City of Afton

PLANNING COMMISSION AGENDA

July 1, 2019
7:00 pm

1. **CALL TO ORDER -**

2. **PLEDGE OF ALLEGIANCE –**

3. **ROLL CALL -**
   a) Scott Patten
   b) Sally Doherty
   c) Kris Kopitzke (Chair)
   d) 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. June 3, 2019 Meeting Minutes

6. **REPORTS AND PRESENTATIONS –** None

7. **PUBLIC HEARINGS –**
   A. Kerry White Application for Minor Subdivision at 1132 Indian Trail
   B. Rebecca Enos Application for a Variannce at 15234 Afton Hills Drive
   C. Kathy and David Boisjoli Application for an Ordinance Amendment Regarding Riding Stables and an Application for a Conditional Use Permit for a Commercial Riding Stable with 9 horses or less, to be used to provide equine-assisted therapy, at 15489 45th Street

8. **NEW BUSINESS –**

9. **OLD BUSINESS -**
   A. Review and Clarification of Elements of the PLCD Ordinance Language
   B. Update on City Council Actions – Council Highlights from the June 18, 2019 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
June 3, 2019

---

1. **CALL TO ORDER** – Vice Chair Sally Doherty called the meeting to order at 7:00 PM

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

3. **ROLL CALL** – Present: Sally Doherty, Christian Dawson, Doug Parker, Roger Bowman, Justin Sykora, Kuchen Hale. A Quorum was present. Absent were Kris Kopitzke, Scott Patten & James Langan (all excused).
   ALSO IN ATTENDANCE – Mayor Palmquist, City Administrator Ron Moorse

4. **APPROVAL OF AGENDA** –
   Remove item 9b – the pervious paver topic will to go to City Council before the Planning Commission discusses further.
   Motion/Second Bowman/Hale To approve the agenda for the June 3, 2019 Planning Commission meeting. Passed 6-0.

5. **APPROVAL OF MINUTES** –
   A. May 6, 2019
   Motion/Second Hale/Sykora To approve the minutes of the May 6, 2019 Planning Commission meeting. Passed 6-0.

6. **REPORTS AND PRESENTATIONS** - None

7. **PUBLIC HEARINGS** –
   A. Amendment to Article IX Sewer
   Administrator Moorse provided the following summary: The City Council has referred to the Planning Commission, for a public hearing and recommendation, an amendment to the sanitary sewer ordinance regarding additional triggers for required connections to the sanitary sewer system, restrictions on the use of septic systems in the floodplain, and illegal discharge into the sanitary sewer system.

   Vice Chair Doherty opened the public hearing at 7:12 pm
   No public was in attendance. No comments were received.
   Motion/Second Bowman/Sykora Move to close public hearing. Passed 6-0.
   Hearing closed at 7:13 pm

   Bowman asked if there is any ambiguity on where the old village is and what is serviced? No, it specifically is stated where the area is located in the ordinance).
   Bowman asked if a timeframe can be given for connection? (Moorse replied yes, and during winter months an escrow account would be set up for later connection.)
   Hale recommended the city not specify cost
   Moorse stated the buyer could get estimates and escrow that amount until work could be completed.
   Parker asked if we know what houses are not connected? (majority are not). When water is high do we know which are not functioning? (yes, several)
   Moorse stated that in general most are fine; when water comes up some are not compliant.
   Doherty is supportive of including transfer of ownership trigger into ordinance.
   Hale suggested language "If not feasible at time of sale an escrow account shall be created based on an estimate from license contractor".
   Sykora suggested "Within 60 days unless conditions do not allow".
   Bowman asked about transfer of property and enforcing if not connected? (city fee schedule if not compliant)
   Hale asked if the city has right to connect and levy? (do not currently have that language)
   Parker asked if we could require certificate of compliance every 2 yrs.
   Sykora stated the 60 days start when ground conditions allow.

DRAFT

Moorse stated there is state requirement of inspection at time of sale. How does city enforce? And implement?
Bowman suggested penalizing noncompliance with a fee.
Hale asked what the thoughts were when original was written. (Moorse replied nothing specific, land use violation).
Doherty stated that the reason doesn't matter for not conforming. Suggested adding new fees $500/month non compliance.
Sykora suggested adding item "g" "If non-compliant, property subject to penalty according to city fee schedule. If ground conditions do not allow for work, owner is allowed 60 days to begin when conditions improve. Both to be determined by city." 60 days could start when road restrictions are lifted.
Bowman suggest fee be significant. $500 for every 30 days.

Section 2
Addresses ISTS in the time of flooding
Hale asked about the duration of flooding, who determines? (WA County)
Moorse stated that the language during flooding is broader than just the downtown area.
Hale what are residents to do
Doherty stated that this language allows the city or county to deal with systems in event of situation due to flooding. Recommends leaving as written.
Bowman recommended deleting last portion of last sentence ~~"such that wastewater may be released into the flood waters.~~

Section 3
Gives authority to city to inspect to see if anyone has connected sump pump to sewer system.
Doherty recommended leaving the text as-is.

Motion/Second <u>Hale/Sykora</u> To approve comments above and send recommendations to the City Council. Passed 6-0.

8. NEW BUSINESS – none

9. OLD BUSINESS –

A. Review & clarification of elements of PLCD ordinance language
Parker stated there isn't much ability to enforce if the HOA doesn't follow through
Sykora stated that the city would take over
Hale recommended supplementing the language "vegetation" with language "to use native species"

Item a Parcels previously subdivided to their maximum density may not be joined to a PLCD.
This is regarding adjacent parcels already developed
Hale stated there is no transfer of density rights in calculation of PLCD requirements

Item b. regarding allowing access though an existing lot
Dawson stated the current language allows flexibility. Changing the statement changes the intent. Allowing road in platted subdivision opens Afton up for developers. Current language allows for decision.
Doherty stated the language doesn't say that roads are allowed or disallowed, lets the planning commission and city council decide.

Item 1C. Coordination with subdivision regulations
Bowman suggested "not included in any way"
Hale suggested "may be joined, but do not transfer density"
Sykora stated the current PLCD preserved many acres. Afton is moving toward more development

Motion/Second Sykora/Doherty move to recommend changes to the ordinance as follows:
"Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may be included in a PLCD but may not be included in density calculations or land preservation minimum requirements."
Motion amendment Dawson (accepted) "Parcels may be included in the PLCD if it allows for the best conservation design for the PLCD as determined by the City. Such parcel may not be included in any density calculation or land preservation acreage requirements."
Vote – Passed 6-0.

~~**B. Pervious Pavers**~~

C. Update on City Council actions
Council member Wroblewski provided a summary of the May City Council meeting.

11. ADJOURN
Motion/Second Bowman/Parker To adjourn. Passed 6-0.

Meeting adjourned at 8:58 pm.

Respectfully submitted by:

_____
Julie Yoho, City Clerk

To be approved on July 1, 2019 as (check one): Presented: _____ or Amended: _____

DRAFT

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

Planning Commission Memo

Meeting: July 1, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: June 25, 2019

Re: Kerry and Judy White application for Minor Subdivision at 1132 Indian Trail

---

Kerry and Judy White have applied for a minor subdivision at 1132 Indian Trail to subdivide the existing 27.4 acre parcel into two lots. The existing 27.4-acre lot has an existing house and compliant septic system. The property is zoned Rural Residential, and the adjacent properties to the north, east and south are zoned Rural Residential. The property to the west is zoned Agricultural. The proposed parcel A is proposed to be accessed via an existing farm access driveway that is to be upgraded in a way that meets the property owner's needs and City regulations.

Minimum Requirements
Each of the two proposed lots meets all minimum requirements, including the following

1. 300 feet of frontage on a public road right-of-way
2. Five acre lot size
3. 2.5 acres of contiguous buildable area
4. Land suitable for driveway access

Septic System Sites
Soil borings have been completed for septic system sites on Parcel A. A letter from the Washington County Septic Inspector indicating the suitability of soils for septic system sites has been obtained. Additional soil testing, percolation tests and a septic design will be required before a septic permit can be granted by Washington County.

Park Dedication
Recognizing that the additional parcel will impact the City's park system, park dedication will be required. The 2012 Parks Plan does not appear to direct any land dedication to occur at or near the subject site. This being the case, a cash contribution in lieu of land dedication may be required (7.5 percent of the pre-development value with a minimum of $5,000 per lot and a maximum of $10,000 per lot). The Parks Committee will address the question of land dedication vs. a cash contribution at its June 26 meeting.

Drainage and Utility Easements
The City Engineer has indicated that 10 foot wide drainage and utility easements are required along the perimeter of each parcel. These easements are reflected in the subdivision survey, and dedication of drainage and utility easements as required by the City Engineer should be a condition of approval.

Scenic Easements
The property to be subdivided includes areas of land with slopes of 18% or greater. To protect these areas with steep slopes, they are required to be placed into scenic easements as part of the subdivision process.

Public Right-of-Way Easements
The City does not have public right-of-way easements for Indian Trail. The property line of the adjacent properties, including the subject property, extends to or beyond the centerline of Indian Trail. Without a public right-of-way easement over the road, shoulder and ditch area, the City needs to rely on a prescriptive easement to allow public use and maintenance of the street, as well as the installation of public utilities. Necessary public right-of-way easements, with a width of 30 feet, are acquired at the time land is subdivided. The survey shows the public right-of-way easement along the perimeter of the property.

Natural Features
The Subdivision Ordinance (Section 12-1257) directs the preservation of natural site features including large trees and wetlands. While it does not appear that the proposed subdivision will have any significant impacts in this regard; home, accessory building and driveway placement should give due consideration to the preservation of significant trees and wetlands.

Findings
The following are recommended findings. The Planning Commission may revise or add findings.

1. The subject property is located in the Rural Residential zone, as are the properties to the north, east and south The property to the west is zoned Agricultural.
2. The Rural Residential zone allows residential use with five–acre minimum lot size.
3. The subdivision meets subdivision requirements

Conditions
If the Planning Commission recommends approval of the subdivision application, it is recommended that the following conditions be placed on the approval, as well as additional conditions the Planning Commission may include.

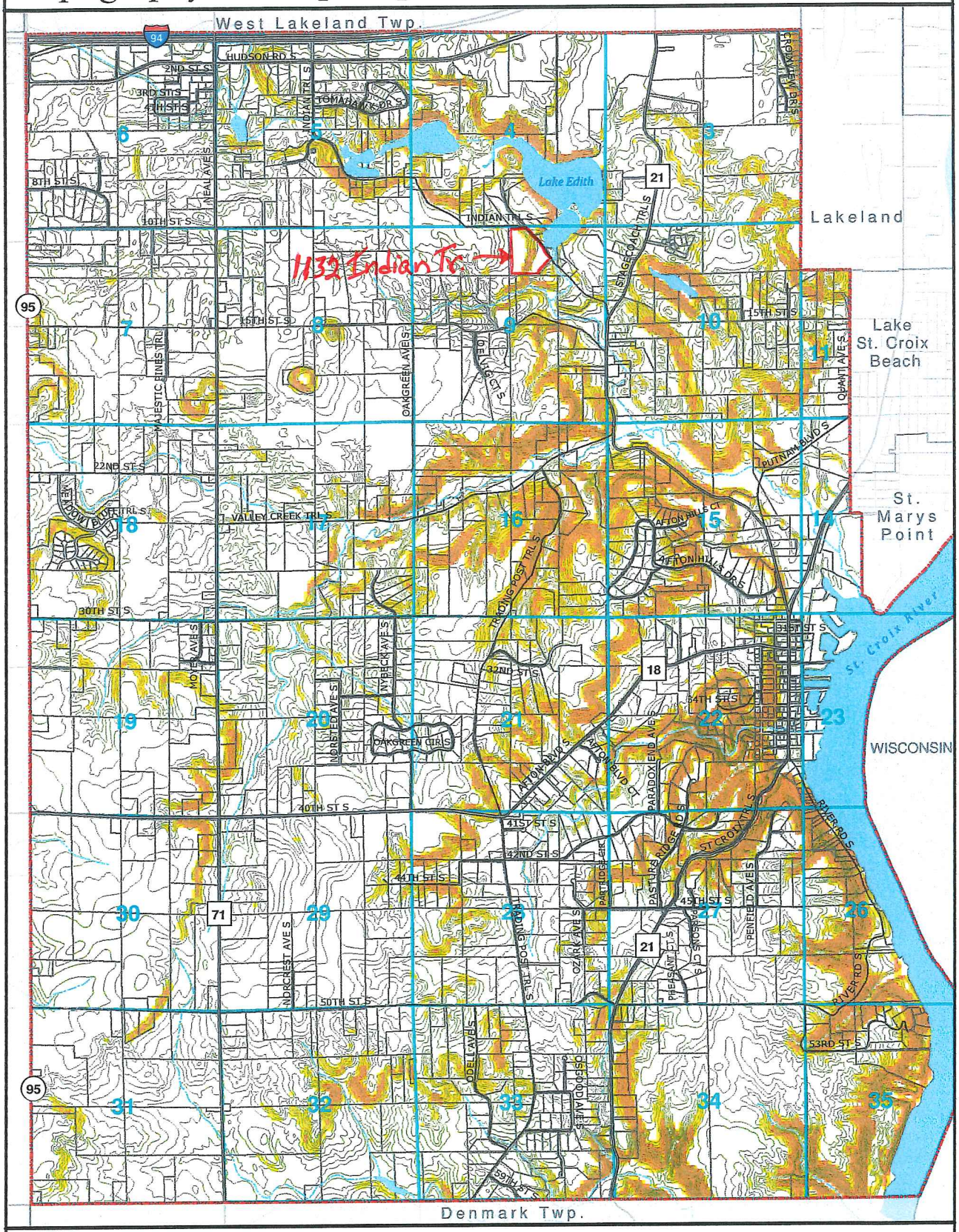
1. Easements as required by the City Engineer shall be granted
2. All drainage and utility easements shall be subject to the review and approval of the City Engineer.
3. All grading, drainage and erosion control issues shall be subject to review and approval by the City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.
4. Scenic easements shall be placed on all slopes greater than 18%
5. The applicant shall execute a scenic easement agreement and shall record the scenic easement concurrent with the subdivision
6. A public road right-of-way easement shall be dedicated over the area within 30 feet of the centerline of Indian Trail.
7. Park dedication requirements shall be satisfied prior to recording of the subdivision, in accordance with Section 12-1270 of the Subdivision Ordinance
8. A permit for individual septic system to serve a new home on the additional parcel shall be obtained from the Washington County Public Health Department at the time of application for building permit for the home, and all requirements of the septic permit shall be met.
9. The driveway to serve Parcel A shall comply with Section 12-84 of the Zoning Ordinance and be subject to review and approval by the City Engineer.

