



City of Afton
PLANNING COMMISSION AGENDA

June 5th, 2023
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/87461891203?pwd=VFNySFlkYmp6cTlqNk5HRXF1UEdSZz09>
 - (Meeting ID: 874 6189 1203)
Passcode: 609794
 - Dial-in Number (to call in to the meeting) +1 312 626 6799
When prompted, enter Meeting ID: 874 6189 1203

AGENDA

1. **CALL TO ORDER –**
2. **PLEDGE OF ALLEGIANCE –**
3. **ROLL CALL -**
 - a) Sally Doherty
 - b) Kris Kopitzke (Chair)
 - c) Jim Langan
 - d) Justin Sykora
 - e) Christian Dawson
 - f) Doug Parker
 - g) Kuchen Hale
 - h) Marc Porupsky
 - i) Jacob Edwards
4. **APPROVAL OF AGENDA –**
5. **APPROVAL OF MINUTES –**
 - A. May 1, 2023 Meeting Minutes
6. **REPORTS AND PRESENTATIONS – None**
7. **PUBLIC HEARINGS – None**
8. **NEW BUSINESS –**
 - A. Draft Exterior Storage Ordinance Amendment
 - B. Draft Shoreland Ordinance Amendment Regarding Tree Protection and Replacement
 - C. Draft Solar Energy Systems Ordinance Amendment
 - D. Reminder of June 26, 2023 Planning Commission Meeting
9. **OLD BUSINESS -**
 - A. Groundwater Protection
 - B. Update on City Council Actions – Council Highlights from the May 16, 2023 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
 May 1, 2023

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: Doug Parker, Jacob Edwards, James Langan, Justin Sykora, Kris Kopitzke, Kuchen Hale, Christian Dawson, Sally Doherty. Absent was Marc Porupsky (excused). A quorum was present.
ALSO IN ATTENDANCE – City Administrator Ron Moore, City Council member Stan Ross, Planning Consultant Claire Michelson
4. **APPROVAL OF AGENDA** –
 Add item to beginning of agenda – “NRGC committee update”
Motion/Second Kopitzke/Parker To approve the agenda for the May 1, 2023 Planning Commission meeting. Passed 8-0.
5. **APPROVAL OF MINUTES** –
Motion/Second Hale/Doherty To approve the minutes of the April 3, 2023 Planning Commission meeting. Passed 7-0-1 (Parker abstain).
6. **REPORTS AND PRESENTATIONS**
 Jack Kollmer, NRG member, reported that well water testing will be done in June. Sign up now to get your free test kit.
7. **PUBLIC HEARINGS**
 - A. Susan Herreid Variance Application at 4524 River Rd S
 Chair Kopitzke opened the public hearing at 7:13 pm
 Claire Michelson, City Planner, provided a summary of the application which is for a variance to the front setback to enable the existing stoop to be replaced with a front porch of approximately 190 sq. ft. to restore the home’s original historical character from the 1860’s. The variance would allow the front porch to be setback 63 feet from the centerline of River Road vs. the current setback of 67 feet.
 The applicant was present for questions.
 No public comments were received.
Motion/Second Parker/Hale to close the public hearing. Passed 8-0.
 Public hearing closed at 7:17 pm
 Chair Kopitzke stated he has no concerns with this variance request.
 Parker agreed and stated he visiting the property.
 Hale & Doherty noted they were missing the questionnaire in the application form.
 Doherty dislikes commenting prior to receiving DNR input.
 Claire Michelson stated the questionnaire was filled out by applicant, just didn’t make it to the packet.
 Hale suggested adding the condition of DNR approval.
Motion/Second Kopitzke/Sykora to recommend approval of the variance at 4524 River Rd to the city council with addition of condition requiring DNR approval. Passed 8-0.
 - B. Monica Vu Conditional Use Permit Application for a Type D Short Term Home Rental License at 12740 22nd
 Chair Kopitzke opened the public hearing at 7:23 pm.
 Claire Michelson, city planner, provided a summary of the application which is for conditional use permit application for a short-term home rental license at 12740 22nd Street South.
 Monica Vu, applicant, was present for questions.
 Cameron Johnston, next door neighbor, would like to be sure the area remains peaceful.

55 Bill Zarbok, neighbor to the north, asked why a CUP is required and about the process. He also asked about
56 road restrictions and why there are heavy equipment trucks being allowed on city roads as part of tree clean up.
57 Would like to be sure the rules are the same for everyone.
58 Cameron Johnston stated he has concerns about the property borders as there is no fence line for separation.
59 Will the entire property be rented?
60 Monica (applicant) stated they are planning to rent to small families and don't intend to use entire property just
61 the home not all of the acreage. She is willing to install cameras.
62 Mark Tangen, neighbor to north, stated he has sent a letter in with concerns and objects to the request. Currently
63 he has issues with early morning work in the fields. Doesn't think the property will be managed correctly.
64 Other concerns were expressed regarding recreational vehicle use on the rental property.
65 No other comments were received.

66 **Motion/Second Hale/Parker to close the public hearing. Passed 8-0.**

67 Chair Kopitzke closed the public hearing at 7:49 pm.

68 Chair Kopitzke stated they could restrict people from going into the farm fields.

69 Hale stated that there is not a time limit on agricultural operations as Afton is an ag community.

70 Dawson suggested adding a condition to prohibit recreational vehicle use.

71 Doherty suggested adding a condition to keep renters from using the ag/farm fields.

72 Langan asked about enforcement and if there is an issue does enforcement carry forward to future rentals.

73 Administrator Moose stated that if there are two valid complaints, the license holders would be violating the
74 ordinance.

