporary and permanent easements necessary for the construction of the Plan Improvements as determined by the City. All such easements required by the City shall be provided on City easement documents, containing such terms and conditions as the City shall determine.

All permanent easements necessary for the installation and maintenance of stormwater Improvements shall be shown on the final plat and be granted to the City upon recording of said plat. All other required easements such as roadway, path, trail, scenic, and wetland conservation easements, shall be fully executed by the grantee and submitted to the City on separate documents prior to the execution of the final plat by the City. Copies of the recorded documents shall be provided to the City.

After recording of said plat, additional easements necessitated by Developer initiated changes to the landscaping or grading design shall be provided on an amended final plat and be granted to the City upon recording of said plat. Separate documents in lieu of an amended final plat may be allowed at the City's discretion.

f. Required Prepayment of any Assessment upon Sale of Developer

If a transfer of a lot is made, before a building permit will be issued, all delinquencies shall be paid on said lot in a manner agreeable to the Developer and the City.

19. **Homeowners Association**

a. The homeowner's association restrictive covenants shall contain a provision that, in the event the homeowner's association becomes insolvent or ceases operating, control shall at its option be transferred to the City of Afton or another method of succession shall be dictated by the City.

b. The homeowner's association documents shall contain a waiver of assessment appeal running in favor of the city.

c. The provision in the homeowner's association restrictive covenants allowing changes in lots upon the vote of 2/3 of the residents shall be changed to comply with Afton's requirements.

d. The City of Afton shall be named as an additional insured on the homeowner association insurance policy and the policy shall cover those risks identified by the city, including but not limited to coverage for personal injuries and any other losses occurring as a result of the public use of the walking trails on the conservation area.

e. The homeowner's association shall be required to indemnify and hold the City of Afton harmless from all losses incurred as a result of the public's use of the conservation area walking trails.

f.
Future subdivision of the PLCD lots shall be prohibited unless allowed by Afton ordinances and approved by the owners of all adjacent properties. To enforce this provision, restrictive covenants requiring approval of the subdivision of a PLCD lot by the owners of all adjacent property shall be recorded on the deeds of all PLCD lots. g. Architectural controls shall be removed from the homeowner's association restrictive covenants.
h. Provisions on setbacks shall be removed from the homeowner's restrictive covenants and Afton's restrictions shall control.

i. The provisions restricting certain pets shall be removed from the homeowner's restrictive covenants; Afton's ordinances shall control pets.

j. The Home Owners Association (HOA) plan and documents to be reviewed and approved by the city attorney.

k. HOA to develop stormwater pond maintenance plan for eastern boundary

l. The developer /HOA shall be responsible for on-going maintenance of the 5550 Odell parcel

M. Sections 3.1.2, 3.1.4, 3.1.5, 3.4, 7.1, 7.2, 7.3, 7.4, 7.5, 7.5.1, 7.14-all, 7.17-all, 12-all, 13.7, 13.10, and 17.6 of the HOA Declaration cannot be modified in any way without the written approval of the City of Afton.

20. **Conservation Easement**

The developer shall grant a conservation easement over the required open space parcels, to be held jointly by the Minnesota Land Trust, and the City, the provisions of which shall be approved by both the City and the Minnesota Land Trust.

General Provisions:

A. Binding Effect and Modifications

1. The terms and provisions hereof shall be binding upon and inure to the benefit of the heirs, representatives, successors and assigns of the parties hereto and shall be binding upon all future owners of all or any part of the PLCD/ Subdivision and shall be deemed covenants running with the land. References herein to Developer, if there be more than one, shall mean each and all of them. The Developer's Agreement, at the option of the City, shall be placed on record so as to give notice hereof to subsequent purchasers and encumbrances of all or any part of the PLCD/Subdivision and all recording fees, if any, shall be paid by the Developer.

   The City and Developer understand and agree that this Development may be constructed in multiple phases and that each phase shall be consistent with the approved preliminary plat. Each additional phase shall be subject to approval by Amendment of this Agreement after review by the City.

2. Final Plat Approval

   The City agrees to give final approval to the plat of the Subdivision and approval of the Development Agreement upon execution and delivery of this Developer's Agreement and of all required documents, and security.

3. Incorporation of Reference

   All plans, special provisions, proposals, specifications, and contracts for the improvements furnished and let pursuant to this Developer's Agreement shall be and hereby are made part of this Developer's Agreement by reference as fully as if set out herein in full.

4. Conditions of Approval

   a. No grading or building permits shall be issued by the City unless the plans or application are in conformance with the City's Comprehensive Plan, the conditions of PLCD approval, and engineering standards as determined by the City Engineer, this agreement, approval of site clean-up and remediation in whole or in part by the MPCA, and all local, state and federal regulations.

   b. If the Developer does not pay all bills submitted by the City pursuant to the Developer's Agreement within thirty (30) days after receipt, the City may halt all plat development work until the bills are paid in full, and that the Developer shall reimburse the City for its costs incurred in the enforcement of this Developer's Agreement including reasonable engineering and attorney's fees.

5. Notice/Remedies on Default or Violation of this Developer's Agreement

   a. Whenever any event of default or failure to conform to the terms and conditions of this Developer's Agreement occurs, the City shall give written notice of the event of default or failure to perform to the Developer by United States Mail at its last known addresses. If the Developer fails to cure the event of default or failure to perform within fifteen 15 days after the date of the mailed notice, in addition to any other remedy provided in this Developer's Agreement and without waiver of any such right, the City may avail itself of any or all of the following remedies for as long as the Developer is in default.

      1) Halt all plat development work and construction of development improvements until such time as the event of default is cured.

      2) Refuse to issue building permits or occupancy permits as to any lot until such time as the event of default is cured.

      3) Apply to a court of competent jurisdiction to enjoin continuation of the event of default.

      4) If the event of default is a failure of the Developer to complete, construct, install or correct the development improvements in accordance with the plans and specifications and this Developer's Agreement, the City may perform the construction or work and the Developer shall reimburse the City for its expenses incurred. This provision shall be a license granted by the Developer to the City to act but shall not require the City to take any such action. The Developer consents to such an action by the City and waives any claims Developer may have against the City for damage in the event the City exercises its rights in accordance with this provision. This remedy is in addition to and not in lieu of the City's right to draw on all security referenced in this Developer's Agreement.

5) Terminate this Developer's Agreement by written notice to Developer, at which time all terms and conditions as contained herein shall be of no further force and effect and all obligations of the parties imposed hereunder shall be null and void.

6) Draw upon and utilize Developer's funds and/or security in order to cover the costs of the City in order to correct the event of default.

7) Role of Signed Guarantor. It is expressly understood by the Parties herein that the Guarantor identified by and signing this Agreement as Guarantor is the fee owner of the property and will be providing all or a portion of the funding needed by the Developer for the completion of the project. If there is a default caused by a failure of the Developer to complete, construct, install or correct the development improvements in accordance with the plans and specifications and this Developer's Agreement, the Guarantor may undertake, with the consent of the City, to complete those improvements under the terms of the Development Agreement and either replace the Developer as the designated Developer herein, or substitute, with the consent of the City, another designated Developer for the purpose of completing the improvements noted herein.

6. Indemnification

To the fullest extent permitted by law, the Developer shall indemnify and hold harmless the City of Afton, its agents and employees from and against any and all claims, damages, losses or expenses, including but not limited to attorney's fees, arising out of the issuance of this Developer's Agreement by the City of Afton.

7. Guarantee and Warranty Bond

The Developer shall guarantee all construction associated with the Improvements for a period of twenty-four months following acceptance of the improvements, based on the recommendation of the City Engineer. The guarantee shall be assured by the provision of a performance bond naming the City of Afton as the assured party.

Performance of all obligations under this Development Agreement shall be further guaranteed by Albert W.Carlson, the owner of the property being developed, in a form and manner acceptable to the City.

8. Insurance Coverage

The Developer shall arrange for insurance coverage as required by State Law and shall provide the following minimum coverages:

Policy	**Minimum**

Coverage	
General Liability Each Occurrence	$ 1,500,000
Fire	50,000
Medical Expense	1,000/10,000
Limited Pollution	1,000,000
Workers Comp	Statutory
Umbrella Policy	3,000,000

The City of Afton and its Agents shall be a Named Insured's on the insurance policies and require that face amount of these policies meet the minimum statutory requirements for local governments.

9. Homeowners Association.

A homeowners association whose membership will consist of owners of the residential parcels of the Development will be created in a manner and form to be reviewed and approved by the City Attorney. The Homeowners Association will own all common areas of the Development, which will include the Outlots created in the Final Plat, subject to any easements thereon. The organizational documents of the Homeowners Association shall provide that in the event of dissolution of the Association, the City may, in its discretion, place the properties under its ownership and control may be transferred to the City. The organizational documents shall further provide for a waiver of any assessment appeals in favor of the City.

The organization documents shall provide for the means by which the members can be assessed for the costs of maintenance of common areas, including the conservations easements. The same documents shall provide a means of enforcement of the requirement that 60% of the surface area of each of the lots created on the plat shall be in prairie grasses, forbes, shrubs or trees.

The homeowners association shall obtain insurance coverage and name the City as an insured against any claims that result from the public's use of the platted conservation area trails. The language of the organizational documents shall not conflict with any requirements of the City Code of the City, including, but not limited to, provisions related to the number of pets allowed, architectural controls, and future lot line configurations within the Development.

IN WITNESS WHEREOF, the City, Developer and Guarantor have caused this agreement to be duly executed on the day and year first above written.

CITY OF AFTON

By_____
Richard Bend , Mayor

And

_____
Ronald Moorse, City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this ____day of_____, 2018, before me, a Notary Public within and for said County, personally appeared Richard Bend and Ronald Moorse, to me personally known, being each by me duly sworn did say that they are respectively the Mayor and City Administrator of the City of Afton, the Minnesota Statutory City named in the foregoing instrument; and that said instrument was signed on behalf of the above-named statutory city by authority of its City Council.

_____
Notary Public

J.P. BUSH HOMES, INC.

By_____

Its_____

By_____

Its_____

STATE OF MINNESOTA)
) ss. **AFFIDAVIT OF AUTHORITY TO ACT**
COUNTY OF WASHINGTON)

On this _____ day of _____, 2018, before me, a Notary Public within and for said County personally appeared _____ and _____, to me personally known, who being each by me duly sworn did say that they are respectively the _____ and the _____ of _____, the Minnesota Corporation named in the foregoing instrument, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors and said _____ and _____ , under the authority granted to them by written consent of the management committee thereof , dated _____, acknowledged said instrument to be the free act and deed of said limited liability company..

_____
Notary Public

ALBERT W. CARLSON U/T/D February 17, 2010

BY: _____
Albert W. Carlson,
Trustee

STATE OF MINNESOTA)
) ss. **AFFIDAVIT OF AUTHORITY TO ACT**
COUNTY OF WASHINGTON)

On this _____ day of _____, 2018, before me, a Notary Public within and for said County personally appeared Albert W. Carlson, to me personally known, who being by me duly sworn did say that he is the Trustee of the **Trust Agreement of Albert W. Carlson U/T/D February 17,2010**, a Minnesota Trust organized under the Laws of the State of Minnesota, in the foregoing instrument, and that said instrument was signed in behalf of said Trust by authority provided under the terms of that Agreement and acknowledged said action to be the free act and deed of said Trust.

_____

Notary Public

Draft 5
November 16, 2018

Revised to add City of Afton as Co-Holder and to address a few other issues.

Draft

CONSERVATION EASEMENT

This is a CONSERVATION EASEMENT granted by Albert W. Carlson, as trustee of the Trust Agreement of Albert W. Carlson U/T/D February 17, 2010, (the "Owner") to the Minnesota Land Trust, a non-profit corporation organized and existing under the laws of the State of Minnesota (the "Land Trust") and City of Afton, a political subdivision of the State of Minnesota (the "City"). The City and Land Trust are also from time to time hereinafter referred to as "Co-Holders."

BACKGROUND

A. OWNER. The Owner is the current owner of approximately 218 acres of real property located in Washington County, Minnesota, platted as *Afton Creek Preserve* (hereinafter referred to as "*Afton Creek Preserve*", a Preservation and Land Conservation Development (PLCD) with 18 single family homes to be developed by the Owner. Approximately 109 acres of open space, consisting of 2 noncontiguous outlots in A*fton Creek Reserve*, are more fully described below as the "Protected Property." The remaining portions of that real property are intended to be developed for residential use.

B. MINNESOTA LAND TRUST. The Minnesota Land Trust is a non-profit corporation organized and operated exclusively for charitable and educational purposes including the preservation and protection of land in its natural, scenic or other open space condition. The Land Trust is a public charity as defined in Sections 501(c)(3) and 509(a) of the Internal Revenue Code and an organization qualified to hold conservation easements under Minnesota law and Section 170(h) of the Internal Revenue Code and related regulations, possessing the commitment to protect the conservation purpose of this conservation easement (the "Conservation Purpose") and the resources to enforce the restrictions.

C. CITY OF AFTON. The City of Afton is a local unit of government and a political subdivision of the State of Minnesota that is qualified to hold conservation easements under Minnesota Statutes Chapter 84C and Section 170(h) of the Internal Revenue Code and related regulations.

D. PROTECTED PROPERTY. The Protected Property is that real property legally described in Exhibit A and generally depicted on the "Property Map" in Exhibit B. Both exhibits are attached to this conservation easement (the "Easement") and incorporated by this reference.

The Protected Property lies within the city limits of Afton, Minnesota, in Washington County. It is located within the St. Paul-Baldwin Plains and Moraines subsection, which is part of the Eastern Broadleaf Forest Province of Minnesota's Ecological Classification System. The subsection is dominated by glacial end moraine complex with rolling to hummocky terrain on the moraine (steep, short complex slopes) and level to rolling on the outwash plains. A mosaic of vegetation occurred in the subsection historically, ranging from oak and aspen savanna to tallgrass prairie and maple-basswood forest.

The Protected Property lies within the Land Trust's *Twin Cities Metro* and *Rum and St. Croix Rivers* Priority Conservation Program Areas. The Minnesota Land Trust's *Twin Cities Metro Priority Conservation Program Area* encompasses the rapidly growing Greater Minneapolis-St. Paul Metropolitan area that contains a majority of Minnesota's increasingly diversifying population. This program area grades from densely populated and heavily developed at its core to predominantly agricultural at its perimeter. The Minnesota and St. Croix rivers merge with the Mississippi here, providing important wildlife corridors for wildlife and migratory birds. The program area is notable for its varied habitats, including oak savannas, Big Woods forests, prairies and wetlands, that support one of the highest concentrations of Species in Greatest Conservation Need in the state.

The Minnesota Land Trust's *Rum River and St. Croix River Priority Conservation Program Area* encompasses the watersheds of the Rum and St. Croix rivers in east-central Minnesota. The area is rich in water features, including four important Minnesota rivers and Lake Mille Lacs, one of the state's largest lakes. The St. Croix River is a designated National Scenic Riverway, one of the original eight American rivers to be designated through this prestigious program, and an important recreational asset in close proximity to the Twin Cities Metropolitan Area. The Rum and Kettle rivers are designated as Minnesota Wild and Scenic Rivers. All three, along with the Snake River, are designated state water trails.

The Protected Property currently consists of approximately 75 acres of grasslands, 14 acres of woodlands, 8 acres of forest, 11 acres of wetlands, and 1 acre of open water. The Protected Property has approximately 5,939 feet of shoreline along Trout Brook. The Protected Property consists of rolling topography with elevations decreasing from high points on the north and south perimeters of the Protected Property to Trout Brook, which flows west to east through both Outlot A and Outlot B of the Protected Property.

There are currently no improvements on the Protected Property other than fencing and an overhead electrical line located on Outlot A. These improvements are more specifically described in the baseline documentation report referred to in section 6 of this Easement (the "Baseline Documentation Report").

The natural attributes of the Protected Property provide habitat for fish, wildlife and plants and include grassland, woodlands, wetlands, open ponds, and Trout Brook, a state-designated trout stream. Approximately 57 acres of Outlot B will be restored to prairie beginning some time in 2019.

The northwestern corner of the Protected Property is part of a site (Afton 32) of moderate biodiversity significance, as identified by the Minnesota Biological Survey (MBS). Moderate biodiversity sites typically contain occurrences of rare species, support native plant communities with modest environmental disturbance, and have strong potential for recovery of characteristic ecological functioning. An area of Dry Bedrock Bluff Prairie (Southern) was identified within this area on the Protected Property by MBS. This native plant community is increasingly rare within the state and has been assigned a conservation status rank of S3 in Minnesota, meaning that it is vulnerable to extirpation. The area containing this community is also part of a corridor the Minnesota DNR identified as a Regionally Significant Ecological Area. While the Dry Bedrock Bluff Prairie (Southern) community on the Protected Property is transitioning into a woodland due to long periods of fire suppression, it provides excellent potential for restoration activities.

The Protected Property is located within the St. Croix River Watershed Conservation Focus Area, as identified in the Minnesota Wildlife Action Plan 2015-2025. Dry Bedrock Bluff Prairie (Southern) is a target habitat and brook trout is a target species within the conservation focus area. The plan identifies buffering riparian habitat with native vegetation as an important strategy to restore degraded water quality and altered hydrology in the focus area.

The Protected Property is located within the Lower St. Croix River major watershed, which covers 585,735 acres in ten counties in northwest Wisconsin and east-central Minnesota. Portions of the watershed located near the Twin Cities Metropolitan Area and the Protected Property are heavily developed for residential and commercial use. Despite these pressures, the Lower St. Croix River is well known for its outstanding scenic beauty and recreational opportunities. The Lower St. Croix River was designated as a National Wild and Scenic River on June 17, 1976, administered by the states of Minnesota and Wisconsin. The Riverway protects one of the most diverse natural mussel populations in the National Park system, with around 40 species. The Riverway is located approximately two miles to the east of the Protected Property.

The Protected Property is located less than a half mile to the west of the St. Croix Lake Important Bird Area (IBA). The widening of the St. Croix River within the IBA is a unique feature that separates this area ecologically from other IBAs to the north and south. The IBA is an important migratory route, wintering area, and breeding area for a wide variety of birds, including migratory raptors and waterbirds. Its location and variety of habitats results in a

large avian species diversity, with 268 bird species documented within the IBA boundaries. Development is a major threat to the quality bird habitat found in the IBA. The Protected Property contains excellent habitat along the western edge of the IBA, including an undeveloped riparian corridor. This habitat buffers the IBA and provides additional benefits for the birds that use the IBA.

Within five miles of the Protected Property there are eleven properties permanently protected with Land Trust conservation easements totaling approximately 841 acres, as well as the approximately 1,620 acre Afton State Park managed by the Minnesota Department of Natural Resources (Minnesota DNR). Additional conservation lands within five miles of the Protected Property include four Conservation Reserve Program (CRP) easements, two Washington County regional parks, two Minnesota DNR Division of Trails and Waterways parcels, and one Minnesota DNR Scientific & Natural Area. As part of this protected matrix of lands, the Protected Property contributes to the preservation of natural areas for habitat, prevents detrimental land use conversion, and protects groundwater and surface water sources.

The scenic attributes of the Protected Property include its rural, open and wooded character, which are visible to the general public from 60th Street South.

It is anticipated that the public will have access to a network of walking trails located on Outlot B of the Protected Property through public access easements granted by the Owner and running from Prairie Wind Court, a platted public road in *Afton Creek Preserve*.