Planning Commission Direction Requested:

Motion regarding a recommendation concerning the Kerry and Judy White Minor Subdivision application at 1132 Indian Trail, including findings, and conditions if applicable.

Topography & Steep Slopes

MAP 5



Steep Slopes

- Slope Greater than 12%
- Slope Greater than 18%
- 10-Foot Contours
- City of Afton
- Section Lines
- Parcel Boundaries
- Major Roads
- Local Road
- Lakes
- Streams

0 0.5 1 Miles

N

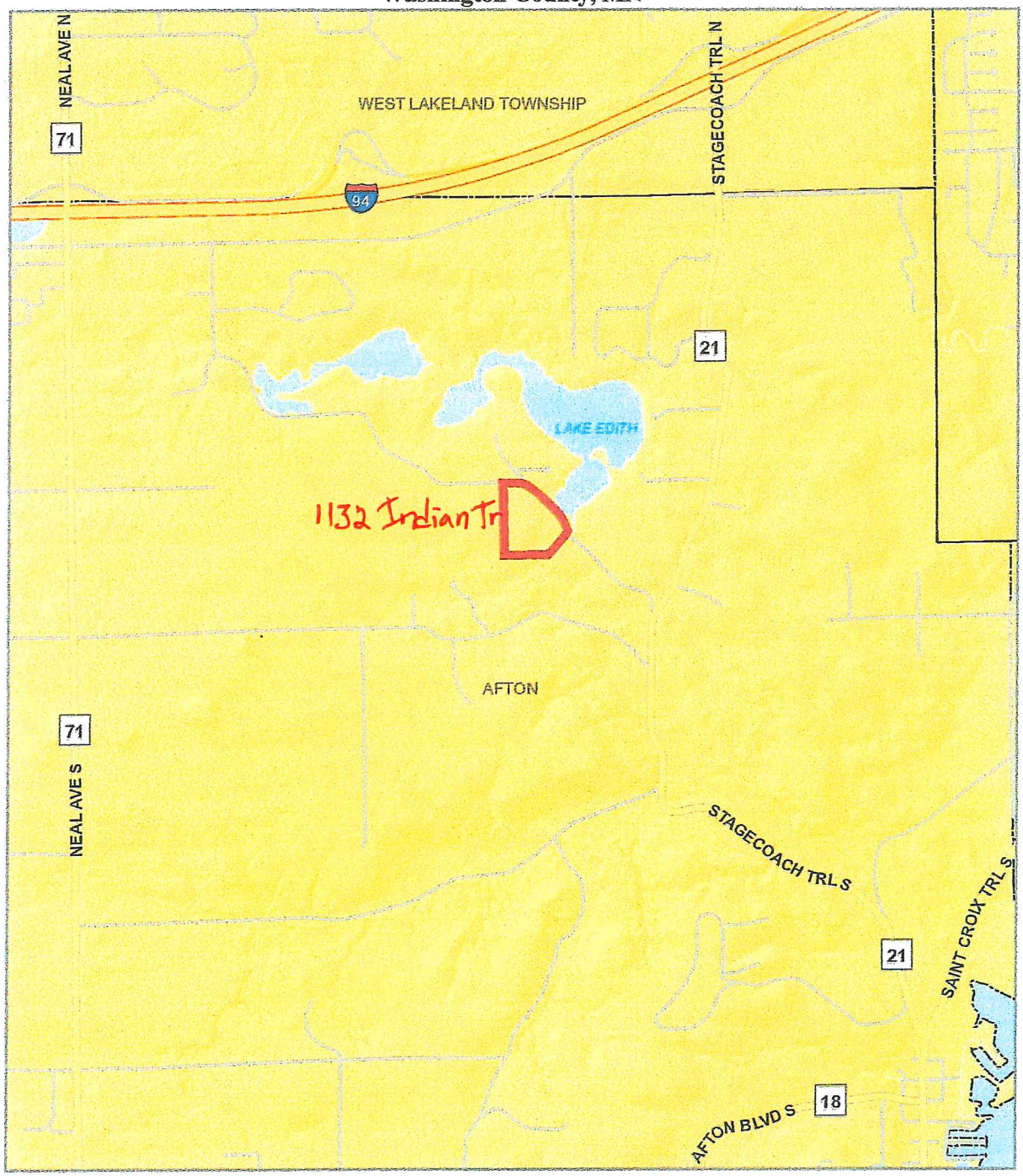
Afton

Map prepared June 2010 1000 Friends of Minnesota TRC

Data Sources: Metropolitan Council, MN DNR, MN DOT, Washington County

Community Growth Institute

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 = 0.5 mile
4/1/2019

Washington County

Department of Public Health and Environment

Lowell Johnson
Director

David Brummel
Deputy Director

May 14, 2019

GEO Code: 09.028.20.12.0007

Kerry White
1132 Indian Trail South
City of Afton, MN 55001

LOT SPLIT APPROVAL

On April 23, 2019, the Department received a Septic Permit Application for a lot split for the property located at 1132 Indian Trail South, City of Afton, Minnesota, GeoCode 09.028.20.12.0007. On May 13, 2019, the Department conducted a site review of the proposed lot. Based on the observations on May 13, 2019, and Tradewell Soil Testings soil observation log, the proposed lot appears to have suitable soil for individual sewage treatment systems and the Department is approving the proposed subdivision as suitable to accommodate long-term sewage treatment.

It should be noted that the soil testing conducted for this lot was preliminary and only for the purpose of determining suitability of this lot to support long-term sewage treatment. Section 9.5 of the Washington County Development Code, Chapter Four, Individual Sewage Treatment System Regulations (Washington County Ordinance #196) states:

> *Complete testing on each individual lot will be required prior to permit issuance independent of any prior approved subdivision testing. A minimum of four (4) satisfactory soil borings outlining an area of 5,000 square feet are required.*

Before an installation permit can be issued by the Department for a specific subsurface sewage treatment system, at least four additional soil borings and at least one percolation test must be conducted by a designer licensed by the Minnesota Pollution Control Agency.

For the lot, rope off and protect both the primary and secondary individual sewage treatment system from all traffic. Any excavation in the primary and secondary individual sewage treatment system would nullify this approval and may subsequently cause the lot to be declared unbuildable. The minor subdivision is approved only for the lot configuration submitted in the application. Any changes to the lot configurations will nullify this approval.

If you have any questions or comments, please contact me at 651-430-6692.

Sincerely,

Paul O'Neel
Environmental Specialist
Washington County Department of
Public Health & Environment
paul.oneel@co.washington.mn.us

MINOR SUBDIVISION

~for~ KERRY and JUDY WHITE
~of~ 1132 Indian Trail South
Afton, Minnesota 55001

PROPOSED DESCRIPTION FOR PARCEL A

That part of the Northwest Quarter of the Northeast Quarter of Section 9, Township 28 North, Range 20 West, Washington County, Minnesota, which lies southerly of Indian Trail, and lies northerly, northwesterly, and westerly of the following described "Line A". "Line A" is described as commencing at the Southwest corner of said Northwest Quarter of the Northeast Quarter, thence northerly on an assumed bearing of North 00 degrees 22 minutes 36 seconds West along the West line of said Northwest Quarter of the Northeast Quarter, a distance of 150.02 feet to the point of beginning of the line being described; thence South 89 degrees 20 minutes 17 seconds East a distance of 350.07 feet; thence North 45 degrees 08 minutes 34 seconds East a distance of 70.07 feet; thence North 00 degrees 22 minutes 36 seconds West a distance of 573.36 feet; thence North 45 degrees 39 minutes 22 seconds East a distance of 420.94 feet and to the center line of said Indian Trail and said "Line A" there terminating.

EXCEPT

Those portions of the Northwest Quarter of the Northeast Quarter and the South Half of the Northwest Quarter all in of Section 9, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Beginning at the North Quarter corner of Section 9, Township 28 North, Range 20 West, Washington County Minnesota; thence South 01 degree 11 minutes 46 seconds East, on an assumed bearing along the East line of the Northeast Quarter of the Northwest Quarter of said Section 9, a distance of 1326.65 feet to the Southeast corner of said Northeast Quarter of the Northwest Quarter; thence South 89 degrees 52 minutes 10 seconds West, along the South line of the North Half of the Northwest Quarter 2627.40 feet to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 9; thence South 89 degrees 12 minutes 38 seconds East 249.60 feet; thence South 89 degrees 27 minutes 19 seconds East 258.64 feet; thence South 89 degrees 48 minutes 01 second East 290.51 feet; thence South 89 degrees 42 minutes 54 seconds East 515.33 feet; thence North 89 degrees 41 minutes 05 seconds East 523.47 feet; thence North 89 degrees 27 minutes 53 seconds East 439.97 feet; thence North 89 degrees 27 minutes 58 seconds East 349.84 feet; thence North 01 degree 22 minutes 38 seconds East 53.04 feet; thence North 01 degree 03 minutes 44 seconds West 228.82 feet; thence North 01 degree 02 minutes 13 seconds West 250.06 feet; thence North 01 degree 35 minutes 16 seconds West 275.14 feet; thence North 00 degrees 55 minutes 23 seconds West 234.96 feet; thence North 00 degrees 55 minutes 11 seconds West 182.01 feet; thence North 03 degrees 02 minutes 56 seconds West 107.96 feet to the point of beginning.

Subject to a drainage and utility easement over, under and across the westerly 10 feet, southerly 10 feet, southerly 10 feet of the northerly 40 feet; and a 10 foot wide drainage and utility easement which adjoins and lies to the left of the above described "Line A".

PROPOSED DESCRIPTION FOR PARCEL B

The Land referred to herein below is situated in the County of Washington, State of Minnesota, and is described as follows:
Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4), Section Nine (9), Township Twenty-eight (28) North, Range Twenty (20) West,
that part of the Northwest (NW) 1/4 lying South of Indian Trail except beginning at a point on the East line of said Quarter Quarter, where the same is intersected by the public highway known as Indian Trail and running thence South along the East line of said Quarter Quarter 263 feet and 3 inches to the Southeast corner thereof; thence West along the South line of said Quarter Quarter 525 feet to a point; thence in a Northeasterly direction to a point in the center line of said public highway, aforesaid, known as the Indian Trail, which point is 249 feet and 4 inches Northwesterly as measured along the center line of said road from the point of beginning; then Southeasterly along the center line of said road 249 feet and 4 inches to the place of beginning, EXCEPT the portion thereof embraced within the following land:

That part of the Northwest Quarter of the Northeast Quarter of Section 9, Township 28 North, Range 20 West, Washington County, Minnesota, which lies southerly of Indian Trail, and lies northerly, northwesterly, and westerly of the following described "Line A". "Line A" is described as commencing at the Southwest corner of said Northwest Quarter of the Northeast Quarter, thence northerly on an assumed bearing of North 00 degrees 22 minutes 36 seconds West along the West line of said Northwest Quarter of the Northeast Quarter, a distance of 150.02 feet to the point of beginning of the line being described; thence South 89 degrees 20 minutes 17 seconds East a distance of 350.07 feet; thence North 45 degrees 08 minutes 34 seconds East a distance of 70.07 feet; thence North 00 degrees 22 minutes 36 seconds West a distance of 573.36 feet; thence North 45 degrees 39 minutes 22 seconds East a distance of 420.94 feet and to the center line of said Indian Trail and said "Line A" there terminating.

Subject to a drainage and utility easement over, under and across the southerly 10 feet, westerly 10 feet, easterly 10 feet, southwesterly 10 feet of the northeasterly 40 feet; and a 10 foot wide drainage and utility easement which adjoins and lies to the right of the above described "Line A".