75 **Motion/Second Doherty/Hale to recommend approval of the Conditional Use application at 12740 22nd
76 St S with additional conditions: #15 renters may not use recreation vehicles on the property; #16 renters
77 are not permitted in the fields; #17 owner will provide signage on property lines not to cross.**

78 Parker suggested preventing the use of firearms. After discussion it was determined that should be part of an
79 ordinance rather than the individual rental CUP.

80 **Motion Vote: Passed 8-0.**

81
82 Commissioner Langan left the meeting at 8:13 pm.

83
84 C. Xcel Energy Conditional Use Permit at 12511 Hudson Rd S

85 Chair Kopitzke opened the public hearing at 8:14 pm.

86 Claire Michelson, City Planner provided an overview of the application which is for a Conditional Use Permit
87 to reflect a proposed expansion on the site; which triggered the need for the site to come into conformance
88 through a Conditional Use Permit process, because there is currently not a Conditional Permit on file for the
89 property which includes an existing energy substation. The proposed expansion on the site consists of adding a
90 paved laydown yard area for staging materials on the east side of the site.

91 The applicant was present for questions and explained this is for a staging area for construction vehicles.

92 No comments were received.

93 **Motion/Second Dawson/Parker to close public hearing. Passed 7-0.**

94 Public hearing closed at 8:17 pm.

95 **Motion/Second Sykora/Dawson to recommend approval of the Conditional Use Permit at 12511 Hudson
96 Rd S. Passed 7-0.**

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98 **8. NEW BUSINESS - none**

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100 **9. OLD BUSINESS -**

101 A. Groundwater Protection

102 Chair Kopitzke suggested picking 2-3 items to start.

103 Items discussed were well capping, high capacity wells, and limiting lawn chemical use.
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105 B. Update on City Council Actions –

106 Council member Ross provided a summary of the April council meeting; also discussed enforcement and
107 the best ways to report a violation.

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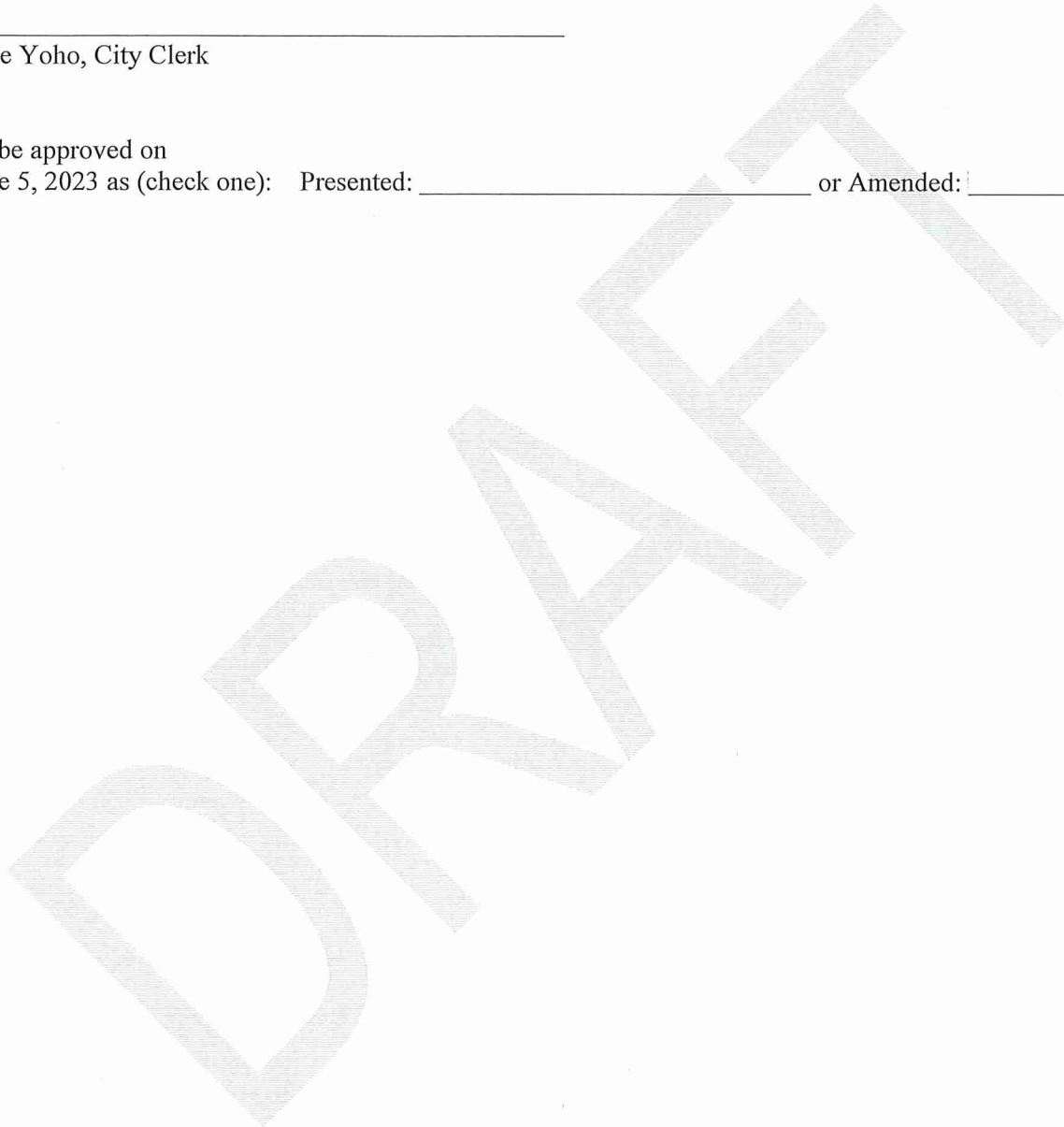
10. ADJOURN

