



PLANNING COMMISSION AGENDA

January 3rd, 2022
7:00 pm
Afton City Council Chambers
3033 St. Croix Trail
Afton, MN 55001

Please Note: This meeting will be held in-person, as well as remotely using the Zoom video conference application.

Instructions for Participating in the Meeting Remotely Via Zoom

Options for Joining the Zoom Meeting:

- RECOMMENDED: Use your computer, tablet or smart phone to join the meeting by logging on to
- <https://us02web.zoom.us/j/87205628984?pwd=eGg1QmNtUmNwd0c1TTNTZTdpdmpTZz09>
(Meeting ID: 872 0562 8984)
Passcode: 736554
- Dial-in Number (to call in to the meeting) +1 312 626 6799
When prompted, enter Meeting ID: 872 0562 8984

AGENDA

1. **CALL TO ORDER –**
2. **PLEDGE OF ALLEGIANCE –**
3. **ROLL CALL -**
 - a) Scott Patten
 - b) Sally Doherty
 - c) Kris Kopitzke (Chair)
 - d) Jim Langan
 - e) Roger Bowman
 - f) Justin Sykora
 - g) Christian Dawson
 - h) Doug Parker
 - i) Kuchen Hale
4. **APPROVAL OF AGENDA –**
5. **APPROVAL OF MINUTES –**
 - A. December 6th, 2021 Meeting Minutes
6. **REPORTS AND PRESENTATIONS – None**
7. **PUBLIC HEARINGS –**
 - A. Birdie R. Meyer Trust Minor Subdivision Application at 13852 30th Street and Parcels with PID#'s 28.028.20.32.0001 and 29.028.20.41.0003
 - B. Kathy Bolton-Iverson Conditional Use Permit Application for a Short Term Home Rental License at 3602 St. Croix Trail
8. **NEW BUSINESS –**
 - A. Groundwater Supply Protection/Conservation and Climate Change Resiliency
9. **OLD BUSINESS -**
 - A. Update on City Council Actions – Council Highlights from the December 21st, 2021 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
 December 6, 2021

The meeting was held in-person, with participation via Zoom also available.

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Present: Chair Kris Kopitzke, Doug Parker, Scott Patten, Justin Sykora, Christian Dawson, Sally Doherty, Roger Bowman. Absent were James Langan and Kuchen Hale (excused). A quorum was present.
ALSO IN ATTENDANCE – City Administrator Ron Moore, City Clerk Julie Yoho (via Zoom), Council Member Lucia Wroblewski
4. **APPROVAL OF AGENDA** –
Motion/Second Patten/Parker To approve the agenda for the December 6, 2021 Planning Commission meeting. Passed 7-0.
5. **APPROVAL OF MINUTES** –
A. Motion/Second Parker/Doherty To approve the minutes of the October 4, 2021 Planning Commission meeting. Passed 7-0.
6. **REPORTS AND PRESENTATIONS** - None
7. **PUBLIC HEARINGS** –
 A. Keith & Mary Morris Minor Subdivision at 14521 and 14539 Afton Blvd.
 Chair Kopitzke opened the Public Hearing at 7:03 pm.
 Administrator Moore provided a summary of the application which is for a minor subdivision for a lot line rearrangement at 14521 and 14539 Afton Boulevard. The minor subdivision does not create any additional lots. The subdivision divides off a small portion of the 14539 parcel and adds it to the 14521 (Morris) parcel. The purpose of the lot line rearrangement is to reflect the understanding of both property owners regarding the location of the property line. A previous incorrect survey reflected the shared property line being approximately 20 feet to the north. The driveway and parking area for the Morris property were located based on the previous survey. However, based on the corrected survey, a portion of both the driveway and the parking area are located on the 14539 parcel. The proposed solution is to move the shared lot line 20 feet to the north, so that the driveway and parking area are both fully on the Morris property and compliant with the required 10 foot side yard setback.
 Applicant was present for questions
 No public comments were received
Motion/Second Patten/Parker to close the public hearing. Passed 7-0.
 Public Hearing closed at 7:08 pm
 Chair Kopitzke stated there are other properties in this area that have similar lot line issues.
Motion/Second Sykora/ Doherty move to recommend approval of the Keith and Mary Morris application for a minor subdivision for a lot line rearrangement at 14521 and 14539 Afton Boulevard with findings listed:
Findings
 1. The proposed subdivision includes two parcels zoned Rural Residential.
 2. The adjacent land is zoned Rural Residential.
 3. The proposed minor subdivision does not create any additional lots.
 4. Both parcels are nonconforming to the 5-acre lot size both before and after the subdivision
 5. The proposed subdivision enables the existing driveway serving the 14521 parcel to be located fully on the new 14521 parcel and to meet the 10 foot side yard setback.**Passed 7-0.**

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8. NEW BUSINESS – none

9. OLD BUSINESS –

A. Update on City Council actions

Council member Wroblewski provided a summary of the November 16, 2021 City Council meeting.

10. ADJOURN

Motion/Second Doherty/Parker To adjourn. Passed 7-0.

Meeting adjourned at 7:20pm

Respectfully submitted by:

Julie Yoho, City Clerk

To be approved on January 3, 2021 as (check one): Presented: _____ or Amended: _____

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

Planning Commission Memo

Meeting: January 3, 2022

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: December 27, 2021

Re: Birdie R. Meyer Trust Minor Subdivision Application for a Lot Line Rearrangement at 13852 50th Street and the Parcels with PID#'s 28.028.20.32.0001 and 29.028.20.41.0003

The Birdie R. Meyer Trust has submitted an application for a minor subdivision for a lot line rearrangement at 13852 50th Street and the Parcels with PID#'s 28.028.20.32.0001 and 29.028.20.41.0003. The minor subdivision does not create any additional lots. The subdivision divides the existing 40 acre parcel with PID# 28.028.20.32.0001 into two portions, with the southern 15.79 acre portion to be combined with the parcel at 13852 50th Street and the northern 24.23 acre portion to be combined with the parcel with PID# 29.028.20.41.0003.

Variance Previously Approved

The lot line rearrangement proposal required a variance to increase the nonconformity of an existing landlocked parcel, and to create an irregularly shaped parcel. The applicant previously applied for the variance based on the proposed lot line rearrangement concept, and the variance was approved. (Please see the attached resolution of approval).

As shown on the attached map of the parcels, the application involves three existing parcels as follows:

- The parcel at 13852 50th Street which is a developed parcel with frontage on 50th Street, and is owned by the Birdie Meyer Trust.
- The parcel with PID# 29.028.20.41.0003 is located adjacent to the north boundary of the 13852 50th Street Parcel. This 24-acre parcel is landlocked, undeveloped and used for agriculture. This parcel is owned by Ron Meyer, who is the brother of Duane Meyer.
- The parcel with PID# 28.028.20.32.0001, which is located adjacent to both of the parcels listed above, is an undeveloped, landlocked 40-acre parcel used for agriculture. The parcel is owned by the Birdie Meyer Trust. Birdie Meyer, the deceased mother of Duane and Ron Meyer, bequeathed this parcel to be divided between the two sons.

Right-of-Way (Access) Easement

There is an existing 60 foot wide right-of-way easement that runs north/south through the parcel at 13852 50th Street from 50th Street to serve the landlocked parcel to the north. This provides a way to access the landlocked parcel, either through a driveway or shared driveway, or through a new public road if that were to be allowed in the future. A condition of approval of the variance was that the current right-of-way easement agreement shall be revised to reflect the new legal description of the enlarged Ron Meyer parcel. This requirement is also included as a recommended condition of approval, if the Planning Commission recommends approval of the subdivision.

Findings

The following are recommended findings. The Planning Commission may revise the findings.

1. The subject parcels are in the Ag zone
2. The proposed subdivision does not create any additional lots.
3. The existing lot at 13582 50th Street already has an irregular “L” shape
4. The undeveloped parcel to the north, owned by Ron Meyer, is landlocked with no frontage on a public road.
5. The 40-acre parcel to be divided is landlocked, with no frontage on a public road.
6. Adding a portion of the 40-acre parcel to the 50th Street parcel would make that portion no longer landlocked.
7. An existing 60 foot wide access easement runs north/south through the parcel at 13852 50th Street from 50th Street to serve the landlocked Ron Meyer parcel to the north.