PROPOSED SCENIC EASEMENT DESCRIPTION

A perpetual easement for scenic purposes over, under and across the following described parcel of land:
The Land referred to herein below is situated in the County of Washington, State of Minnesota, and is described as follows: Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4), Section Nine (9), Township Twenty-eight (28) North, Range Twenty (20) West, that part of the Northwest (NW) 1/4 lying South of Indian Trail except beginning at a point on the East line of said Quarter Quarter, where the same is intersected by the public highway known as Indian Trail and running thence South along the East line of said Quarter Quarter 263 feet and 3 inches to the Southeast corner thereof; thence West along the South line of said Quarter Quarter 525 feet to a point; thence in a Northeasterly direction to a point in the center line of said public highway, aforesaid, known as the Indian Trail, which point is 249 feet and 4 inches Northwesterly as measured along the center line of said road from the point of beginning; then Southeasterly along the center line of said road 249 feet and 4 inches to the place of beginning, EXCEPT the portion thereof embraced within the following land:

Those portions of the Northwest Quarter of the Northeast Quarter and the South Half of the Northwest Quarter all in of Section 9, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Beginning at the North Quarter corner of Section 9, Township 28 North, Range 20 West, Washington County Minnesota; thence South 01 degree 11 minutes 46 seconds East, on an assumed bearing along the East line of the Northeast Quarter of the Northwest Quarter of said Section 9, a distance of 1326.65 feet to the Southeast corner of said Northeast Quarter of the Northwest Quarter; thence South 89 degrees 52 minutes 10 seconds West, along the South line of the North Half of the Northwest Quarter 2627.40 feet to the Southwest corner of the Northwest Quarter of the Northwest Quarter of said Section 9; thence South 89 degrees 12 minutes 38 seconds East 249.60 feet; thence South 89 degrees 27 minutes 19 seconds East 258.64 feet; thence South 89 degrees 48 minutes 01 second East 290.51 feet; thence South 89 degrees 42 minutes 54 seconds East 515.33 feet; thence North 89 degrees 41 minutes 05 seconds East 523.47 feet; thence North 89 degrees 27 minutes 53 seconds East 439.97 feet; thence North 89 degrees 27 minutes 58 seconds East 349.84 feet; thence North 01 degree 22 minutes 38 seconds East 53.04 feet; thence North 01 degree 03 minutes 44 seconds West 228.82 feet; thence North 01 degree 02 minutes 13 seconds West 250.06 feet; thence North 01 degree 35 minutes 16 seconds West 275.14 feet; thence North 00 degrees 55 minutes 23 seconds West 234.96 feet; thence North 00 degrees 55 minutes 11 seconds West 182.01 feet; thence North 03 degrees 02 minutes 56 seconds West 107.96 feet to the point of beginning.

Proposed Perpetual Scenic Easement described as follows:

Commencing at the Southwest corner of said Northwest Quarter of the Northeast Quarter of Section 9, Township 28 North, Range 20 West; thence on an assumed bearing of North 89 degrees 20 minutes 17 seconds East along the South line thereof a distance of 300.00 feet to the point of beginning of the easement being described; thence North 00 degrees 00 minutes 00 seconds East a distance of 180.00 feet; thence North 30 degrees 00 minutes 00 seconds East a distance of 112.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 39.96 feet; thence North 00 degrees 22 minutes 36 seconds West a distance of 193.44 feet; thence North 50 degrees 00 minutes 00 seconds East a distance of 73.53 feet; thence North 82 degrees 00 minutes 00 seconds East a distance of 100.00 feet; thence North 24 degrees 00 minutes 00 seconds East a distance of 100.00 feet; thence South 80 degrees 00 minutes 00 seconds West a distance of 130.00 feet; thence North 45 degrees 00 minutes 00 seconds West a distance of 75.00 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 50.00 feet; thence North 73 degrees 00 minutes 00 seconds East a distance of 50.00 feet; thence North 16 degrees 00 minutes 00 seconds East a distance of 135.00 feet; thence North 54 degrees 00 minutes 00 seconds East a distance of 65.00 feet; thence North 19 degrees 00 minutes 00 seconds West a distance of 170.00 feet; thence North 78 degrees 00 minutes 00 seconds West a distance of 65.00 feet; thence North 05 degrees 00 minutes 00 seconds West a distance of 125.00 feet; thence North 77 degrees 00 minutes 00 seconds West a distance of 180.00 feet; thence North 70 degrees 00 minutes 00 seconds West a distance of 185.00 feet; thence North 00 degrees 00 minutes 00 seconds West a distance of 19.00 feet to a point, distant 40.00 feet southerly of the center line of Indian Trail as traveled; thence South 89 degrees 48 minutes 35 seconds East a distance of 45.44 feet; thence southeasterly along a tangential curve, concave to the south, having a radius of 582.00, central angle of 7 degrees 32 minutes 28 seconds, a distance of 77.00 feet; thence South 82 degrees 16 minutes 07 seconds East a distance of 119.91 feet; thence southeasterly along a tangential curve, concave to the south, having a radius of 282.00 feet, central angle of 33 degrees 27 minutes 42 seconds, a distance of 166.44 feet; thence South 48 degrees 48 minutes 25 seconds East a distance of 245.39 feet; thence South 44 degrees 20 minutes 38 seconds East a distance of 31.98 feet; thence South 13 degrees 16 minutes 05 seconds a distance of 276.31 feet; thence South 39 degrees 00 minutes 00 seconds West a distance of 46.18 feet; thence South 32 degrees 00 minutes 00 seconds East a distance of 144.72 feet; thence South 27 degrees 00 minutes 00 seconds West a distance of 291.46 feet; thence South 21 degrees 00 minutes 00 seconds West a distance of 240.00 feet; thence South 53 degrees 00 minutes 00 seconds East a distance of 110.00 feet; thence North 90 degrees 00 minutes 00 seconds East a distance 75.00 feet; thence North 66 degrees 00 minutes 00 seconds East a distance of 75.00 feet; thence North 40 degrees 00 minutes 00 seconds East a distance of 375.00 feet; thence North 10 degrees 00 minutes 00 seconds East a distance of 191.19 feet to a point, distant 40.00 feet southwesterly of said center line of Indian Trail, as traveled, thence South 21 degrees 20 minutes 17 seconds East a distance of 133.62 feet; thence southeasterly along a tangential curve, concave to the northeast, having a radius of 602.70 feet, central angle of 4 degrees 11 minutes 00 seconds, a distance of 43.79 feet; thence South 40 degrees 49 minutes 56 seconds West a distance of 539.17 feet to said South line of said Northwest Quarter of the Northeast Quarter; thence westerly along said South line a distance of 490.03 feet to said point of beginning.

OVERALL PROPERTY DESCRIPTION

The Land referred to herein below is situated in the County of Washington, State of Minnesota, and is described as follows:
Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4), Section Nine (9), Township Twenty-eight (28) North, Range Twenty (20) West,
that part of the Northwest (NW) 1/4 lying South of Indian Trail except beginning at a point on the East line of said Quarter Quarter, where the same is intersected by the public highway known as Indian Trail and running thence South along the East line of said Quarter Quarter 263 feet and 3 inches to the Southeast corner thereof; thence West along the South line of said Quarter Quarter 525 feet to a point; thence in a Northeasterly direction to a point in the center line of said public highway, aforesaid, known as the Indian Trail, which point is 249 feet and 4 inches Northwesterly as measured along the center line of said road from the point of beginning; then Southeasterly along the center line of said road 249 feet and 4 inches to the place of beginning, EXCEPT the portion thereof embraced within the following land:

Those portions of the Northwest Quarter of the Northeast Quarter and the South Half of the Northwest Quarter all in of Section 9, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

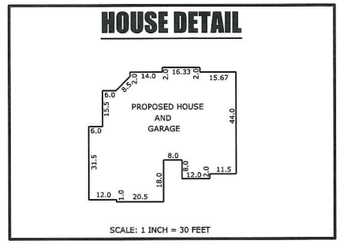
Beginning at the North Quarter comer of Section 9, Township 28 North, Range 20 West, Washington County Minnesota; thence South 01 degree 11 minutes 46 seconds East, on an assumed bearing along the East line of the Northeast Quarter of the Northwest Quarter of said Section 9, a distance of 1326.65 feet to the Southeast comer of said Northeast Quarter of the Northwest Quarter; thence South 89 degrees 52 minutes 10 seconds West, along the South line of the North Half of the Northwest Quarter 2627.40 feet to the Southwest comer of the Northwest Quarter of the Northwest Quarter of said Section 9; thence South 89 degrees 12 minutes 38 seconds East 249.60 feet; thence South 89 degrees 27 minutes 19 seconds East 258.64 feel thence South 89 degrees 48 minutes 01 second East 290.51 feet; thence South 89 degrees 42 minutes 54 seconds East 515.33 feet; thence North 89 degrees 41 minutes 05 seconds East 523.47 feet; thence North 89 degrees 27 minutes 53 seconds East 439.97 feet; thence North 89 degrees 27 minutes 58 seconds East 349.84 feet; thence North 01 degrees 22 minutes 38 seconds East 53.04 feet; thence North 01 degree 03 minutes 44 seconds West 228.82 feet; thence North 01 degree 02 minutes 13 seconds West 250.06 feet; thence North 01 degree 35 minutes 16 seconds West 275.14 feet; thence North 00 degrees 55 minutes 23 seconds West 234.96 feet; thence North 00 degrees 55 minutes 11 seconds West 182.01 feet; thence North 03 degrees 02 minutes 56 seconds West 107.96 feet to the point of beginning.

VICINITY MAP

PART OF SEC. 9, TWP. 28, RNG. 20

WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

HOUSE DETAIL

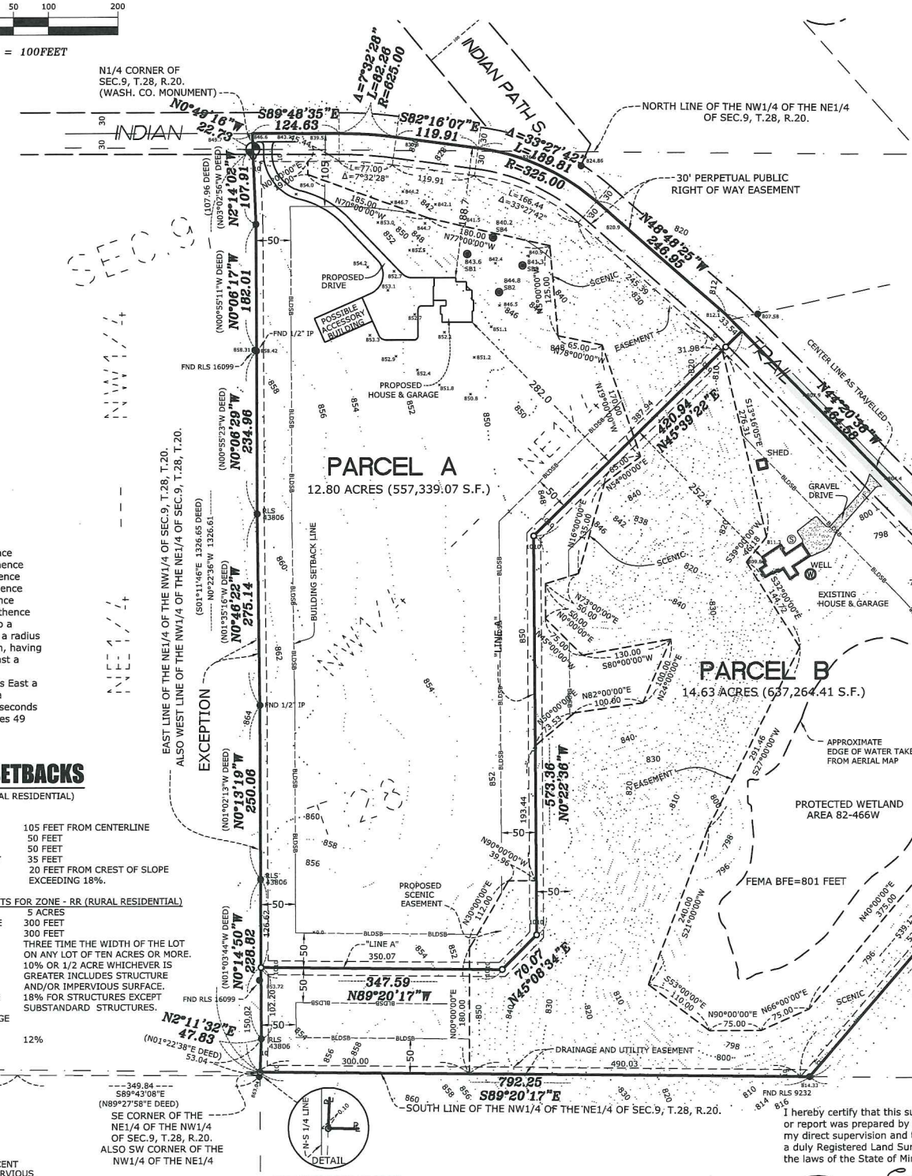


SCALE: 1 INCH = 30 FEET

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES WASHINGTON COUNTY CAST IRON MONUMENT
- DENOTES SEPTIC SOIL BORING. (BY OTHERS)
- DENOTES HOUSE PAD BORING LOCATION
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES POWER POLE
- DENOTES LIDAR CONTOURS

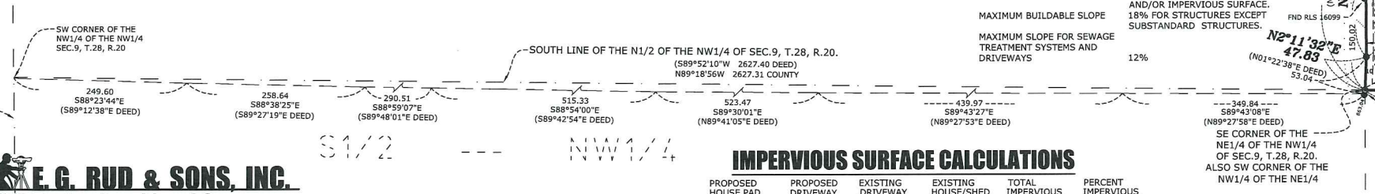
GRAPHIC SCALE
100 0 50 100 200
1 INCH = 100FEET



PROPOSED PUBLIC RIGHT OF WAY EASEMENT

A perpetual easement for public right of way purposes over, under and across the northerly, northeasterly and easterly 30 feet of the following described parcel of land:

The Land referred to herein below is situated in the County of Washington, State of Minnesota, and is described as follows: Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4), Section Nine (9), Township Twenty-eight (28) North, Range Twenty (20) West, that part of the Northwest (NW) 1/4 lying South of Indian Trail except beginning at a point on the East line of said Quarter Quarter, where the same is intersected by the public highway known as Indian Trail and running thence South along the East line of said Quarter Quarter 263 feet and 3 inches to the Southeast corner thereof; thence West along the South line of said Quarter Quarter 525 feet to a point; thence in a Northeasterly direction to a point in the center line of said public highway, aforesaid, known as the Indian Trail, which point is 249 feet and 4 inches Northwesterly as measured along the center line of said road from the point of beginning; then Southeasterly along the center line of said road 249 feet and 4 inches to the place of beginning.