Motion/Second Parker/Doherty To adjourn. All aye, Passed 7-0.
Meeting adjourned at 9:00 pm

Respectfully submitted by:

Julie Yoho, City Clerk

To be approved on
June 5, 2023 as (check one): Presented: _____ or Amended: _____



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

Planning Commission Memo

Meeting: June 5, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: May 31, 2023

Re: Draft Exterior Storage Ordinance Amendment

The Council, at its May 1, 2023 work session, discussed revising a number of elements of the exterior storage ordinance, and agreed that an ordinance amendment reflecting the ordinance revisions should be drafted and referred to the Planning Commission for its review. The ordinance elements to be revised are outlined below. An ordinance amendment reflecting the outlined revisions is attached for the Planning Commission's review and feedback.

Use of Shipping Containers for Storage

The Council discussed the use of shipping containers for both temporary storage use and permanent storage use. The Council agreed that shipping containers should not be allowed to be used as a permanent storage structure, and that the following regulations regarding shipping containers should be reflected in a draft ordinance amendment for review by the Planning Commission.

- Shipping containers can be used only for temporary storage.
- If a shipping container is to be used for a maximum of two weeks, it can be placed in the driveway or other location at least 10 feet from all property lines.
- If a shipping container is to be used for a period longer than two weeks, it cannot be located closer to the front property line than the house, and must meet all setbacks required for an accessory structure.
- Shipping containers are allowed for residential temporary storage and shall meet all requirements for accessory buildings, but cannot remain on a property for more than 180 days, unless it is demonstrated that the storage of specific items is necessary due to the timing of the construction of a permanent building to which the stored items are to be moved. In which case the shipping container can remain for up to an additional 180 days.
- Shipping containers for a public works use in conjunction with a public works facility are exempt from the shipping container usage time restriction

Revisions to the Current Exterior Storage Ordinance Language

The following is the current exterior storage ordinance language with proposed deletions shown with strike-outs, and proposed additions shown as bold and underlined. These are reflected in the attached draft ordinance amendment for review by the Planning Commission.

(Exterior Storage General)

- A. In all zoning districts except for the uses permitted in the MS District, only personal property of the property owner or tenant shall be stored on the premises. Such property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public places and streets, except for the following: Laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within a period of ~~3~~ 12-months, **which may be extended to coincide with the timing of a building permit or a grading permit.**) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises; off-street parking of licensed passenger automobiles, pick-up trucks, ~~recreational vehicles~~, boats and ~~unoccupied~~ trailers **not occupied as living quarters** are permissible if stored more than ten feet from any property line, except as regulated by Subsection (B) of this section. **Off-street parking of recreational vehicles is allowed if stored more than 10 feet from any property line and if stored behind the front building line of the principal structure.** Existing uses shall comply with this provision within 12 months following enactment of the ordinance from which this article was derived.

(Exterior Storage on Residential Premises in the VHS-C and VHS-R)

In the VHS-R and VHS-C zoning districts, only one of the following items may be stored on any residential premises: Recreational vehicle, **all-terrain vehicle (ATV), snowmobile**, boat, ~~unoccupied~~ trailer **not occupied as living quarters** or similar item. Such an item may not be more than 25 feet in length and shall be stored behind the front building line of the principal structure at least ten feet from each lot line. **A pick-up truck with a trailer is not allowed to be stored, unless the trailer is detached and located behind the front building line of the principal structure and at least ten feet from each property line.**

Planning Commission Feedback Requested

Motion providing feedback regarding the draft ordinance amendment regarding exterior storage regulations, including the use of shipping containers for temporary storage.

ORDINANCE XX06-2023

CITY OF AFTON WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTION 12-194 OF THE CITY CODE REGARDING EXTERIOR STORAGE

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

Sec. 12-194. Exterior storage.¹⁶⁶

- A. In all zoning districts except for the uses permitted in the MS District, only personal property of the property owner or tenant shall be stored on the premises. Such property shall be stored within a building or fully screened so as not to be visible from adjoining properties and public places and streets, except for the following: Laundry drying and recreational equipment, construction and landscaping materials and equipment currently (within a period of ~~3~~ 12 months, **which may be extended to coincide with the timeline of a building permit or a grading permit**) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises; off-street parking of licensed passenger automobiles, pick-up trucks, ~~recreational vehicles~~, boats and ~~unoccupied~~ trailers **not occupied as living quarters** are permissible if stored more than ten feet from any property line, except as regulated by Subsection (B) of this section. **Off-street parking of recreational vehicles is allowed if stored more than 10 feet from any property line and if stored behind the front building line of the principal structure.** Existing uses shall comply with this provision within 12 months following enactment of the ordinance from which this article was derived.¹⁶⁷
- B. In the VHS-R and VHS-C zoning districts, only one of the following items may be stored on any residential premises: Recreational vehicle, **all-terrain vehicle (ATV), snowmobile**, boat, ~~unoccupied~~ trailer **not occupied as living quarters** or similar item. Such an item may not be more than 25 feet in length and shall be stored behind the front building line of the principal structure at least ten feet from each lot line. **A pick-up truck with a trailer is not allowed to be stored, unless the trailer is detached and located behind the front building line of the principal structure and at least ten feet from each property line.**
- C. In nonresidential zoning districts, exterior storage of personal property may be permitted by Conditional Use Permit provided any such property is so stored for purposes relating to a use of the property permitted by this article and will not be contrary to the intent and purposes of this article.¹⁶⁸
- D. In all zoning districts, all waste, refuse or garbage shall be kept in an enclosed building or properly contained in a container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and noxious weeds. Existing uses shall comply with this provision within 90 days following enactment of the ordinance from which this article was derived.
- E. Unlicensed passenger vehicles and trucks shall not be parked on any property for a period exceeding seven days.
- F. All exterior storage not included as a permitted accessory use, a permitted use or included as part of a Conditional Use Permit or otherwise permitted by provisions of this article shall be considered to be refuse.
- G. **Use of Shipping Containers for Storage**
- 1. Shipping containers can be used only for temporary storage.**
 - 2. If a shipping container is to be used for a maximum of two weeks, it can be placed in the driveway or other location at least 10 feet from all property lines.**