The Protected Property is located in an area of the Twin Cities Metropolitan Region experiencing increased housing development and fragmentation of natural lands. According to the 2015 System Statement for City of Afton by the Metropolitan Council, the population of the City is projected to grow by 8.1% by year 2040, with a household increase of 17% during the same time period.

Preservation of the Protected Property provides a unique opportunity to protect the watershed of Trout Brook, one of the few natural trout streams in the Twin Cities Metropolitan area.

E. CONSERVATION VALUES. Collectively and individually, the following natural, scenic and open space qualities of the Protected Property that are outlined above comprise its "Conservation Values:"

- The undeveloped and relatively natural character of the Protected Property provides significant habitat for a variety of fish, wildlife and plants.

- The undeveloped shoreline along Trout Brook helps maintain the water quality of the brook and provides near-shore habitat for a variety of aquatic plants, animals and natural communities.

- The open and natural character of the Protected Property provides scenic views enjoyed by the general public from 60th Street.

These Conservation Values have not been and are not likely to be significantly impaired by the continued use of the Protected Property as described above or as authorized in this Easement or by the use, maintenance, or construction of any structures and improvements that presently exist on the Protected Property or that are authorized below.

The preservation and protection of these Conservation Values will provide significant benefit to the public.

F. CONSERVATION POLICY. Protection of the Conservation Values of the Protected Property is consistent with, and will further, delineated governmental policies including those established by the following:

- Minnesota Statutes Chapter 103A, which promotes protection of Minnesota's waters and their adjacent lands, and Minnesota Statutes Section 103A.206 in particular, which recognizes the economic and environmental importance of maintaining and enhancing the soil and water resources of this state and the role of private lands in these conservation efforts to, among other things, preserve natural resources, protect water quality, preserve wildlife, and protect public lands and waters.

- Minnesota Statutes Section 103A.201, which specifically promotes the protection of wetlands, and Minnesota Statutes Section 103A.202, which specifically declares that it is in the public interest to preserve the wetlands of this state to conserve surface waters, maintain and improve water quality, preserve wildlife habitat, reduce runoff, provide for floodwater retention, reduce stream sedimentation, contribute to improved subsurface moisture, and enhance the natural beauty of the landscape.

- City of Afton Comprehensive Plan (2008), which establishes goals to maintain and enhance fish and wildlife habitats, preserve existing forests, woodlands and prairies; protect and preserve steep slopes; protect and preserve natural features unique to the City of Afton, and policies to preserve open spaces and natural resources for passive use and create non-motorized trails through direct purchase, subdivision, scenic and/or conservation easements and other means, and to protect steep slopes, tree cover, wetlands and other fragile lands through conservation easements, scenic easements and other available means.

- National Park Service, through its Cooperative Management Plan: Lower St. Croix National Scenic Riverway (2002), which identifies water quality and quantity as a priority natural resource concern for the riverway inclusive of the Trout Brook watershed. The plan discusses the need for a whole basin strategy for the St. Croix River, inclusive of specific goals, projects and mitigating measures, with the Minnesota Pollution Control Agency the primary State of Minnesota partner.

- Minnesota Pollution Control Agency, through its 2013 revised Lake St. Croix Total Maximum Daily Load (TMDL) Implementation Plan, which identifies Trout Brook as a high source of phosphorus to the St. Croix River. Trout Brook currently has the third

highest load per unit area of all St. Croix River tributaries. The TMDL Implementation Plan lists retirement of cropland in high phosphorous contributing areas, wetland restoration, and installation of shoreline buffers as priority opportunities to reduce phosphorous inputs.

- South Washington Watershed District Watershed Management Plan (2016), which sets a goal for a 35% reduction in total phosphorous for Trout Brook as specified in the Lake St. Croix TMDL and a no net loss for wetland acreage or function.

- Washington County Acquisition of Development Rights Ordinance 175, which establishes a program for the preservation of open space, parks and public water, commonly referred to as the Land and Water Legacy Program. Primary objectives of the program include improving water quality of rivers, lakes and streams; protecting drinking water sources; purchasing parkland; preserving wetlands and woodlands; and protecting land along water bodies from development. The program identifies Trout Brook as priority for conservation action.

- Minnesota Statewide Conservation and Preservation Plan, 2008, which promotes the protection of priority land habitats, critical shorelands and private shorelands via economic incentives and other tools, including conservation easements.

- Minnesota Statutes Chapter 84C, which recognizes the importance of private conservation efforts by authorizing conservation easements for the protection of natural, scenic, or open space values of real property, assuring its availability for agriculture, forest, recreational, or open space use, protecting natural resources, and maintaining or enhancing air or water quality.

G. CONSERVATION INTENT. The Owner and the Co-Holders are committed to protecting and preserving the Conservation Values of the Protected Property in perpetuity. Accordingly, it is their intent to create and implement a conservation easement that is binding upon the current Owner and all future owners of the Protected Property and that conveys to the Co-Holders the right to protect and preserve the Conservation Values of the Protected Property for the benefit of this generation and generations to come.

CONVEYANCE OF CONSERVATION EASEMENT

Pursuant to the laws of the State of Minnesota, and in particular Minnesota Statutes Chapter 84C, and in consideration of the facts recited above and the mutual covenants contained herein, the Owner hereby conveys and warrants to the Co-Holders and their successors and assigns a perpetual conservation easement over the Protected Property. This Easement creates a property right immediately vested in the Co-Holders and consists of the rights, terms, and restrictions set out below.

The Owner also conveys and warrants to the Co-Holders a perpetual easement for access to the Protected Property. The terms of this access easement are described in more detail in section 4 of this Easement.

1. CONSERVATION PURPOSE. The Conservation Purpose of this Easement is to provide significant public benefit by preserving and protecting in perpetuity the Conservation Values of the Protected Property identified above as those values exist at the time of this conveyance and as they may evolve in the future.

   This Conservation Purpose is accomplished by confining the development, management and use of the Protected Property to activities and improvements that are consistent with the preservation of these Conservation Values, by prohibiting activities and improvements that significantly impair or interfere with these Conservation Values, and by providing for remedies in the event of any violation of this Easement.

2. RESTRICTIONS. Any activity or improvement on or use of the Protected Property in a manner that may significantly impair or interfere with a Conservation Value of the Protected Property or that is inconsistent with the terms or the Conservation Purpose of this Easement is prohibited.

   This specifically prohibits any future development that would interfere with or intrude upon the essential scenic quality of the Protected Property or the visual enjoyment of the open and natural character of the Protected Property by the general public.

   Except as specifically permitted in section 3 of this Easement and without limiting the general prohibition above, restrictions imposed upon the Protected Property expressly include the following:

   2.1. Industrial and Commercial Activity. No industrial or commercial use of the Protected Property is allowed.

   2.2. Agricultural Use. Except as specifically provided in this section, no agricultural use of the Protected Property is allowed. This includes and prohibits tilling, plowing, commercially cultivating row crops, keeping or grazing livestock, haying, feedlots, tree farms, orchards or nurseries. This does not include or prohibit vegetation management activities allowed in section 2.13 of this Easement or vegetation management activities allowed in accordance with an approved habitat management plan as provided in section 3.2 of this Easement.

   2.3. Residential Use and Development. No residential use or development of the Protected Property is allowed.

   2.4. Division of the Protected Property. The Protected Property may not be divided, subdivided, or partitioned. The Protected Property may be conveyed only in its entirety as a single parcel under single ownership (joint or undivided) regardless of

whether it now consists of separate parcels, was acquired as separate parcels, or is treated as separate parcels for property tax or other purposes.

The general prohibition set out above does not prohibit the following:

a. The division of the Protected Property when a portion of the Protected Property is being conveyed to a conservation entity defined in section 7.1 of this Easement.

b. The correction or adjustment of boundary lines to resolve a bona fide ownership dispute.

2.5. Density. No portion of the Protected Property may be used to satisfy land area requirements for other property not subject to this Easement for purposes of calculating building density, lot coverage or open space under otherwise applicable laws, regulations, or ordinances controlling land use other than the plat of *Afton Creek Preserve*, recorded prior to this Easement. No development rights that have been encumbered or extinguished by this Easement may be transferred to any other property.

2.6. Rights of Way. No right of way shall be granted across the Protected Property by the Owner in conjunction with any industrial, commercial, or residential use or development of other land not protected by this Easement without the prior approval of the Co-Holders under the provisions of section 7.6 of this Easement.

2.7. Structures and Improvements. No temporary or permanent buildings, structures, utilities, roads or other improvements of any kind may be placed or constructed on the Protected Property except as specifically permitted in section 3 of this Easement or as set forth below:

a. Utilities. Utility systems and facilities may be installed, maintained, repaired, extended and replaced to serve only uses and activities specifically permitted by this Easement or to serve the overall residential development of *Afton Creek Preserve.* This includes, without limitation, any systems and facilities necessary to provide and maintain on-site power, fuel, water, storm water drainage, waste disposal, and communication, but does not permit communication towers, wind turbines, or similar structures without the prior approval of the Co-Holders as provided in section 7.6 of this Easement.

b. Signs. No billboards or other signs may be placed or erected on the Protected Property except for small, unlighted signs for informational or interpretive purposes, and those signs required or authorized under this section. The Owner agrees to place and maintain appropriate signs along the boundaries of the Protected Property as designated by the Co-Holders and as provided in section 2.7.e below. Additionally, the Owner agrees that the Co-Holders may place signs on the Protected Property identifying the land as protected.

The Owner may, during the construction and development of *Afton Creek Preserve*, erect and maintain necessary promotional signs advertising lots and homes for sale within *Afton Creek Preserve.* Such signs shall be removed by the Owner from the Protected Property upon completion of the initial build-out of *Afton Creek Preserve*.

c. Roads. Currently, no roads or other rights of way exist on the Protected Property. No new roads, driveways or parking areas may be established or constructed on the Protected Property without the prior approval of the Co-Holders under the provisions of section 7.6 of this Easement.

d. Trails. Currently, no trails exist on the Protected Property. A generally circular, mowed hiking trail may be established and maintained on Outlot B of the Protected Property and may be used by pedestrians, but not bicycles or motorized vehicles. Any additional trails on the Protected Property will be subject to the approval of the Co-Holders under the provisions of section 7.6 of this Easement. Permitted trails may be established, maintained and used only in a manner that does not result in significant erosion and that does not impair or interfere with the natural habitat, water quality or scenic quality of the Protected Property.

e. Fences. Prior to beginning construction on the first residential lot in *Afton Creek Preserve*, the Owner shall permanently stake all the boundaries of the Protected Property and install temporary boundary fences along those boundaries shared with a residential lot. Also at that time, the Owner shall post small permanent signs along the temporary fences bordering residential lots stating the land is permanently protected with a conservation easement in favor of the Co-Holders. As soon as possible after the closing on the purchase of each residential lot, the Owner shall replace the temporary boundary fence located on that lot with permanent fencing consistent with the design of the entire residential development.

The Owner may install permanent boundary fences instead of the required temporary boundary fences along boundaries of the Protected Property that are shared with a residential lot, prior to beginning construction on the first residential lot.

2.8. Dumping. No trash, non-compostable garbage, debris, unserviceable vehicles or equipment, junk, other unsightly material or hazardous or toxic substances may be dumped or accumulated on the Protected Property.

2.9. Mining and Extraction. No mining, drilling, exploring for, or removing any minerals, sand, gravel, rock, or fossil fuels from the Protected Property is allowed.

2.10. Topography and Surface Alteration. After the grading of *Afton Creek Preserve* is completed, no alteration or change in the topography or the surface of the Protected

Property is allowed. This includes no ditching, draining or filling and no excavation or removal of soil or other material, except as incidental to the development of *Afton Creek Preserve* or activities or uses specifically permitted by this Easement.

This provision does not include or prohibit creation, maintenance, restoration or enhancement of wildlife habitat or native biological communities otherwise permitted under section 3 of this Easement.

2.11. Water. With the exception of drainage easements reserved on the plat of *Afton Creek Preserve* and other drainage systems put in place on the residential Lots 1, 2, 4, 5, 6, 7 and 8 of Block 2, *Afton Creek Preserve*, no alteration, manipulation or diversion of natural watercourses, lakes, shorelines, wetlands or other surface or subsurface bodies of water or creation of new wetlands or water bodies is allowed except to restore or enhance wildlife habitat or native biological communities, to improve or enhance the function and quality of existing wetlands or water bodies or as specifically permitted in section 3 of this Easement.

Any alteration or creation of wetlands, watercourses or water bodies must be undertaken in accordance with a habitat management plan and detailed action plan approved by the Co-Holders under section 3 of this Easement.

No activities on or uses of the Protected Property that cause significant erosion or that significantly impair water quality or quantity are allowed.

2.12. Vegetation Management. No removal, cutting, pruning, trimming or mowing of any trees or other vegetation, living or dead, and no introduction of non-native species is allowed except as follows:

a. In conjunction with the habitat management as specifically required in section 3.2 of this Easement.

b. As reasonably required to construct and maintain structures, trails and other improvements specifically permitted under this Easement and provided that following any construction disturbed vegetation shall be restored in a timely manner to a condition consistent with the Conservation Purpose of this Easement.

c. As minimally required to prevent or control insects, noxious weeds, invasive vegetation, disease, fire, personal injury or property damage.

d. Harvesting naturally occurring plant products (i.e. mushrooms, berries, nuts, herbs, prairie seed, etc.) in a manner that maintains a sustainable growth and reproduction cycle for the harvested plant populations and the surrounding vegetation.

Nothing in this section allows the intentional introduction of recognized invasive vegetation on the Protected Property. Section 2.12.c is intended to permit only

limited, small scale activities. Any larger scale activities on the Protected Property require an approved habitat management plan and an approved detailed action plan in accordance with section 3.2 of this Easement.

2.13. Vehicles. After the grading of *Afton Creek Preserve* is completed, no use of motorized vehicles on the Protected Property is allowed except in conjunction with habitat management or restoration or enhancement, or in conjunction with the creation or maintenance of permitted trails or structures, or the maintenance of utility and drainage systems on the Protected Property, provided that any resulting erosion or soil compaction is repaired and replanted after such vehicle use. This provision is not intended to prohibit the use of any emergency vehicle on the Protected Property.

3. RESERVED RIGHTS. The Owner retains all rights associated with ownership and use of the Protected Property that are not expressly restricted or prohibited by this Easement. The Owner may not, however, exercise these rights in a manner that impairs or interferes with the Conservation Values of the Protected Property. Additionally, the Owner must give notice to the Co-Holders before exercising any reserved right that might impair or interfere with a Conservation Value of the Protected Property.

Without limiting the generality of the above, the following rights are expressly reserved and the Owner may use and allow others to use the Protected Property as follows:

3.1. Right to Convey. The Owner may sell, give, lease, bequeath, devise, mortgage or otherwise encumber or convey the Protected Property. This right to convey the Protected Property is subject to the following provisions.

a. Covered Transactions. Any lease, deed or other conveyance or any encumbrance of the Protected Property is subject to this Easement.

b. Notice to New Owner. The Owner will reference this Easement in any deed or other document by which the Owner conveys title to or any interest in the Protected Property.

c. Notice to Co-Holders. The Owner will notify the Co-Holders of any proposed conveyance of title to the Protected Property at least fifteen (15) days before closing. The Owner will also provide the Co-Holders with the name and address and telephone number of the new owner of the Protected Property and a copy of the deed transferring title within fifteen (15) days after closing. Notice and documents shall be sent to the Co-Holders in accordance with section 7.6 of this Easement.

d. Designated Representative. If the Protected Property is owned by an association of homeowners, the Owner shall provide the Co-Holders with the name and address of the contact person for the association. Additionally, the Owner shall provide the Co-Holders, on an annual basis, with a list of the current homeowners in *Afton Creek Preserve* with their mailing addresses.

e. Notice of Action Affecting Easement. The Owner will also notify the Co-Holders of any proposed condemnation or any claim, legal proceeding, foreclosure or other legal action that might affect title to the Protected Property or the validity or enforceability of this Easement.

The enforceability or validity of this Easement will not be impaired or limited by any failure of the Owner to comply with this section 3.1.

3.2. Habitat Management. The Protected Property shall be used to create, maintain, restore, or enhance habitat for wildlife and native biological communities in accordance with a habitat management plan approved by the Co-Holders under the provisions of section 7.6 of this Easement. Specific habitat management, restoration or enhancement activities are permitted in accordance with an additional detailed action plan approved by the Co-Holders under the provisions of section 7.6 of this Easement that is consistent with the approved habitat management plan. The detailed action may permit, in appropriate quantities and locations, the introduction of honey producing bees and the installation and maintenance of bee structures for the primary purpose of enhancing pollination of the restored prairie and other natural habitat, and for the secondary purpose of the production of honey. The Owner may actively manage, enhance or restore the vegetation on the Protected Property only in accordance with this approved detailed action plan, or as otherwise permitted under section 2.12 of this Easement.

3.3. Recreational and Educational Uses. The Protected Property may be used for hiking, nature observation or study, and other non-intensive recreational and educational programs or activities that have no more than minimal impact on the Conservation Values of the Protected Property.

Minor rustic structures such as trail barriers, benches, picnic tables and informational kiosks that do not impair or interfere with the natural habitat or scenic qualities of the Protected Property may be placed on the Protected Property in conjunction with these activities.

4. CO-HOLDER'S RIGHTS AND REMEDIES. In order to accomplish the Conservation Purpose of this Easement to preserve and protect the Conservation Values of the Protected Property, the Co-Holders have the following rights and remedies:

4.1. Right to Enter. The Co-Holders have the right to enter the Protected Property at reasonable times and in a reasonable manner for the following purposes:

a. To inspect the Protected Property and to monitor compliance with the terms of this Easement.

b. To obtain evidence for use in seeking judicial or other enforcement of this Easement.

c. To survey or otherwise mark the boundaries of all or part of the Protected Property if necessary to determine whether there has been or may be a violation of this Easement.

d. To otherwise exercise its rights under this Easement.

4.2. Access. In order to enter the Protected Property, the Co-Holders have a non-exclusive, perpetual right of access that benefits the Protected Property over that other property currently owned by the Owner and legally described in Exhibit C attached to this Easement and incorporated by this reference and as identified on the Property Map, or any more convenient alternate approach to Outlot B of the Protected Property that the Owner is entitled to use now or may be entitled to use in the future.

4.3. Right of Enforcement. The Co-Holders have the right to prevent or remedy violations of this Easement, including prohibiting the construction of buildings or improvements on the Protected Property, through appropriate judicial action brought in any court of competent jurisdiction, or through other methods of dispute resolution, against the Owner or other responsible party.

a. Notice. The Co-Holders may not initiate judicial action until the Owner has been given notice of the violation, or threatened violation, of this Easement and a reasonable opportunity to correct the situation. This provision shall not apply if in the Co-Holders' sole discretion and exclusive judgment immediate judicial action is necessary to prevent or mitigate significant impairment to or interference with the Conservation Values of the Protected Property or if reasonable, good faith efforts to notify the Owner are unsuccessful.

b. Remedies. In enforcing this Easement, the Co-Holders have the right to:

- Temporary or permanent injunctive relief for any violation or threatened violation of this Easement.
- Require restoration of the Protected Property to its condition at the time of this conveyance or as otherwise necessitated by a violation of this Easement.
- Specific performance or declaratory relief.
- Recover damages resulting from a violation of this Easement or injury to any Conservation Values associated with the Protected Property.

These remedies are cumulative and are available without requiring the Co-Holders to prove actual damage to the Conservation Values of the Protected Property.