NOTES

- Fee ownership is vested in Kerry and Judy White
- Parcel ID Number: 09.028.20.12.0007
- Address of the surveyed premises: 1132 Indian Trail South, Afton, MN 55001
- Field survey was completed by E.G. Rud and Sons, Inc. on 03/21/19.
- Bearings shown are on Washington County Coordinate System. (NAD83-1986 Adjustment)
- This survey was prepared based upon Title Commitment File No. T19-03021 prepared by American Title, dated March 11, 2019.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- Contours shown are from MNGeo Lidar topography and supplemented by field shots.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.) and Flood Zone AE (Base Flood Elevations Determined.), according to Flood Insurance Rate Map Number 27163C0366E Community No. 275226 Panel No. 0366E Suffix E by the Federal Emergency Management Agency, effective date February 3rd, 2010.

ZONING AND SETBACKS

CURRENT ZONING: RR (RURAL RESIDENTIAL)

SETBACKS:

INDIAN TRAIL SOUTH	105 FEET FROM CENTERLINE
SIDE YARD SETBACK	50 FEET
REAR YARD SETBACK	50 FEET
MAXIMUM BUILDING HEIGHT	35 FEET
SLOPES	20 FEET FROM CREST OF SLOPE EXCEEDING 18%.

DEVELOPMENT REQUIREMENTS FOR ZONE - RR (RURAL RESIDENTIAL)

MINIMUM LOT AREA	5 ACRES
MINIMUM STREET FRONTAGE	300 FEET
MINIMUM LOT DEPTH	300 FEET
MAXIMUM LOT DEPTH	THREE TIME THE WIDTH OF THE LOT ON ANY LOT OF TEN ACRES OR MORE.
MAXIMUM SITE COVERAGE	10% OR 1/2 ACRE WHICHEVER IS GREATER INCLUDES STRUCTURE AND/OR IMPERVIOUS SURFACE.
MAXIMUM BUILDABLE SLOPE	18% FOR STRUCTURES EXCEPT SUBSTANDARD STRUCTURES.
MAXIMUM SLOPE FOR SEWAGE TREATMENT SYSTEMS AND DRIVEWAYS	12%

IMPERVIOUS SURFACE CALCULATIONS

	PROPOSED HOUSE PAD	PROPOSED DRIVEWAY	EXISTING DRIVEWAY	EXISTING HOUSE/SHED	TOTAL IMPERVIOUS	PERCENT IMPERVIOUS
PARCEL A	2984 S.F.	10,346 S.F.	N/A	2,303 S.F.	13,330 S.F.	2.4%
PARCEL B		N/A	3,079 S.F.		5382 S.F.	0.9%

PROPOSED HOUSE AND DRIVEWAY SIZE AND LOCATION ARE SUBJECT TO CHANGE PENDING FINAL DESIGN.

BENCHMARK

MNDOT STATION NAME: TOLMIE
ELEVATION = 922.77 FEET (NAVD88)

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD

Date: June 6, 2019 License No. 41578

DRAWN BY: CJT	JOB NO: 19150PP		DATE: 04/17/19
CHECK BY: JER	SCANNED ☐		
1	05/09/19	CORRECTIONS TO LEGAL DESC	CJT
2	05/09/19	REVISE SCENIC EASE ON PARCEL B	CJT
3	06/06/19	REV: per CITY OF AFTON- 6/3/19	CJT
NO.	DATE	DESCRIPTION	BY

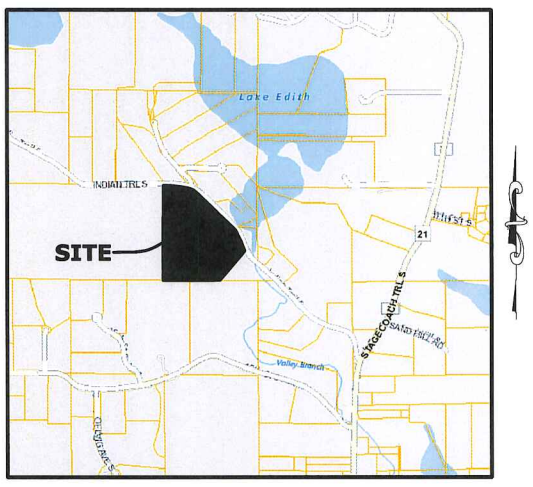
19150PP

SLOPE EXHIBIT

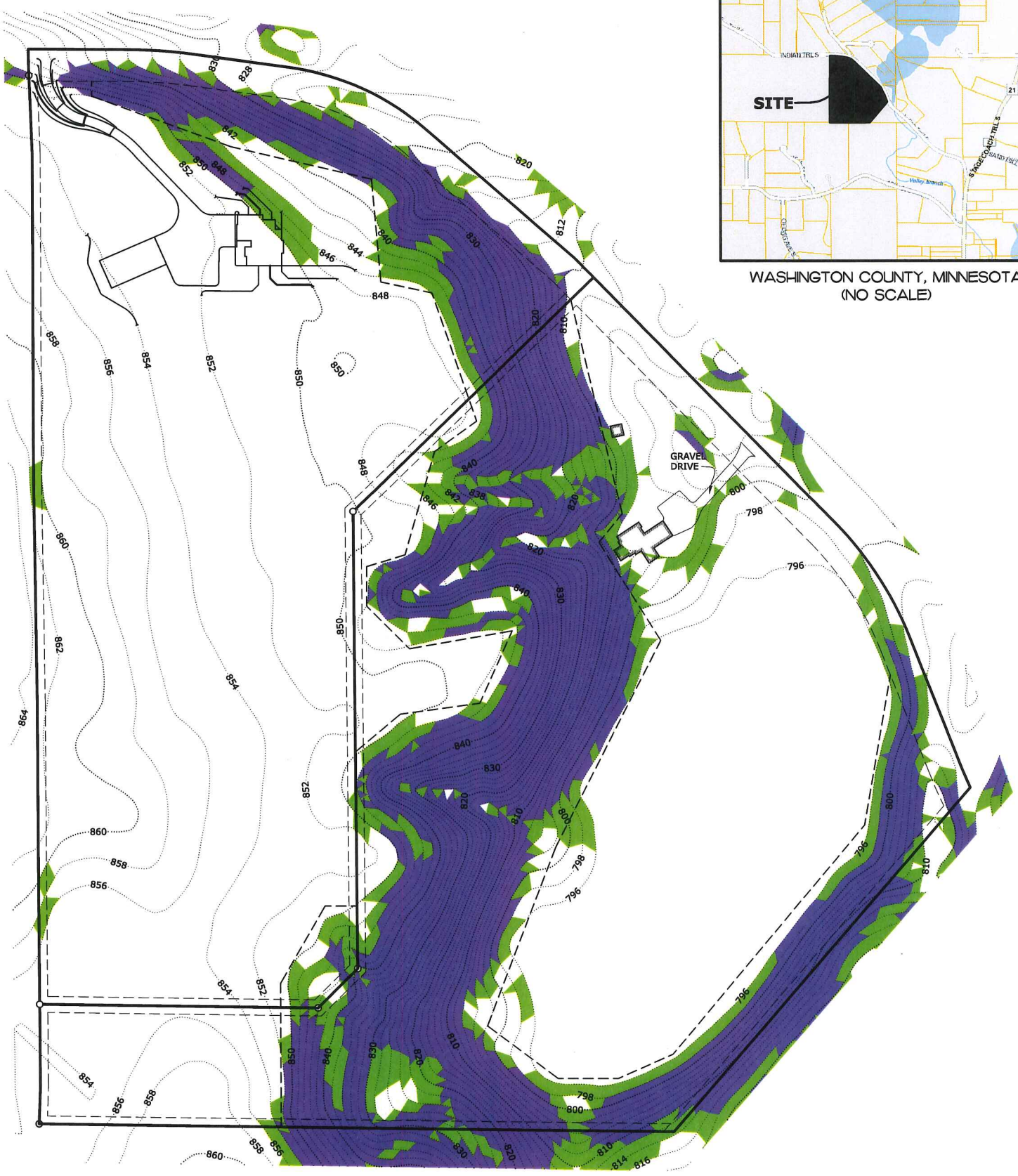
~for~ KERRY WHITE AND MEGAN GROVES
~of~ 1132 Indian Trail South
Afton, Minnesota 55001

VICINITY MAP

PART OF SEC. 9, TWP. 28, RNG. 20



WASHINGTON COUNTY, MINNESOTA
(NO SCALE)



DENOTES SLOPES BETWEEN 12% AND 18%

DENOTES SLOPES 18% OR GREATER

NORTH

GRAPHIC SCALE

100 0 50 100 200

1 INCH = 100FEET

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD

Date: June 5, 2019 License No. 41578

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

DRAWN BY: CJT	JOB NO: 19150PP	DATE: 06/05/19	
CHECK BY: JER	SCANNED ☐		
1	06/05/19	REV. SLOPE @ EX. DRIVE ENT.	CJT
2	06/10/19	ELIMINATE 0-12% SLOPE COLOR	CJT
3			
NO.	DATE	DESCRIPTION	BY

19150PP

MINOR SUBDIVISION / GRADING AND EROSION CONTROL PLAN

~for~ KERRY and JUDY WHITE
~of~ 1132 Indian Trail South
Afton, Minnesota 55001

PROPOSED DESCRIPTION FOR PARCEL A

That part of the Northwest Quarter of the Northeast Quarter of Section 9, Township 28 North, Range 20 West, Washington County, Minnesota, which lies southerly of Indian Trail, and lies northerly, northwesterly, and westerly of the following described "Line A". "Line A" is described as commencing at the Southwest corner of said Northwest Quarter of the Northeast Quarter, thence northerly on an assumed bearing of North 00 degrees 22 minutes 36 seconds West along the West line of said Northwest Quarter of the Northeast Quarter, a distance of 150.02 feet to the point of beginning of the line being described; thence South 89 degrees 20 minutes 17 seconds East a distance of 350.07 feet; thence North 45 degrees 08 minutes 34 seconds East a distance of 70.07 feet; thence North 00 degrees 22 minutes 36 seconds West a distance of 573.36 feet; thence North 45 degrees 39 minutes 22 seconds East a distance of 420.94 feet and to the center line of said Indian Trail and said "Line A" there terminating.

EXCEPT

Those portions of the Northwest Quarter of the Northeast Quarter and the South Half of the Northwest Quarter all in of Section 9, Township 28 North, Range 20 West, Washington County, Minnesota, described as follows:

Beginning at the North Quarter comer of Section 9, Township 28 North, Range 20 West, Washington County Minnesota; thence South 01 degree 11 minutes 46 seconds East, on an assumed bearing along the East line of the Northeast Quarter of the Northwest Quarter of said Section 9, a distance of 1326.65 feet to the Southeast corner of said Northeast Quarter of the Northwest Quarter; thence South 89 degrees 52 minutes 10 seconds West, along the South line of the North Half of the Northwest Quarter 2627.40 feet to the Southwest comer of the Northwest Quarter of the North Half of said Section 9; thence South 89 degrees 12 minutes 38 seconds East 249.60 feet; thence South 89 degrees 27 minutes 19 seconds East 258.64 feet; thence South 89 degrees 48 minutes 01 second East 290.51 feet; thence South 89 degrees 42 minutes 54 seconds East 515.33 feet; thence North 89 degrees 41 minutes 05 seconds East 523.47 feet; thence North 89 degrees 27 minutes 53 seconds East 439.97 feet; thence North 89 degrees 27 minutes 58 seconds East 349.84 feet; thence North 01 degree 22 minutes 38 seconds East 53.04 feet; thence North 01 degree 03 minutes 44 seconds West 228.82 feet; thence North 01 degree 02 minutes 13 seconds West 250.06 feet; thence North 01 degree 35 minutes 16 seconds West 275.14 feet; thence North 00 degrees 55 minutes 23 seconds West 234.96 feet; thence North 00 degrees 55 minutes 11 seconds West 182.01 feet; thence North 03 degrees 02 minutes 56 seconds West 107.96 feet to the point of beginning.