3. If a shipping container is to be used for a period longer than two weeks, it cannot be located closer to the front property line than the house, and must meet all setbacks required for an accessory structure.
4. Shipping containers are allowed for residential temporary storage and shall meet all requirements for accessory buildings, but cannot remain on a property for more than 180 days, unless it is demonstrated that the storage of specific items is necessary due to the timing of the construction of a permanent building to which the stored items are to be moved. In which case the shipping container can remain for up to an additional 180 days.
5. Shipping containers for a public works use in conjunction with a public works facility are exempt from the shipping container usage time restriction

This change will take effect upon publication of this ordinance.

ADOPTED BY THE CITY OF AFTON CITY COUNCIL THIS XX DAY OF __, 2023.

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moore, City Administrator

MOTION:
SECOND:
Nelson:
Ross:
Wroblewski:
Perkins:
Palmquist:

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

Planning Commission Memo

Meeting: June 5, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: May 31, 2023

Re: Draft Shoreland Ordinance Amendments to Add Tree Preservation and Replacement Requirements

Recent experience regarding illegal tree removals in the shoreland area has demonstrated the need to add tree preservation and replacement requirements to both the Shoreland Ordinance and the Lower St. Croix Bluffland and Shoreland Ordinance. These requirements apply to both instances when trees are illegally removed and when trees are legally removed for an approved house and driveway. Staff has obtained advice and assistance from the Department of Natural Resources, Washington County and the Washington Conservation District in drafting the ordinance requirements.

The attached draft ordinance amendments, one for the Shoreland Overlay District and one for the Lower St. Croix Bluffland and Shoreland Overlay District, are being provided to the Planning Commission for feedback, which will be provided to the Council for review prior to additional review and feedback by the Planning Commission. The Council will then review the feedback and provide direction regarding placing the ordinance amendments into a final form for a public hearing and recommendation by the Planning Commission.

Vegetation Restoration Requirements

The ordinance amendments require that a plan must be provided that identifies all trees to be removed, as well as the replacements. The vegetation restoration requirements are based on generally replacing the number of diameter-inches of trees removed. For example, if a large diameter tree is removed, three or more trees are required to be planted to replace the large tree. A letter of credit or cash escrow deposit is required as security for the completion of the restoration plan.

Penalties for Illegal Tree Removals

In addition to the restoration plan for the replacement of illegally removed trees, the ordinance amendment provides that each tree illegally removed shall be considered a separate misdemeanor, with each to be subject to the misdemeanor penalties, which include a fine of up to \$1,000.

Planning Commission Recommendation Requested

Motion to provide feedback regarding the draft ordinance amendments to the Shoreland Ordinance and the Lower St. Croix Bluffland and Shoreland Ordinance.

ORDINANCE XX04-2023

CITY OF AFTON WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTIONS 12-703 AND 12-704 OF THE CITY CODE REGARDING THE PRESERVATION AND REPLACEMENT OF SHORELAND VEGETATION IN THE LOWER ST. CROIX BLUFFLAND AND SHORELAND OVERLAY DISTRICT

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

~~Sec. 12-703. — Site preservation.~~

~~The following standards and criteria are provided to preserve vegetative and topographical screening, and to retard surface run-off, soil erosion, and nutrient loss.~~

~~Sec. 12-704. — Vegetative cutting.~~

- ~~A. — On land within 200 feet of the ordinary high water mark in rural districts, 100 feet of the ordinary high water mark in urban districts, and 40 feet landward of blufflines and on slopes greater than 12 percent in all districts, there shall be no vegetative cutting of live trees or shrubs without a vegetative cutting permit from the City Zoning Administrator. A permit may be issued only if:~~
- ~~1. — The cutting, including topping, involves trees less than six inches in diameter at breast height;~~
 - ~~2. — The cutting, including topping, involves vegetation which is not screening any structure from view from the river;~~
 - ~~3. — The essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained;~~
 - ~~4. — Diseased trees are to be removed, and their removal is in the public interest; or~~
 - ~~5. — The cutting is necessary for the maintenance of transportation or utility rights-of-way.~~
- ~~B. — A vegetative cutting permit is not required for the following provided the existing quality, character, density, and canopy is maintained as viewed from the river:~~
- ~~1. — Clearing for a validly permitted structure, septic system, roadway, and parking areas.~~
 - ~~2. — Maintenance trimming or pruning on a particular parcel or in transportation or utility rights-of-way.~~

Sec. 12-703 Site Preservation^[BM(1)]

The following standards and criteria are provided to preserve vegetative and topographical screening, and to reduce surface run-off, soil erosion, and nutrient loss.