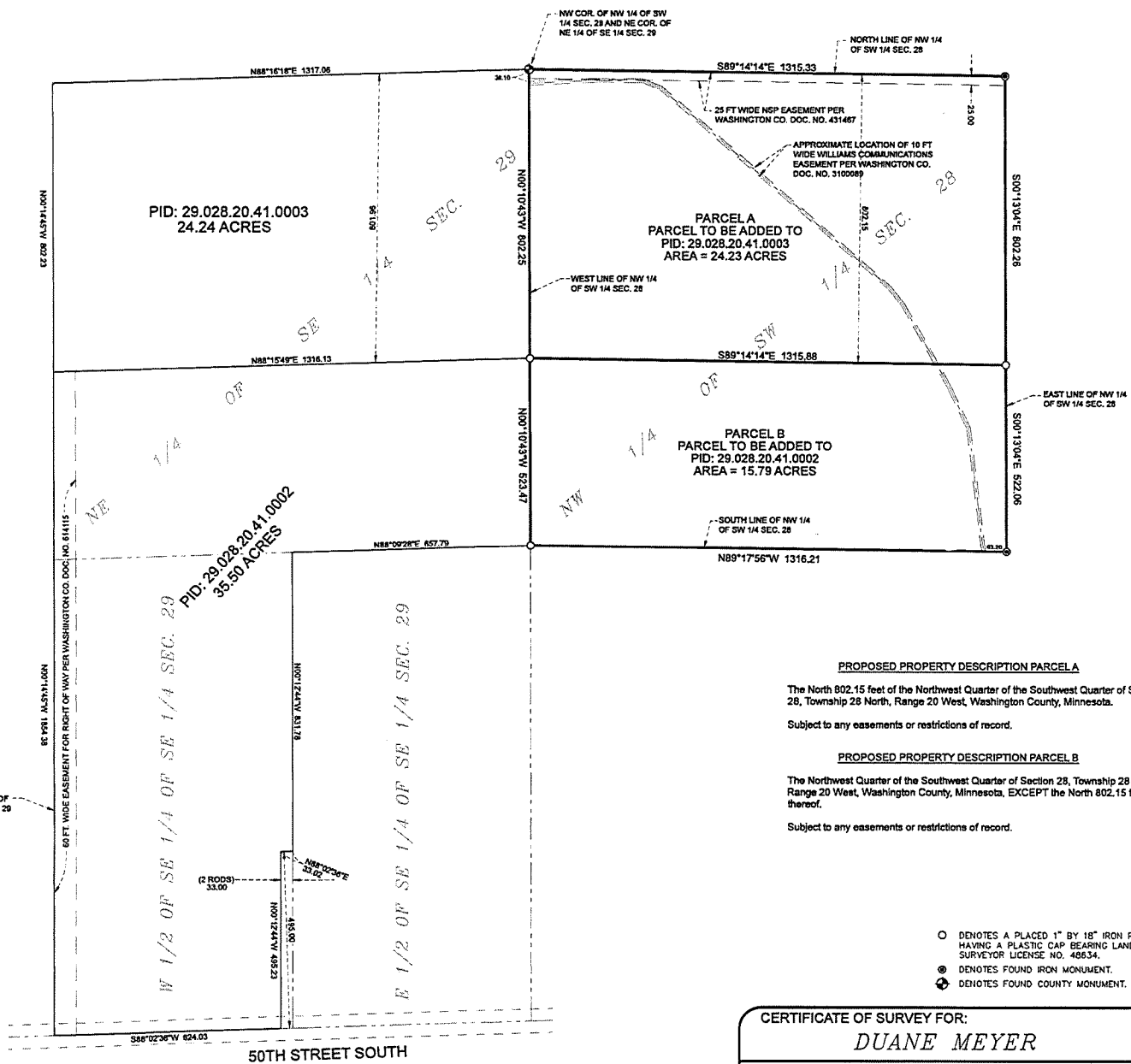
Conditions

If the Planning Commission recommends approval of the subdivision, the following are recommended conditions of approval. The Planning Commission may revise or add conditions.

1. Confirmation that the access easement can be used for a driveway or a public road to serve future development on the landlocked parcel to the north.
2. The current right-of-way easement agreement shall be revised to reflect the new legal description of the enlarged Ron Meyer parcel.
3. The divided 40 acre parcel shall be combined with the two adjacent parcels, so that no additional lots are created.

Planning Commission Recommendation Requested

Motion regarding a recommendation regarding the Birdie R. Meyer Trust application for a minor subdivision for a lot line rearrangement at 13852 50th Street and the parcels with PID#'s 28.028.20.32.0001 and 29.028.20.41.0003, with findings, and conditions if desired.



PROPOSED PROPERTY DESCRIPTION PARCEL A

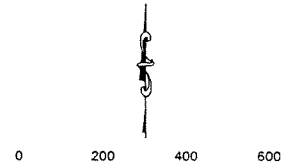
The North 802.15 feet of the Northwest Quarter of the Southwest Quarter of Section 28, Township 28 North, Range 20 West, Washington County, Minnesota.

Subject to any easements or restrictions of record.

PROPOSED PROPERTY DESCRIPTION PARCEL B

The Northwest Quarter of the Southwest Quarter of Section 28, Township 28 North, Range 20 West, Washington County, Minnesota, EXCEPT the North 802.15 feet thereof.

Subject to any easements or restrictions of record.



- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 48634.
- ⊕ DENOTES FOUND IRON MONUMENT.
- ⊙ DENOTES FOUND COUNTY MONUMENT.

BEARINGS SHOWN HEREON ARE ORIENTED TO THE WASHINGTON COUNTY COORDINATE SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN)

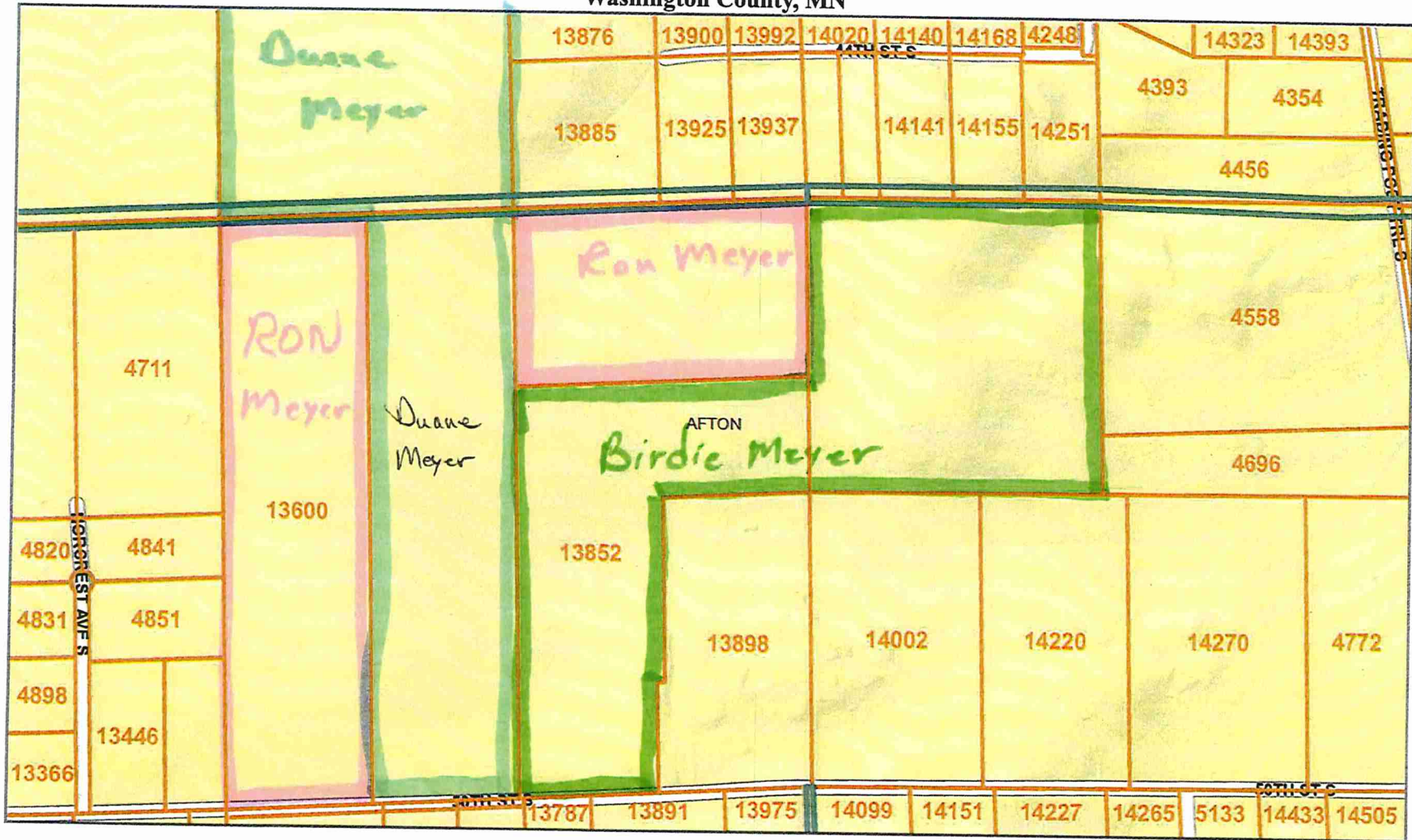
CERTIFICATE OF SURVEY FOR:
DUANE MEYER
JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING
 1112 HIGHWAY 55, SUITE 201, HASTINGS, MN 55033
 (851) 438-0000