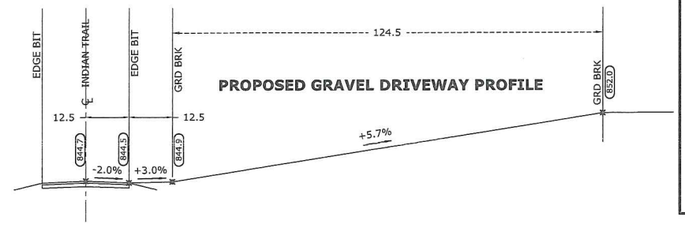
Subject to a drainage and utility easement over, under and across the westerly 10 feet, southerly 10 feet, southerly 10 feet of the northerly 40 feet; and a 10 foot wide drainage and utility easement which adjoins and lies to the left of the above described "Line A".

PROPOSED DESCRIPTION FOR PARCEL B

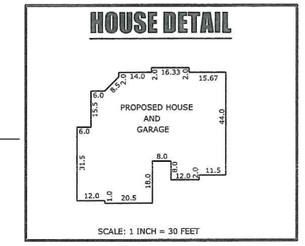
The Land referred to herein below is situated in the County of Washington, State of Minnesota, and is described as follows:
Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4), Section Nine (9), Township Twenty-eight (28) North, Range Twenty (20) West, that part of the Northwest (NW) 1/4 lying South of Indian Trail except beginning at a point on the East line of said Quarter Quarter, where the same is intersected by the public highway known as Indian Trail and running thence South along the East line of said Quarter Quarter 263 feet and 3 inches to the Southeast comer thereof; thence West along the South line of said Quarter Quarter 525 feet to a point; thence in a Northeasterly direction to a point in the center line of said public highway, aforesaid, known as the Indian Trail, which point is 249 feet and 4 inches Northwesterly as measured along the center line of said road from the point of beginning; then Southeasterly along the center line of said road 249 feet and 4 inches to the place of beginning, EXCEPT the portion thereof embraced within the following land:

That part of the Northwest Quarter of the Northeast Quarter of Section 9, Township 28 North, Range 20 West, Washington County, Minnesota, which lies southerly of Indian Trail, and lies northerly, northwesterly, and westerly of the following described "Line A". "Line A" is described as commencing at the Southwest corner of said Northwest Quarter of the Northeast Quarter, thence northerly on an assumed bearing of North 00 degrees 22 minutes 36 seconds West along the West line of said Northwest Quarter of the Northeast Quarter, a distance of 150.02 feet to the point of beginning of the line being described; thence South 89 degrees 20 minutes 17 seconds East a distance of 350.07 feet; thence North 45 degrees 08 minutes 34 seconds East a distance of 70.07 feet; thence North 00 degrees 22 minutes 36 seconds West a distance of 573.36 feet; thence North 45 degrees 39 minutes 22 seconds East a distance of 420.94 feet and to the center line of said Indian Trail and said "Line A" there terminating.

Subject to a drainage and utility easement over, under and across the southerly 10 feet, westerly 10 feet, southeasterly 10 feet, southwesterly 10 feet of the northeasterly 40 feet; and a 10 foot wide drainage and utility easement which adjoins and lies to the right of the above described "Line A".

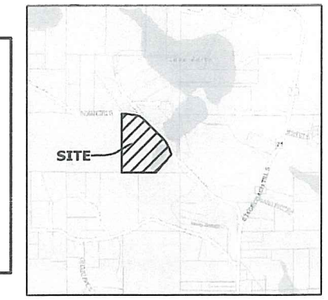


HOUSE DETAIL

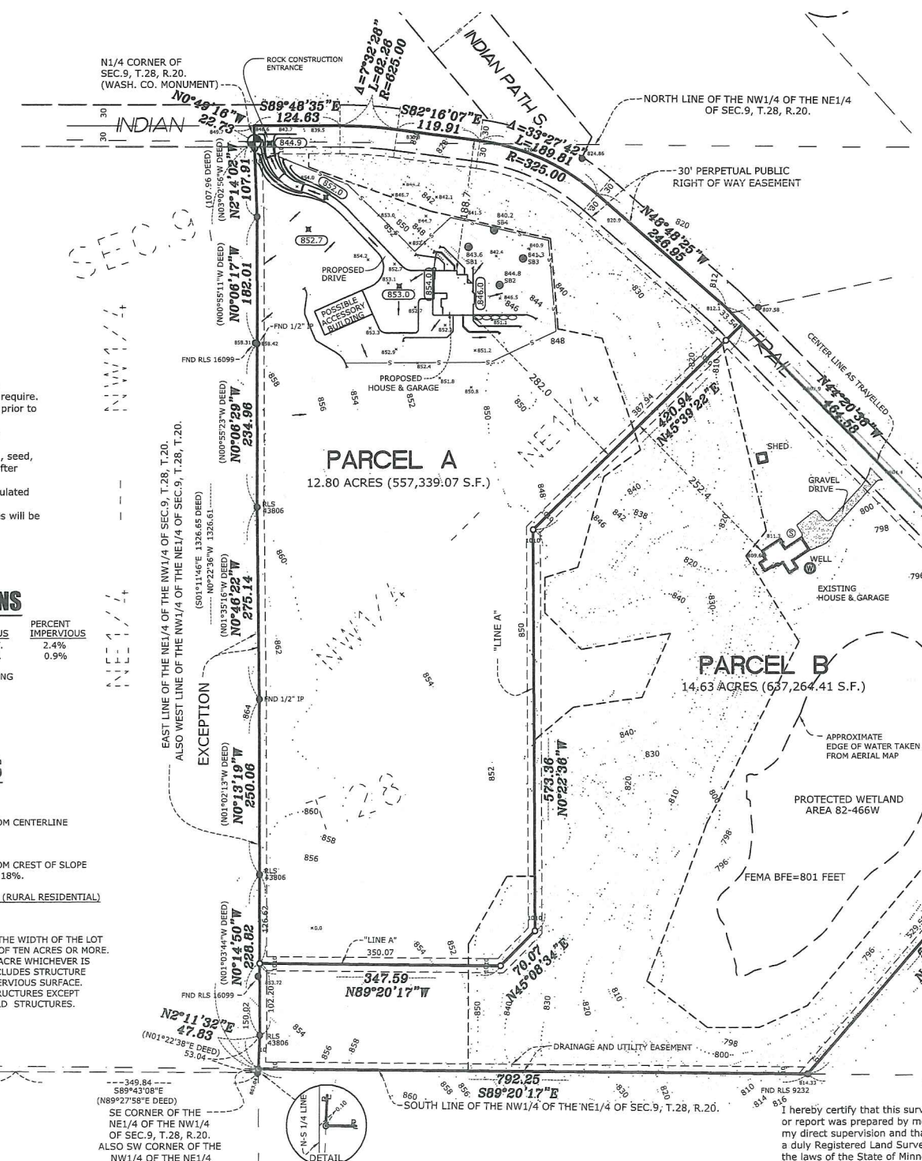


VICINITY MAP

PART OF SEC. 9, TWP. 28, RNG. 20



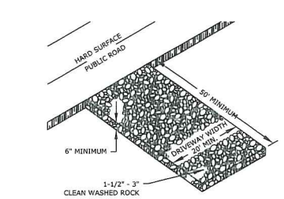
WASHINGTON COUNTY, MINNESOTA
(NO SCALE)



GRAPHIC SCALE
100 0 50 100 200
1 INCH = 100FEET

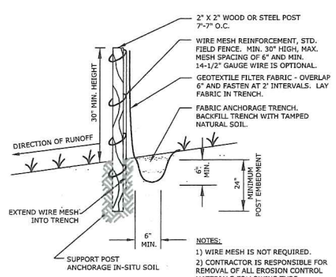
BENCHMARK

MNDOT STATION NAME: TOLMIE
ELEVATION = 922.77 FEET (NAVD88)



ROCK CONSTRUCTION ENTRANCE

N.T.S.



SILT FENCE

N.T.S.

EROSION CONTROL / REVEGETATION SPECS.

1. Prior to rough grading, install silt stop fence in locations shown. Additional silt stop fence will be required where local conditions require. Install tree protection as deemed necessary by the city forester prior to any grading.
2. Any grading shall proceed on an area by area basis to minimize uncompleted areas.
3. As each area outside the street is graded, provide native topsoil, seed, and mulch anchored with a straight set disc within seven days after rough grading.
4. Maintain and repair silt stop fences (including removal of accumulated silt) until vegetation is established.
5. Any sediment tracked onto the street from construction activities will be removed on a daily basis.

IMPERVIOUS SURFACE CALCULATIONS

	PROPOSED HOUSE PAD	PROPOSED DRIVEWAY	EXISTING DRIVEWAY	EXISTING HOUSE/SHED	TOTAL IMPERVIOUS	PERCENT IMPERVIOUS
PARCEL A	2984 S.F.	10,346 S.F.	N/A		13,330 S.F.	2.4%
PARCEL B		N/A	3,079 S.F.	2,303 S.F.	5382 S.F.	0.9%

PROPOSED HOUSE AND DRIVEWAY SIZE AND LOCATION ARE SUBJECT TO CHANGE PENDING FINAL DESIGN.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES WASHINGTON COUNTY CAST IRON MONUMENT
- DENOTES SEPTIC SOIL BORING. (BY OTHERS)
- DENOTES HOUSE PAD BORING LOCATION
- X 952.36 DENOTES EXISTING SPOT ELEVATION
- DENOTES POWER POLE
- DENOTES LIDAR CONTOURS
- 853.5 DENOTES PROPOSED ELEVATION
- DENOTES DRAINAGE ARROW
- S DENOTES SILT FENCE
- DENOTES PROPOSED CONTOURS
- DENOTES RETAINING WALL

NOTES

- Fee ownership is vested in Kerry and Judy White
- Parcel ID Number: 09.028.20.12.0007
- Address of the surveyed premises: 1132 Indian Trail South, Afton, MN 55001
- Field survey was completed by E.G. Rud and Sons, Inc. on 03/21/19.
- Bearings shown are on Washington County Coordinate System. (NAD83-1986 Adjustment)
- This survey was prepared based upon Title Commitment File No. T19-03021 prepared by American Title, dated March 11, 2019.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- Contours shown are from MNGeo Lidar topography and supplemented by field shots.
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.) and Flood Zone AE (Base Flood Elevations Determined.), according to Flood Insurance Rate Map Number 27163C0366E Community No. 275226 Panel No. 0366E Suffix E by the Federal Emergency Management Agency, effective date February 3rd, 2010.

ZONING AND SETBACKS

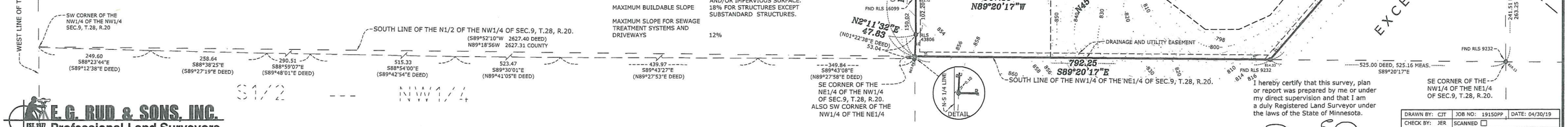
CURRENT ZONING: RR (RURAL RESIDENTIAL)

SETBACKS:

INDIAN TRAIL SOUTH	105 FEET FROM CENTERLINE
SIDE YARD SETBACK	50 FEET
REAR YARD SETBACK	50 FEET
MAXIMUM BUILDING HEIGHT	35 FEET
SLOPES	20 FEET FROM CREST OF SLOPE EXCEEDING 18%.

DEVELOPMENT REQUIREMENTS FOR ZONE - RR (RURAL RESIDENTIAL)

MINIMUM LOT AREA	5 ACRES
MINIMUM STREET FRONTAGE	300 FEET
MINIMUM LOT DEPTH	300 FEET
MAXIMUM LOT DEPTH	THREE TIME THE WIDTH OF THE LOT ON ANY LOT OF TEN ACRES OR MORE.
MAXIMUM SITE COVERAGE	10% OR 1/2 ACRE WHICHEVER IS GREATER INCLUDES STRUCTURE AND/OR IMPERVIOUS SURFACE.
MAXIMUM BUILDABLE SLOPE	18% FOR STRUCTURES EXCEPT SUBSTANDARD STRUCTURES.
MAXIMUM SLOPE FOR SEWAGE TREATMENT SYSTEMS AND DRIVEWAYS	12%



E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD

Date: June 6, 2019 License No. 41578

DRAWN BY: CJT	JOB NO: 19150PP	DATE: 04/30/19	
CHECK BY: JER	SCANNED ☐		
1	05/09/19	CORRECTIONS TO LEGAL DESC	CJT
2	05/10/19	DRIVEWAY GRADES/PROFILE	CJT
3	06/05/19	REV. per CITY OF AFTON-6/3/19	CJT
NO.	DATE	DESCRIPTION	BY

19150PP

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

Planning Commission Memo

Meeting: July 1, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: June 25, 2019

Re: Rebecca Enos Variance Application at 15234 Afton Hills Court

---

Attachments:

- Subject property location map
- Variance Application Letter
- Certificate of survey dated 12-4-18
- Aerial photo with topography dated October 29, 2018
- Aerial photo undated
- Site Sketch for Septic System dated 11-5-92
- Photos of house and representative of proposed garage
- Variance Questionnaire
- Variance Application

Rebecca Enos has applied for a variance to construct a 30 ft. by 26 ft. accessory building closer to the front lot line of the property than the existing house at 15234 Afton Hills Court. The code does not allow an accessory building to be located closer to the front lot line than the house unless the following conditions can be met:

1. The proposed accessory building shall be located on a lot of five or more acres
2. The proposed accessory building shall be screened from the public street and neighboring parcels by existing vegetation that provides year-round screening and exceeds the height of the accessory building unless the accessory building is of the same design and material as the principal building and is located 25 feet or less from the principal building, provided all other required setbacks are met.