The Co-Holders and the Owner agree that the damages created by a violation of this Easement may be determined by calculating the cost of acquiring a conservation easement over similar property. The Co-Holders and the Owner also

recognize that restoration may be the only adequate remedy for certain violations of this Easement.

The Co-Holders are entitled to seek expedited relief, ex parte if necessary, and shall not be required to post any bond applicable to a petition for such relief.

c. Costs of Enforcement. The Owner shall be responsible for all reasonable costs incurred by the Co-Holders in enforcing this Easement, including without limitation, costs of suit, attorneys' fees, and expenses related to restoration of the Protected Property. If, however, the Owner ultimately prevails in a judicial enforcement action, each party shall be responsible for its own costs and attorneys' fees.

d. Enforcement Decisions. The Co-Holders do not waive or forfeit the right to take any action necessary to assure compliance with the terms of this Easement by any delay or prior failure of the Co-Holders in discovering a violation or initiating enforcement proceedings. The Co-Holders shall not be barred by any applicable statute of limitations in bringing any action to enforce the terms of this Easement.

e. Acts Beyond Owner's Control. The Co-Holders may not bring an action against the Owner for any change to the Protected Property resulting from any of the following:

- Causes beyond the Owner's control such as changes caused by fire, flood, storm, natural deterioration or the unauthorized acts of third parties.

- Reasonable actions taken in good faith under emergency conditions to prevent or mitigate damage resulting from such causes.

Actions by the Owner's lessees, agents, employees or contractors, as well as actions by parties entitled to use the Protected Property, are not considered unauthorized acts of third parties.

In the event the Owner fails to enforce required third party compliance with the Easement restrictions in a reasonable manner, and to restore the Protected Property to its condition before the violation occurred, the Co-Holders may bring an appropriate judicial action against the Owner for a violation of this Easement or injury to any Conservation Value associated with the Protected Property resulting from causes created by such third parties.

This section does not preclude the Owner or the Co-Holders from recovering damages or bringing an action against any third party for trespass or other violation of their respective rights in this Easement or in the Protected Property.

f. Right to Report. In addition to other remedies, the Co-Holders have the right to report any environmental concerns or conditions or any actual or potential violations of any environmental laws to appropriate regulatory agencies.

g. Enforcement Rights of Others. Nothing in this Easement is intended to create any right to enforce this Easement in any third party where no such right otherwise exists under this Easement or under law.

4.4. Limitation on Rights. Nothing in this Easement gives the Co-Holders the right or responsibility to exercise physical control over day-to-day operations on the Protected Property or to become involved in management decisions involving the use or disposal of hazardous substances or to otherwise become an operator of the Protected Property within the meaning of the Comprehensive Environmental Response, Compensation and Liability Act, the Minnesota Environmental Response and Liability Act, or other similar successor federal, state or local statutes or laws regarding responsibility for environmental conditions associated with contamination.

5. PUBLIC ACCESS. Although the public benefits from this Easement through the preservation and protection of the Conservation Values of the Protected Property, nothing in this Easement gives the public a right to enter upon or use the Protected Property where no such right exists otherwise. However, the public has a right to use any public trails established on the Protected Property.

6. DOCUMENTATION. The current uses of the Protected Property, the state of any existing improvements, and the specific Conservation Values of the Protected Property that are briefly described in this Easement are more fully described in the Baseline Documentation Report on file at the office of the Land Trust. The Owner and Co-Holders acknowledge that the Baseline Documentation Report accurately represents the condition of the Protected Property at the time of this conveyance and may be used by the Co-Holders in monitoring future uses of the Protected Property, in documenting compliance with the terms of this Easement and in any enforcement proceeding. This Baseline Documentation Report, however, is not intended to preclude the use of other information and evidence to document the present condition of the Protected Property in the event of a future controversy.

7. GENERAL PROVISIONS.

7.1. Assignment. This Easement may be assigned or transferred by the Co-Holders or by one of them only to a conservation entity defined as a qualified organization under Section 170(h) of the Internal Revenue Code and related regulations and as an authorized conservation easement holder under Minnesota law. Any future holder of this Easement shall have all of the rights conveyed to the Co-Holders by this Easement.

As a condition of any assignment or transfer, the Co-Holders will require any future holder of this Easement to continue to carry out the Conservation Purpose of this Easement in perpetuity.

The Co-Holders will notify the Owner of any assignment within thirty (30) days after the assignment and will provide the Owner with the name and address of the new holder.

7.2. Amendment. Under appropriate circumstances, this Easement may be modified or amended. However, the Land Trust may in its sole discretion and exclusive judgment refuse to agree to any amendment or modification of this Easement, including any amendment in which the following apply:

- The amendment is inconsistent with the Conservation Purpose of this Easement.
- The amendment will impair or interfere with the Conservation Values of the Protected Property.
- The amendment affects the perpetual duration of this Easement.
- The amendment affects the validity of this Easement under Minnesota law or the status of the Land Trust under Sections 501(c)(3) and 170(h) of the Internal Revenue Code or successor or related law.
- The amendment creates or results in impermissible private benefit or private inurement as prohibited by 501(c)(3) of the Internal Revenue Code.
- Lienholders of existing liens and mortgages will not agree to subordinate their interests to the amended Easement.

Any amendment or modification must be in writing and recorded in the same manner as this Easement.

7.3. Termination. This Easement may be terminated or extinguished in whole or in part only as set out in this section.

a. Change of Circumstances. This Easement may be terminated or extinguished if circumstances arise that make continued use of the Protected Property in a manner consistent with the Conservation Purpose of this Easement impossible or impractical. In this event, this Easement may be extinguished only through judicial proceedings. The Owner recognizes that uses of the Protected Property prohibited by this Easement may, in the future, become more economically viable than those uses permitted by this Easement. The Owner also recognizes that neighboring properties may, in the future, be put to uses not permitted on the Protected Property by this Easement.

The Owner and the Co-Holders believe that such changes will increase the public benefit provided by this Easement. Therefore such changes are not considered unexpected changes and shall not be deemed to be circumstances justifying the extinguishment of this Easement as otherwise set forth above.

b. Condemnation. This Easement may be terminated or extinguished pursuant to the proper exercise of the power of eminent domain.

c. Proceeds upon Termination. Following any termination or extinguishment of this Easement in whole or in part, the Land Trust is entitled to a portion of any proceeds of a sale, exchange or involuntary conversion of the Protected Property.

The Land Trust's share of the proceeds shall be an amount equal to the fair market value of this Easement at the time of the extinguishment but that is not less than an amount equal to the proportionate value that this Easement bears to the value of the Protected Property as a whole at the time of this conveyance.

The Land Trust will use the resulting share of its proceeds in a manner consistent with the Conservation Purpose of this Easement.

7.4. Warranties. The current Owner represents and warrants as follows:

a. The current Owner is the sole owner of the Protected Property in fee simple and has the right and ability to convey this Easement to the Co-Holders.

b. The Protected Property is free and clear of all rights, restrictions and encumbrances other than those subordinated to this Easement or otherwise specifically agreed to by the Co-Holders.

c. The Protected Property is not subject to any pending claim, legal proceeding, foreclosure or other legal action affecting title to the Protected Property or the validity or enforceability of this Easement.

d. The current Owner has no actual knowledge of any use or release of hazardous waste or toxic substances on the Protected Property that is in violation of a federal, state, or local environmental law and will defend, indemnify and hold the Co-Holders harmless against any claims of contamination from such substances.

7.5. Ownership Responsibilities, Costs and Liabilities. The Owner retains all responsibilities and shall bear all costs and liabilities related to the use, ownership, and maintenance of the Protected Property.

a. Taxes. The Owner shall pay all real estate taxes and assessments levied against the Protected Property, including any levied against the interest of the Co-Holders created by this Easement. The Co-Holders may, at its discretion, pay any outstanding taxes or assessments and shall then be entitled to immediate reimbursement from the Owner.

b. Regulatory Compliance. All activities or construction permitted by this Easement shall be undertaken in accordance with applicable federal, state and local laws, regulations and ordinances and nothing in this Easement shall be construed to exempt the Protected Property or the Owner from otherwise applicable laws or regulations.

The Owner is solely responsible for obtaining any required governmental permits.

c. Indemnity. The Owner shall defend, indemnify, and hold the Co-Holders harmless from any and all costs or liability, including but not limited to, reasonable attorney fees and court costs, for any loss, damage, or personal injury occurring on or related to the Protected Property or the existence of this Easement, except to the extent attributable to the negligence of the Co-Holders.

d. Insurance. The Owner will name the Co-Holders as additional insureds on any general liability insurance policy carried by the Owner with respect to the Protected Property.

e. Future Environmental Condition. The Owner is solely responsible for Owner's use or release on the Protected Property of any hazardous or toxic substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act, the Minnesota Environmental Response and Liability Act, or other similar successor federal, state or local law or regulation regarding responsibility for environmental conditions associated with contamination. The Owner shall take all steps necessary to assure any needed containment or remediation resulting from any release of such substance.

7.6. Notice and Approval. Any notice or request for approval required by this Easement must be in writing and is subject to the following.

a. Approval Requirements. No activity requiring the prior approval of the Co-Holders may proceed without the Co-Holder's written approval as set out in this section. Approval of the Co-Holders must be in writing to be effective. Failure of the Owner to receive approval from the Co-Holders constitutes denial of the request.

b. Delivery. Any required notice or request for approval must be delivered personally or sent by first class mail or other nationally recognized delivery service to the appropriate party at the following addresses (or other address specified in writing):

To the Owner:
Albert W. Carlson, Trustee
2534 Stagecoach Trail South
Afton, MN 55001

And to:
Joe Bush
Need info now

To the Land Trust:
Minnesota Land Trust

2356 University Avenue West
Suite 240
St. Paul, MN 55114

To the City:
City of Afton
City Administrator
3033 St. Croix Trail South
P.O. Box 219
Afton, MN 55001

c. Timing. Unless otherwise specified in this Easement, any required notice or request for approval must be delivered at least 30 days prior to the date proposed for initiating the activity in question.

d. Content. The notice or request for approval must include sufficient information to allow the Co-Holders to make an informed decision on whether any proposed activity is consistent with the terms and Conservation Purpose of this Easement. At a minimum, this should include:

- The location, nature, and scope of the proposed activity.
- The proposed use, design, and location of any structure or improvement.
- The plan for any needed restoration of the Protected Property following construction.
- Any potential impact on the Conservation Values of the Protected Property.

e. Approval Decisions. The Co-Holders may withhold their approval if they determine that the proposal may impair or interfere with the Conservation Values of the Protected Property or is inconsistent with the terms or Conservation Purpose of this Easement or lacks sufficient information to allow the Co-Holders to reach an informed decision. The Co-Holders may condition its approval on the Owner's acceptance of modifications, which would, in the Co-Holder's judgment, make the proposed activity consistent with the Easement or otherwise meet any concerns.

7.7. Binding Effect. This Easement creates a property right immediately vested in the Co-Holders and its successors and assigns that cannot be terminated or extinguished except as set out herein.

This Easement shall run with and burden the Protected Property in perpetuity. The terms of this Easement are binding and enforceable against the current Owner of the Protected Property, all successors in title to the Protected Property and all other parties entitled to possess or use the Protected Property.

If at any time the Co-Holders, the Land Trust, or the City, or other holder of this Easement becomes the owner of all or a portion of the fee interest in the Protected

Property, this Easement shall not be deemed to merge with the underlying fee interest but shall remain in force and effect unless otherwise terminated or extinguished as set out herein.

7.8. Definitions. Unless the context requires otherwise, the following terms are defined as follows:

a. "Owner" includes, jointly and severally, the current owner or owners of the Protected Property identified above and their personal representatives, heirs, successors and assigns in title to the Protected Property.

b. "Land Trust" includes the Minnesota Land Trust and its successors or assigns to its interest in this Easement.

c. "City" includes the City of Afton and its successors or assigns to its interest in this Easement.

d. "Co-Holders" include the Minnesota Land Trust and the City of Afton and their respective successors or assigns to their interests in this Easement.

e. "Easement" includes both this instrument of conveyance and the property interest conveyed from the Owner to the Co-Holders.

Other terms may be defined throughout this Easement.

7.9. Co-Holders. The rights conveyed to the Land Trust and the City as Co-Holders under this Easement may be exercised by either of them separately or by both of them jointly, provided, however, that in the event of a disagreement or a conflict between the Land Trust and the City, the sole discretion and judgement of the Land Trust shall prevail and the City shall cooperate fully with the Land Trust's decision. It is nevertheless the intention of the Co-Holders to use all reasonable efforts to coordinate their activities in carrying out their rights and responsibilities under this Easement. To that end, the following outlines the general manner in which the Co-Holders intend to carry out their rights and responsibilities:

a. Monitoring. The Land Trust shall be generally responsible for periodically monitoring the Protected Property for compliance with the terms of this Easement and will provide the City with the information regarding the results of such monitoring.

b. Notice and Approval. When providing notice or requesting approval as set out in section 7.6 above, the Owner shall give notice to both the Land Trust and the City. The Land Trust and the City shall use all reasonable efforts to coordinate their response to any request for approval.

c. Enforcement. If either Co-Holder finds that there has been a violation of the terms of this Easement, that party shall immediately notify the other Co-Holder and both Co-Holders shall use all reasonable efforts to reach agreement on how to proceed.

7.10. Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon the transfer or termination of that party's interest in this Easement or the Protected Property, provided, however, that any liability for acts or omissions occurring prior to the transfer or termination will survive that transfer or termination.

7.11. Recording. The Co-Holders will record this Easement in a timely manner in the official records for the county in which the Protected Property is located. The Co-Holders may re-record this Easement or any other documents necessary to protect its rights under this Easement or to assure the perpetual enforceability of this Easement.

7.12. Interpretation. This Easement shall be interpreted as follows:

a. Controlling Law and Construction. This Easement shall be governed by the laws of the State of Minnesota and construed to resolve any ambiguities or questions of validity of specific provisions in favor of giving maximum effect to its Conservation Purpose and to the policies and purposes of Minnesota Statutes Chapter 84C.

b. Severability. A determination that any provision or specific application of this Easement is invalid shall not affect the validity of the remaining provisions or any future application.

c. Captions. Captions have been inserted in this document solely for convenience of reference and shall have no effect upon interpretation or construction.

7.13. Additional Documents. The Owner agrees to execute or provide any additional documents reasonably needed by the Co-Holders to carry out in perpetuity the provisions and the intent of this Easement, including, but not limited to any documents needed to correct any error or mutual mistake, legal description or title matter or to comply with any federal, state, or local law, rule or regulation.

7.14. Entire Agreement. This document sets forth the entire agreement of the parties with respect to this Easement and supersedes all prior discussions or understandings.

7.15. Signatures. This Easement may be completed with the signatures of the parties to this Easement executed and notarized on separate pages which when attached to this document shall constitute one complete document.

The remainder of this page has been intentionally left blank.

draft

IN WITNESS WHEREOF, the Owner has voluntarily executed this Easement on the _____ day of _____, 20__.

OWNER:

_____

Albert W. Carlson, as trustee of the Trust Agreement of Albert W. Carlson U/T/D February 17, 2010

State of MINNESOTA)
) ss
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Albert W. Carlson, as trustee of the Trust Agreement of Albert W. Carlson U/T/D February 17, 2010.

_____

Notary Public
My Commission Expires:

draft

ACCEPTANCE

The MINNESOTA LAND TRUST hereby accepts the foregoing Easement effective as of the _____ day of _____, 20__.

MINNESOTA LAND TRUST

By: _____

Title: _____

State of MINNESOTA)
) ss
County of RAMSEY)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, the _____ of the Minnesota Land Trust, a non-profit corporation under the laws of the State of Minnesota, on behalf of said corporation.

_____
Notary Public
My Commission Expires:

This document drafted by:

Minnesota Land Trust
2356 University Avenue West
Suite 240
St. Paul, MN 55114

draft

The CITY OF AFTON hereby accepts the foregoing Easement effective as of the _____ day of _____, 20__.

CITY OF AFTON

By: _____

Its: _____

State of MINNESOTA)
) ss
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____, the _____ of the City of Afton, a local unit of government and a political subdivision of the State of Minnesota, on behalf of the City.

_____
Notary Public
My Commission Expires:

draft

Exhibit A

Legal Description of Protected Property

Outlots A and B, Afton Creek Preserve, Washington County, Minnesota.

draft

Exhibit B

Property Map

draft

Exhibit C

Legal Description of Access Easement

TOGETHER WITH a 20.00 foot wide easement for ingress and egress purposes over, under and across all that part of Lot 5, Block 2 and all that part of Lot 6, Block 2, Afton Creek Preserve, on file and of record in the Office of the County Recorder, Washington County, Minnesota lying 10.00 feet on either side of the following described center line:

Beginning at the westerly most corner of said Lot 5; thence North 74 degrees 35 minutes 56 seconds East, bearings are based on said plat of Afton Creek Preserve, along a northerly line of said Lot 5, a distance of 248.27 feet, more or less, to its intersection with the public way dedicated as Prairie Wind Court and said center line there terminating.

The sidelines of said easement are to be prolonged or shortened to terminate on said public way and are to be prolonged or shortened to terminate on an easterly line of OUTLOT B.

draft

CERTIFICATE OF SURVEY

LOT 4, BLOCK 2, ST. CROIX VALLEY ESTATES, AND
THE NORTH 1 ROD OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER
LYING WESTERLY OF THE ROAD,
ALL IN SECTION 33, TOWNSHIP 28 NORTH, RANGE 20 WEST,
CITY OF AFTON, WASHINGTON COUNTY, MINNESOTA

PARCEL
COMBINATION SURVEY

PREPARED FOR :

J. P. BUSH HOMES
1980 Quasar Avenue South
Lakeland, Minnesota 55043

SITE ADDRESS:

5680 Odell Avenue South
Afton, Minnesota 55001

EXISTING PARCELS

Mary McConnell

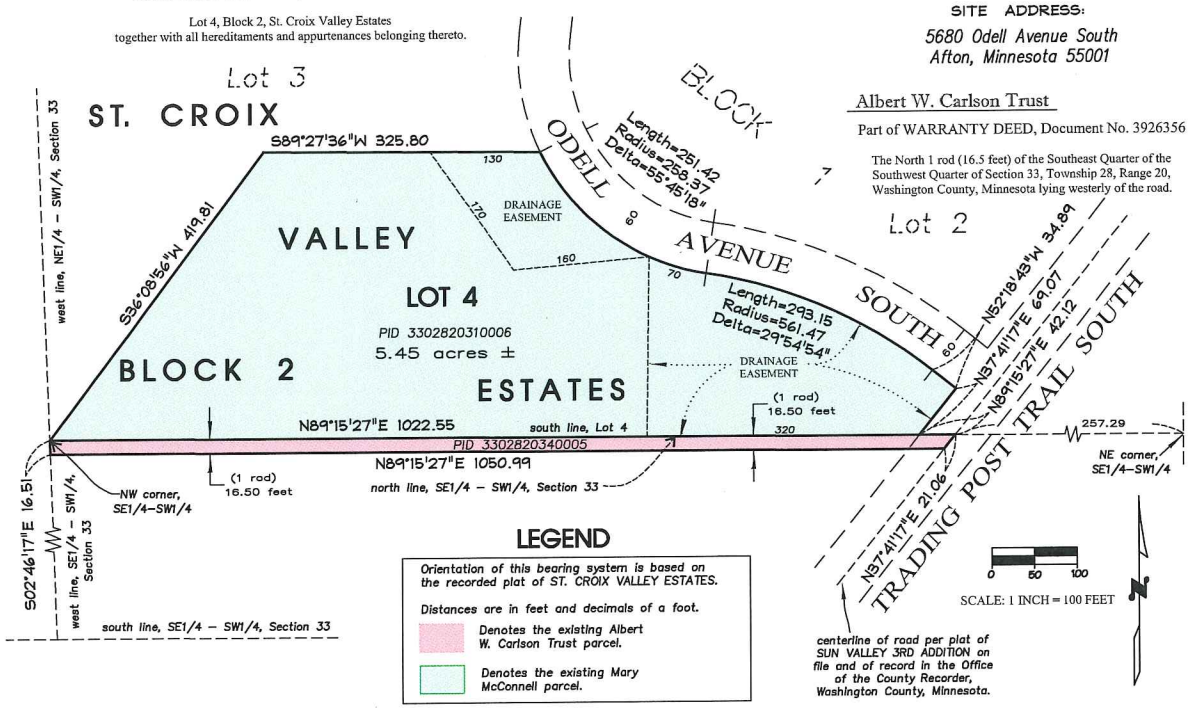
CONSERVATOR'S DEED, Document No. 4038876

Lot 4, Block 2, St. Croix Valley Estates
together with all hereditaments and appurtenances belonging thereto.

