

02-01-2021
PLANNING COMMISSION
MEETING
SUPPLEMENTAL PACKET



4386 260th Street East
Randolph Mn 55065

Phone 651-322-7499
boulderimages.com

boulderimages.co

January 26, 2021

John & Kim Ziton
4102 River Road South
Afton, MN. 55001

Dear John & Kim,

I'm writing in regards to your project at 4102 River Road South in Afton. We're excited to work with you, and help create solutions for your lot and new home. You can feel confident teaming up with Boulder Images, as we work with projects that require water redirection on a regular basis. While your project is unique to your site, it's not complicated. We would take the following steps to ensure that water sheds away from the house, and redirects in the planned routes, to the planned location:

- 1) Create a trap rock boulder retaining wall wrapping behind the home, with the face of the wall being installed at the minimum city setback from the back of the home. According to our information, the city setback is 6' from the home. If it is different, please advise, and we will adjust.
- 2) Create a soil berm swale behind the boulder wall, running parallel to the wall. This swale will be constructed with descending grades along it's run, to shed water to the southeast portion (ravine side) of the property (or any other location that you or the engineer specify).
- 3) The landscaper will improve the existing rain garden on the southeast portion of the property to accommodate water flow from the newly created swale, in an effort to minimize disruption of the ravine and surrounding areas.
- 4) Hire a structural engineering firm to consult on site, to ensure that elevations and water flow requirements are met.

Please know that we, too, are concerned with water movement and stability of the area. Our company has worked hand-in-hand with the DNR for nearly 30 years, so we understand and appreciate the importance of our natural resources. Additionally, we not only work with cities when installing commercial and residential construction, but many cities hire us for their boulder projects. Please let me know if we can provide contact information for those cities. Feel free to reach out to them if you, or the city of Afton have questions about our craftsmanship or quality.

As mentioned, we work with a great structural engineering firm that has a deep understanding of retaining walls, in particular, boulder walls. They're an important part of our team. Following this letter, you'll find a sample cross-section of our typical 3' tall boulder wall construction, done by that firm. On this design, you'll notice the swale, created by installing a roughly 18" +/- berm (above grade) along the back of the wall to further minimize digging and soil disturbance. This schematic will give an idea (in concept) of how we plan to direct water flow. Please know that these drawings are not for construction, they're just conceptual at this point. Actual project drawings would be done once the house is approved and the project moves forward.

Please don't hesitate to call if you, or the city, have any further questions or concerns.