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.
Mitchell A. Scofield
 Mitchell A. Scofield
 Minnesota License No. 48634
 Date: October 20, 2021

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	21-858		S-9687

50TH STREET SOUTH

Washington County, MN

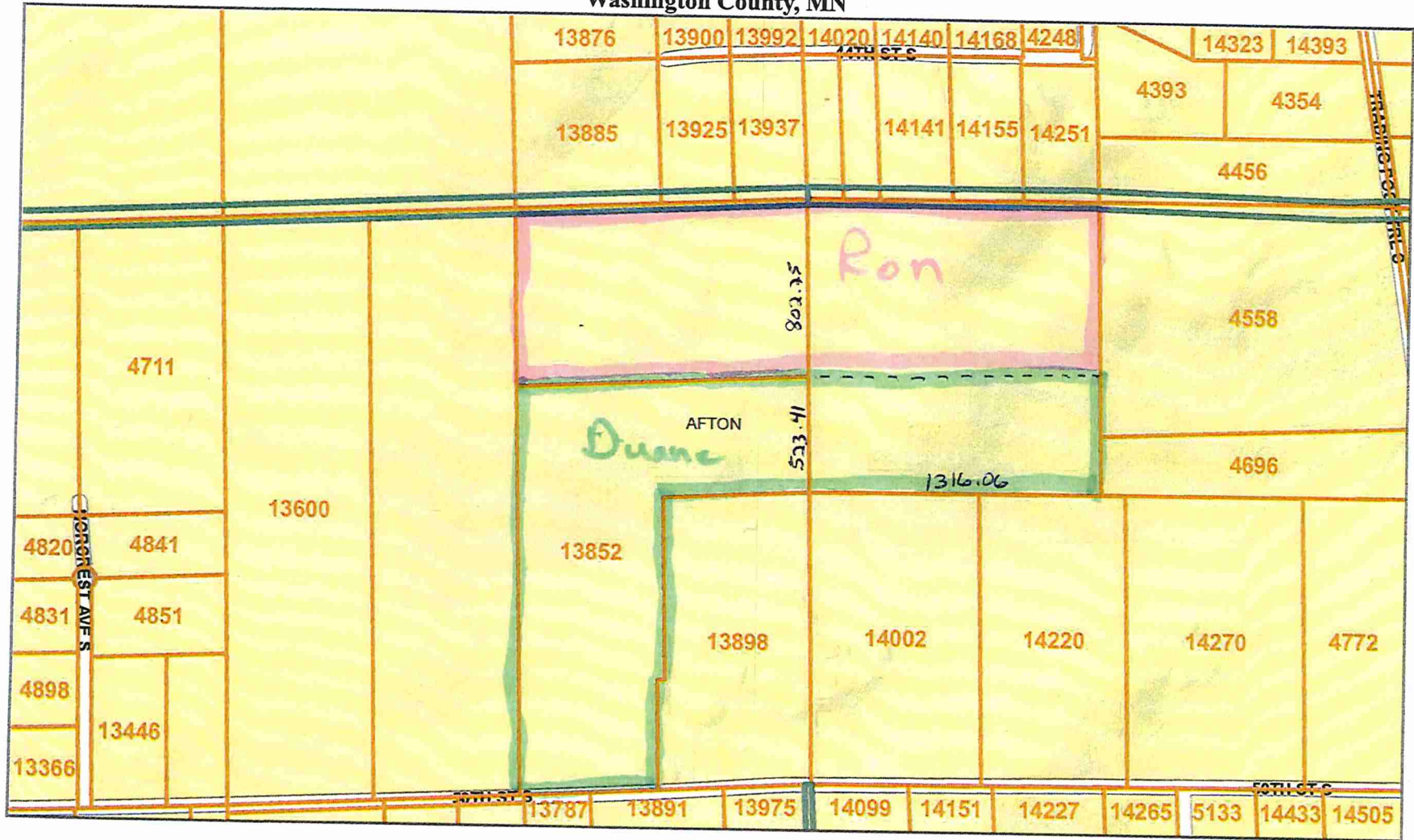



 Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 667 feet
4/2/2021

Attachment 1.
1990

Washington County, MN



 Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
 1 inch = 667 feet
 4/2/2021

Attachment 2

Proposed split - - - -
 I.D. # 280282032001

RESOLUTION 2021-40

**CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA**

A RESOLUTION APPROVING THE DUANE MEYER APPLICATION FOR A VARIANCE RELATED TO A PROPOSED LOT LINE REARRANGEMENT AT 13852 50TH STREET AND THE ADJACENT PARCELS WITH PID#s 28.028.20.32.0001 and 29.028.20.41.0003

WHEREAS, the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and

WHEREAS, Duane Meyer has applied for a variance related to a proposed lot line rearrangement at 13852 50th Street and the adjacent parcels with PID#s 28.028.20.32.0001 and 29.028.20.41.0003; and

WHEREAS, the legal description of the property is attached as Exhibit A; and

WHEREAS, City staff reviewed the request and drafted a report for consideration; and

WHEREAS, the Planning Commission of the City of Afton, at their meeting of June 7, 2021, held a public hearing for the variance application. The Planning Commission then voted 3-3-0 on a motion to recommend approval of the conditional use permit. Therefore the motion for approval failed.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Afton does hereby APPROVE the Duane Meyer variance, based on the following findings of fact and subject to the following conditions:

Findings

1. The subject parcels are in the Ag zone
2. The existing lot at 50th Street already has an irregular "L" shape
3. The undeveloped Ron Meyer parcel to the north has no frontage on a public road.
4. The 40-acre parcel to be divided is landlocked, with no frontage on a public road.
5. While adding one-half of the parcel to the 50th Street parcel would make that portion no longer landlocked, it would make the resulting parcel substantially more irregularly shaped.

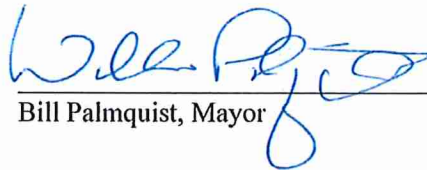
6. Because the 40-acre parcel is under the same ownership as the 13852 50th Street parcel, the property owner could combine the two parcels without action by the City.
7. Adding one-half of the 40-acre parcel to the Ron Meyer parcel to the north would increase the nonconformity of the parcel by increasing the size of the nonconforming parcel.
8. An existing 60 foot wide access easement runs through the parcel at 13852 50th Street from 50th Street to serve the Ron Meyer parcel to the north.
9. The proposal reduces the number of acres in a landlocked parcel.

Conditions

1. The current right-of-way easement agreement shall be revised to reflect the new legal description of the enlarged Ron Meyer parcel.
2. The divided 40 acre parcel shall be combined with the two adjacent parcels, so that no additional lots are created.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 15TH DAY OF JUNE, 2021.

SIGNED:



Bill Palmquist, Mayor

ATTEST:



Ronald J. Moorse, City Administrator

Motion by: Palmquist
Second by: Nelson
Nelson: Aye
Ross: Aye
Wroblewski: Aye
Perkins: Aye
Palmquist: Aye

614115

EASEMENT FOR RIGHT-OF-WAY

THIS AGREEMENT made this 26th day of September, 1989, by and between BIRDIE MEYER, a single person, party of the first part, hereinafter referred to as "Grantor", and RONALD MEYER and LANA MEYER, husband and wife, parties of the second part, hereinafter referred to as "Grantees".