Albert W. Carlson Trust

Part of WARRANTY DEED, Document No. 3926356

The North 1 rod (16.5 feet) of the Southeast Quarter of the Southwest Quarter of Section 33, Township 28, Range 20, Washington County, Minnesota lying westerly of the road.



LEGEND

Orientation of this bearing system is based on the recorded plat of ST. CROIX VALLEY ESTATES.

Distances are in feet and decimals of a foot.

Denotes the existing Albert W. Carlson Trust parcel.

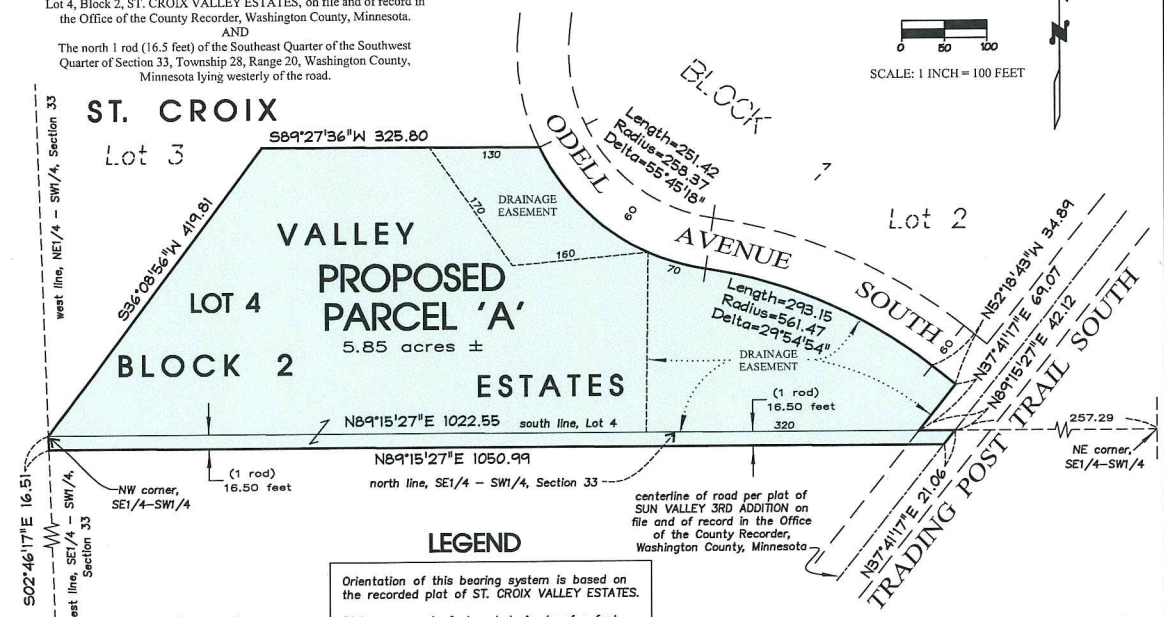
Denotes the existing Mary McConnell parcel.

PROPOSED PARCEL

Mary McConnell

PROPOSED PARCEL 'A' DESCRIPTION

Lot 4, Block 2, ST. CROIX VALLEY ESTATES, on file and of record in the Office of the County Recorder, Washington County, Minnesota.
AND
The north 1 rod (16.5 feet) of the Southeast Quarter of the Southwest Quarter of Section 33, Township 28, Range 20, Washington County, Minnesota lying westerly of the road.



LEGEND

Orientation of this bearing system is based on the recorded plat of ST. CROIX VALLEY ESTATES.

Distances are in feet and decimals of a foot.

Denotes the proposed Mary McConnell parcel.

Official copies of this map are crimp sealed.

I hereby certify that this survey, plan or report 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.

Landmark Surveying Inc.

Milo B. Horak Minnesota License No. 52577 — September 20, 2018 Date

SURVEY PREPARED BY:
Landmark Surveying, Inc.
21070 Olinda Trail North – P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
Cell number: 651-755-5760
E-mail address: inthefield@frontiernet.net

September 20, 2018

Job Number 2016-64

CERTIFICATE OF SURVEY

Part of the Southwest Quarter of the Southwest Quarter of Section 33,
and the East Half of the Southeast Quarter of the Southeast Quarter of Section 32,
and OUTLOT C, AFTON CREEK PRESERVE, all in
Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota

BOUNDARY SURVEY

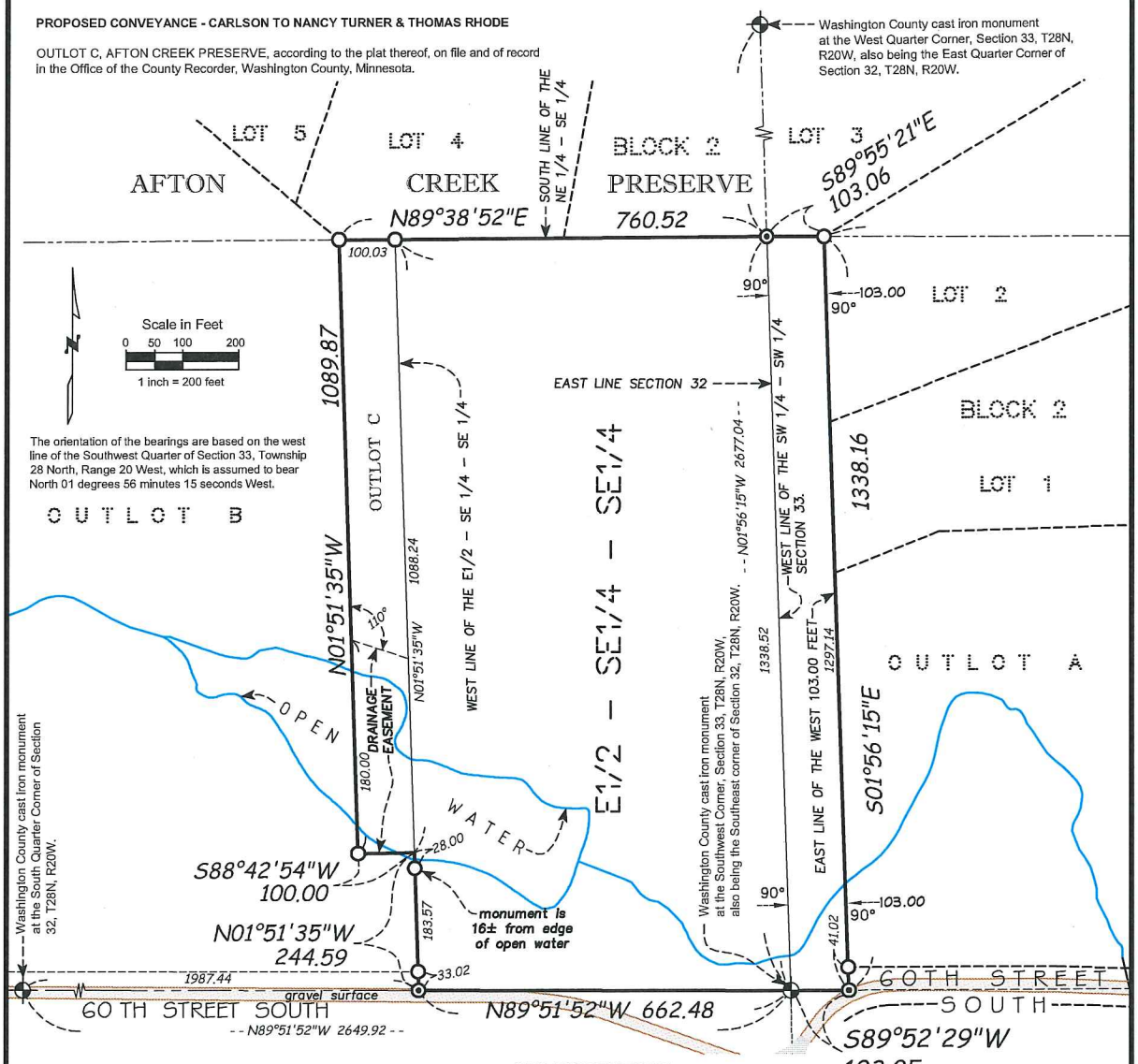
Prepared for:
Nancy A. Turner and Thomas Rhode
13926 60th Street South
Afton, Minnesota 55001

SURVEY REPORT

The purpose of this survey is to provide proposed descriptions and document the proposed boundary of the Turner-Rhode property after the recording of AFTON CREEK PRESERVE.

PROPOSED CONVEYANCE - CARLSON TO NANCY TURNER & THOMAS RHODE

OUTLOT C, AFTON CREEK PRESERVE, according to the plat thereof, on file and of record in the Office of the County Recorder, Washington County, Minnesota.



Legend

- Denotes 1/2 inch iron pipe, 18 inches long, with a plastic cap inscribed HORAK LS 52577, set per plat of AFTON CREEK PRESERVE.
- Denotes found 3/8 inch diameter re-rod monument with a plastic cap, License No. 43999.
- Denotes Washington County cast iron monument.

Distances are in feet and decimals of a foot.

Distances and dimensions shown as 10, 66, 90°, etc. are exact extrinsic values.

PROPOSED DESCRIPTION

NANCY A. TURNER & THOMAS RHODE TO NANCY A. TURNER & THOMAS RHODE

The East Half of the Southeast Quarter of the Southeast Quarter of Section 32, Township 28 North, Range 20 West, Washington County, Minnesota.

AND

The west 103.00 feet of the Southwest Quarter of the Southwest Quarter of Section 33, Township 28 North, Range 20 West, Washington County, Minnesota.

AND

OUTLOT C, AFTON CREEK PRESERVE, according to the plat thereof, on file and of record in the Office of the County Recorder, Washington County, Minnesota.

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report 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.

Landmark Surveying, Inc.

Milo Horak — October 03, 2018

Milo B. Horak, Minnesota License No. 52577 — Date

Landmark Surveying, Inc.

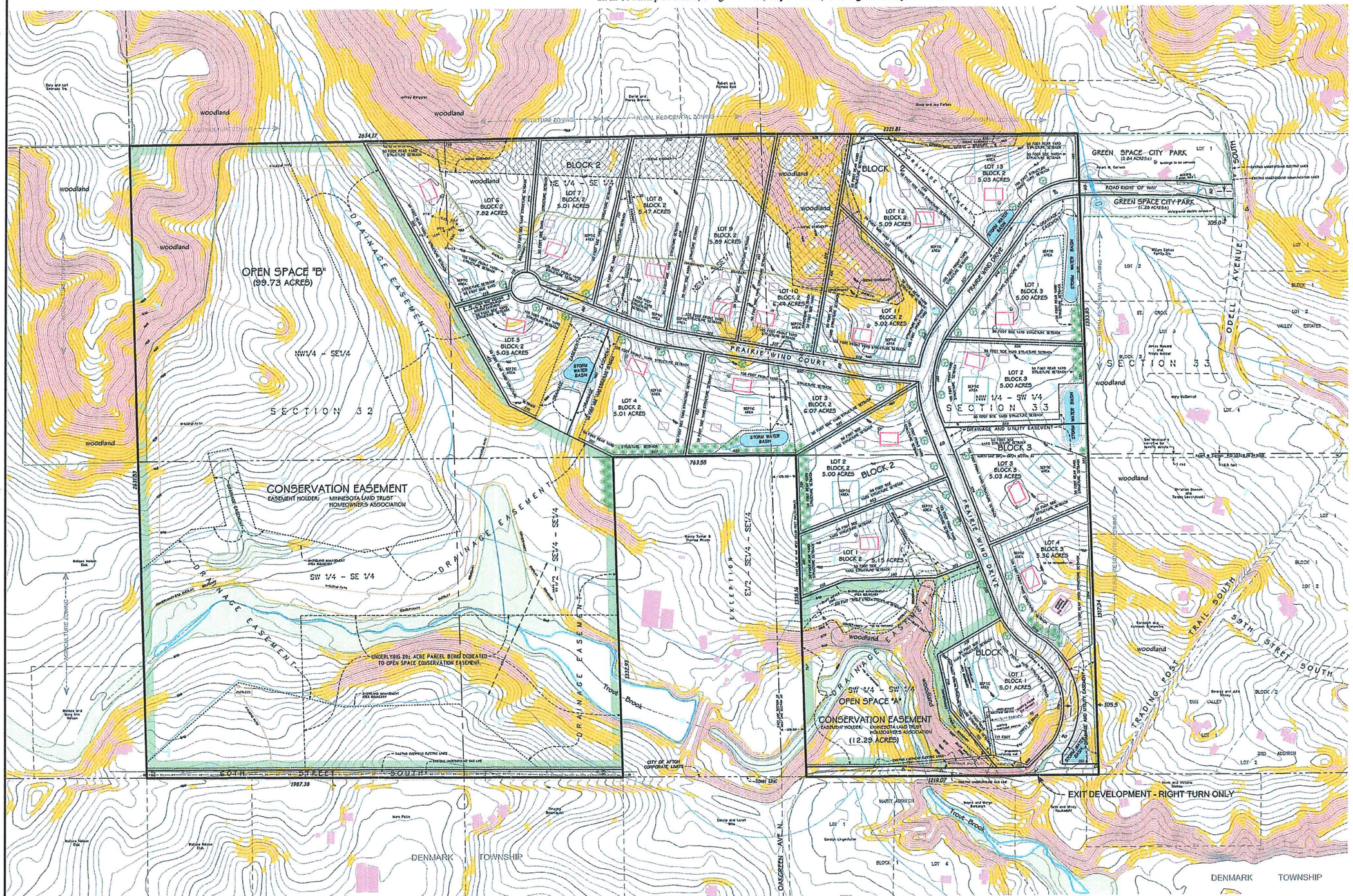
21070 Olinda Trail North
P.O. Box 65
Scandia, Minnesota 55073

Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: inthefield@frontiernet.net

Job No. 2016-64 - Turner-Rhode

PRELIMINARY PLAT - AFTON CREEK PRESERVE

Part of the Southeast Quarter of Section 32 and part of the Southwest Quarter of Section 33,
all in Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota



Developer:

J.P. Bush HOMES
Lakeland, Minnesota

TOTAL PARCEL AREA =218.55 acres

Proposed Conservation Easements
OPEN SPACE = 112.02acres
(51.3% gross parcel area)

Proposed Buildable Lots (18 total) = 97.43 acres

Proposed Road Rights of Way = 9.10 acres

Proposed Road Right of Way Width = 60 feet

Proposed Road Right of Way Width
(60th Street South) = 33± feet from center line

Proposed Length of Cul-De-Sac - 1721 feet

Proposed Road Type - 24 foot wide rural section

Owner: ALBERT CARLSON TRUST
3334 Engelwreth Trail South
Afton, MN 55001

Developer: J.P. BUSH HOMES
1910 Quaker Avenue South
Lakeland, MN 55043
(651) 775-4722

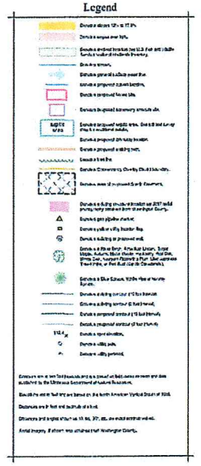
Engineering: PLOVE ENGINEERING INC.
6776 Lake Drive, Suite 110
Lino Lakes, MN 55014
(651) 351-8210

Environmental: JACOBSON ENVIRONMENTAL
5811 Humbolt Avenue North
Brooklyn Center, MN 55430
(612) 502-6819

Soil Testing: MIDWEST SOIL TESTING
PO BOX 383
Hugo, MN 55038
(651) 430-2562

Traffic: SPACK CONSULTING
PO BOX 18065
St. Louis Park, MN 55416
(608) 222-6513

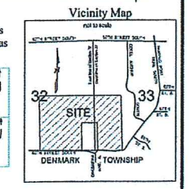
Legend



LOT DATA

		GROSS AREA (ACRES)	BUILDABLE AREA (ACRES)
BLOCK 1	LOT 1	5.01	4.18
BLOCK 2	LOT 1	5.01	2.53
	LOT 2	5.00	4.86
	LOT 3	6.07	2.91
	LOT 4	5.01	3.15
	LOT 5	5.03	2.52
	LOT 6	7.82	5.89
	LOT 7	5.01	3.28
	LOT 8	5.47	3.77
	LOT 9	5.89	4.01
	LOT 10	6.44	2.51
	LOT 11	5.02	2.97
	LOT 12	5.03	4.44
	LOT 13	5.03	3.07
BLOCK 3	LOT 1	5.00	3.37
	LOT 2	5.00	4.09
	LOT 3	5.03	3.87
	LOT 4	5.36	3.89
OPEN SPACE A		12.43	
OPEN SPACE B		99.73	
RIGHT OF WAY		9.10	

Vicinity Map



Minimum Standards Proposed Septic Areas

Landmark Surveying, Inc.
21000 Circle Tail Road
P.O. Box 45
Scandia, Minnesota 55073
Office number: 651-433-5421
Cell number: 651-733-5160
Email: ed@landmarkinc.net

Notes:
The total area of land located along the north side of the Southeast Quarter of the Southwest Quarter of Section 33 contains approximately 0.40 acres of land and this area was not included in overall area or density calculations for this PLAT.
Lot 1, Block 3 of SF CROW VALLEY ESTATES contains approximately 5.2 acres of land and this area was not included in overall area or density calculations for this PLAT.

Property Identification Numbers:
32.028.20.41.0002
32.028.20.42.0004
32.028.20.43.0001
33.028.20.33.0001 (TO BE ASSIGNED)
33.028.20.32.0001

EXISTING ZONING: 97.7% AGRICULTURE
2.3% RURAL RESIDENTIAL

LEGAL DESCRIPTION OF PROPERTY:
The North of Quarter of the Southwest Quarter of Section 33, Township North, Range 20 West, Washington County, Minnesota.
The Southwest Quarter of the Southwest Quarter of Section 33, Township 28 North, Range 20 West, Washington County, Minnesota, lying north of the rail road right of way.
The Southeast Quarter of Section 32, Township North, Range 20 West, Washington County, Minnesota, EXCEPT the Easterly of the Southeast Quarter of the Southeast Quarter of said Section 32.

Drawings and data by Landmark are proposed only.

Section lines shown are approximate and are used only as all kitchen orders otherwise indicated on the plat.