- (1) Vegetative Cutting Permit. A vegetative cutting permit is required prior to cutting of live trees and shrubs on land within two hundred (200) feet of the ordinary high water mark in rural districts, within one hundred (100) feet of the ordinary high water mark in urban districts, or within forty (40) feet landward of blufflines and on slopes greater than twelve (12) percent in all districts. A permit may be issued only if a plan**^[BM(2)]**is submitted and approved by the zoning administrator that is consistent with the following provisions:**

- (A) The cutting, including topping, may not involve trees greater than six (6) inches in diameter at a height of four and one-half (4 1/2) feet above ground;
- (B) The cutting, including topping, may not involve vegetation which is screening any structure from view from the river;
- (C) The essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained;
- (D) The[BM(3)] removal of any diseased, noxious, or hazardous trees or shrubs is in the public interest; or
- (E) Trees[BM(4)] and shrubs may not be removed to expand areas maintained as lawn.

(2) Vegetative Cutting Exceptions. A vegetative cutting permit is not required for the following activities, provided the existing quality, character, density, and canopy is maintained as viewed from the river:

- (A) Clearing the[BM(5)] minimum necessary for a validly permitted structure, septic system, roadway, and parking areas.
- (B) Maintenance trimming or pruning on a particular parcel or in transportation or utility rights-of-way.
- (C) Clearing[BM(6)] on land that is not within two hundred (200) feet of the ordinary high water mark in rural districts, within one hundred (100) feet of the ordinary high water mark in urban districts, on slopes greater than twelve (12) percent or within forty (40) feet landward of blufflines, provided the vegetation to be cleared is not screening any structure from view from the river.

(3) Vegetation Restoration[BM(7)]

(A) As a condition of approval, the zoning administrator may require a vegetation restoration plan meeting the standards of part C below.

(B) Vegetation Cutting Violations. Where a violation of the vegetative cutting standards has been documented, the property owner shall be subject to a vegetation restoration plan meeting the standards in part C below.

(C) Standards for Vegetation Restoration

- (1) Vegetation restorations, when required, must be accompanied by a restoration plan approved by the local zoning administrator. The plan must identify all trees to be removed, as well as the replacements.
- (2) Any removal of woody trees must be replaced with native species consistent with the replacement standards in the table below. Replacements shall be concentrated along shore and/or waterward of the location where the removal occurred to screen the structure as viewed from the river.

- (3) Near shore or highly erodible locations shall be planted with a mix of deep-rooted woody and herbaceous vegetation [BM(8)] with a high stem-density, and if applicable, resilient to fluctuations in water levels.
- (4) The plan must detail establishment and scheduled maintenance over the next three years in the restoration plan, and is subject to restoration for noncompliance or unsuccessful restorations.
- (5) Restoration is subject to inspection by the Zoning Administrator or Washington Conservation District to make a finding that tree survival/growth and integrity and inherent stability of the existing landscape will be maintained.
- (6)

<u>Diameter at Breast Height (DBH) of Existing Tree Removed</u>	<u>Number of Replacement Trees 2.5 [BM(9)] inch DBH minimum (coniferous trees 6 ft. ht. minimum)</u>
<u>Between six (6) inches and twelve (12) inches</u>	<u>3</u>
<u>Between twelve (12) inches and eighteen (18) inches</u>	<u>4</u>
<u>Between eighteen (18) and twenty four (24) inches</u>	<u>5</u>
<u>Greater than twenty four (24) inches</u>	<u>7</u>

(4) Tree preservation plan for new construction. The applicant must provide a tree preservation plan certified by a forester or landscape architect indicating all of the significant trees in the proposed construction area. (For purposes of applying this definition, construction area shall include all areas to be disturbed by grading for excavation and fill permits and 30 feet surrounding the building pad area, 10 feet along driveways). The tree preservation plan shall include the size, species and location of all significant trees within the area and identify trees which would be removed. Replacement of the trees must adhere to the tree replacement guidelines set forth below.

(5) The applicant for new home construction must provide a site plan on a certified survey indicating the tree preservation plan originally submitted and approved during the permitting process. Any additional tree loss not approved during the permitting process must follow the replacement guidelines. Furthermore, security of 125% of the cost of the replacement trees will be held until the replacement trees have been planted and successfully survived for a period of two years from the date of planting.

(6) Tree protection. Snow fencing or erosion control fencing placed at the drip line of significant trees to be preserved. The tree protection measures shall remain in place until all primary grading activity is terminated and the forestry specialist has certified to the city that the tree preservation plan has been followed.

(7) Replacement Guidelines. Tree replacement shall be required if construction removes any significant trees. Every tree lost shall require replacement at a rate of ½ inch for every 1 inch of tree loss. The applicant must supply a tree replacement plan which has been certified by a forestry specialist.

(8) Significant tree loss occurring beyond the indicated tree preservation plan as submitted during the permitting process shall require tree replacement at a rate of one (1) inch for every inch of tree lost. If during construction, a tree is lost (unplanned), the replacement rate increases to two (2) inches for every inch of tree lost.

(9) Reforestation Guidelines.

Reforestation. The following criteria will be used to determine reforestation: (a) Trees must be from the approved list of desirable species, (b) No more than 1/3 of the trees may be from any one tree genus, (c) Not less than 20% of the trees shall be conifers, (d) Tree replacement sizes will be followed and (e) Trees shall be used that are appropriate to the soil conditions found on site.

(10) Sec. 10-124. Security for Tree Replacement and Reforestation.

Security for new construction, excavation and fill permits, or other land alteration activities. Security, in the form of a letter of credit, cash, or escrow will be provided by the applicant, in favor of the City, in the amount of 125% of the estimated cost of the replacement trees (charged with the building permit fees) will be held until the replacement trees have been planted and successfully survived for a period of two years from the date of planting.