WITNESSETH:

WHEREAS, Grantor is the owner of certain real estate described as follows, to-wit:

That part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) lying southerly of the North 801.96 feet thereof, and the West one-half of the Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$), all in Section Twenty-nine (29), Township Twenty-eight (28) North, Range Twenty (20) West, Washington County, Minnesota. Subject to right-of-way of 50th Street South.

and;

WHEREAS, Grantees are the owners of certain real estate described as follows, to-wit:

The North 801.96 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty-eight (28) North, Range Twenty (20) West, Washington County, Minnesota;

and;

WHEREAS, Grantor's property is immediately South of the real estate owned by Grantees; and

WHEREAS, Grantees do not have access to a public roadway from the real estate owned by them; and

WHEREAS, Grantor desires to grant a perpetual sixty (60) foot right-of-way easement from Grantees' property to 50th Street South which borders Grantor's real estate on the South.

614115

November 6, 1989

LL 5/

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable considerations, IT IS AGREED by and between the parties hereto as follows:

1. The Grantor herein does hereby grant to the Grantees herein a permanent and perpetual easement for ingress and egress over and across the following described real estate, to-wit:

The West Sixty (60) feet of that part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) lying southerly of the North 801.96 feet thereof, and the West Sixty (60) feet of the West one-half of the Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$), all in Section Twenty-nine (29), Township Twenty-eight (28) North, Range Twenty (20) West, Washington County, Minnesota. Subject to right-of-way of 50th Street South.

however, the same does not qualify as access for development purposes according to the ordinances of the City of Afton.

2. The easement granted herein is for the benefit of and appurtenant to the real estate described as the North 801.96 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 29, Township 28 North, Range 20 West, lying and being in the County of Washington, State of Minnesota.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

PARTY OF THE FIRST PART

Birdie Meyer
Birdie Meyer

PARTIES OF THE SECOND PART

Ronald Meyer
Ronald Meyer

Lana Meyer
Lana Meyer

<p>City of Afton 3033 St. Croix Trl, P.O. Box 219 Afton, MN 55001</p>
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Planning Commission Memo

Meeting: January 3, 2022

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: December 27, 2021

Re: Kathy Bolton-Iverson Conditional Use Permit Application for a Short Term Home Rental License at 3602 St. Croix Trail

Kathy Bolton-Iverson has submitted a conditional use permit application for a short term home rental license at 3602 St. Croix Trail. The conditional use permit is required because the license application is for a Type D license (dedicated short term rental). Type D means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property does not serve as a person's primary residence and which involves a non-hosted short term rental on a non-homesteaded property. A non-hosted rental means that neither the owner of the property nor a property manager will be on-site during the rental.

Short Term Home Rental Requirements

Attached is the short term home rental ordinance setting out the short term rental requirements. The following is a summary of the requirements that have been met by the applicant.

- Compliance with building codes. The house to be rented was recently constructed, and the building inspector has signed off on its compliance with building codes.
- Parking. In residential zoning districts, all guest parking must be accommodated on improved driveways and improved parking surfaces on the premises. No on-street parking is allowed for guests. The subject property has a large attached garage and a long driveway to accommodate guest parking
- Number of guests. The maximum number of guests will be limited to two times the number of bedrooms, plus two guests. With two bedrooms, the maximum number of guests is 6. (Children under the age of 12 are excluded from the calculation of number of guests).
- Annual water testing. (see attached report, which reflects compliance with desired results for coliform bacteria and nitrate-nitrogen)
- Proximity of assistance. Owner of the property lives next door to the property proposed for rental.
- Insurance. The applicant has provided proof of sufficient and suitable property insurance.
- Site Plan and Floor Plan (see attached)

Findings

The following are recommended findings. The Planning Commission may revise or add to the list of findings.

1. Short term home rentals are allowed and regulated under the Short Term Home Rentals ordinance, subject to approval of a short term home rental license application.
2. A type D home rental license requires a conditional use permit
3. The proposed short term home rental at 3602 St. Croix Trail is a Type D home rental.
4. The applicant has provided the information and documentation required for a Type D home rental license application

Conditions

If the Planning Commission recommends approval of the conditional use permit, the following is a recommended condition of approval. The Planning Commission may revise or add to the list of conditions.

1. All requirements for Type D short term rentals shall be met for the duration of the license and CUP.

Planning Commission Recommendation Requested

Motion regarding a recommendation concerning the Kathy Bolton-Iverson conditional use permit application for a short term home rental license application at 3602 St. Croix Trail.

About Licensee

Monday, November 8, 2021 8:29 AM

Name: Kathy Bolton-Iverson

**Mailing Address: P.O. Box 274
Afton, MN. 55001**

Experience: I have managed properties that I own for more than 45 years. I have managed property for other entities as well, which included single family homes as well as large complexes. Most of the time I have spent in residential real estate. I hold a real estate license which is currently in non-active at present.



WATER SAMPLE INFORMATION

WELL INFORMATION:
 Well Owner: Kathy Bolton-Tiverson
 Well Location: 3100 St. Coie Trail S
 Street Address: _____ City: _____ State: _____ Zip: _____
 PCN #: 22.028.20.41 Afton / Afton MN 55001
0029 / Afton

SEND RESULTS TO:
 Name: Kathy Bolton-Tiverson
 Address: P.O. Box 274 Afton MN 55001
 Street Address: _____ City: _____ State: _____ Zip: _____
 Telephone: 651 285 2233 E-mail: ktiverson@att.net
 Check box if you want results emailed

County Worker: _____

Name of Collector: Kathy Bolton-Tiverson DATE Collected: _____
 Sampling Point: outside faucet TIME Collected: _____

REMARKS / CONCERNS: _____

(For office use only)
 P.H.D. # 211178
 Paid \$ 411.00
 Check # 2103
 Received by: [Signature]

SOURCE OF SAMPLE:
 Private Well
WELL DEPTH: 116 Feet
 Surface Water
 Municipal Water Supply
 Spring
 Other _____

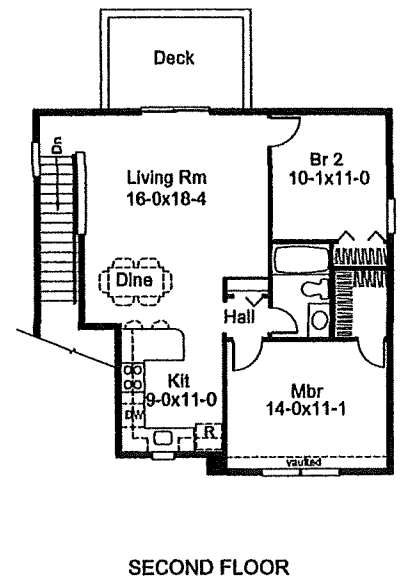
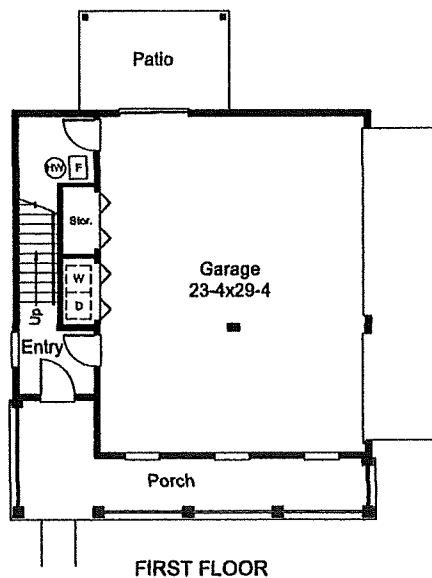
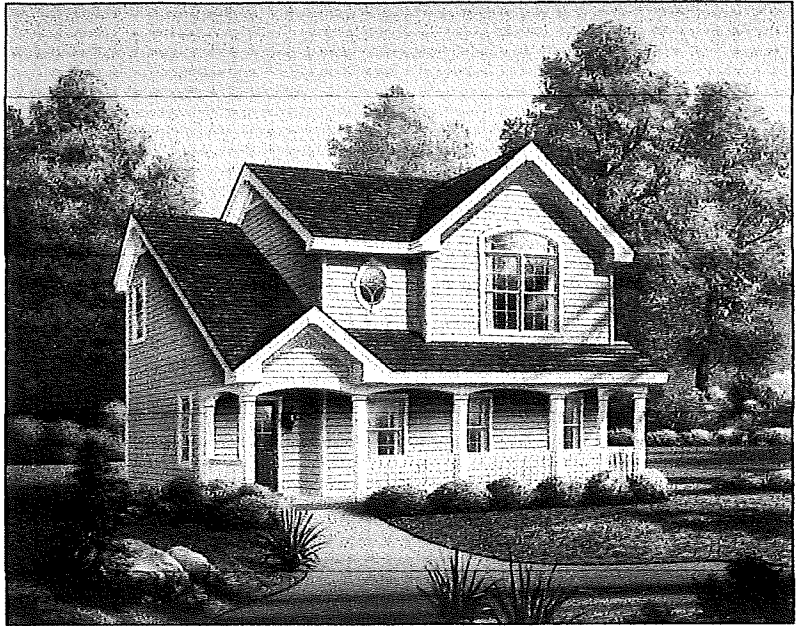
WATER USED BY: Food Service Establishment
 Private Home Church, Camp, School
 Seasonal Home Day Care Center
 Motel / Hotel Other RENTAL