OFFICIAL COPIES OF THIS MAP ARE CHALK SEALED

I hereby certify that this survey, plan or report 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.

Landmark Surveying Inc.
Mark Pfeifer
Mark R. Pfeifer, Minnesota License No. 21777
Date: January 24, 2008

EXHIBIT F

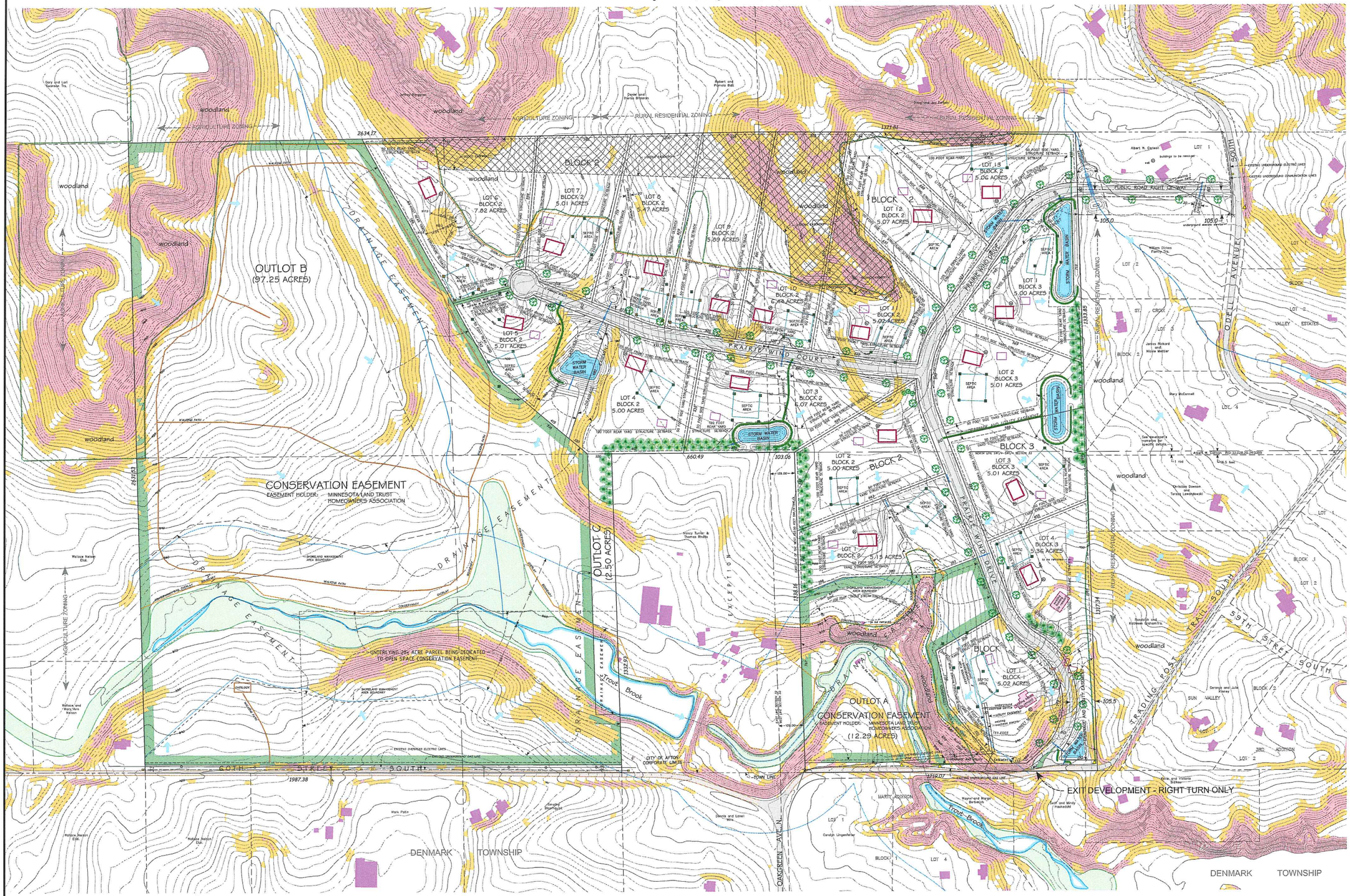
Scale in Feet
0 50 100 200
1 inch = 100 feet

SHEET 1 OF 2

Feb 24, 2008 ed

FINAL DEVELOPMENT PLAN - AFTON CREEK PRESERVE

Part of the Southeast Quarter of Section 32 and part of the Southwest Quarter of Section 33,
all in Township 28 North, Range 20 West, City of Afton, Washington County, Minnesota



Developer:

J.P. Bush HOMES
Lakeland, Minnesota

TOTAL PARCEL AREA = 218.55 acres

Proposed Conservation Easements
OPEN SPACE = 109.54acres
(50.1% gross parcel area)

Proposed Buildable Lots (18 total) = 97.41 acres

Proposed Road Right of Way = 9.10 acres

Proposed Road Right of Way Width = 60 feet

Proposed Road Right of Way Width
(60th Street South) = 33± feet from center line

Proposed Length of Cul-De-Sac - 1721 feet

Proposed Road Type - 24 foot wide rural section

Owner: ALBERT CARLSON TRUST
2534 Stagecoach Trail South
Afton, MN 55001

Developer: J.P. BUSH HOMES
1980 Quasar Avenue South
Lakeland, MN 55043
(651) 775-4222

Engineering: PLOWE ENGINEERING INC.
6776 Lake Drive, Suite 110
Lino Lakes, MN 55014
(651) 361-8210

Environmental: JACOBSON ENVIRONMENTAL
5821 Humboldt Avenue North
Brooklyn Center, MN 55430
(612) 802-6619

Soil Testing: MIDWEST SOIL TESTING
PO BOX 383
Hugo, MN 55038
(651) 493-2682

Traffic: SPACK CONSULTING
PO BOX 16269
St. Louis Park, MN 55416
(888) 232-5512

Legend

- Denotes slopes 12% to 17.9%
- Denotes slopes over 18%.
- Denotes wetland location per U.S. Fish and Wildlife Service National Wetlands Inventory.
- Denotes stream.
- Denotes general surface water flow.
- Denotes proposed culvert location.
- Denotes proposed house site.
- Denotes proposed accessory structure site.
- septic area — Denotes proposed septic area. See soil test survey map for additional details.
- Denotes proposed driveway location.
- Denotes proposed utility pole.
- Denotes tree line.
- Denotes Conservancy Overlay District boundary.
- Denotes area of proposed Scenic Easement.
- Denotes building structure location per 2017 aerial photography obtained from Washington County.
- Denotes gas shut-off marker.
- Denotes yellow utility location flag.
- Denotes building or proposed well.
- Denotes building contour (10 foot interval).
- Denotes building contour (2 foot interval).
- Denotes proposed contour (10 foot interval).
- Denotes proposed contour (2 foot interval).
- 312.4 — Denotes spot elevation.
- Denotes utility pole.
- Denotes utility pedestal.
- Denotes proposed location of boulevard tree, see landscape plans for additional details.
- Denotes proposed location of evergreen tree.
- Denotes proposed pond maintenance access.

Contours are at two foot intervals and are based on field measurements and data published by the Minnesota Department of Natural Resources.

Elevations are in feet and are based on the North American Vertical Datum of 1988.

Distances are in feet and decimals of a foot.

Distances and angles shown as 12, 05, 30", etc. are deed methods values.

LOT DATA

		GROSS AREA (ACRES)	BUILDABLE AREA (ACRES)
BLOCK 1	LOT 1	5.02	4.01
BLOCK 2	LOT 1	5.15	2.53
	LOT 2	5.00	4.55
	LOT 3	5.07	2.50
	LOT 4	5.00	3.29
	LOT 5	5.01	2.52
	LOT 6	7.82	5.89
	LOT 7	5.01	3.31
	LOT 8	5.47	2.72
	LOT 9	5.89	4.01
	LOT 10	6.44	2.51
	LOT 11	5.00	2.98
	LOT 12	5.07	4.42
	LOT 13	5.06	3.16
BLOCK 3	LOT 1	5.00	3.08
	LOT 2	5.01	3.38
	LOT 3	5.01	3.80
	LOT 4	5.36	3.90
OUTLOT A		12.29	
OUTLOT B		97.25	
OUTLOT C		2.50	
RIGHT OF WAY		9.10	

Minimum Standards Proposed Septic Areas

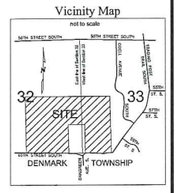
(NOT TO SCALE)

PRIMARY SEPTIC AREA
5,000 SQUARE FEET (MINIMUM)

SECONDARY SEPTIC AREA
5,000 SQUARE FEET (MINIMUM)

Vicinity Map

not to scale



Notes:

The 1 rod strip of land located along the north line of the Southeast Quarter of the Southeast Quarter of Section 33 contains approximately 5.40 acres of land and this area was not included in overall area or density calculations for this PLCOD.

Lot 1, Block 2 of ST CROIX VALLEY ESTATES contains approximately 5.0 acres of land and this area was not included in overall area or density calculations for this PLCOD.

Drainage and utility easements are proposed thus:

Being ten feet in width and adjoining public ways and all lot lines unless otherwise indicated on this plat.

EXISTING ZONING: AGRICULTURE

LEGAL DESCRIPTION OF PLATED LAND:

The Southeast Quarter of the Southeast Quarter of Section 32, Township North, Range 20 West, Washington County, Minnesota.

The Southwest Quarter of the Southwest Quarter of Section 33, Township 28 North, Range 20 West, Washington County, Minnesota. Ubig east of the west 1633.00 feet thereof.

The Southeast Quarter of Section 32, Township North, Range 20 West, Washington County, Minnesota, EXCEPT the East Half of the Southeast Quarter of the Southeast Quarter of said Section 32.

Landmark Surveying, Inc.
21070 Orwas Trail North
P.O. Box 69
Scandia, Minnesota 55073
Office number: 651-433-3421
Cell number: 651-755-5760
E-mail: info@landmarksurvey.net

OFFICIAL COPIES OF THIS MAP ARE CRIMP SEALED

I hereby certify that this survey, plan or report 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.

Landmark Surveying Inc.

Mark Hinck — October 30, 2018
Mark A. Hinck, Minnesota License No. 52017 — Date

REVISED: NOVEMBER 20, 2018 & NOVEMBER 28, 2018

Job No. 2016-64

AFTON CREEK PRESERVE

FINAL PLAT

KNOW ALL PERSONS BY THESE PRESENTS: That Albert W. Carlson and Sandra P. Carlson as Trustees of the Trust Agreement of Albert W. Carlson, dated February 17, 2010, owners of the following described property situated in the City of Afton, County of Washington, State of Minnesota:

The Southwest Quarter of the Southwest Quarter of Section 33, Township 28 North, Range 20 West, Washington County, Minnesota, lying east of the west 103.00 feet thereof.

AND

The Northwest Quarter of the Southwest Quarter of Section 33, Township 28 North, Range 20 West, Washington County, Minnesota.

AND

The Southeast Quarter of Section 32, Township 28 North, Range 20 West, Washington County, Minnesota EXCEPTING THEREFROM the East One-half of the Southeast Quarter of the Southeast Quarter of said Section 32.

Have caused the same to be surveyed and platted as AFTON CREEK PRESERVE, and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat.

In witness whereof said Albert W. Carlson and Sandra P. Carlson, Trustees of the Trust Agreement of Albert W. Carlson, dated February 17, 2010, have hereunto set their hands this _____ day of _____, 20_____.

_____
Albert W. Carlson, Trustee of the
Trust Agreement of Albert W. Carlson, dated February 17, 2010

_____
Sandra P. Carlson, Trustee of the
Trust Agreement of Albert W. Carlson, dated February 17, 2010

This instrument was acknowledged before me on _____ by Albert W. Carlson and Sandra P. Carlson, Trustees of the Trust Agreement of Albert W. Carlson, dated February 17, 2010.

_____ (signature)

_____ (print name)

Notary Public, _____

My Commission Expires _____

SURVEYOR'S CERTIFICATION

I, Milo B. Horak, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20_____.

_____
Milo B. Horak, Licensed Land Surveyor
Minnesota License No. 52577

STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____ by Milo B. Horak, Licensed Land Surveyor.

_____ (signature)

_____ (print name)

Notary Public, _____

My Commission Expires _____

CITY COUNCIL

This plat was approved by the City Council of the City of Afton, Minnesota, this _____ day of _____, 201__, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed _____ Mayor

Signed _____ City Administrator/Clerk

COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd.11, this plat has been reviewed and approved this _____ day of _____, 20___.

By _____ Washington County Surveyor

By _____

COUNTY AUDITOR/TREASURER

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and Section 272.12, taxes payable in the year 201__, on real estate hereinbefore described, have been paid; and there are no delinquent taxes, and transfer has been entered on this _____ day of _____ 20___.

By _____ Washington County Auditor/Treasurer

By _____ Deputy

COUNTY RECORDER

Document Number _____

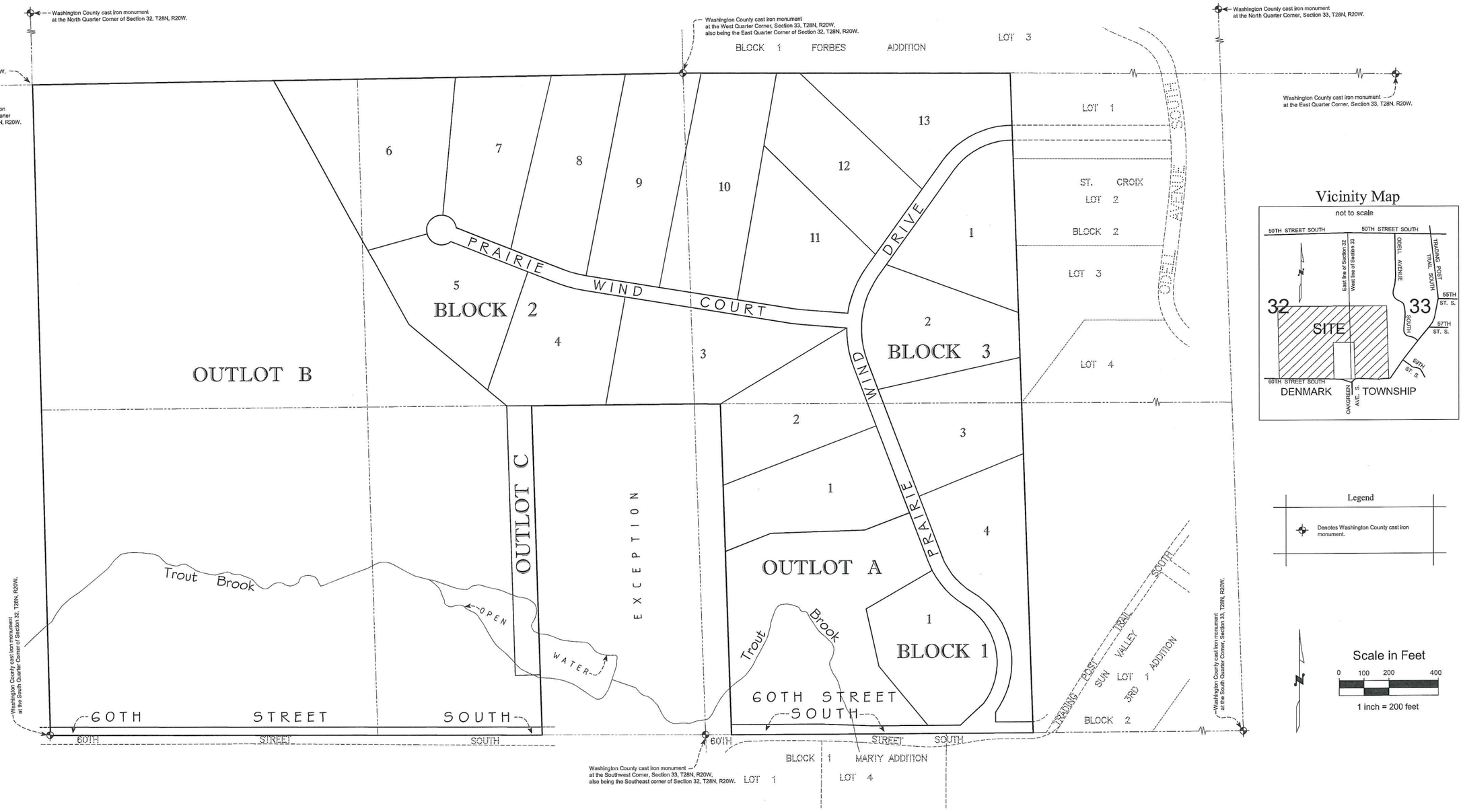
I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this _____ day of _____, 2018 at ____o'clock _____.M. and was duly recorded in Washington County Records.

By _____ Washington County Recorder

By _____ Deputy

Landmark Surveying, Inc.
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
E-mail: inthefield@frontiernet.net

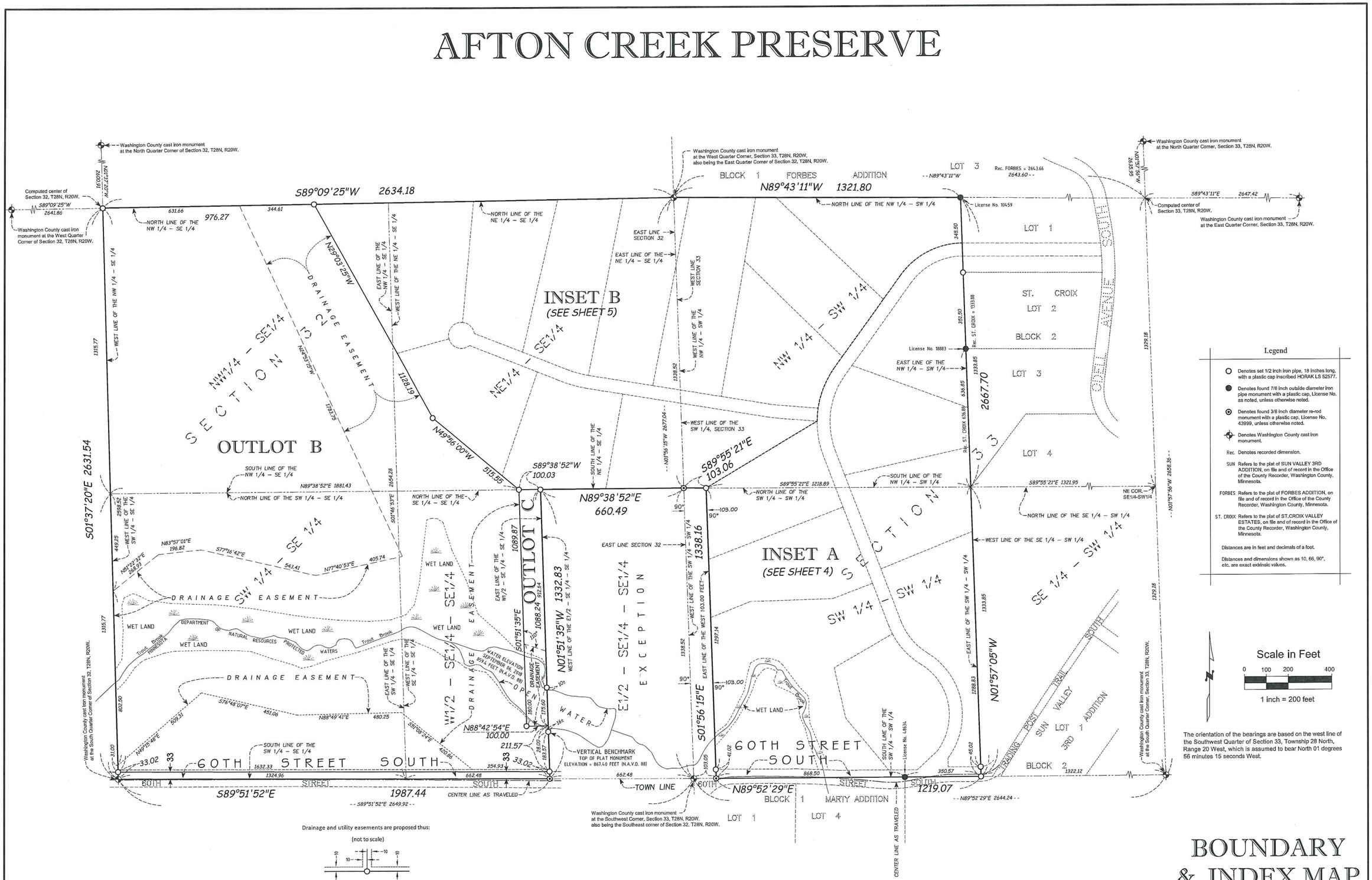
AFTON CREEK PRESERVE



Landmark Surveying, Inc.
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
E-mail: inthefield@frontiernet.net

OVERVIEW

AFTON CREEK PRESERVE



Legend

- Denotes set 1/2 inch iron pipe, 18 inches long, with a plastic cap inscribed HORAK LS 52577.
- Denotes found 7/8 inch outside diameter iron pipe monument with a plastic cap, License No. as noted, unless otherwise noted.
- Denotes found 3/8 inch diameter re-rod monument with a plastic cap, License No. 43999, unless otherwise noted.
- Denotes Washington County cast iron monument.
- Rec. Denotes recorded dimension.
- SUN Refers to the plat of SUN VALLEY 3RD ADDITION, on file and of record in the Office of the County Recorder, Washington County, Minnesota.
- FORBES Refers to the plat of FORBES ADDITION, on file and of record in the Office of the County Recorder, Washington County, Minnesota.
- ST. CROIX Refers to the plat of ST.CROIX VALLEY ESTATES, on file and of record in the Office of the County Recorder, Washington County, Minnesota.