(11) Penalties for Illegal Tree Removals

(A) Each tree illegally removed shall be considered a separate misdemeanor, with each to be subject to the full misdemeanor penalties.

This change will take effect upon publication of this ordinance.

ADOPTED BY THE CITY OF AFTON CITY COUNCIL THIS XX DAY OF __, 2023.

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moore, City Administrator

MOTION:

SECOND:

Nelson:

Ross:

Wroblewski:

Perkins:

Palmquist:

ORDINANCE XX05-2023

CITY OF AFTON WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTIONS 12-405 and 12-406 OF THE CITY CODE REGARDING THE PRESERVATION AND REPLACEMENT OF SHORELAND VEGETATION

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

Sec. 12-405. Shoreland alterations.

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

Sec. 12-406. Vegetation alterations.

- A. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of driveways are ~~exempt from the vegetation alteration standards that follow,~~ **but are subject to the vegetation restoration requirements and standards provided below.**
- B. Removal or alteration of vegetation, except for agricultural uses as regulated in Section 12-477 is subject to the following standards:
 1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed in order that structures, vehicles and other facilities are screened as viewed from the water assuming summer leaf-on conditions.
 2. Along rivers and streams, existing shading of water surface shall be preserved.
 3. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placements of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, provided that:
 - a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced;
 - b. The cutting, including topping, involves trees less than six inches in diameter at breast height;
 - c. The essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained;
 - d. Along rivers, existing shading of water surfaces is preserved;
 - e. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards; and
 - f. A permit is obtained from the Zoning Administrator.
 4. **A vegetative cutting permit may be issued only if a plan[BM(1)] is submitted and approved by the zoning administrator that is consistent with the following provisions:**
 - (A) **The cutting, including topping, may not involve trees greater than six (6) inches in diameter at a height of four and one-half (4 1/2) feet above ground;**

- (B) The cutting, including topping, may not involve vegetation which is screening any structure from view from a river, lake or stream ~~the river~~;
- (C) The essential character, quality, and density of existing growths is preserved and continuous canopy cover is maintained;
- (D) The [BM(2)] removal of any diseased, noxious, or hazardous trees or shrubs is in the public interest; or
- (E) Trees [BM(3)] and shrubs may not be removed to expand areas maintained as lawn.

(2) Vegetative Cutting Exceptions. A vegetative cutting permit is not required for the following activities, provided the existing quality, character, density, and canopy is maintained as viewed from the river, lake or stream:

- (A) Clearing the [BM(4)] minimum necessary for a validly permitted structure, septic system, roadway, and parking areas.
- (B) Maintenance trimming or pruning on a particular parcel or in transportation or utility rights-of-way.

(3) Vegetation Restoration [BM(5)]

(A) As a condition of approval, the zoning administrator may require a vegetation restoration plan meeting the standards of part C below.

(B) Vegetation Cutting Violations. Where a violation of the vegetative cutting standards has been documented, the property owner shall be subject to a vegetation restoration plan meeting the standards in part C below.

(C) Standards for Vegetation Restoration

- (1) Vegetation restorations, when required, must be accompanied by a restoration plan approved by the local zoning administrator. The plan must identify all trees to be removed, as well as the replacements.
- (2) Any removal of woody trees must be replaced with native species consistent with the replacement standards in the table below. Replacements shall be concentrated along shore and/or waterward of the location where the removal occurred to screen the structure as viewed from the river, lake or stream.
- (3) Near shore or highly erodible locations shall be planted with a mix of deep-rooted woody and herbaceous vegetation [BM(6)] with a high stem-density, and if applicable, resilient to fluctuations in water levels.
- (4) The plan must detail establishment and scheduled maintenance over the next three years in the restoration plan, and is subject to restoration for noncompliance or unsuccessful restorations.

(5) Restoration is subject to inspection by the Zoning Administrator or Washington Conservation District to make a finding that tree survival/growth and integrity and inherent stability of the existing landscape will be maintained.

(6)

<u>Diameter at Breast Height (DBH) of Existing Tree Removed</u>	<u>Number of Replacement Trees 2.5[BM(7] inch DBH minimum (coniferous trees 6 ft. ht. minimum)</u>
<u>Between six (6) inches and twelve (12) inches</u>	<u>3</u>
<u>Between twelve (12) inches and eighteen (18) inches</u>	<u>4</u>
<u>Between eighteen (18) and twenty four (24) inches</u>	<u>5</u>
<u>Greater than twenty four (24) inches</u>	<u>7</u>

(4) Tree preservation plan for new construction. The applicant must provide a tree preservation plan certified by a forester or landscape architect indicating all of the significant trees in the proposed construction area. (For purposes of applying this definition, construction area shall include all areas to be disturbed by grading for excavation and fill permits and 30 feet surrounding the building pad area, 10 feet along driveways). The tree preservation plan shall include the size, species and location of all significant trees within the area and identify trees which would be removed. Replacement of the trees must adhere to the tree replacement guidelines set forth below.

(5) The applicant for new home construction must provide a site plan on a certified survey indicating the tree preservation plan originally submitted and approved during the permitting process. Any additional tree loss not approved during the permitting process must follow the replacement guidelines. Furthermore, security of 125% of the cost of the replacement trees will be held until the replacement trees have been planted and successfully survived for a period of two years from the date of planting.

(6) Tree protection. Snow fencing or erosion control fencing placed at the drip line of significant trees to be preserved. The tree protection measures shall remain in place until all primary grading activity is terminated and the forestry specialist has certified to the city that the tree preservation plan has been followed.