Because the subject parcel is less than five acres in size, the parcel cannot meet both of the conditions listed above. However, the proposed accessory building would be substantially screened and is proposed to be constructed of the same materials as the house.

The applicant has explored other location options for the accessory building. The septic system is located behind the existing garage, and beyond the septic system is a steep slope. There is not enough space to locate the new garage to the side of the existing garage without the need for a side yard setback variance.

Findings

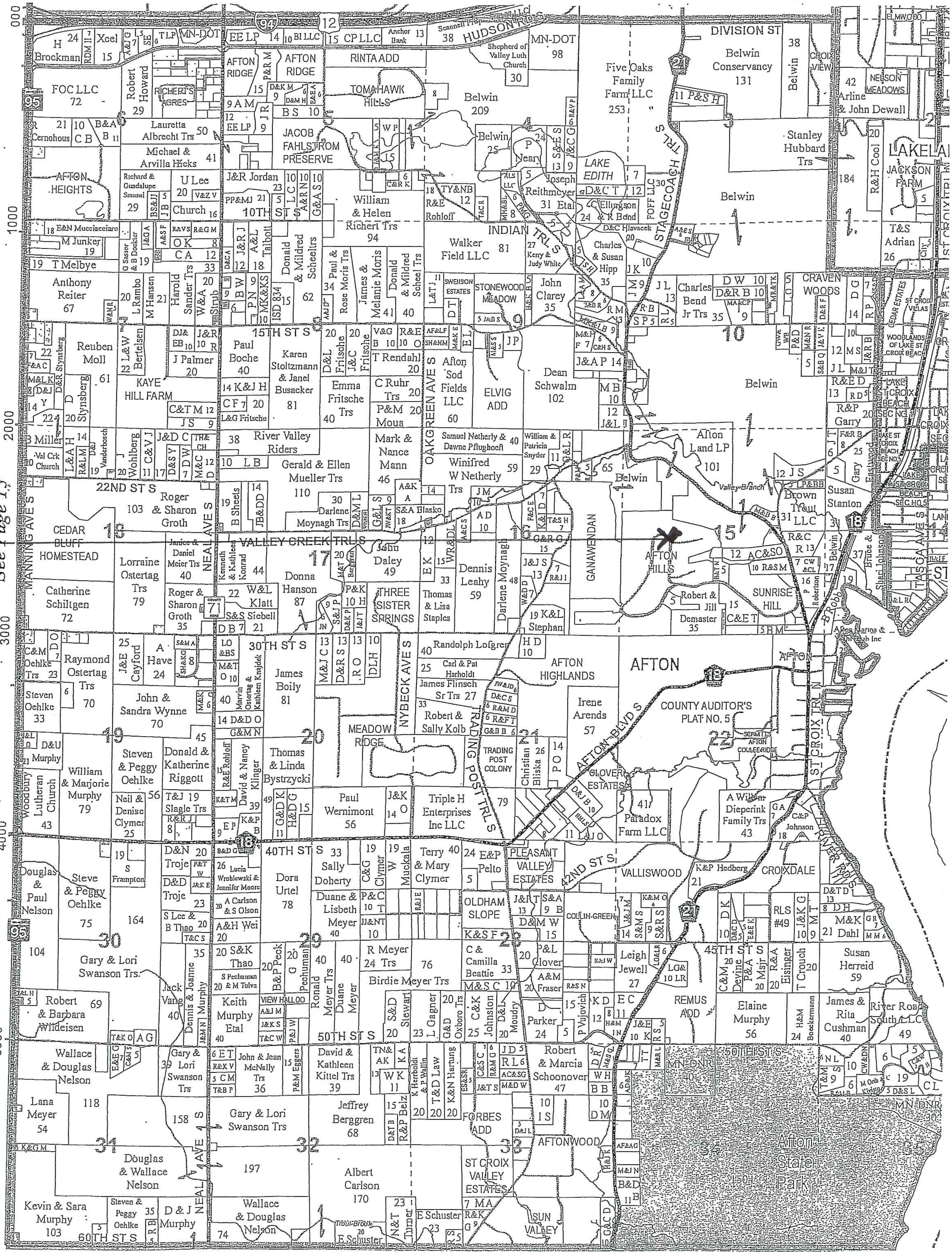
The following are recommended findings. The Planning Commission may revise or add findings.

1. The subject property is located in the Rural Residential zone, as are the surrounding properties.
2. The property is a substandard parcel, due to the lot size of 2.4 acres vs. the required minimum lot size of 5 acres.
3. The parcel is a corner lot with frontage on both Afton Hills Court and Afton Hills Drive.
4. There is not sufficient space to build to the north or west of the house. A location to the east of the house would take out many trees and would require the construction of an additional driveway running across the front yard of the property.

Conditions
If the Planning Commission recommends approval of the variance application, it is recommended that the following conditions be placed on the approval, as well as additional conditions the Planning Commission may include.

1. The garage shall be located and constructed according to the surveys and plans submitted with the variance application, subject to revisions as required or approved by the City.
2. Vegetation removal shall be minimized

Planning Commission Direction Requested:
Motion regarding a recommendation concerning the Rebecca Enos variance application at 15234 Afton Hills Court, including findings, and conditions if applicable.



subject property

Rebecca J. Enos
Patricia F. Walker, M.D.
15234 Afton Hills Ct. S.
Afton, MN 55001

May 24, 2019

Ron Morse, Administrator
City of Afton
Afton, MN 55001

Dear City Planning Commissioners and City Council Members:

We are applying for a variance to the city ordinance to allow us to build a garage in front of our home. The placement of the garage will be in compliance with the 105 foot set back requirements from the road and the 25 foot set back from the side property line. Our mound septic system is located on the backside of the house. From the septic back the property is a steep bluff. The back of the house is not buildable. We believe we have chosen a site that is the most concealed from the road and neighbors and does not change the look of our house. The view of the garage from the road is blocked by two rows of mature pine trees and from the side lot, by mature pine trees and Japanese maples. Enclosed is a view of the site from the neighbor's driveway as well as a picture of our home. We chose the site to take advantage of a turnout of our existing driveway and to have the least impact on the view of the house as you drive up the main driveway. This location also allows us to save the most mature trees. We plan to use Sussel Builders, using building materials and design that match the siding, garage doors and finishes of the house.

Our neighborhood has many lots that have a garage in front of the house. We believe our plans will not change the feeling of this beautiful wooded and scenic place. Thank you for your consideration of our request.

Sincerely,

Rebecca J. Enos

Patricia F. Walker, MD

Site Sketch

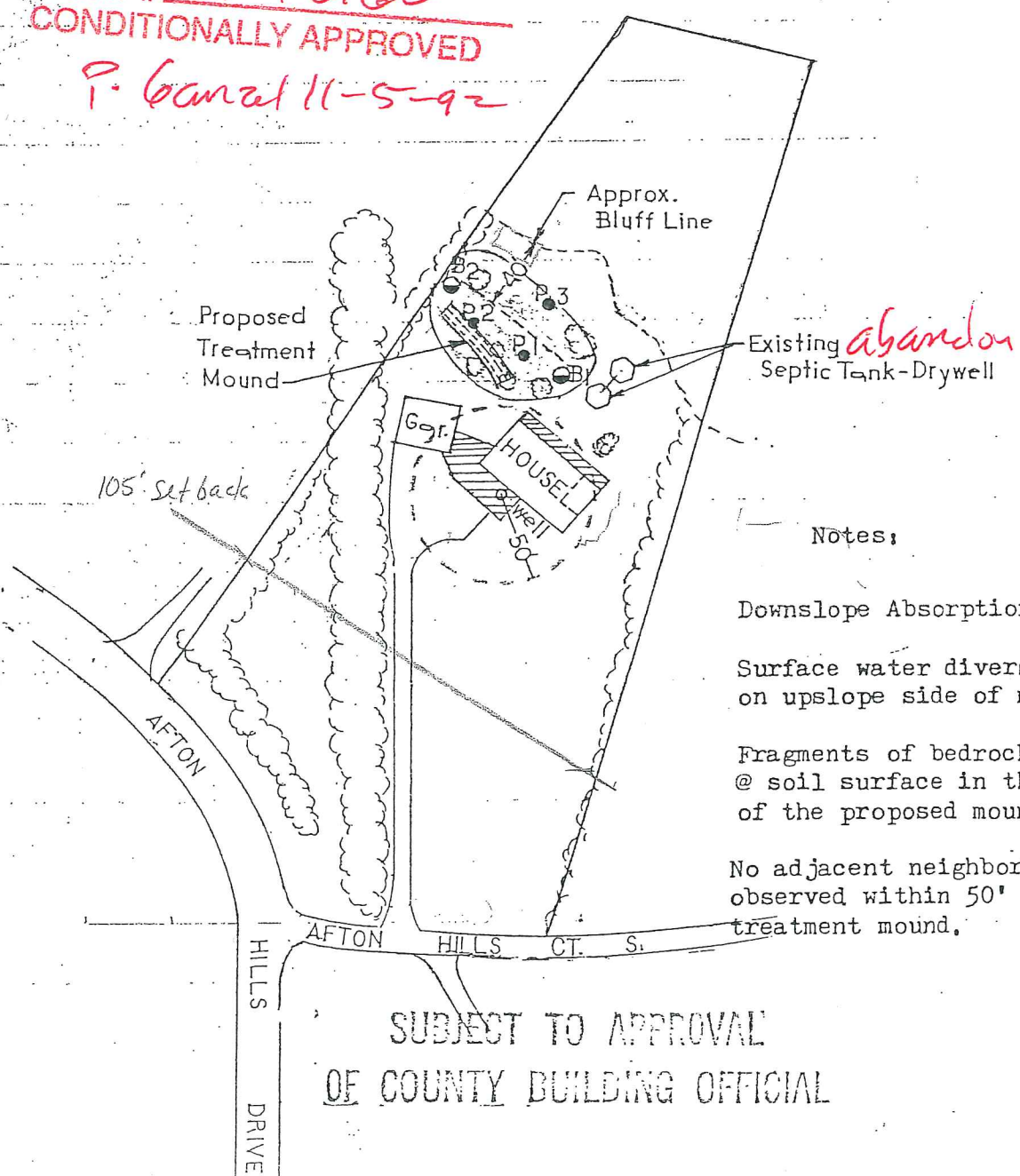
Approx. Scale: 1" = 100'

◒ denotes approx. location of Backhoe Boring

● denotes approx. location of Percolation Test

Location: 15234 Afton Hills Ct. S., Afton, MN

PERMIT # 01 92160
CONDITIONALLY APPROVED
P. Ganzel 11-5-92



Notes:

Downslope Absorption Width: 24'±

Surface water diversion needed on upslope side of mound.

Fragments of bedrock exposed @ soil surface in the area of the proposed mound and dikes.

No adjacent neighboring wells observed within 50' of the proposed treatment mound.

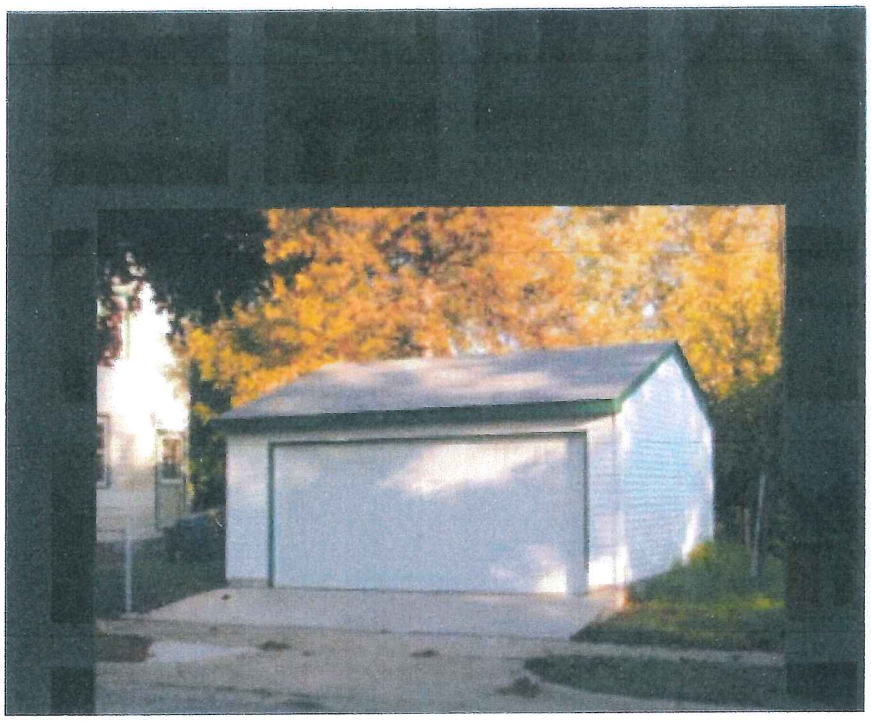
SUBJECT TO APPROVAL OF COUNTY BUILDING OFFICIAL

View from northerly neighbor's driveway in to area where garage is proposed:

The garage will be built with materials to match the house, the front of which is pictured below:

(Representative) garage sample from Sussel Builders (will also have a small side entry door and the garage will match the house in design, color, roof, siding and finishes):

Garage Portfolio | Sussel Builders
www.susselbuilders.com



City of Afton, Minnesota **[VARIANCE QUESTIONAIRE]**

Applicant(s): Rebecca J Enos + Patricia F. Walker
Phone: 651 503-4798
Mailing Address: 15234 Afton Hills Ct. S., Afton, MN 55001
Property Address for variance: Same

Variance request description: To Build a Garage in front + to the side of The house

City Ordinance Section number(s), that variance is requested for: _____

Answer the following questions to the best of your ability - based on the criteria found in section 12-77 of Afton's Code (Land Use, Appeals and Variances). Completing this questionnaire will help the Planning Commission and the City of Afton evaluate your application in light of the requirements of Afton's Variance Ordinance. It does not guarantee that your variance request will be approved. If needed use a separate page.