REASON FOR TEST: Taste, Odor, Color
 Property Transaction: House Sale/Purchase Routine Monitoring
 License: Family Daycare/Foster Care Illness
 Food, Beverage, Lodging Other _____

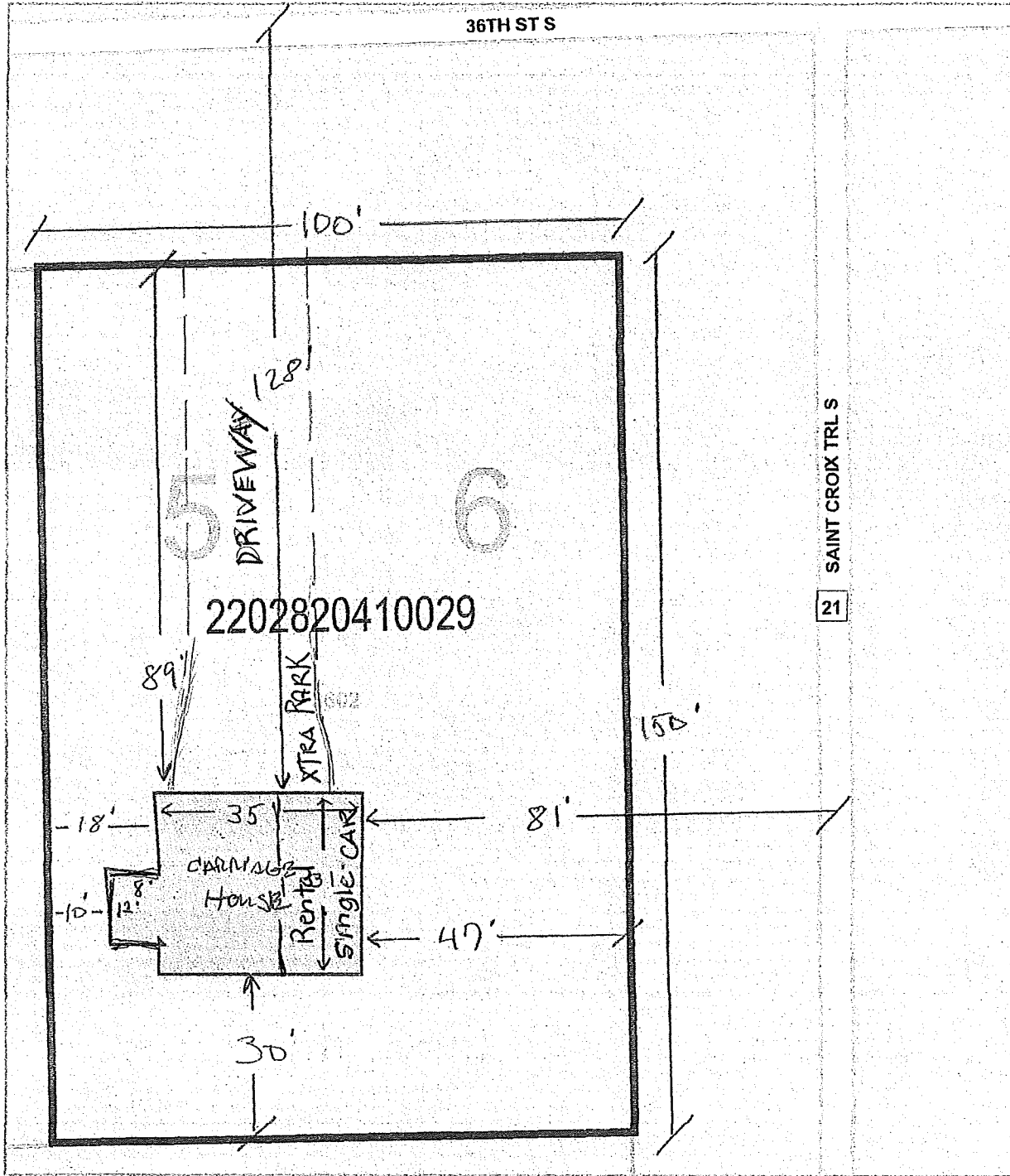
TESTS REQUESTED: Date Received 10.26.21 Date Reported 10.28.21 Initials sd

\$ 44.00 - STANDARD DRINKING WATER TEST - (includes BOTH Coliform Bacteria & Nitrate-Nitrogen) *
 * = requires its own sample bottle
 ** = requires LARGE sample bottle

TEST	RESULTS: (For office use only)	DESIRED RESULTS:
<input type="checkbox"/> \$ 22.00 Total Coliform Bacteria	<u>Absent</u>	Less than 1/100 mL or Absent
<input type="checkbox"/> \$ 22.00 Nitrate-Nitrogen	<u>< 0.05 mg/L</u>	Less than 10.0 mg/L as N
<input type="checkbox"/> \$ 38.00 Arsenic *	_____	Less than 10 µg/L
<input type="checkbox"/> \$ 38.00 Fluoride	_____	Less than 4.0 mg/L
<input type="checkbox"/> \$ 56.00 Hardness *	_____	Any level over 180 mg/L is considered "very hard".
<input type="checkbox"/> \$ 38.00 Iron	_____	Less than 0.3 mg/L
<input type="checkbox"/> \$ 75.00 Iron Bacteria	_____	See "Water Test Report".
<input type="checkbox"/> \$ 38.00 Lead **	_____	Less than 15 µg/L
<input type="checkbox"/> \$ 38.00 Manganese	_____	< 1 yr. old = Less than 0.1 mg/L Age 1 & up = Less than 0.3 mg/L
<input type="checkbox"/> \$ 38.00 Sodium	_____	The EPA recommends 20 mg/L or less for people on a low sodium diet. MN avg. = 2.4 mg/L
<input type="checkbox"/> \$ 38.00 Sulfate	_____	Less than 250 mg/L

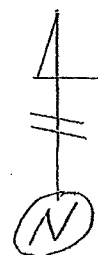


BOLTON-IVERSON SITE PLAN



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 25 feet
9/30/2019



ORDINANCE 03-2020

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 12, LAND USE OF THE CITY CODE TO ADD SECTION 12-232 RELATED TO SHORT TERM HOME RENTALS

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

The following language shall be added as Section 12-232 of Chapter 12 of the Afton Code of Ordinances.

Sec. 12-232. Short-Term Home Rentals

A. Scope. This section applies to all short-term home rentals in the City of Afton.

B. Purpose. The City of Afton has adopted this ordinance for the purpose of allowing short-term home rentals consistent with Rural Residential, Agricultural and Village Historic Site zone uses where appropriate while mitigating impacts upon surrounding properties by implementing balanced regulations, and to protect the general public health, safety and welfare.

C. Definitions. For the purposes of this section (12-232) the following terms, phrases, words and their derivations shall have the meanings as given here. When consistent with the context, words in the plural include the singular and words in the singular include the plural.

Certificate of Septic System Compliance. A compliance certificate that was issued on a new septic system installed within the past five years or a copy of a compliance inspection which was performed within the past three years.

City. City of Afton.

Dwelling. A principal structure that contains one dwelling unit, intended or designated to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling Unit. A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Guest. A person who is registered as staying at the property as part of a short term home rental

Owner. Any person who, alone or with others, has title or interest in any building, property, dwelling, dwelling unit or portion thereof, with or without accompanying actual possession thereof, including any person who as tenant, agent, executor, administrator, trustee, or guardian of an estate has charge, care, control of any -dwelling or dwelling unit.

Person. Any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

Primary residence, means the dwelling unit within which a person lives for six months plus a day during a calendar year.

Primary resident, means a person living on a property where the property is the person's primary

residence.

Short Term Home Rental, Type A. Short term home rentals in a homesteaded property with less than 14 days of rentals per year. Type A short term home rental does not require a license, but must operate in accordance with the performance standards in this section.