(7) Replacement Requirements. Tree replacement shall be required if construction removes any significant trees. Every tree lost shall require replacement at the rate shown in the table in (C), (6) above. The applicant must supply a tree replacement plan which has been certified by a forestry specialist.

(8) Significant tree loss occurring beyond the indicated tree preservation plan as submitted during the permitting process shall require tree replacement at a rate of one (1) inch for every inch of tree lost. If during

construction, a tree is lost (unplanned), the replacement rate increases to two (2) inches for every inch of tree lost.

(9) Reforestation Guidelines.

Reforestation. The following criteria will be used to determine reforestation: (a) Trees must be from the approved list of desirable species, (b) No more than 1/3 of the trees may be from any one tree genus, (c) Not less than 20% of the trees shall be conifers, (d) Tree replacement sizes will be followed and (e) Trees shall be used that are appropriate to the soil conditions found on site.

(10) Sec. 10-124. Security for Tree Replacement and Reforestation.

Security for new construction, excavation and fill permits, or other land alteration activities. Security, in the form of a letter of credit, cash, or escrow will be provided by the applicant, in favor of the City, in the amount of 125% of the estimated cost of the replacement trees (charged with the building permit fees) will be held until the replacement trees have been planted and successfully survived for a period of two years from the date of planting.

(11) Penalties for Illegal Tree Removals

(A) Each tree illegally removed shall be considered a separate misdemeanor, with each to be subject to the full misdemeanor penalties.

This change will take effect upon publication of this ordinance.

ADOPTED BY THE CITY OF AFTON CITY COUNCIL THIS XX DAY OF __, 2023.

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moore, City Administrator

MOTION:

SECOND:

Nelson:

Ross:

Wroblewski:

Perkins:

Palmquist:

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

Planning Commission Memo

Meeting: June 5, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: May 31, 2023

Re: Draft Solar Energy Systems Ordinance Amendment

The Council, at its April 17 work session, discussed the need to amend the Solar Energy Systems Ordinance to revise the size limitation on residential solar arrays. The Solar Energy Systems Ordinance was recently revised to eliminate specific square footage restrictions on ground-mounted solar arrays that are fully screened, in favor of two specific restrictions related to generating capacity. The purpose of both of these restrictions was to provide a clear delineation between residential solar arrays and commercial solar arrays.

One restriction is a maximum generating capacity of 40kW, which translates to a solar array of approximately 3,000 square feet. The 40kW restriction is based on a general industry consensus that 40kW is the delineation between residential and commercial solar arrays. The second restriction was a limitation on generating capacity of 120% of actual usage. The 120% restriction was based on an Xcel Energy limitation of 120% of actual usage as a requirement for eligibility for a residential energy rebate program. Feedback from solar array contractors and Xcel Energy clarified that, while the restriction of 120% of actual usage is a requirement for a specific residential rebate program, residential solar arrays are allowed to generate more than 120% of actual usage.

Based on this feedback, it is staff's understanding that the key size limitation for residential solar arrays is the maximum generating capacity of 40kW. The 120% of actual usage limitation is not a required limitation. Staff has drafted an ordinance amendment to reflect the removal of the 120% restriction for review and feedback by the Planning Commission.

Because the key condition of allowing the larger ground-mounted solar array size is that the solar array is fully screened, it is important to be clear about the definition of "fully screened". The draft ordinance amendment includes the following definition of "fully screened": Fully Screened means that the solar

array is 90% screened year-round from the public road and from neighboring properties when viewed from the ground level.

Planning Commission Feedback Requested

Motion to provide feedback regarding the draft solar energy systems ordinance amendment.

ORDINANCE XX07 - 2023

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTION 12-230 OF THE AFTON CITY CODE RELATING TO SOLAR ENERGY SYSTEMS

BE IT ORDAINED by the City Council of the City of Afton hereby amends the following section of the Afton Code of Ordinances: Section 12-230 relating to Solar Energy Systems, as shown below. (Add the **bold and underlined** text and delete the ~~strikeout~~ text.)

- E. *Standards.* All solar energy systems are subject to the accessory use standards for the district in which it is located, including, but not limited to, setback, height, and coverage limits.
1. *Aesthetic.* Solar energy systems are subject to the following aesthetic standards:
 - a. Installation on Residential structures must be designed to blend into the architecture of the building.
 - b. Installation on Commercial structures shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
 - c. The color of the solar collector is not required to be consistent with other roofing materials.
 - d. Active solar energy systems that do not meet the aesthetic standards will require a Conditional Use Permit.
 - e. **Where the size of a solar array is subject to the array being fully screened, the solar array shall be 90% screened year-round from public roads and from neighboring properties when viewed from ground level.**
 2. *Size.* For residential applications, under no circumstances shall a solar array exceed 40kW.
 3. *Height.*
 - a. Building- or Roof-mounted systems. Shall not exceed the maximum height allowed in any zoning district.
 - i. Shall be no higher than twenty-four (24) inches above the roof.
 - ii. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.
 - b. Ground- or Pole-mounted systems. Shall not exceed 20 feet in height when oriented at maximum tilt.
 4. *Set-backs.* Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
 - a. Building- or Roof-mounted systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