Background: This questionnaire is designed to help you and the City of Afton determine whether a variance should be granted. Please consult with the City Administrator who can help you with your variance application and explain the Variance Ordinance to you. The City Administrator will work with you to ensure that the variance you request is the minimum variance required to provide the same rights commonly enjoyed by other properties in the same zoning district. Because of special provisions for certain types of construction, the City Administrator will also determine whether the property is in the Flood Plain District. There are also special provisions for earth-sheltered construction.

Criteria #1 *The requested use, must be a reasonable use in order to receive a variance.* **Applicant -** Please explain why the proposed use which requires a variance is a reasonable use for this property?
There is no buildable spot to The side or behind The house

Criteria #2 *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size, shape, topography, or other circumstances over which the property owner, since enactment of this Ordinance, have had no control.* **Applicant -** What exceptional or extraordinary circumstances related to the property do not apply generally to other properties in the same zone or vicinity? Extraordinary circumstances would include lot size, irregular lot shape or topography. Are there other circumstances over which you, as the property owner, have no control?

Explain? The lot is 2.4 acres and is situated on a cornor lot. The back of The house has The septic system + bluff. The back of The garge (current) is steep making extending The garage deeper not practical.

Criteria #3 *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.* **Applicant -** How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain: Many of the homes in our neighborhood have 2 or more garages of which many are built in front of the house. Our request is in keeping with the feel of the area. It's location will be well screened from the road.

Criteria #4 *The special conditions or circumstances do not result from actions of the applicant.* **Applicant -** How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain: These problems have existed since the development of the area in the 60's

Criteria #5 *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.* **Applicant -** Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain: We believe this request is consistant with other owners requests.

Criteria #6 *The variance requested is the minimum variance which would alleviate the hardship.* **Applicant -** Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain: Any other location would require more variances

Criteria #7 *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.* **Applicant (Optional) -** Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity?
Explain: This should have no affect on other properties

Criteria #8 *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.* **Applicant -** Is the requested variance for economic reasons?
Explain: No

Criteria #9 *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.* **Applicant (optional), PC -** Is the property in a Flood Plain District? ☐ Yes ☒ No

Criteria #10 *Variances shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance.* **Applicant -** Is the variance for earth-sheltered construction? ☐ Yes ☒ No

ADDITIONAL CRITERIA THAT MAY BE CONSIDERED BY THE PLANNING COMMISSION (PC) AND/OR CITY COUNCIL(CC)- Applicant responses to criteria #11 and criteria #12 are optional.

Criteria #11 *Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton ordinances and code? How will this variance if granted (and the proposed use of the property allowed) affect the essential character of the area?

Explain: This request is in keeping with the essential character of the neighborhood

Criteria #12 *Variances shall only be permitted when they are in harmony with the general purposes and intent of the Afton Comprehensive Plan.* **Applicant (Optional), PC** - Is the requested variance in harmony with the Afton comprehensive plan?

Explain: Yes

CITY OF AFTON
VARIANCE APPLICATION
(Reference Sections: 12-55, 12-77, 12-328 12-835, 12-1020, 12-1266, 12-1955, 12-2228)

Owner	Address	City	State	Zip	Phone
Rebecca J Enos	15234 Afton Hills Ct S	Afton	MN	55001	651-503-4798

Applicant (if different than owner)	Address	City	State	Zip	Phone

Project Address: 15234 Afton Hills Ct. S. **AFTON** **MN** **55001**

Zoning Classification	Existing Use of Property	PID# or Legal Description
	Residential	

Please list the section(s) of the code from which the variance(s) are requested.

Description of Request: Grant a variance to allow us to Build a 30x24 Garage in front the house.

By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.

Rebecca Enos — Signature of Owner/Applicant

5/23/19 — Date

Make checks payable to: **City of Afton**

If multiple variances are necessary from the applicant only **one** fee is required. However, the deposit fee must be multiplied by the number of variances sought.

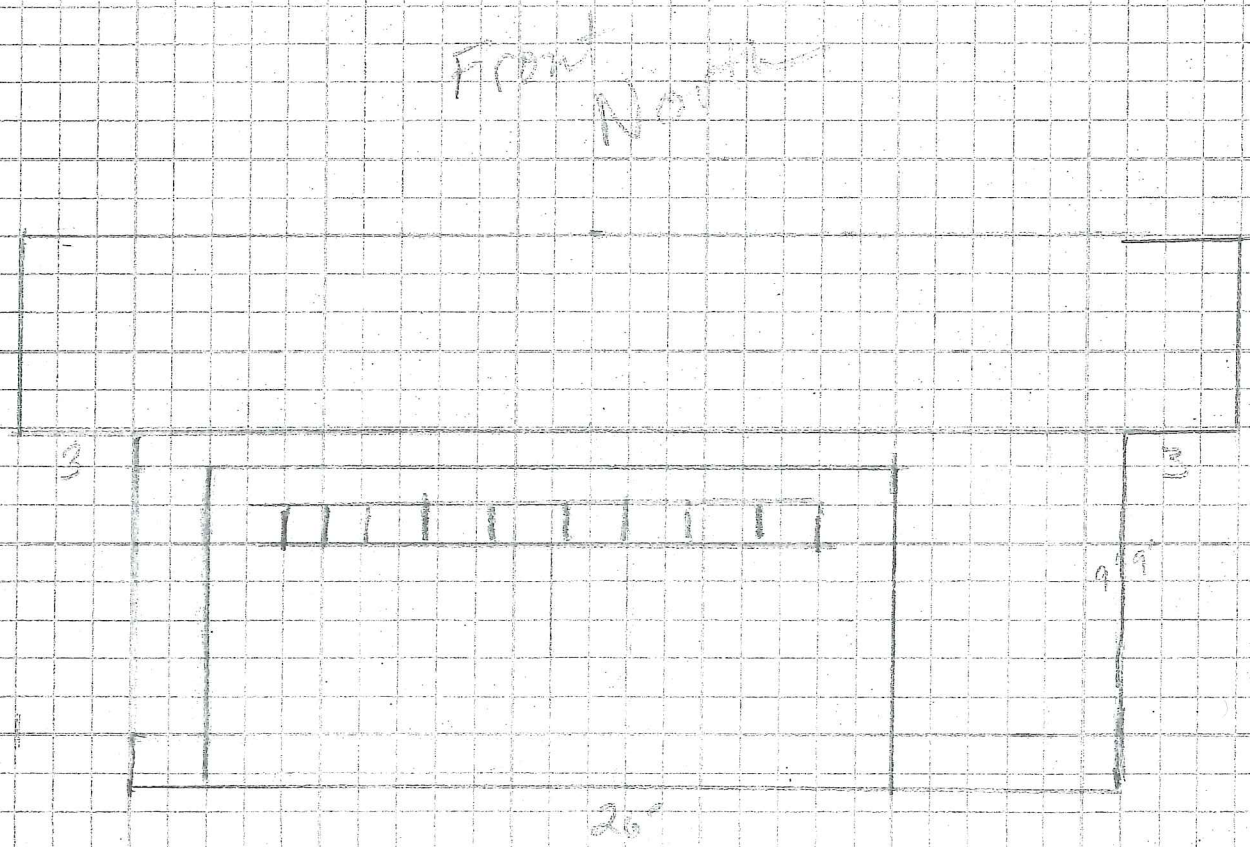
FEES:		**ESCROWS:**
Variance	$250	$600
Renewal/Extension	$250	$350

TOTAL: 850.00

DATE PAID: 5-24-19

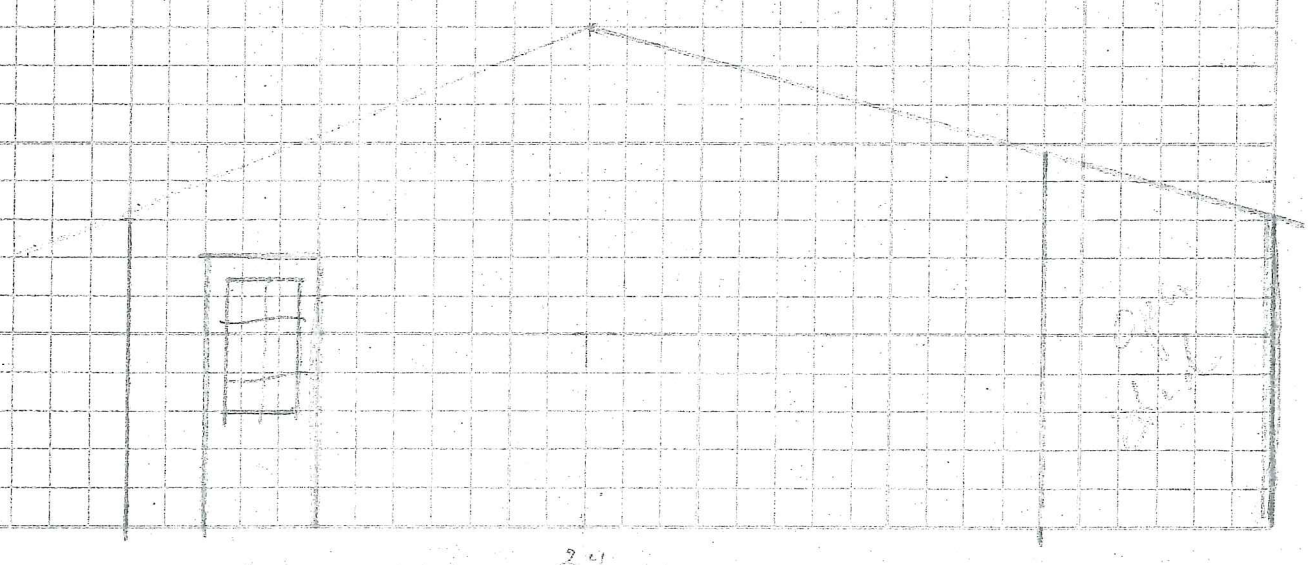
CHECK #: 6431

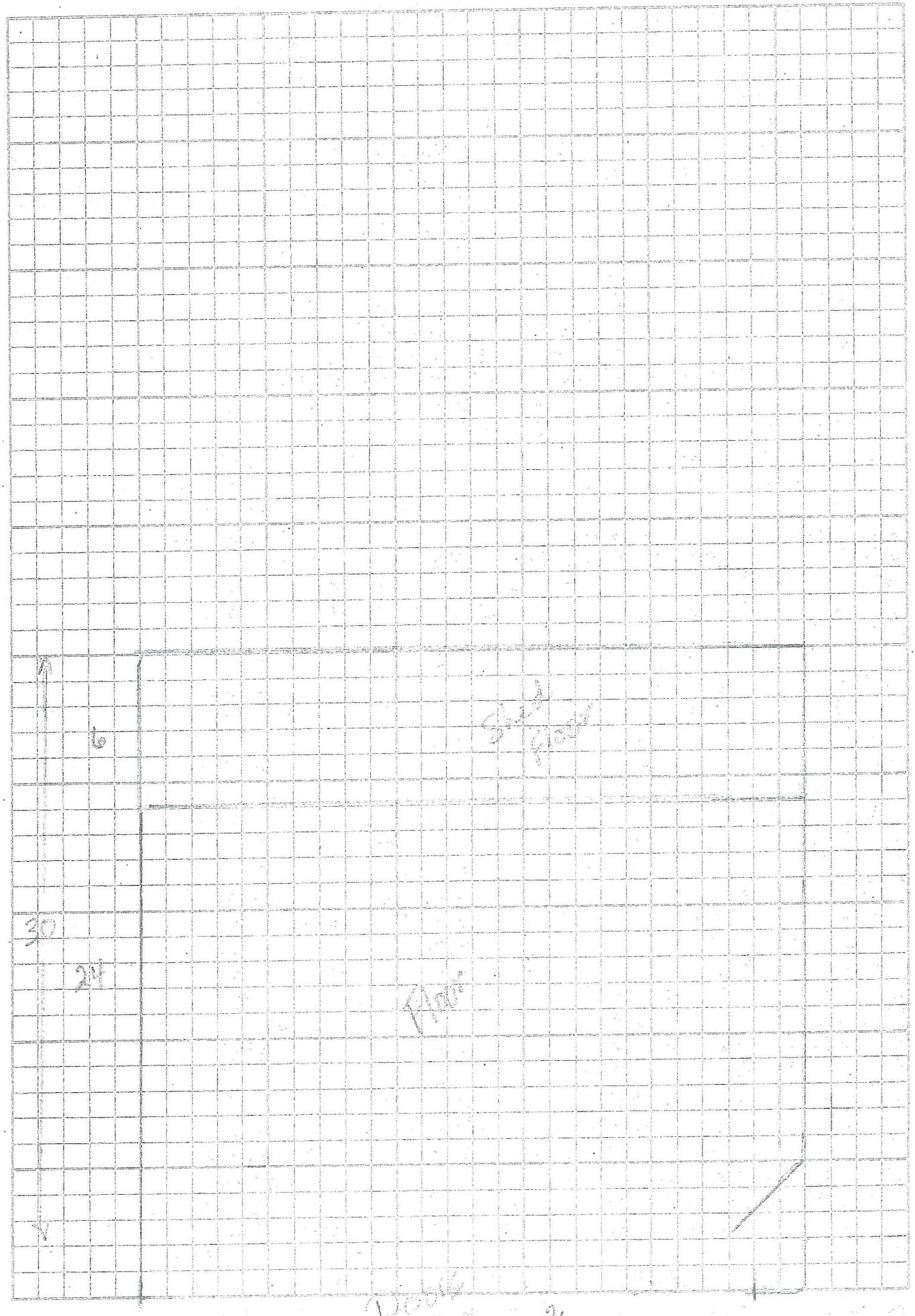
RECVD BY: MCG


Front
North
3
3
9
9
26'