Short Term Home Rental, Type B. (Hosted short term rental) means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where a primary resident of the property is present while the transient guests are present.

Short term Home Rental, Type C. (Unhosted short term rental) means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property serves as a person's primary residence but a primary resident of the property is not present while the transient guests are present.

Short term home rentals, Type D. (dedicated short term rental). means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property does not serve as a person's primary residence

Short-term rental. A dwelling unit, or a portion of a dwelling unit, rented for a period of less than thirty (30) days. No more than one (1) rental of a short-term rental dwelling unit or portion thereof shall be permitted per day.

D. *License required.* No property may be used for Type B, C or D short term home rental unless a license is granted by the city.

Term. The initial short-term rental license shall expire one year from the date the license is issued, unless revoked. Subsequent renewals shall not be for a period of more than three years.

Renewal. A renewal license must be applied for every three years. The renewal license application may only be submitted after the property has passed a city inspection as required and appropriate fees have been paid.

Non-Transferable. Licenses are non-transferable and shall expire upon change of ownership of the property.

E. *License application.* Any property owner desiring to undertake short term home rentals must apply to the city for a short term home rental license. A license must be approved prior to operating within the city. The license application request must be submitted on the form provided by the city and must include all the information requested on the application form. A criminal background check consistent with Minn. Stat. §299C will be conducted on managers (as defined by Minn. Stat. §299C.67, Sub. 4) as part of the license application review.

F. *License fee.* The license application form must be accompanied by payment in full of the required license application fee. The license application fee will be determined by the city council in the city fee schedule.

G. *License issuance.* Licenses shall be issued exclusively for principal structures with one dwelling unit, with the exception of a duplex with a valid conditional use permit, which has two dwelling units. The process for review and issuance of a license will vary depending upon the type of short term home rental as follows:

Type A - Short term home rentals in a homesteaded property with less than 14 days of rentals

per year. Type A short term home rental does not require a license, but must operate in accordance with the applicable performance standards in this section.

Type B – Hosted short term home rentals in a homesteaded property with more than 14 days of rentals per year. Type B short term home rental licenses will be issued administratively if all the terms and conditions of this section are met.

Type C - Unhosted short term home rentals in a homesteaded property. Type C short term home rental licenses will be issued administratively if all the terms and conditions of this section are met.

Type D - Unhosted, dedicated short term rental. Type D short term home rental licenses require a conditional use permit and will be issued administratively if all the terms and conditions of this section are met and a conditional use permit (CUP) is granted. The conditional use permit application will be reviewed according to the CUP process established in the City Code section 12-78.

H. *Performance standards.* Type A, B, C and D short term home rentals shall be subject to the performance standards identified below, except where a performance standard is specifically applicable to only specific types of rentals.

1. *Parking.*

In residential zoning districts, all guest parking must be accommodated on improved driveways and improved parking surfaces on the premises. No on-street parking is allowed for guests.

2. *Length of guest stay.* The minimum length of stay is one day. The maximum length of stay, as it pertains to this ordinance, is 30 days.
3. *Number of guests.* The maximum number of guests will be limited to two times the number of bedrooms, plus two guests. Children under the age of 12 are excluded from the calculation of number of guests.
4. *Annual water testing.* The licensee for Type B, C, and D short term rentals shall test the water serving the dwelling for coliform bacteria, nitrates and lead on an annual basis, and the water must meet health-based standards for these items.
5. *Guest records.* The licensee for Type C and D short term rentals must keep a guest record including the name, address, phone number, and vehicle license plate information for all guests and must provide this information in a report to the city upon 48 hours' notice, if requested by the City. The request for a report will include how and to whom the report shall be provided.
6. *Manager information.* For Type C and D short term home rentals, the licensee must provide the name, phone number and address of the owner, operating lessee or managing agent/representative to the City, along with mailing labels for all property owners within 150 of the property lines. The City will then send the information to the adjacent property owners. The licensee shall provide any changes to this information, along with additional mailing labels, to the City Clerk within ten days of any such changes. The City Clerk will then send the information to the adjacent property owners.
7. *Guest disclosures.* The licensee must disclose in writing to their guests the following rules and regulations and must submit a copy of the disclosure to the city with the license application and renewal applications. In addition, the disclosures must be conspicuously displayed in the home. The disclosures must include the following:

- For Type D short term home rentals, the name, phone number and address of the owner, operating lessee or managing agent/representative;
 - The maximum number of guests allowed at the property;
 - The maximum number of vehicles allowed at the property and the approved parking areas, as indicated on the site plan provided with the license application;
 - Property rules related to use of outdoor features, such as decks, patios, grills, recreational fires, saunas and other recreational facilities;
 - That City nuisance ordinances will be enforced by the Washington County Sheriff's Department, including reduced noise levels between 10:00 p.m. and 8:00 a.m.;
 - That no events are allowed to be hosted by a guest on the premises.
8. *Posting of license number.* The licensee must post the city license number at the property and on all print, poster or web advertisements.
 9. *Proximity of assistance.* For Type D short term home rentals, the property owner or a manager/representative must be located within 30 minutes travel time of the property.
 10. *Signage.* For Type A, B C and D short term home rental no signage is allowed on the property.
 11. *Events.* Events are not allowed to be hosted by guests on the premises. For purposes of this section, an event means a gathering on the premises of more than three un-registered guests. Events hosted by the property owner are allowed but must comply with all applicable city ordinances and policies, including the prohibition on renting out private residential property for events.
 12. *Insurance.* The licensee must provide proof of sufficient and suitable property insurance, as determined by the Zoning Administrator, with the license application and must be able to confirm that the coverage remains in place within 24 hours of a request by the city.
 13. There shall be no change in the exterior appearance of the home or premises, or other visible evidence of the conduct of a short term home rental, except that additional on-site city code compliant parking may be provided.
 14. No lessee under this ordinance shall be granted any benefit otherwise granted to lessees of homes under the firearms ordinance in Chapter 14 of the City Code.

Required health and safety inspections.

Type B and C license applications will not be accepted without an approved inspection report signed by the city's fire department and building department. The inspection must have been completed no more than 60 days prior to submission of the license application. The list of health and safety items that will be inspected will be included in license application materials so that the licensee will know in advance what items will be inspected. If the inspection identifies items that must be corrected, all corrections must be completed and verified by the city before the license will be issued.

Any property licensed under this section shall be subject to lawful inspection by the zoning administrator and the zoning administrator's authorized representatives upon a schedule determined by the zoning administrator or upon complaint.

J. Site Plan and Floor Plan for Type C and D short term home rentals.

The applicant must submit a site plan of the property drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, or sauna.

The applicant must submit a floor plan of the residence drawn to scale identifying which rooms are proposed to be used as guest bedrooms. The number of bedrooms in the application must match the number of bedrooms reflected in the County's property tax records.

K. Interchangeability of License Types. A licensee may use the license to operate any short term home rental type equal to or less restrictive than the one for which the license was issued. For example, if an owner is issued a Type C license, the property is permitted to operate as a Type C, B or A. If a Type B license is issued, the property is permitted to operate as a Type B or A.

L. Enforcement.

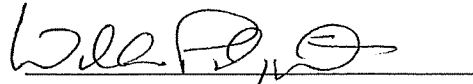
1. *Injunctive relief.* In the event of a violation or threatened violation of this ordinance, the city, in addition to other remedies, is entitled to seek injunctive relief or proceedings to prevent, restrain, correct or abate such violations or threatened violations.
 2. *Misdemeanor.* The penalty for a violation of this ordinance shall be a misdemeanor.
 3. *Fines.* In addition to penalty provisions in (1) and (2) above, the administrative fines for violations of this section shall be as established by the city council in the annual fee schedule.
 4. *Suspension or revocation.* Any short term home rental license may be suspended or revoked for one or more of the following reasons upon notice and the provision of an opportunity for hearing for good cause,
 - a. Violation of, or noncompliance with, any license requirement or standard, or any applicable law, statute or ordinance
 - b. It is the third substantiated and relevant complaint, as determined by the Zoning Administrator, within a 12-month period.
 - c. The licensee has failed to pay all of the appropriate fees related to the license, or is delinquent on any other city fees;
 - d. The licensee has made fraudulent statements, misrepresentations, not fully disclosed information or made false statements in the application for or in the course of the licensee's business;
 - e. The licensee has been convicted of any crime or offense in the previous five years involving or relating to the short term home rental business and the licensee has failed to show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the business;
 - f. The licensee has acted in an unauthorized manner or beyond the scope of the license granted.
 - g. The licensee has advertised the property in a way that conflicts with any limitation or requirement of this ordinance.
- If a license is revoked, the owner is prohibited from making application for another license for any type of short-term home rental for a period of six months.