Distances are in feet and decimals of a foot.

Distances and dimensions shown as 10, 66, 90°, etc. are exact extrinsic values.

Scale in Feet

0 100 200 400

1 inch = 200 feet

The orientation of the bearings are based on the west line of the Southwest Quarter of Section 33, Township 28 North, Range 20 West, which is assumed to bear North 01 degrees 56 minutes 15 seconds West.

Drainage and utility easements are proposed thus:

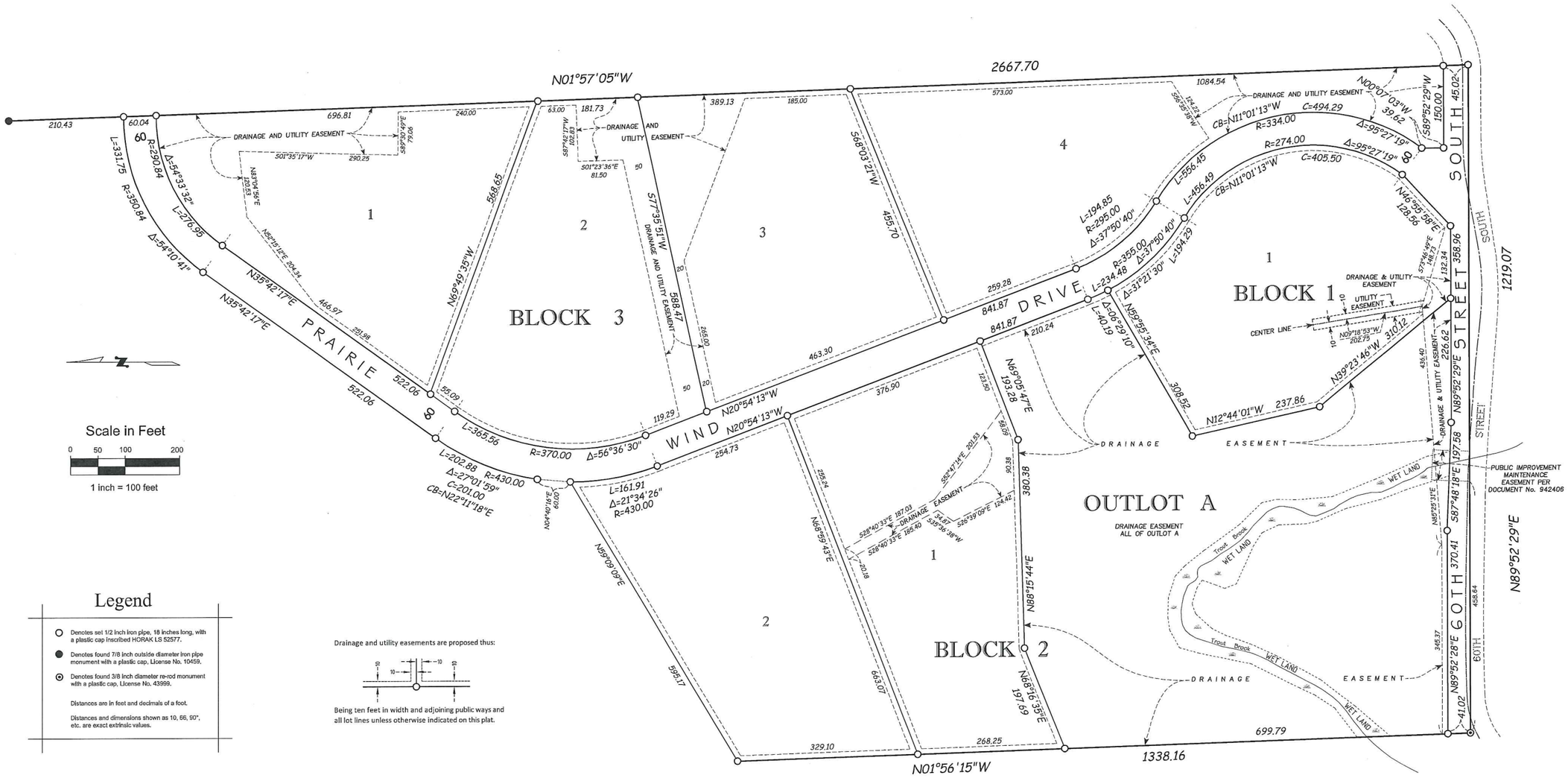
(not to scale)

Being ten feet in width and adjoining public ways and all lot lines unless otherwise indicated on this plat.

Landmark Surveying, Inc.
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
E-mail: inthefield@frontiernet.net

BOUNDARY & INDEX MAP

AFTON CREEK PRESERVE



Legend

- ○ Denotes set 1/2 inch iron pipe, 18 inches long, with a plastic cap inscribed HORAK LS 52577.
- ● Denotes found 7/8 inch outside diameter iron pipe monument with a plastic cap, License No. 10459.
- ⊙ Denotes found 3/8 inch diameter re-rod monument with a plastic cap, License No. 43999.

Distances are in feet and decimals of a foot.

Distances and dimensions shown as 10, 66, 90°, etc. are exact extrinsic values.

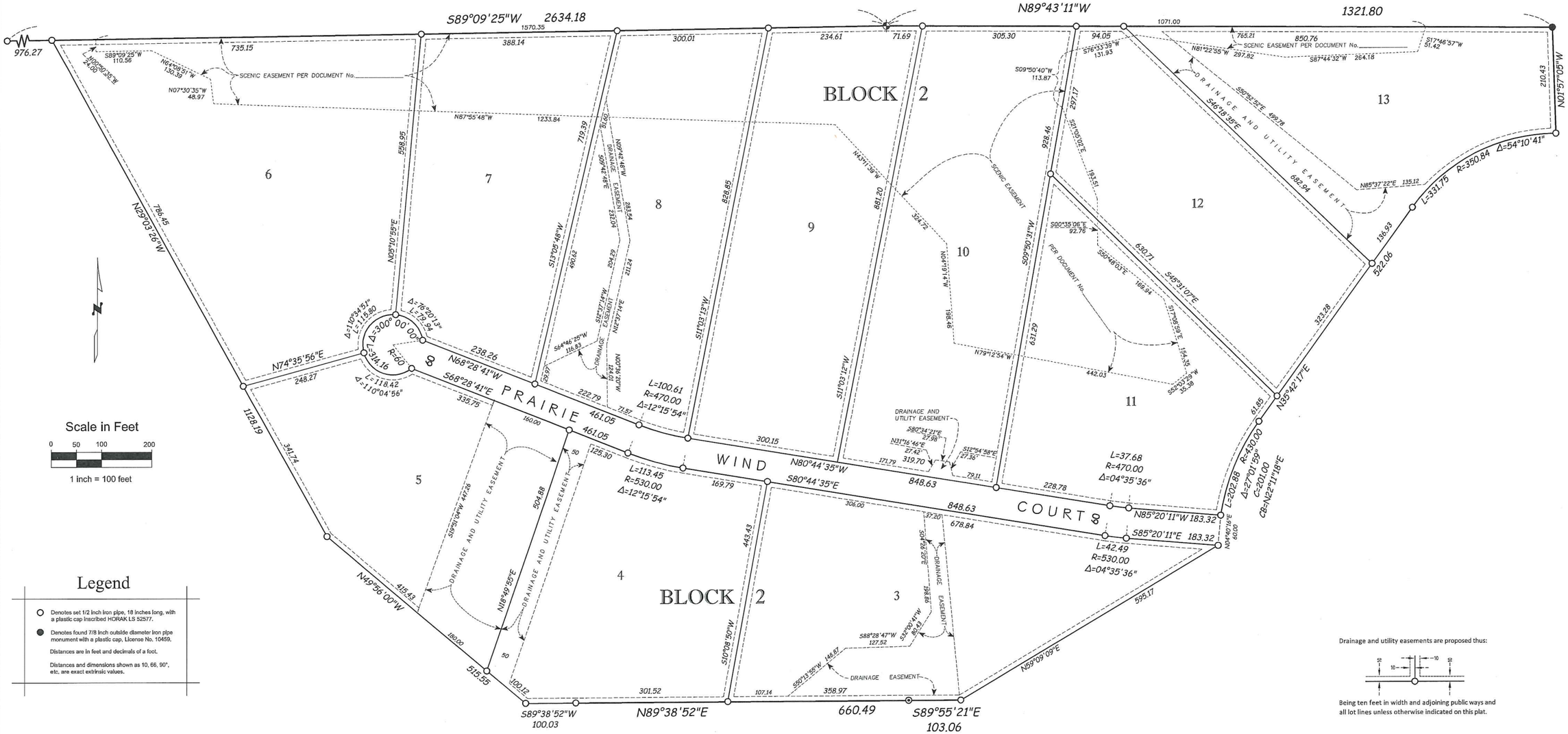
Drainage and utility easements are proposed thus:

Being ten feet in width and adjoining public ways and all lot lines unless otherwise indicated on this plat.

Landmark Surveying, Inc.
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
E-mail: inthefield@frontiernet.net

INSET A

AFTON CREEK PRESERVE



Legend

- ○ Denotes set 1/2 inch iron pipe, 18 inches long, with a plastic cap inscribed HORAK LS 52577.
- ● Denotes found 7/8 inch outside diameter iron pipe monument with a plastic cap, License No. 10459.

Distances are in feet and decimals of a foot.

Distances and dimensions shown as 10, 66, 90°, etc, are exact extrinsic values.

Drainage and utility easements are proposed thus:

Being ten feet in width and adjoining public ways and all lot lines unless otherwise indicated on this plat.

Landmark Surveying, Inc.
P.O. Box 65
Scandia, Minnesota 55073
Office number: 651-433-3421
E-mail: inthefield@frontiernet.net

INSET B

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

Planning Commission Memo

Meeting: December 3, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: November 27, 2018

Re: Comments Regarding the City of Woodbury Preserve at City Place Comprehensive Plan Amendment

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The City of Woodbury has provided a copy of the Preserve at City Place Comprehensive Plan Amendment for the City's review and comment (see attached). The City's Comprehensive Plan Amendment review process involves a review and recommended comments by the Planning Commission. The Council then reviews the amendment, along with the Planning Commission's recommended comments, and determines final comments to be provided to the City of Woodbury.

Summary of Comprehensive Plan Amendment
The purpose of the Comprehensive Plan Amendment is to re-guide 17.86 acres of land located at the northeast corner of Hudson Road and Spring Hill Drive from "Places to Work" to "High Density Residential" to enable a new 253 unit market-rate apartment complex. (see the attached Woodbury Planning Commission Staff Report).

Planning Commission Comments
Based on the information provided through the City of Woodbury's presentation regarding the Preserve at City Place Comprehensive Plan Amendment and the Planning Commission's review and discussion regarding the Amendment, the Planning Commission may provide a set of recommended comments regarding the Amendment to the City Council.

Planning Commission Recommendation Requested
Motion regarding a set of recommended comments regarding the City of Woodbury Preserve at City Place Comprehensive Plan Amendment.

CITY OF WOODBURY

PLANNING COMMISSION STAFF REPORT

OCTOBER 8, 2018

Project No.:	04-2018-00307	**Prepared By:**	Eric Searles City Planner 651-714-3532 Eric.searles@woodbury.mn.gov
Project Name:	Preserve at City Place	**Recommendation:**	Approval
Request:	Comprehensive Plan Amendment/ Rezoning/Amended Planned Unit Development/Conditional Use Permit/ Preliminary Plat/Site and Building Plan	**Site Size:**	17.86 Acres
Tree Impact:	N/A	**# Units:**	253
Location:	Northeast corner of Hudson Road Spring Hill Drive	**Density:**	14.16 Units/Acre
Zoning District:	GW, Gateway (existing) R-4, Urban Residential (proposed)	**# Lots:**	3
		Building Sq. Ft.	N/A
Comprehensive Land Use Plan:	Places to Work (existing) High Density (proposed)	**Parkland Dedication:**	See Below

---

PROPOSAL

Commercial Investment Properties has submitted an application for a Comprehensive Plan Amendment, Rezoning, Amended Planned Unit Development, Conditional Use Permit, Preliminary Plat, and Site and Building Plan for the Preserve at City Place development. The Applicant is requesting approval of a new 253 unit, market-rate apartment complex. The property is located at the northeast corner of Hudson Road and Spring Hill Drive. The property is zoned Gateway District and is guided as Places to Work on the Land Use Plan.

PLANNING CONSIDERATIONS

Environmental Assessment Worksheet (EAW) - An EAW was required prior to approval of the Planned Unit Development for City Place as the overall site exceed 300,000 square feet of commercial space. The approved EAW established a requirement that this subject parcel would

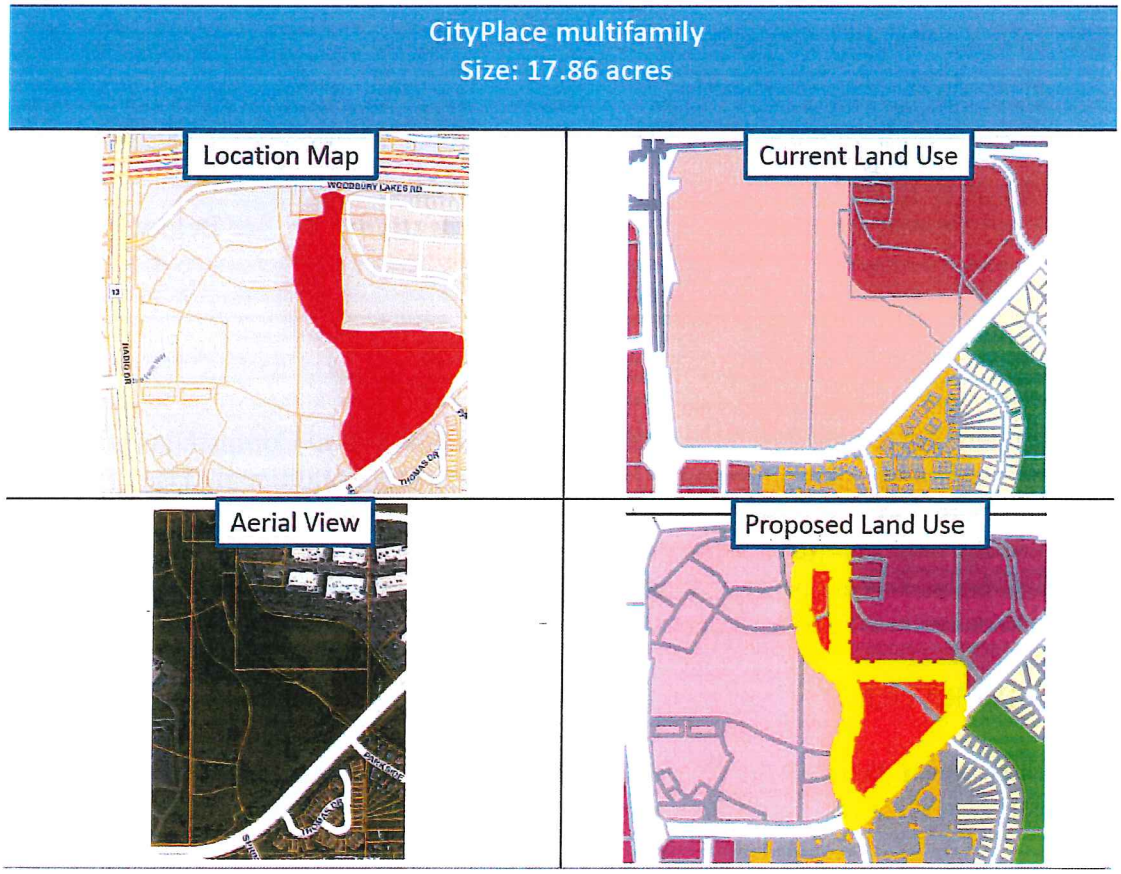
also be required to complete an EAW as there was not a detailed plan for the property at the time of the City Place EAW approval. That required EAW has been completed and it identified the proposed project does not have the potential for significant environmental effects. The City Council will certify the findings of EAW in advance of acting on the zoning application.

Amendment to the Comprehensive Plan – The Applicant is requesting a change to the Comprehensive Plan from Places to Work to High Density Residential. The City has historically required one of the following findings of fact to be made to support a change to the land use of a property via a Comprehensive Plan Amendment.

- A mistake was made in designating the property Places to Work in the Comprehensive Plan.
- Times and conditions have changed to warrant a change in the plan.

Staff identifies that the times and conditions have changed to warrant a change in the plan. The City of Woodbury has been working on the decennial update to its Comprehensive Plan since late 2015. In March 2016, the City Council established the 2040 Comprehensive Plan Task Force which met twenty times over the past two years with a final meeting on July 12, 2018.

The subject property was first identified to be modified to High Density in March of 2017 in advance of the Woodbury Community Expo. All initial land use modifications were first shown to the public at this event. The graphic below shows the subject site.



Since March of 2017, all subsequent DRAFT land use maps have included the proposed re-guiding to High Density. The task force again reviewed the requested modification in May and June of 2018 with final support for the land use change occurring in July of 2018 when the task force voted to recommend approval of the 2040 Comprehensive Plan to the City Council.