Ordinance 04-2022

- b. Ground- or Pole-mounted systems. Must be set back from the property line the same distance as required for other accessory structures and may not extend into the side- or rear-yard setback when oriented at minimum design tilt.
5. *Impervious Coverage.* The surface area of pole- or ground-mount systems must comply with the City's overall impervious coverage requirements.
- a. Impervious coverage will be calculated based on the footprint of the system at minimum tilt.
 - b. Building- or Roof-mounted systems. Shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted.
 - c. Ground- or Pole-mounted system. The collector surface of any foundation, compacted soil, or other component of the solar installation is considered impervious surface.
 - d. Vegetated ground under the collector surface shall be used to mitigate stormwater runoff.
6. *Glare.* All solar energy systems shall minimize glare to minimize the effect on adjacent or nearby properties.
- a. Measures to minimize glare include selective placement of the system, screening on the north and/or sides of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare. The selection and requirement of such measures shall be at the sole discretion of the City.
7. *Historic Buildings.* Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require an administrative permit and a design review by the Heritage Preservation Commission (HPC).
- F. *Zoning District and Lot Size requirements.*
1. *VHS districts:*
- a. For Ground-Mounted systems, the maximum solar panel square footage allowed is 150 square feet or 1% of the total square footage of the lot, whichever is less.
 - b. Roof-Mounted systems solar panel square footage is not restricted, however, it may be limited by the size of the roof or the roof structure.
 - c. Must meet City of Afton historical preservation standards.
 - d. Requires an administrative permit and design review by the Heritage Preservation Commission (HPC).
2. *Rural Residential (RR) and Agriculture (Ag) districts:*
- a. *On lots up to 10 acres:*
 - i. If not fully screened:
 - (1) A maximum height of 15 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
 - ii. If fully screened:
 - (1) A maximum height of 20 feet and a total panel square footage that provides ~~up to 120% of the documented energy usage of the property~~ **a generating capacity of up to 40kW**, subject to being fully screened from public roads and neighboring properties, and subject to statutory and/or public utility power generation restrictions. For residential applications, under no circumstances shall a solar array exceed 40kW.
 - b. *On lots 10 to 20 acres:*
 - i. If not fully screened:
 - (1) A maximum height of 15 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.

Ordinance 04-2022

- (2) A maximum height of 15 feet and a total panel square footage of 500 square feet if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
 - ii. If fully screened:
 - (1) A maximum height of 20 feet and a total panel square footage that provides ~~up to 120% of the documented energy usage of the property~~ **a generating capacity of up to 40kW**, subject to statutory and/or public utility power generation restrictions, at the required setback. For residential applications, under no circumstances shall a solar array exceed 40kW.
 - c. *On lots 20 acres or greater:*
 - i. If not fully screened:
 - (1) A maximum height of 20 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
 - (2) A maximum height of 20 feet and a total panel square footage of 500 square feet if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
 - (3) A maximum height of 20 feet and a total panel square footage 750 square feet if setback 250 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
 - ii. If fully screened:
 - (1) A maximum height of 20 feet and a total panel square footage that provides ~~up to 120% of the documented energy usage of the property~~ **a generating capacity of up to 40kW** if fully screened, subject to statutory and/or public utility power generation restrictions, at the required setback. For residential applications, under no circumstances shall a solar array exceed 40kW.
3. *Industrial districts:*
- a. Rooftop community systems are permitted only in the Industrial districts.
 - b. Ground-mount community solar energy systems are allowed only in the Industrial districts and are allowed as conditional uses.
 - c. Solar farms are only allowed in the Industrial districts.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS XX DAY OF ____, 2023.

SIGNED:

Bill Palmquist, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

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

Planning Commission Memo

Meeting: June 5, 2023

To: Chair Kopitzke and members of the Planning Commission
From: Ron Moorse, City Administrator
Date: May 31, 2023
Re: Reminder of June 26, 2023 Planning Commission Meeting

Just a reminder that the next meeting of the Planning Commission will be held on Monday, June 26. This meeting was rescheduled from July 3.

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

Planning Commission Memo

Meeting: June 5, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: May 31, 2023

Re: Groundwater Protection

At its May 1, 2023 meeting, the Planning Commission agreed to pursue efforts related to ensuring unused wells are capped, reducing the use of herbicides and lawn chemicals, and improving their understanding of how high capacity wells are regulated. Attached is a spreadsheet showing the results of a survey of nearby cities regarding ordinances related to lawn care and capping of unused wells. Staff will provide copies of the Stillwater and Woodbury ordinances prior to the Planning Commission meeting.

Local ordiances	Lawns / fertilizer use	Unused Wells
City		
Bayport	seasonal watering restrictions	no local ordinance
Cottage Grove	seasonal watering restrictions	no local ordinance
Hastings	seasonal watering restrictions	no local ordinance
Stillwater	Sec. 35-22. - Regulating lawn care practices and fertilizer use; Sec. 35-25 restrictions on watering	no local ordinance
Woodbury	Sec. 27-67. - Lawn fertilizer references state law re: phosphorus use; Sec. 27-15. - Protection of wetlands - fertilizer application prohibited in wetland buffers; seasonal watering restrictions	Sec. 27-93. - Private wells - requirement to properly abandon any not in use

May 16, 2023 City Council Meeting Highlights

The Council:

- Approved a variance application for a front yard setback to allow a front porch at 4524 River Rd S. to restore the home to its original historic look.
- Approved Conditional Use Permit for a short term rental license at 12740 22nd St S. with restrictions to avoid impacts on neighboring properties.
- Approved a Conditional Use Permit at 12511 Hudson Road S for a staging area for the Xcel Energy substation.
- Adopted the 2040 Comprehensive Plan with an amendment to allow two dwelling units in commercial buildings in the VHS-C District.
- Approved a route recommendation for the Middle St Croix Regional Trail.
- Approved an update to the Fee Schedule Ordinance.