- If a property is found to be providing short term home rentals without the required license, the owner shall be prohibited from using the property for short term home rentals, or making application for a license for any type of short term home rental, for a period of two years, subject to the payment of any penalty fees.

M. Severability. If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the section, and such determination shall not affect the validity of the remainder of the section.

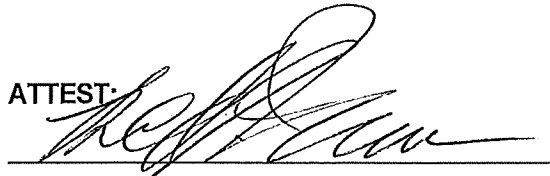
ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17TH DAY OF MARCH, 2020.

SIGNED:



Bill Palmquist, Mayor

ATTEST:



Ronald J. Moore, City Administrator

Motion by: Palmquist
Second by: Wroblewski
Perkins: absent
Wroblewski: Aye
Ross: absent
Nelson: Nay
Palmquist: Aye

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

Planning Commission Memo

Meeting: January 3, 2022

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: December 29, 2021

Re: Groundwater Protection/Conservation and Climate Change Resiliency

Commissioner Bowman has suggested the Planning Commission initiate an effort focused on groundwater protection and climate change resiliency that could include new regulations aimed at ground water protection/conservation and climate change resiliency. Below is a list of possible regulations Commissioner Bowman has provided for the Commission's consideration. In addition, attached is an article regarding the importance of trees in cities as temperature moderators.

- Acknowledge that ground water is a community resource that is to be preserved.
- Prohibit new or additional turf irrigation systems from a well.
- Require that all new or additional impervious surface be offset by planting of trees from a list of varieties maintained at the city or by native grasses from a list maintained at the city. For example: for every 100 square feet of new or additional impervious surface either one tree or 100 square feet of native grasses must be maintained at the same location or at a location provided by the city.
- Restrict new planting of turf to ¼ acre per housing unit and within 25 feet of a commercial or industrial building.

Planning Commission Action Requested

Motion regarding moving forward with an effort focused on groundwater protection and climate change resiliency.

What Technology Could Reduce Heat Deaths? Trees.

At a time when climate change is making heat waves more frequent and more severe, trees are stationary superheroes: They can lower urban temperatures 10 lifesaving degrees, scientists say.



By Catrin Einhorn

Published July 2, 2021 Updated July 3, 2021

DES MOINES — The trees were supposed to stay.

It didn't matter that the owners of the squat building alongside were planning to redevelop the property. The four eastern red cedars stood on city land, where they had grown for the better part of a century.

"There's no way these trees are coming down," Shane McQuillan, who manages the city's trees, recalled thinking. "The default position for us is, you don't take out big trees to put in small trees."

Here's why: At a time when climate change is making heat waves more frequent and more severe, trees are stationary superheroes. Research shows that heat already kills more people in the United States than hurricanes, tornadoes and other weather-events, perhaps contributing to 12,000 deaths per year. Extreme heat this week in the Pacific Northwest and Canada has killed hundreds.

Trees can lower air temperature in city neighborhoods 10 lifesaving degrees, scientists have found. They also reduce electricity demand for air conditioning, not only sparing money and emissions, but helping avoid potentially catastrophic power failures during heat waves.

Climate Fwd A new administration, an ongoing climate emergency — and a ton of news. Our newsletter will help you stay on top of it. [Get it sent to your inbox.](#)

"Trees are, quite simply, the most effective strategy, technology, we have to guard against heat in cities," said Brian Stone Jr., a professor of environmental planning at the Georgia Institute of Technology.

So, in Des Moines, Mr. McQuillan worked with the property owners and city planners to find a way to redevelop while keeping the trees.

But one day several months later, he got word that a crew was taking them down.

Mr. McQuillan raced to the site, just a couple blocks from his office. One tree had already been cut to a stump, and another was almost down. Mr. McQuillan halted the work and fought to stay calm. At first he assumed someone had taken matters into their own hands. But after investigating, he came to believe it was simply a mistake; the property had been leased for a restaurant and the tenants seemed sincerely unaware of the agreement.

"There's a defeated feeling," Mr. McQuillan said.

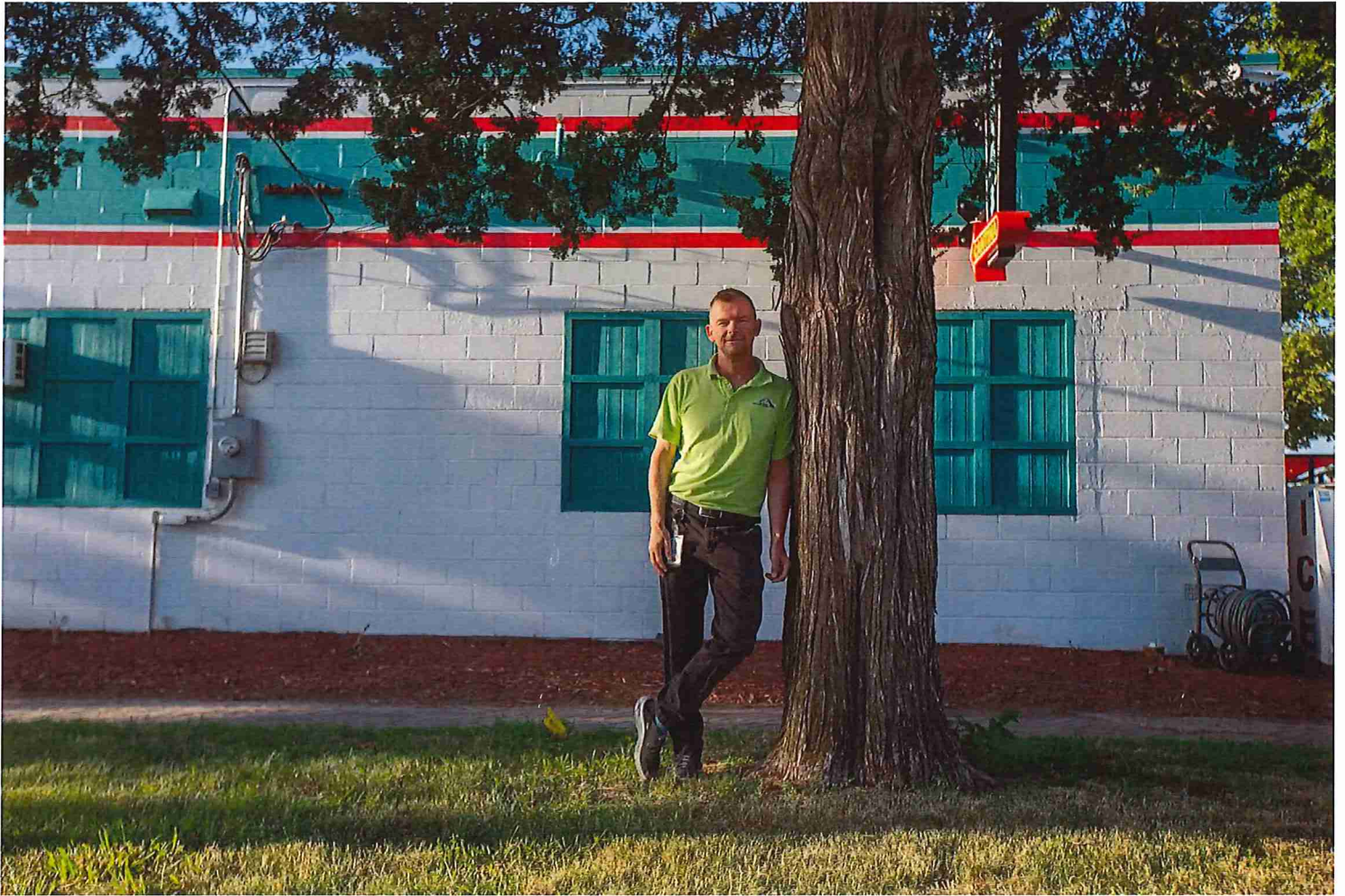
They were two losses in an enormous struggle. Versions of this story are playing out in cities across the country, including Boston, Atlanta, Cleveland, Chicago, Houston, Spokane and Los Angeles, according to the United States Forest Service.