Warm Regards,

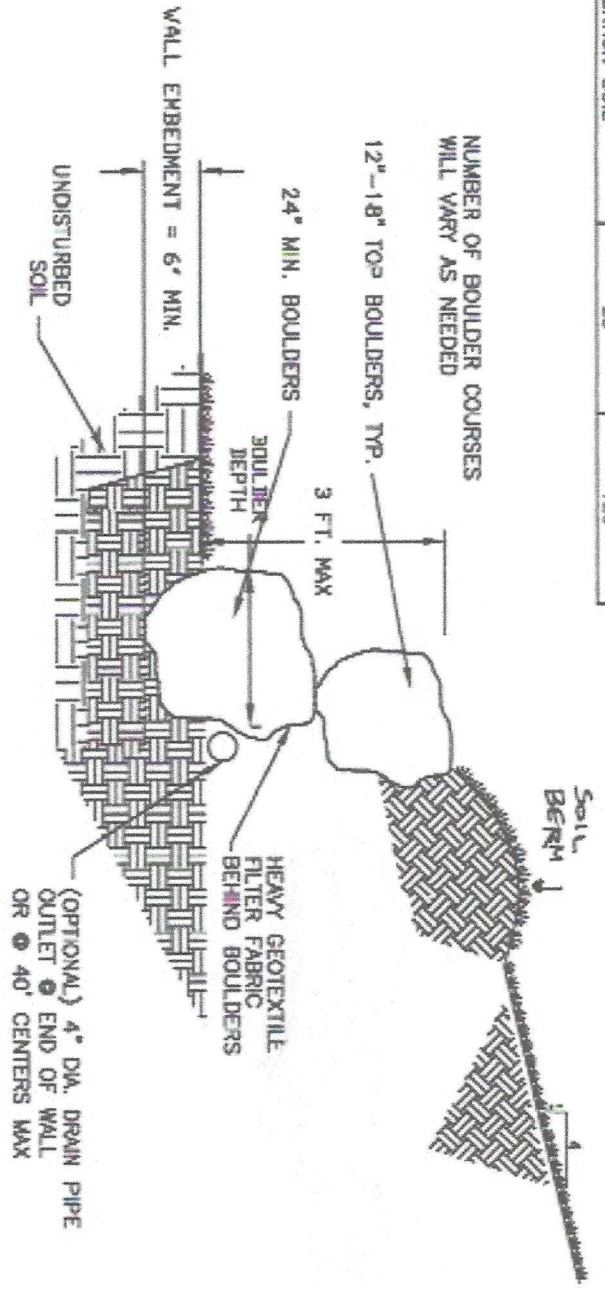
Libby Montrueil

Libby Montrueil
Boulder Images, Inc.
651-775-5401

SPECIALIZING IN BOULDER LANDSCAPING

Naturalistic Rock Outcroppings * Boulder Retaining Walls * Waterfalls * Rock Gardens * Stepping Stone Stairways *

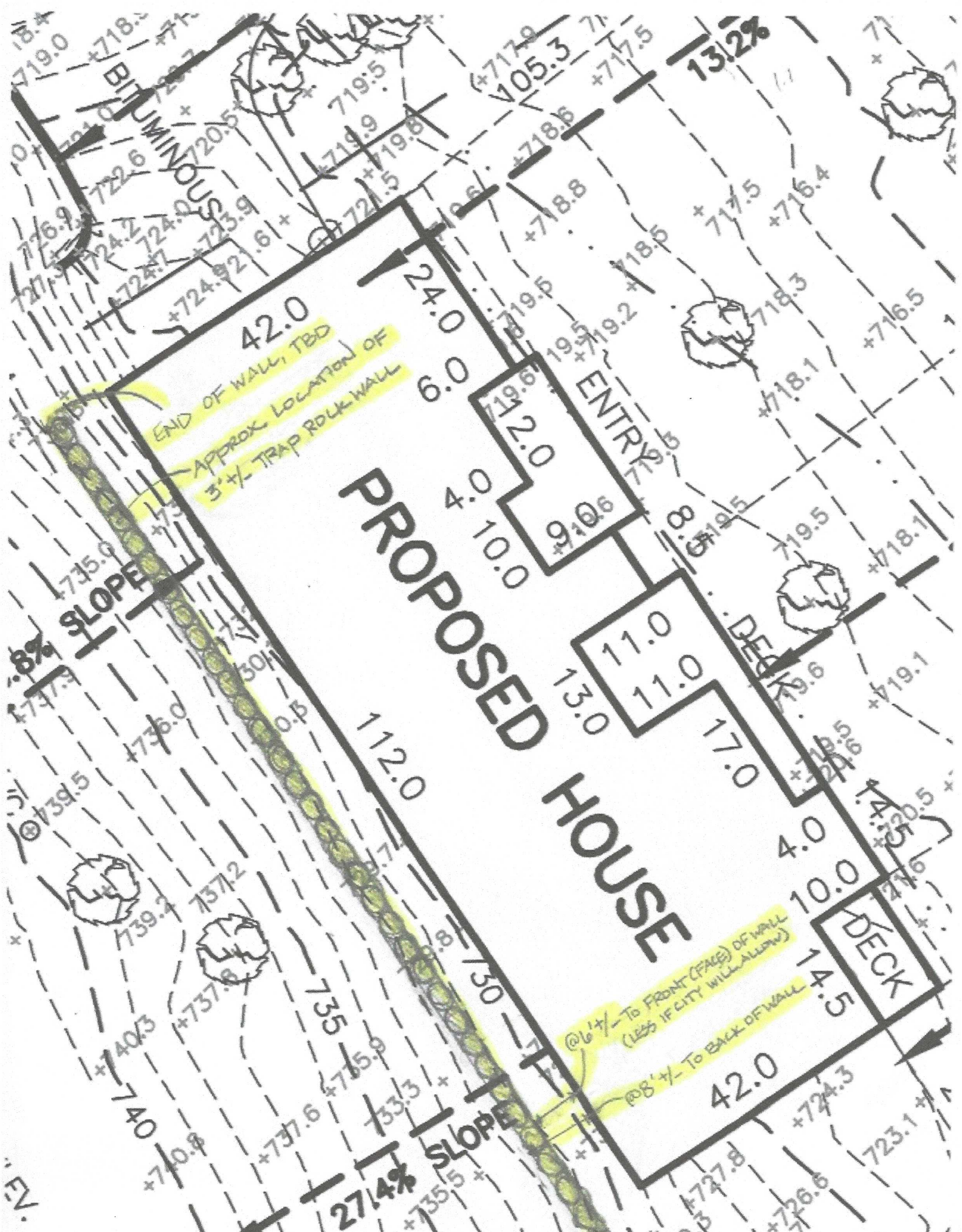
SOIL VALUES USED IN THE DESIGN OF THIS PROJECT		
TYPE OF SOIL	FRICITION ANGLE (DEGREES)	UNIT WEIGHT (lb./ft ³)
REINFORCED BACKFILL	28	120
RETAINED BACKFILL	28	120
FOUNDATION SOIL	28	120