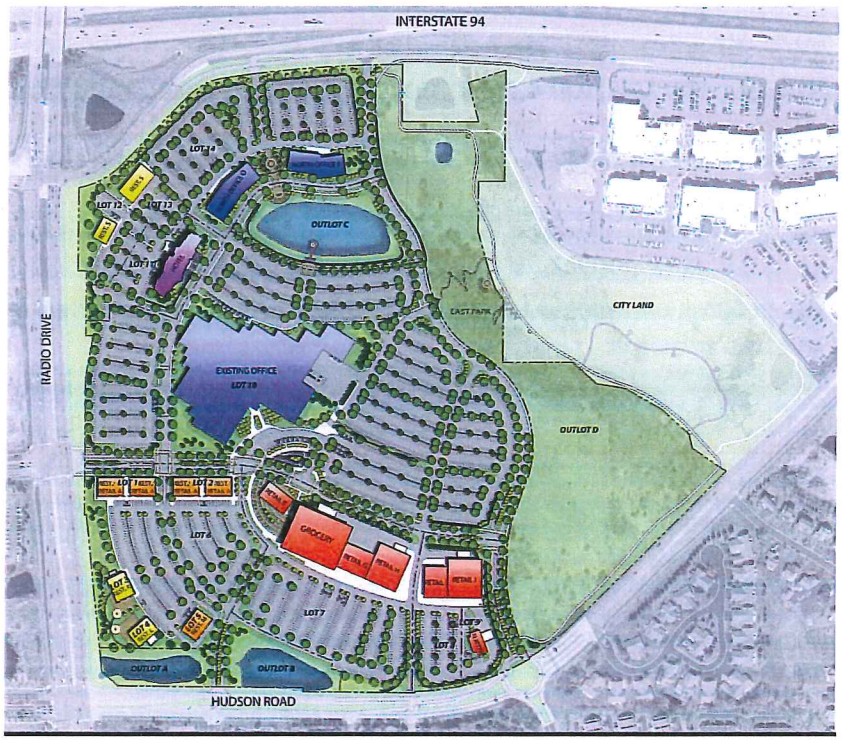
At their July 25th meeting the City Council approved a resolution which identified the following:

1. Affirming the process connected to the draft 2040 Comprehensive Plan and endorsing its vision and guiding principles;
2. Approving the draft 2040 Comprehensive Plan conditional upon review and approval by the Planning Commission and review by surrounding communities and affected agencies;
3. Authorizing the City Administrator or his designee to submit the draft 2040 Comprehensive Plan to the surrounding communities and affected agencies; and
4. Authorizing the City Administrator or his designee to submit the draft 2040 Comprehensive Plan to the Metropolitan Council for their final review following the Planning Commission review and the review by the surrounding communities and affected agencies.

The procedure steps identified above are required by the Metropolitan Council and are not anticipated to generate material changes to the proposed plan. This procedural process generally takes between seven to nine months and without approval of this Comprehensive Plan Amendment the proposed project would need to wait until May or June of 2019 to be reviewed under the 2040 Comprehensive Plan.

Rezoning - The existing zoning for the property is GW, Gateway District. The application requests a modification to the site zoning to R-4, Urban Residential to allow for the proposed residential use. The proposed zoning change is appropriate based on the recommend land use change to High Density as State law requires a city to rezone properties consistent with their land use.

Existing PUD - At their August 6, 2014 meeting the Council approved the City Place Planned Unit Development. The approval included the establishment of the land uses, site design, landscaping, civil engineering, and building architecture. The approval further established the pedestrian system and identified transportation improvements that were necessary to mitigate the impact of the redevelopment. The following graphic was used during the PUD approval which identified the subject property (Outlot D) as future development. The PUD did not further address this parcel beyond that designation.



The Amended PUD is requested to allow flexibility in regards to required parking and building height as further discussed below.

PUD - The Applicant requests Amended Planned Unit Development (PUD), Conditional Use Permit, and Preliminary Plat approval for the development site. The Planned Unit Development (PUD) application requests flexibility to the Zoning Ordinance for the following requirements.

Standard	**Zoning Requirement**	**Proposed**
Parking	Two spaces per unit if one indoor space is provided underground **(506 spaces)**	One space per bedroom/den plus 10% of the required per bedroom/den parking for overflow parking. **(457 Spaces)**
Building Height	40 feet in R-4	77 feet

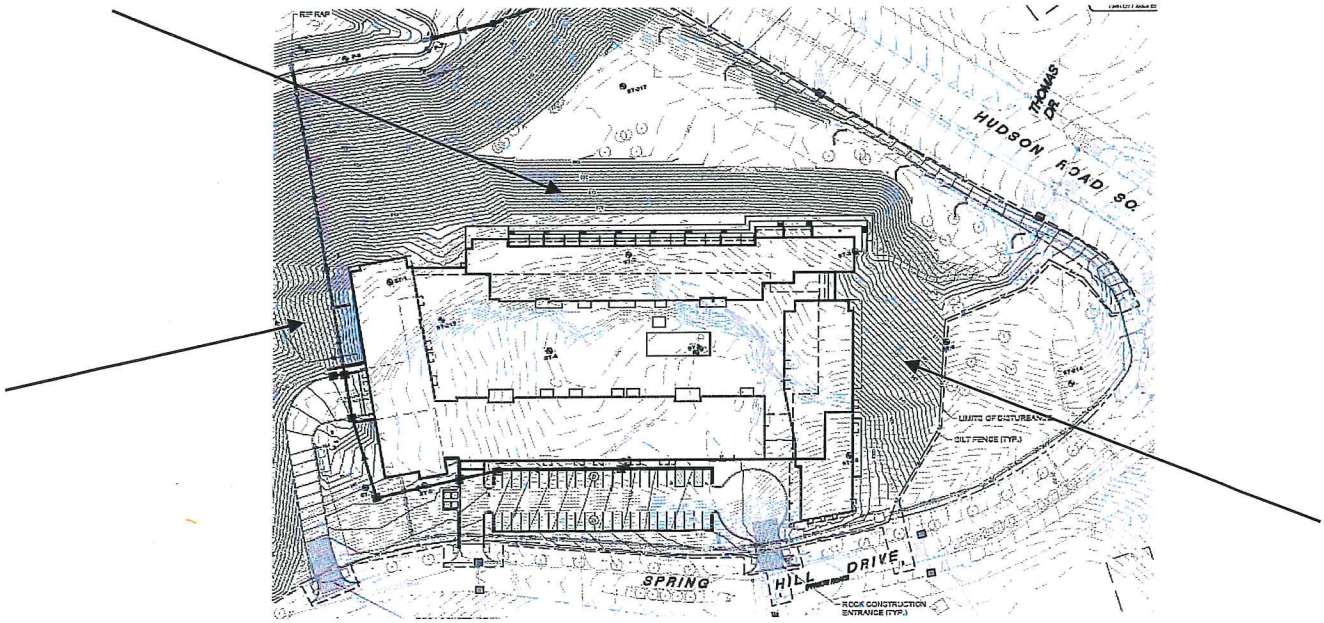
As shown above, the Applicant has requested flexibility to the Zoning Ordinance requirements identified above regarding the required parking for the facility. The City has historically utilized the two (2) spaces per unit requirement for multi-family projects. As stated above, the Zoning Ordinance requires one (1) space indoor and one (1) space outside with this method being utilized by the majority of apartment uses within the community. Staff has identified that at many of the existing facilities the outside surface lots are not fully utilized and the projects provide more parking than needed. Staff began to investigate alternate parking calculation methods and it was determined that establishing a parking count based on the number of bedroom units is more indicative of actual parking demand. It was also identified that it is

necessary to plan for parking needs for guests. By adding the two safety factors of requiring a space for den spaces and adding 10% additional parking for overflow or guest needs the appropriate balance is established. The parking calculation for the proposed use is shown below:

Unit Type	Number	Parking Stalls Required per Bedroom
Alcove	33	33
1 BR	87	87
1 BR + Den	14	28
2 BR	90	180
2 BR + Den	12	36
3 BR	17	51
Sub-Total	**253**	**415**
Guest	10%	42
TOTAL		**457**

The proposed project provides a total of 457 with 411 of the spaces provided within the parking garages and 46 spaces provided within a surface lot to the east of the main entrance.

The second area of requested flexibility is for building height. The Applicant is requesting a maximum height of 77 feet which exceeds the maximum height in the R-4, District. The increased height is necessitated by the significant site topography which does not allow the footprint of the building to expand above what is provided. Therefore, the only option is to build higher or a significant number of units would be lost. The graphic below shows the plus or minus 30 feet of grade change on this site.



Staff further identifies the flexibility is warranted as the existing GW, Gateway District zoning does not have a maximum height and if not rezoned a taller office or commercial structure could be permitted.

General standards for PUD approval.

The City may approve the PUD development only if it finds that the development satisfies all of the following standards, found in City Code Sec. 24-206. The PUD is implemented through a Conditional Use Permit (CUP); findings for the CUP are provided in the draft resolution.

(1) *The proposed PUD is in conformance with any adopted master plan for the project area.*

The proposed PUD is not a part of a master plan area.

(2) *The PUD is designed to form a desirable and unified environment within its own boundaries.*

As a condition of approval all building materials within the PUD shall be of a similar design and color. The proposed plan includes a number of trails and sidewalks which provide pedestrian opportunities to the existing commercial center.

(3) *The development plan provides for the creation, preservation or restoration of natural resources such as native vegetation, valuable habitat, lakes, streams, wetlands, shorelands, flood plains, woodlands, steep slopes and similar areas.*

Through park dedication, the Developer is preserving the existing oak woodlands to the north of the site. The majority of the existing vegetation along Hudson Road will also remain.

(4) *The PUD is consistent with the planned and efficient provision of public improvements and would not burden the existing tax base by increasing development in areas without adequate infrastructure or public facilities.*

A detailed traffic study was completed as part of this project which identified adequate public facilities are available to serve the site.

(5) *The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.*

The proposed multi-family use will not have an undue or adverse impact on the surrounding properties. The site design minimized tree removal adjacent to Hudson Road and the project proposes to construct trail segments that are currently gaps within the City system.

(6) *The tract under consideration is under single ownership or control.*

The property is under one control.

(7) *Single-family detached units or clustering of housing units may be allowed as a PUD in areas providing urban services, or in the R-2 Estate District, providing parks and open space are an integral part of the plan.*

The project will dedicate 3.32 acres of open space to the City and will construct sidewalks and trails to provide access to existing open space.

(8) *Each phase of the development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.*

The project will be constructed in one phase.

(9) *Common elements proposed as part of the PUD are appropriate for the scale, location, shape, size, density and topography of the development and must be suitably improved for the intended use(s) except that significant natural features may be preserved or restored.*

The proposed building is an appropriate scale to the rest of the City Place development. Many architectural and landscaping themes will be carried over into this project.

The existing oak woodlands to the north of the building are preserved as part of this application.

(10) *The project area is at least ten acres in size unless the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the city.*

The site is over 10 acres in size.

Conditional Use Permit - A Conditional Use Permit shall be required for all Planned Unit Developments. City Code Sec. 24-43 outlines the guidelines for granting a Conditional Use Permit. Please reference the attached draft resolution for the required findings of fact.

Preliminary Plat - The proposed Preliminary Plat creates multiple lots and outlots as identified in the chart below.

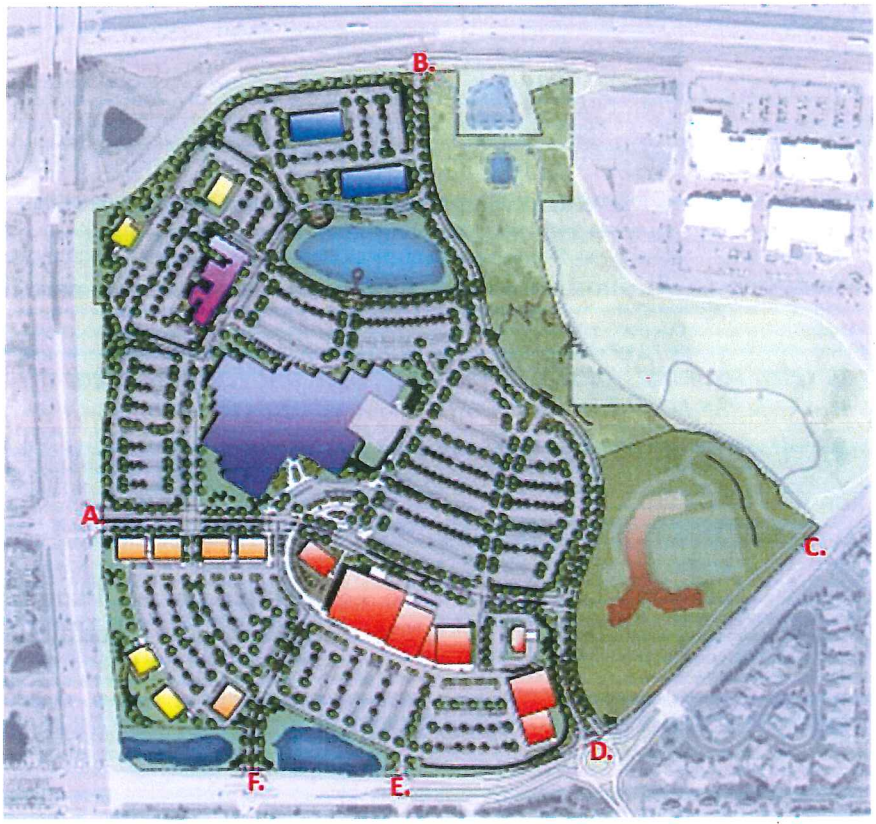
Lot	Size	Proposed Use
Lot 1	9.41 Acres	Multi-Family
Outlot A	1.62 Acres	Ponding
Outlot B	3.32 Acres	Park Dedication

To satisfy the park dedication requirements for the project, the Applicant is proposing to deed the area to the north of the multi-family building to the City for tree preservation. This area includes dozens of oaks trees which will be preserved with this dedication.

Site Access - The site will be accessed by three (3) main access points from the existing roadway network. A detailed traffic study was completed both during the development of City Place and as part of this application. The traffic study done concurrently with the review of this application

identified the existing roadway infrastructure was designed appropriately to handle the additional trips generated by this development. The study further concluded the proposed apartment development indicated a net positive impact to the balance of the roundabout at Spring Hill Drive and Hudson Road by adding vehicle trips to the Spring Hill Drive approaches. A balanced roundabout often results in lower approach and traveling speeds at and through the roundabout.

It is important to note the graphic below identifies Access Point C. This access point was requested to be removed by the neighborhood to the south as part of the neighborhood meeting process for the original City Place PUD.



The initial design of this multi-family project included an access point onto Hudson Road at Access Point C. Staff and the Applicant re-evaluated the site design in an attempt to accomplish the neighborhood request and were successful in creating a site plan that provides access only along Spring Hill Drive with no additional access onto Hudson Road. This plan revision was well received at the neighborhood meetings for this project.

Architecture – The conditions of approval for the PUD require that all buildings within the PUD shall be constructed of complementary materials with the proposed elevation meeting this requirement with the use of brick and stone that are consistent with City Place. The exterior facades exceed the architectural ordinance requirement of 65 percent Class I material.

The massing for the proposed building is comprised of three legs connected to each other by sky bridges and revolving around a large central outdoor courtyard space. Generally, the building massing steps down in scale from west to east in response to the sloping grade. Therefore, the building will appear tallest at the elevation along the street facing the existing City Place development.

STREET LEVEL VIEW FROM SPRING HILL LOOKING NORTH

STREET LEVEL VIEW OF SPRING HILL DROP-OFF & ENTRY

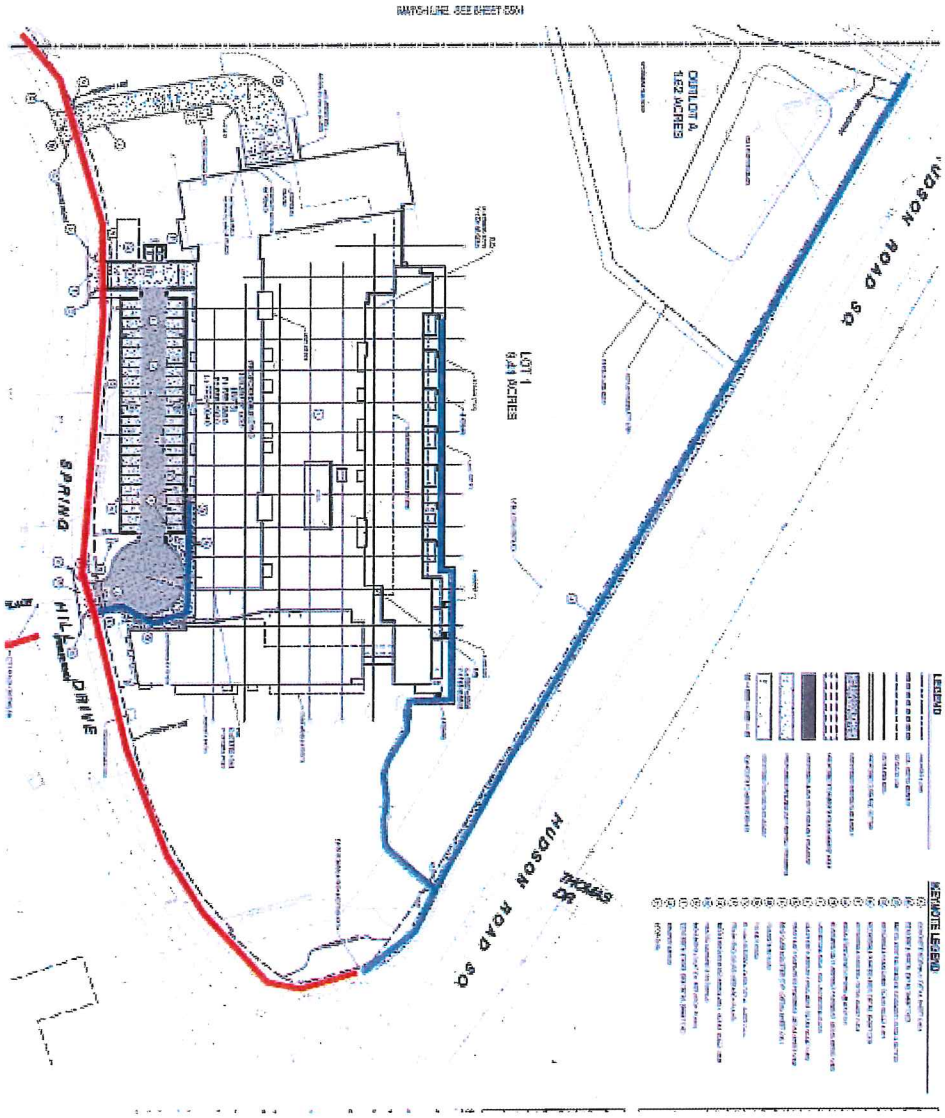
VIEW FROM CITYPLACE BLVD. LOOKING EAST

VIEW FROM HUDSON ROAD LOOKING NORTHWEST

Site Amenities - The interior of the building will include a lobby, fitness center, yoga studio, club room, a private event room, and a dog washing station. Outside the central courtyard is one of the defining design elements for the project. The space is programmed with several amenities for the future residents including a resort style pool with terrace, multiple grill stations, lounge areas, fire pit and extensive landscaping which is designed to create a unique and attractive environment for recreation, relaxation and social activity.