Despite longstanding and ongoing efforts across the country to plant trees, communities in the United States are not adding to their total number or even maintaining it. Research shows that American cities and towns lose the canopy of 36 million trees every year.

'A challenge to get trees to thrive in the city'

Considering the cast of characters in Des Moines, its urban forest should be thriving. The longtime mayor is an environmentalist. The director of public works hails trees as "the only infrastructure that add value over time." A nonprofit group plants and tends the next generation of trees while giving green jobs and training to local teenagers.

In recent years, though, the larvae of an iridescent green beetle that arrived from across the ocean, the emerald ash borer, have claimed 6,000 of the city's 8,000 public ash trees. A storm last year took out about 500 more of all kinds. Another big factor is the everyday losses: The tree felled to repair a water line underneath. The homeowner who removed a tree to build an extension or get more sun on the lawn. Countless new developments where trees were in the way. These are often mature trees whose canopy will take decades to replace.



Shane McQuillan, the urban forestry project manager for Des Moines, with an eastern red cedar he helped to save. Rachel Mummey for The New York Times



Emerald ash borer specimens in a forestry lab. An invasive species native to Asia, they have claimed 6,000 ash trees on public land in Des Moines. Carl D. Walsh/Portland Press Herald via Getty Images

Then, there are the bare-branched victims whose cause of death can only be guessed at: Not enough water? The extra-cold winter combined with all that street salt?

“It’s a challenge to get trees to thrive in the city,” said Phillip Rodbell, who leads a Forest Service team studying the social, economic and ecological impact of urban trees.

At the same time, American cities are facing a heat crisis: The largest are warming at twice the rate of the planet as a whole.

‘It’s hard for us to think of trees as actual infrastructure’

On an afternoon that felt too sweltering for June, a 14-year-old named Kiara Wright bent over a young honey locust along a busy road in Des Moines, carefully splashing water from two five-gallon buckets into the dry soil. The city was in drought, and abundant water is critical to trees for at least two years after the shock of transplanting.

Earlier in the spring Kiara had helped plant that season’s 500 trees, becoming fond enough of them to name a few: Sparkles, Linden, José. Now she was watering, mulching and pulling weeds for \$10 an hour. Over the course of the summer, her small team would also learn about financial literacy and shadow people in various green jobs.

“We grow the trees and we grow the teens,” said Kacie Ballard, who coordinates the program for Trees Forever, a nonprofit group that is now planting almost all of the city’s street trees. “It’s cheesy but it’s true.”

Along with the environmental benefits of trees come economic opportunities.

“This is a field where the employers are begging,” said Jad Daley, president and chief executive of American Forests, a nonprofit group. “There is definitely a job waiting.”

Planting in Des Moines will resume in the fall, focusing on formerly redlined communities most in need of trees. Around the country, racist policies have left these neighborhoods especially bare and hot.

Leslie Berckes, director of programs at Trees Forever, hopes to get 1,000 trees in the ground by the end of the year, surpassing an agreement with the city. But the number still feels bittersweet. Four times that many are needed, on public and private land, to reach a state goal of increasing canopy 3 percent by 2050. Instead, she fears their efforts are not enough to stay even.

“We could be keeping pace if we wanted to,” Ms. Berckes said. “We need more money. I know it’s so boring to say.”



A Trees Forever team used a fire hydrant to draw water for newly planted trees last month. Rachel Mummy for The New York Times



Frank Cownie, the Des Moines mayor, standing at center, and Mr. McQuillan, crouching center, helped to plant a new tree in the East Village district of Des Moines. Rachel Mummy for The New York Times

By all accounts the mayor, Frank Cownie, is trying. Des Moines has increased its \$200,000 tree planting budget to \$300,000 next year and \$450,000 the following, with a goal of reaching \$1 million. Its forestry department, with a budget of \$2 million, employs a team of 13 arborists, up from 11 a couple years ago, who prune the city's trees, extending their lives.

Understand the Latest News on Climate Change

The climate consequences of losing Build Back Better. Without the legislation's climate provisions, the United States appears very unlikely to hit President Biden's targets for greenhouse gas reductions.

But it's a tricky balancing act.

"You'll hear, 'Why are you doing this, you should be creating homes for the houseless,'" Mayor Cownie said. "Which we are."

The crux of the problem, according to scientists and environmental planners, is that Americans, from everyday citizens to government officials, are often not fully aware of the benefits that trees provide.

In addition to reducing heat, trees filter out air pollution, suck up storm water, store carbon, nurture wildlife and even improve people's mental and physical health.

"It's hard for us to think of trees as actual infrastructure rather than an amenity, and because of that, we don't allocate sufficient funds," said Dr. Stone of the Georgia Institute of Technology. "If we think about it as actual infrastructure on par with investing in roads and sewers and everything else, those costs will become more acceptable to us."

'Trading one risk for another'

A tree's shade, that sweet relief from solar radiation, is only part of its cooling power. Trees also evaporate water, pulling it from the ground and releasing it into the air through their leaves. That's why walking through a forest, or just sitting in a playground surrounded by several large trees, feels more refreshing than the shade of a lone tree.

Carefully positioned trees can reduce a home's energy costs by 25 percent, according to the Department of Energy. Nationwide, urban trees offer an estimated \$18.3 billion in air pollution removal, carbon sequestration, lowered energy use in buildings and reduced emissions from power plants.

Still, across the country many people see trees as a nuisance or liability. They drop nuts, seeds and leaves. They buckle sidewalks. They are accused of destroying pipes — wrongly, according to scientists, who say that pipes crack from age, which only then leads nearby trees to send roots toward the leaking water. Some towns and cities avoid the perceived hassle altogether by not planting on the strip of lawn between the sidewalk and the street.

Occasionally, their limbs break or they blow over, posing real danger. With climate change increasing the intensity of storms, David Nowak, a senior scientist with the Forest Service who studies urban trees, acknowledges the risk. Trees close to houses need to be especially well monitored for weakness. But he points out that trees also block wind, reducing the force of storms.

"You're trading one risk for another," Dr. Nowak said. "Branches falling, and having to clean up branches, versus having to clean up broken rooftops."

The Court Avenue District of central Des Moines. The city has increased its \$200,000 tree planting budget to \$300,000 next year and \$450,000 the following, with a goal of reaching \$1 million. Rachel Mummy for The New York Times

Members of the 224th Brigade Engineer Battalion, Iowa Army National Guard, broke up downed trees in Cedar Rapids after a storm in 2020. Jim Slosiarek/The Gazette, via Associated Press

One major challenge is persuading property owners, who own a large share of the land in cities and towns, to plant and maintain trees in their yards. It's important to choose the species carefully. Large shade trees offer more cooling and carbon storage than small ornamentals. For wildlife, oaks are usually the best bet, according to Doug Tallamy, a professor of entomology at the University of Delaware. They feed more than 900 species of caterpillars, which, in turn, feed birds, whose populations have plummeted.

Incentives can help, but tight budgets often keep them modest. In Louisville, Ky., which threw itself into planting more trees after it was found to be the fastest-warming large city in the country, residents can get a \$30 "treebate," up to three per household, for planting certain shade trees.

The director of public works in Des Moines, Jonathan Gano, came up with an idea to give away "tiny trees," seedlings that look like mere sticks with roots. Once a year, residents can pick up five each.

"They're tiny, yes," Mr. Gano said. "They're also practically free," costing the city \$1 per seedling.

"You could have 99 percent mortality and still be in the money 20 years from now on canopy," Mr. Gano said. "I planted a bunch on my property and about 50 percent of them have survived. One of them's 11 feet tall now."

Sustainability and Climate Change: Join the Discussion

The New York Times

Our Netting Zero series of virtual events brings together New York Times journalists with opinion leaders and experts to understand the challenges posed by global warming and to take the lead for change.

- *Sign up for upcoming events or watch earlier discussions.*

December 21, 2021 City Council Meeting Highlights

The Council:

- Held a public hearing for the 2022 proposed Budget and Tax Levy.
- Approved the 2022 Budget and with a 2.8% increase in the Tax Levy.
- Approved an application for a minor subdivision for a lot line rearrangement at 14521 and 14539 Afton Blvd.
- Approved the purchase of dimming system for the downtown streetlights.
- Approved speed limit signage on Putnam Blvd. along with signage prohibiting ATVs.
- Approved speed limit signage establishing a speed limit of 35 miles per hour on the segment of 60th Street between Trading Post Trail and Oakgreen Avenue and a speed limit of 45 miles per hour on the segment of 60th Street west of Oakgreen Avenue.