TYPICAL SECTION - TIERED BOULDER RETAINING WALL
SCALE: NONE

PRELIMINARY
NOT FOR CONSTRUCTION

Designed By: PDS	PROJECT NAME/ LOCATION:	TYPICAL 3-FOOT BOULDER RETAINING WALL	Date:	01/28/2021
Checked By: PDS	CLIENT:	CRITERIUM-SCHIMNOWSKI ENGINEERS	Project No:	21-XXXX
Scale: AS NOTED	CLIENT INFORMATION:	161 DINBAR WAY MAHTOMEDI, MN 55115 PHONE: 651.779.7700 FAX: 651.779.7114 pschlimnowski@schlimnowski.com	Drawing Name:	3-FT BOULDER WALL



January 28, 2021

TO: Afton Planning Commission, Afton, MN 55001

FROM: Klare & Randy Bachman, 2760 Nybeck Ave. S., Afton, MN

Re: Charles Cudd Co. Variance, 2-1-21 Planning Commission Meeting

This letter is in opposition to granting of the Charles Cudd variance to be considered at the Planning Commission's 2-1-21 meeting. My husband and I had our home built at 2760 Nybeck & have lived here for the past 12+ years. The private easement involved in the variance request now before the Commission existed prior to the purchase of and is included within our 5-acre lot, which cuts our property in half. Our understanding is that the easement was necessary for or at least greatly facilitated approval for the Three Sisters Springs development. Thus, we were not the original easement grantor and received no consideration for it--financial or otherwise.

At time of purchase, the Three Sisters developer, Peter Vujovich, acknowledged a "short little easement" with our property. After purchase, we learned the easement is actually 20' wide by about 261' long. Even though realizing the easement allowed property owner access (to Phil & Karin Housley), Mr. Vujovich did not inform us that the ten-acre parcel could be built on. Although we were never promised it wouldn't, that was our distinct impression at the time we bought our lot. It wasn't until after our home was built that we saw the subject property listed for sale and discovered it might be built on after all. Over the last 12 years, a few potential buyers evidently decided for the following reasons that it would not be a wise building site:

- 1) Driveway access being long and quite steep, with accompanying prohibitive cost
- 2) The building pad being in a hole so to speak
- 3) Approximately 7 ½ acres of the 10-acre parcel being unbuildable wetland
- 4) The requirement that owners pay for a dam inspection every 8 years and ongoing maintenance.
- 5) Having our property on both sides of the 245' easement means access to a potential home might be subject to any visual impediments we might add to our adjoining property—say a shed or chicken house.