Exterior Lighting – All lighting within the PUD shall be uniform and shall be reviewed and approved as part of each Site and Building Plan approval. No illuminated signage shall be permitted on the south or east elevations.

Pedestrian Access - The graphic below identifies the proposed pedestrian infrastructure for the project. The red identifies the existing infrastructure that was previously built with the blue lines identifying the additional proposed trails and sidewalks. The proposed system ties into the existing pedestrian network of City Place which will provide the future residents high quality pedestrian or bicycle access to places to work, shop and eat.



Stormwater Management – The City Code requires stormwater management be provided to meet water quantity, infiltration, and water quality requirements. The application identifies the construction of two basins to meet the requirements.

Neighborhood Meeting – The first neighborhood meeting was held on August 13, 2018 with 19 residents in attendance. Questions were raised regarding traffic along Hudson Road and if the existing screening along Hudson Road could be better preserved to soften the visual presence of the proposed building.

The plans submitted for neighborhood review included a trail along Hudson Road that was setback from the curb line of Hudson Road. To provide this design, it was necessary to grade into the existing slope and tree line which eliminate some of the existing trees. Staff committed to reviewing design options and to hold a second meeting to answer the technical traffic questions.

A follow-up meeting was held on September 11, 2018 with nine residents in attendance. Staff showed the modified pedestrian plan which shifted the trail to a sidewalk and placed it along the back of the curb in certain areas which eliminated the need to impact the existing slope and allowed for the preservation of the existing trees. Staff further provided the following information regarding the traffic questions:

1. What are the number of vehicle trips expected with the apartment complex development?
    a. Based on trip generation estimates, it is anticipate the site to generate approximately 1,100 average daily trips.

2. What is the current traffic volume on Hudson Road near Spring Hill Drive?
    a. 10,600 vehicles per day

3. Why is there a 45 miles per hour sign posted east of Radio Drive, then as you approach the roundabout there are 15 miles per hour signs?
    a. The segment of Hudson Road east of Radio Drive has an established speed limit of 45 miles per hour by the Department of Transportation, based on State Statutes for speed limits. The roundabout approaches include an advanced warning sign that informs drivers there is a roundabout ahead and includes an advisory speed limit sign of 15 miles per hour. Advisory speed limit signs have black text and a yellow background, they are not enforceable speed limits, but they serve to advise drivers of recommended speeds due to conditions on the roadway (such as a roundabout) where slower speeds are more appropriate than the posted speed limit. These are often posted based on roadway design criteria.

4. How can the speed limit be reduced on Hudson Road?
    a. A speed study must be requested by the City to the Department of Transportation. Speed limits are set based on a traffic study and largely relate to the 85th percentile speed collected on the roadway segment. If speeds are higher than the speed limit, the speed limit would likely be raised. Hudson Road is an arterial roadway which provides mobility on the roadway network with higher traffic volumes and speeds. Arterial roadways and the mobility they provide play an important role in the function of our transportation network as they keep traffic volumes and speeds lower on residential roadways. While we often desire lower

speeds on roadways, studies have shown that drivers will travel at the speed they feel comfortable on a roadway. Arbitrarily changing the speed limits will generally have little effect on the actual 85th percentile speed of the vehicles on the roadway.

5. What is the capacity of the roundabout?
   a. The Hudson Road/Spring Hill Drive roundabout can handle approximately 30,000-45,000 vehicles per day depending on the balance of the vehicles approaching the roundabout from each intersection leg. The roundabout at Hudson/Spring Hill is currently operating at approximately 50 percent of the capacity. The traffic study conducted for the proposed apartment development indicated a net positive impact to the balance of the roundabout by adding vehicle trips to the Spring Hill Drive approaches. A balanced roundabout often results in lower approach and traveling speeds at and through the roundabout.

RECOMMENDATION

Staff recommends approval of the Comprehensive Plan Amendment, Rezoning, Amended Planned Unit Development, Conditional Use Permit, Preliminary Plat and Site and Building Plan, Project No. 04-2018-00307, Preserve at City Place, subject to the following conditions:

1. The Applicant shall obtain Metropolitan Council approval for the Comprehensive Plan Amendment prior to the issuance of a land disturbance permit.
2. The Amended PUD and CUP approval shall expire one year from the date of City Council approval unless a building permit has been requested or a time extension has been granted.
3. All conditions of the existing City Place PUD shall remain in full force and effect.
4. No illuminated signage shall be permitted on the south or east elevations.
5. Prior to the issuance of a Building Permit, the Applicant shall submit a revised project name to be approved by the Planning staff. There is an existing Preserve project within the community.
6. Within six (6) months of the Certificate of Occupancy, if directed by the Planning staff the Applicant shall provide and install a maximum of 12 additional six (6) foot evergreen trees. These plantings shall be utilized to screen site lighting, close screening gaps, parking areas, and the like.
7. All fencing and retaining wall materials shall be complementary to the building materials and shall be approved in writing by the Planning Department prior to issuance of a building permit. Retaining walls greater than four (4) feet in height shall be engineered and detailed calculations shall be submitted to the City.
8. Prior to the release of the Final Plat for recording, the Applicant shall enter into a Development Agreement.
9. Prior to the issuance of a building permit, the Applicant shall submit a materials board. All proposed materials shall be approved by the Planning staff.
10. Prior to the application of the building material, the Applicant shall construct sample material mock-ups on site for all of the buildings.

11. Prior to the issuance of a building permit, a landscape financial security shall be submitted.
12. The property owners shall complete snow removal, maintenance and replacement of all proposed sidewalks and trails unless a written agreement between the City and owner establishes a different requirement.
13. A maximum of 253 residential units shall be permitted.
14. Prior to the release of the Final Plat, the Developer shall create a separate lot that includes the tree protection area. Said area shall be deeded to the City to satisfy the park dedication requirements for the project.
15. Prior to the issuance of a building permit, elevations shall be submitted providing a minimum of 65 percent Class I materials on all external elevations.
16. All external drive aisles shall have a minimum width of 25 feet. All interior drive aisles shall have a minimum width of 24 feet.
17. All building and site lighting shall be of a consistent style and color throughout the Planned Unit Development. All light poles, including base, shall be a maximum of 25 feet in height and shall be shoebox style, downward directed, with high-pressure sodium lamps or LED and flush lenses. Other than wash or architectural lighting, attached security lighting shall be shoebox style, downward directed with flush lenses. In addition, any lighting under canopies (building entries) shall be recessed and use a flush lens.
18. All areas of the site, where practical, shall be sodded or seeded and maintained. The property owner shall mow and maintain all site boulevards to the curb line of the public streets.
19. All HVAC and other roof- or ground-mounted equipment shall be hidden from view with materials that match materials and colors used on the building.
20. Any future trash enclosures shall utilize wooden gates and be constructed on three sides using the same materials and patterns used on the building. Locations shall be approved by the Planning Department.
21. No exterior storage shall be permitted.
22. The Preliminary Plat approval shall expire six months from the date of the City Council approval unless a Final Plat has been requested or a time extension granted by the City Council.
23. The Final Plat shall be approved by the City Council and released for recording prior to the issuance of a building permit.
24. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
25. Prior to the issuance of a land disturbance permit, the Applicant shall submit an operation and maintenance plan for the long-term care of all on-site storm sewer and reuse, sanitary sewer, water main and roadway systems components to the City for review and approval. The Developer will be responsible to carry out these operation and maintenance activities and to submit the appropriate documentation to the City as specified.
26. The Applicant shall be financially responsible for all applicable water, sanitary sewer and storm sewer area and connection charges. Rates applied shall be those in effect at the time of Final Plat approval and shall be memorialized in the Development Agreement.

27. The Developer shall be responsible for protecting the proposed on-site storm sewer infiltration basins and components and adjacent storm sewer facilities from exposure to stormwater runoff, sediment and debris during construction activities. Temporary stormwater facilities may be necessary to protect the aforementioned improvements during all construction activities. Construction and maintenance of any temporary stormwater facilities shall be the responsibility of the Applicant.
28. The Applicant shall be responsible for obtaining any necessary right-of-way permits from the City's Engineering Division prior to commencement of any site activities. The Developer will also be responsible for obtaining any other permits necessary from other applicable agencies, such as, MPCA, South Washington Watershed District, Washington County, etc. prior to commencing any site activities.
29. The Applicant shall be responsible for compliance with the City's Land Disturbance and Erosion and Sediment Control Ordinance and must obtain a land disturbance permit along with any necessary right-of-way permits from the City's Engineering Division prior to the commencement of any site activities or site disturbance. The Applicant will also be responsible for obtaining any other permits necessary from other applicable agencies such as the Minnesota Pollution Control Agency NPDES Permit for construction activities.
30. Prior to the issuance of a land disturbance permit, a final stormwater management plan shall be reviewed and approved by the City.
31. Final grading, drainage and erosion control phasing plans must be submitted for review and approval prior to issuance of a land disturbance permit. All site activities shall adhere to the City's Land Disturbance and Erosion and Sediment Control Ordinance, other City ordinances, NPDES permit requirements, MPCA requirements, and South Washington Watershed District requirements prior to commencing any site activities.
32. Emergency overflows (EOF) shall be shown for all catch basins, ponds, basins, rain gardens, swales, etc. proposed with the project. All emergency overflows shall be a minimum of 1.5 feet lower than the lowest ground elevation of adjacent buildings.
33. All public utility improvements and connections to the public systems shall be designed by the City in accordance with all City standard specifications, standard detail plates and standard plans. Easements necessary to accommodate public utility improvements will be determined by the final design and shall be shown on the Final Plat. Responsibility for construction of public utility improvements will be determined at the time of Final Plat approval.
34. All rights-of-way, easements and outlots shall be kept free of plantings, retaining walls, signage, etc. that would affect their intended purpose.
35. A right-of-way permit shall be required for work performed within the City or County right-of-way.
36. The Applicant shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.
37. The Developer shall be financially responsible for any cost incurred for removal and/or relocation of existing small utilities, utility poles, undergrounding existing overhead

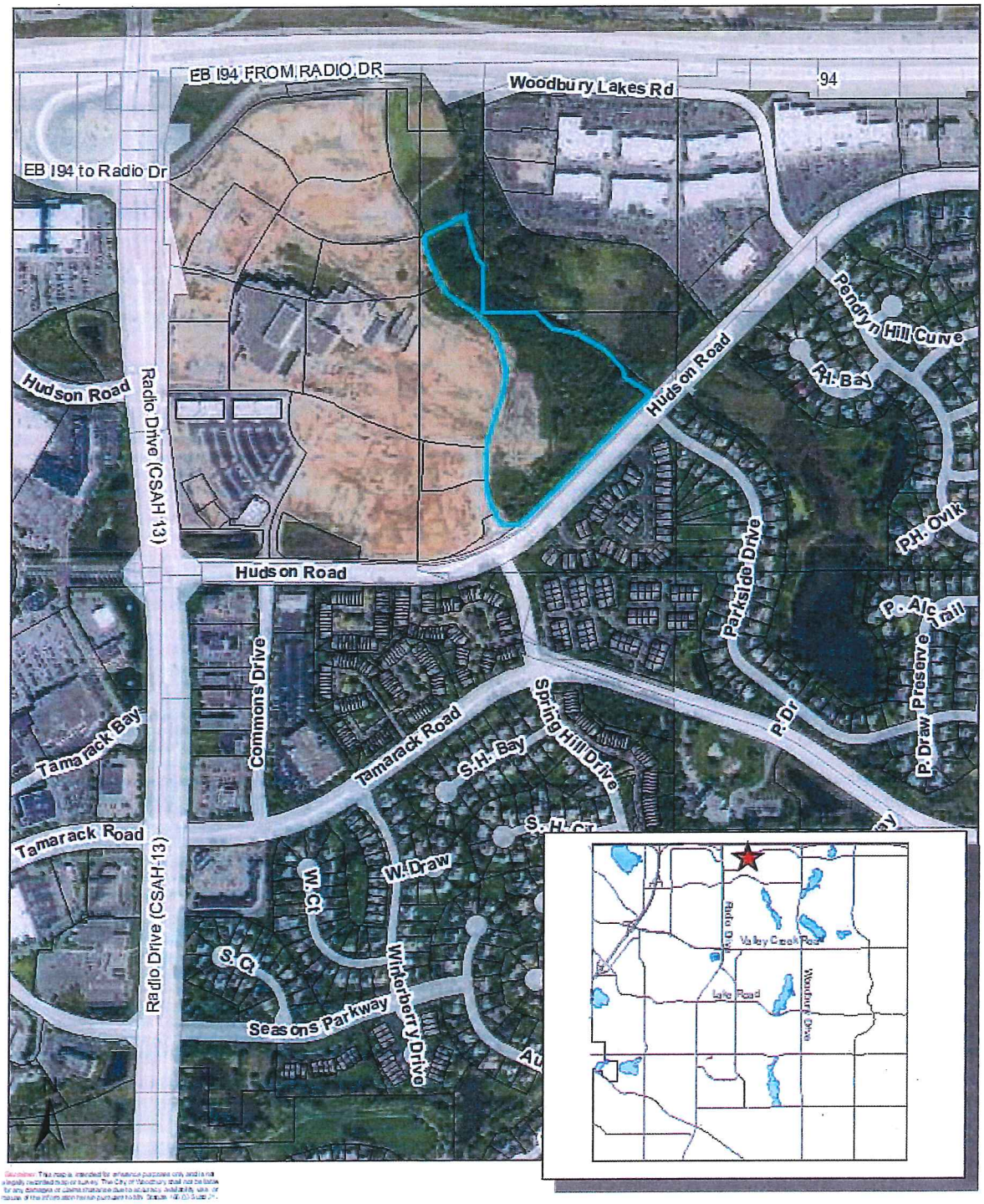
electric utilities and other associated private utilities adjacent to and within the development and/or related to the public improvements needed to service the development.

38. Street lights shall be required to be installed by the Developer at their intersection along Spring Hill Drive.
39. The location of landscaping irrigation lines shall be shown on the utility plan for irrigation of medians or at locations where irrigation lines cross public streets.
40. The irrigation system shall be designed to meet the following design requirements:

- System must be designed by a certified irrigation contractor.
- The system, including pumps, controllers, connections and irrigation line placement must be submitted for review and approval, in writing, by City staff.
- Private irrigation wells as a back-up irrigation source are not permitted.
- Irrigation heads shall be placed a minimum six (6") inches from back of curb, trail, sidewalk, or other hard surface.
- EPA WaterSense approved smart controllers shall be used. The controller shall be approved by Engineering Staff in writing.
- MP rotator heads or equivalent shall be used throughout.

ATTACHMENTS
1. Location Map
2. Rezoning Ordinance
3. Resolution
4. Conditional Use Permit
5. 11 x 17s

Location Map



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

Planning Commission Memo

Meeting: December 3, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: November 26, 2018

Re: Comments Regarding the City of Woodbury Draft 2040 Comprehensive Plan

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The City of Woodbury is providing a presentation regarding its Draft 2040 Comprehensive Plan at the December 3, 2018 Planning Commission meeting. The following is a link to the Draft 2040 Comprehensive Plan: http://www.woodburymn.gov/departments/planning/draft_2040_comprehensive_plan.php.

Comprehensive Plan Review Process
The City's review of the Draft 2040 Comprehensive Plan involves providing comments to the City of Woodbury regarding the Plan. The first step is the Planning Commission providing a set of recommended comments to the Council. The Council then reviews the Draft 2040 Comprehensive Plan, along with the Planning Commission's recommended comments, and determines final comments to be provided to the City of Woodbury.

Planning Commission Comments
Based on the information provided through the City of Woodbury's presentation regarding its Draft 2040 Comprehensive Plan, and the Planning Commission's review and discussion regarding the Plan, the Planning Commission may provide a set of recommended comments regarding the Plan to the City Council.

Planning Commission Recommendation Requested
Motion regarding a set of recommended comments regarding the City of Woodbury Draft 2040 Comprehensive Plan.

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

Planning Commission Memo

Meeting: December 3, 2018

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: November 26, 2018

Re: Planning Commission Member Areas of Specialization Regarding the Zoning Code.

At the November 5, 2018 Planning Commission meeting, Chair Kopitzke and Commissioner Doherty discussed a proposal to divide the various sections of the Zoning Code among the Planning Commission members to enable individual members to become subject matter experts on specific sections of the code, so that each can serve as resources to the broader Commission. This would enable the Commission as a whole to have expertise regarding all sections of the Zoning Code. The Commission members discussed the assignment of specific sections of the Code to specific members. A spreadsheet reflecting the assignments, prepared by Sally Doherty, is attached.

Chapter 12 updated 5-16-2016

PC member	Section detail	pages			
	Article 2: Zoning	**9-10**			
ALL	Sec 12-51 through sec 12 -54	**9-10**			
	Sec 12-55 Definitions	**10-23**			
	sec 12-55 Definitions A - E		sally		
	sec 12-55 Definitions F-J		kris		
	sec 12-55 Definitions K - O		mark		
	sec 12-55 Definitions P - T		justin		
	sec 12-55 Definitions U - Z		Lucia		
	sec 12-55 Definitions A - E		Roger Bowman		
	Division 1: Generally	**9-26**	ALL		
	Division 2: Administration	**26-45**	ALL		
All	12-76 through 12-81 (What the PC does, permits, etc.)		ALL		
	Division 3: Districts	**45-66**			
	Floodplain overlay district		Sykora	Thought - have one person for each color here	Justin
	shoreland management overlay district		Sykora	Grouped by; protection, Agricuture, residences, business	
	conservancy overlay district		Sykora		
	St Croix River overlay district		Sykora		
	Agricultural preserves (AP) overlay district		sally		
	Agricultural (A) zoning district		sally		
	Rural residential (RR) zoning district		Lucia		
	Village historic site, residential (VHS-R) and commercial (VHS-C) zoning districts		Kris		
	Light Industrial (I-1A), Light Industrial (I-1B), and Light Industrial (I-1C).		Kris		
	Marine Services (MS) zoning district		Kris		
	Preservation and Land Conservation Development (PLCD).		Lucia		
All	Division 4: Design and Performance standards	**66-110**	Nelson	All should read this - but maybe have one person really have this as a focus area too.	Mark
	Article 3: Shoreland Management	**110-126**	Annie		
	Article 4: LOWER ST. CROIX RIVER BLUFFLAND AND SHORELAND MANAGEMENT	**126-137**	Annie		
	Article 5: Floodplain Regulations	**137-151**			
ALL	**Article 6: Subdivisions**	**153-180**	Sally/Kris	All should read this - but maybe have one person really have this as a focus area too.	
	Article 7: Heritage Preservation	**180-189**	Scott		
	Article 8: Buildings and Building Regulations	189-191	Jim Langen		
	Article 9: Sewage	**191-201**	Jim Langen		
	Article 10: Mining	**201-206**	Jim Langen		
	Article 11: Personal Wireless Communications Antennas and Towers	**206-211**	Roger		
ALL	**Article 12: Preservation and Land Conservation Developments**	**211-215**	ALL		
	Article 13: storm water management and erosion control		Sykora		

November 20, 2018 City Council Meeting Highlights

- The Council approved the renewal of the Building Inspection Services Contract with Stensland Inspection Services through 2021.
- The Council approved the renewal of the Liquor License for the Afton House for 2019
- The Council clarified the process to be used for verification of completion of the CenturyLink High Speed Internet Access Project
- The Council adopted a resolution supporting the Federal Land and Water Conservation Fund Program Reauthorization
- The Council adopted a resolution recognizing Jim Stanley for his 40 years of dedicated service on the Lower St. Croix Valley Fire Department