After finally finding access to and reviewing the Planning Commission information packet for the February 1, 2021, Zoom meeting, we have the following questions and comments:

1. A variance application should have been made for making subject property buildable at the time Mr. Vujovich granted the easement if that was his and the Housley's intent. If that was the initial intent, we question why it wasn't disclosed to us as we considered buying the adjoining lot, as good business ethics would have dictated. In contrast to Exhibit G, which states that a buildable lot was the known intent at time of easement granting, some of our neighbors familiar with Three Sister development approvals at the time stated no one thought it would ever be built on for reasons stated above.

2. Applicant Joe Bush states in his request that “The construction of a new home will not increase the visual aspect of any of the neighbors more than they currently have within the neighborhood.” This is untrue, since without significant landscape screening remediation, the main view from our picture windows would be that of the driveway at issue.
3. Mr. Bush also states there is precedent for approval set by a similar situation with property at 2997 Trading Post Trail. However, Mr. Morse tells me no record for variance request or approval can be found for that property. Perhaps that driveway was permitted under outdated requirements.
4. Mr. Bush contends that “the subject property is consistent and in harmony with the Comprehensive Plan “Housing and Land Use Policies”. We think building on the subject property does not exactly meet the criteria to “Maintain natural open spaces, and given the high environmental sensitivity of the subject property, it certainly does not “Promote wise land stewardship”. Even as we trust that Mr. Bush & Charles Cudd would build a nice home on subject property, we don’t see it as an “enhancement to the neighborhood” as he proposes.

IF the Planning Commission approves this variance request, we ask that members consider the following requests and stipulations:

1. Stipulation that driveway construction be accomplished completely within the 20’ wide easement without any spill-over on our property; i.e., fill, rock, paving material, slash or trash. “Findings” point #7 states “The site has a number of significant challenges in relation to constructing a house and driveway while complying with all requirements, including steep slopes and floodplain issues”. In fact, it looks as though a culvert might be required for the steep drop just off Nybeck, along with extensive fill for an approved driveway permit. If the road frontage variance is approved, we question what further variances might be needed for actual building.
2. A stipulation that driveway runoff doesn’t drain on our property; i.e., either side of our easement. This is in addition to Mr. Hanson’s concern, (Valley Branch Watershed engineer), who states “There’s a swale adjacent to the driveway he’s (Mr. Bush) proposing so he’ll need to design the driveway and home so that runoff is managed and doesn’t end up flowing into the house or garage”.
3. A stipulation that requires as complete as possible landscape screening for length of the entire driveway easement, since as stated above, it would otherwise be the front and center view from our picture windows. We would request our choice of evergreens to afford the best screening and ask that deer protection green fencing be included for all plantings.
4. A stipulation that damage to right of way sod be restored for neighborhood attractiveness and continued easy mowing.

5. A stipulation for signed waiver of liability from the builder and property owners related to any injuries taking place on our private easement during construction and in perpetuity.

6. Due to discussion regarding the City's joint partnership efforts to purchase & manage the 14020 Valley Creek property, I viewed a map showing the highly environmentally sensitive nature of the immediate area, including our property and the subject 10-acre property (also with Creek running through). Could the same entities/funding sources collaborate to purchase the 10-acre subject property for preservation rather than for building? That would be a win-win for the us, the current property owners wishing to sell, the neighborhood and land use goals.

In conclusion, we prefer the Planning Commission deny this variance request, not only due to our own interest, but due to the parcel's environmental importance. If you haven't already done so, we invite Commission members to physically visit our property to get a better perspective on issues raised herein. We would be glad to point out our boundaries for the easement in question.

Thank you,
Klare & Randy Bachman
2760 Nybeck Ave S, Afton, MN 55001
651-337-1224