WEST
(SPACE NO DOOR)

East Side




6
Shed Floor
30
24
Floor
Doors

CERTIFICATE OF SURVEY

Survey Made For:

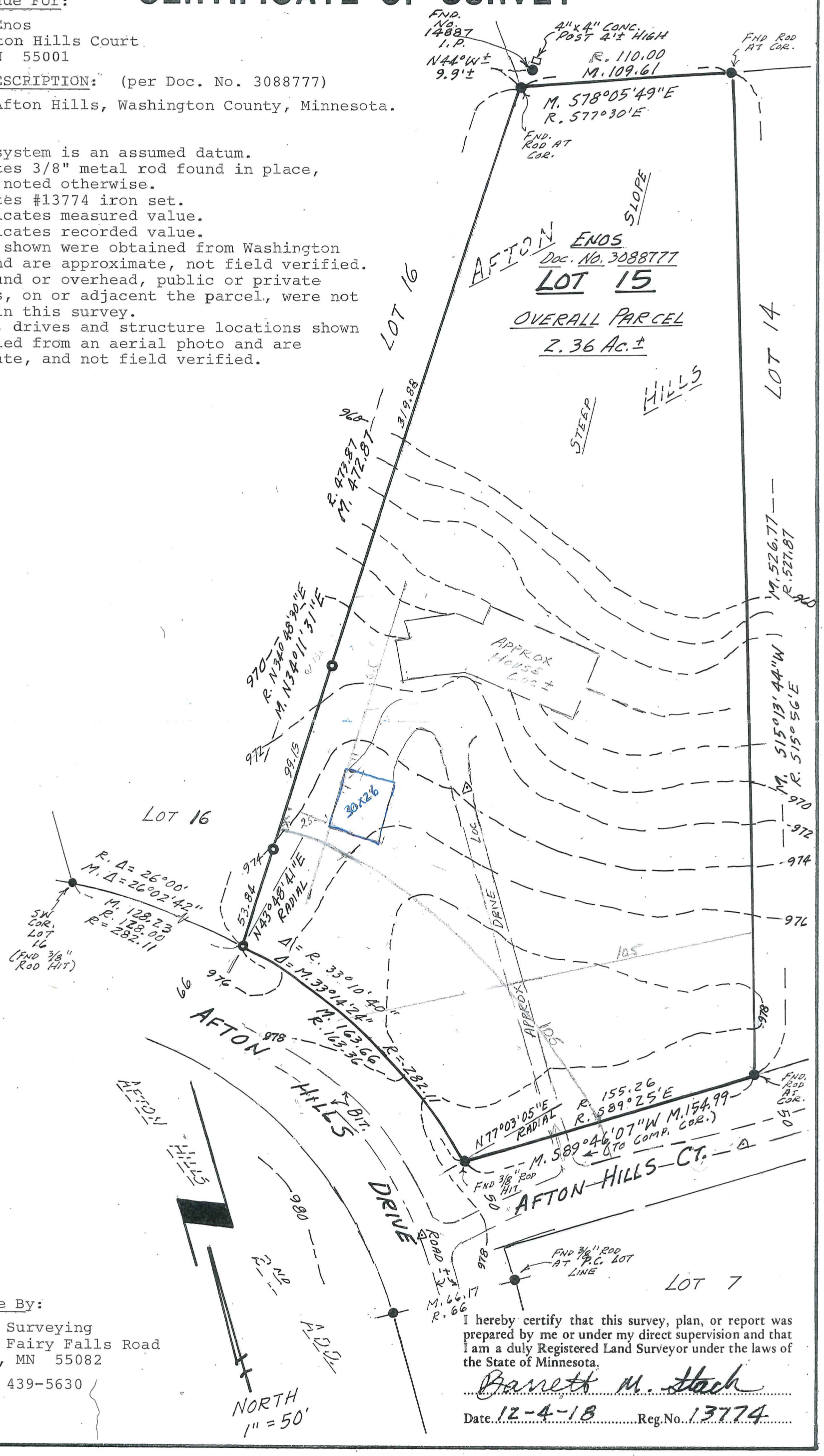
Rebecca Enos
15234 Afton Hills Court
Afton, MN 55001

PARCEL DESCRIPTION: (per Doc. No. 3088777)

Lot 15, Afton Hills, Washington County, Minnesota.

NOTES:

Bearing system is an assumed datum.
● Indicates 3/8" metal rod found in place, unless noted otherwise.
o Indicates #13774 iron set.
"M." Indicates measured value.
"R." Indicates recorded value.
Contours shown were obtained from Washington County and are approximate, not field verified.
Underground or overhead, public or private utilities, on or adjacent the parcel, were not located in this survey.
Roadways, drives and structure locations shown were scaled from an aerial photo and are approximate, and not field verified.



Survey Done By:

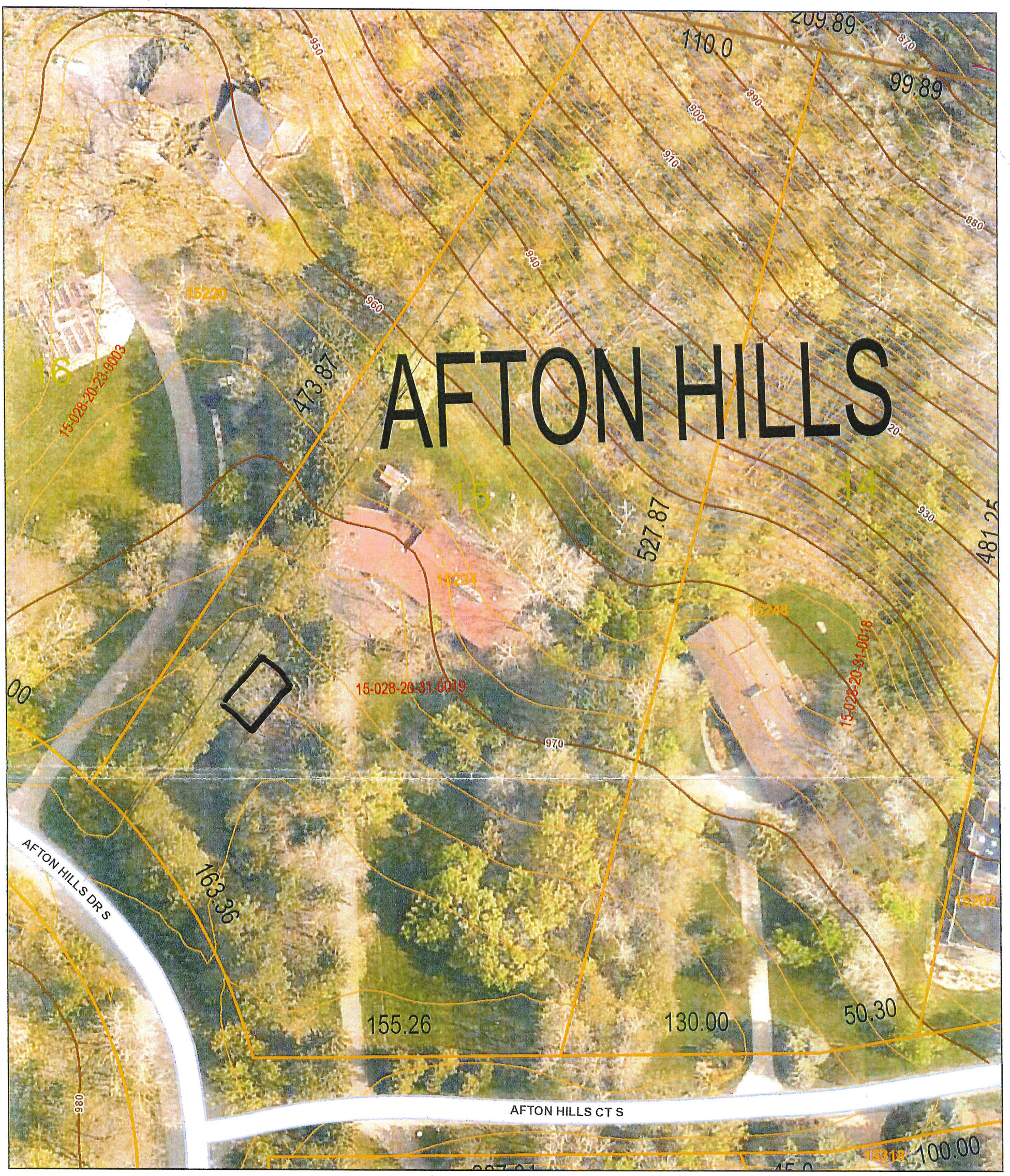
Stack Land Surveying
9090 North Fairy Falls Road
Stillwater, MN 55082
tel: (651) 439-5630

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Barrett M. Stack

Date 12-4-18 Reg.No. 13774

Washington County, MN



October 29, 2018

1:600

0 35 70 140 ft

0 10 20 40 m

1" = 50' ±

:claimer: 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.

AFTON HILLS
16
15
14
39
LANE
AFTON
HILLS
COURT
4300
206.80
128.00
433.76
473.87
527.87
481.25
163.36
155.26
130.00
50.30
211.4
210.0
25
25

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

Planning Commission Memo

Meeting: July 1, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: June 25, 2019

Re: Kathy and David Boisjoli Application for an Ordinance Amendment to Allow a Small Commercial Riding Stable in the Rural Residential Zoning District, and an Application for a Conditional Use Permit for a Small Commercial Riding Stable at 15489 45th Street – **Public Hearing**

Background

Kathy Boisjoli and three other therapists had been providing equine-assisted psychotherapy at a rented farm with a barn in Woodbury. Each therapist had horses that were boarded at the farm and used for the equine-assisted therapy. When the owner of the farm decided not to renew the lease, the Boisjolis purchased a 20-acre farm with a stable at 15489 45th Street with the plan to board the horses and continue the equine-assisted therapy in Afton. Because the property at 15489 45th street is zoned Rural Residential, a commercial riding stable is not allowed.

While private riding stables are allowed as a conditional use in both the Agricultural and Rural Residential zoning districts and commercial riding stables are allowed as a conditional use in the Agricultural zoning district, commercial riding stables are not allowed in the Rural Residential zoning district.

Applications

Because the zoning code does not allow a commercial riding stable in the rural residential zone, Kathy and David Boisjoli have applied for an ordinance amendment to add a small commercial riding stable with nine horses or less as a conditional use in the Rural Residential zoning district, and to revise the definition of riding stable to add equine-assisted therapy as an allowed activity at a commercial riding stable. They have also applied for a Conditional Use Permit for a commercial riding stable with 9 horses or less, to be used to provide equine-assisted therapy, at 15489 45th Street. The conditional use permit application is contingent on the approval of the ordinance amendment. The ordinance amendment and the CUP application materials are attached, including a letter outlining the proposed plan for providing equine-assisted therapy.

Ordinance Amendment

The ordinance amendment has three elements.

1. Revise the definition of riding stable to include equine assisted therapy as an activity allowed at a riding stable.
2. Add a definition of "Riding Stable, Commercial - Small" that limits the number of horses that can be boarded to a maximum of nine.
3. Add "Riding Stable, Commercial – Small" as an allowed conditional use in the Rural Residential zoning district

Findings

The following are recommended findings. The Planning Commission may revise or add findings.

1. Private riding stables are allowed as a conditional use in the Agricultural and Rural Residential zoning districts, and commercial riding stables are allowed as a conditional use in the Agricultural zoning district, but not in the Rural Residential zoning district.
2. A commercial riding stable is required for the boarding of horses not owned by the property owner

3. The impacts of the activities related to the equine-assisted psychotherapy are similar to the impacts of other activities allowed at a riding stable, such as riding of horses, training of horses and riders and boarding of horses.

Conditional Use Permit Application

The conditional use permit application proposes the boarding of up to nine horses to be used in providing equine-assisted therapy. The property has an existing riding stable with boarding stalls. The riding stable has its own septic system and sanitation facilities.

Findings

The following are recommended findings. The Planning Commission may revise or add findings.

1. The subject property is zoned Rural Residential. The surrounding properties are zoned Rural Residential
2. The property is 20 acres in size, which is the minimum size required for a riding stable.
3. The impacts of the activities related to the equine-assisted psychotherapy are similar to the impacts of other activities allowed at a riding stable, such as riding of horses, training of horses and riders and boarding of horses
4. The horses owned by the three part-time therapists are proposed to be boarded at the riding stable
5. The property has an existing riding stable with boarding stalls.
6. The riding stable has its own septic system and sanitation facilities.
7. No new structures or expansion of existing structures are proposed.

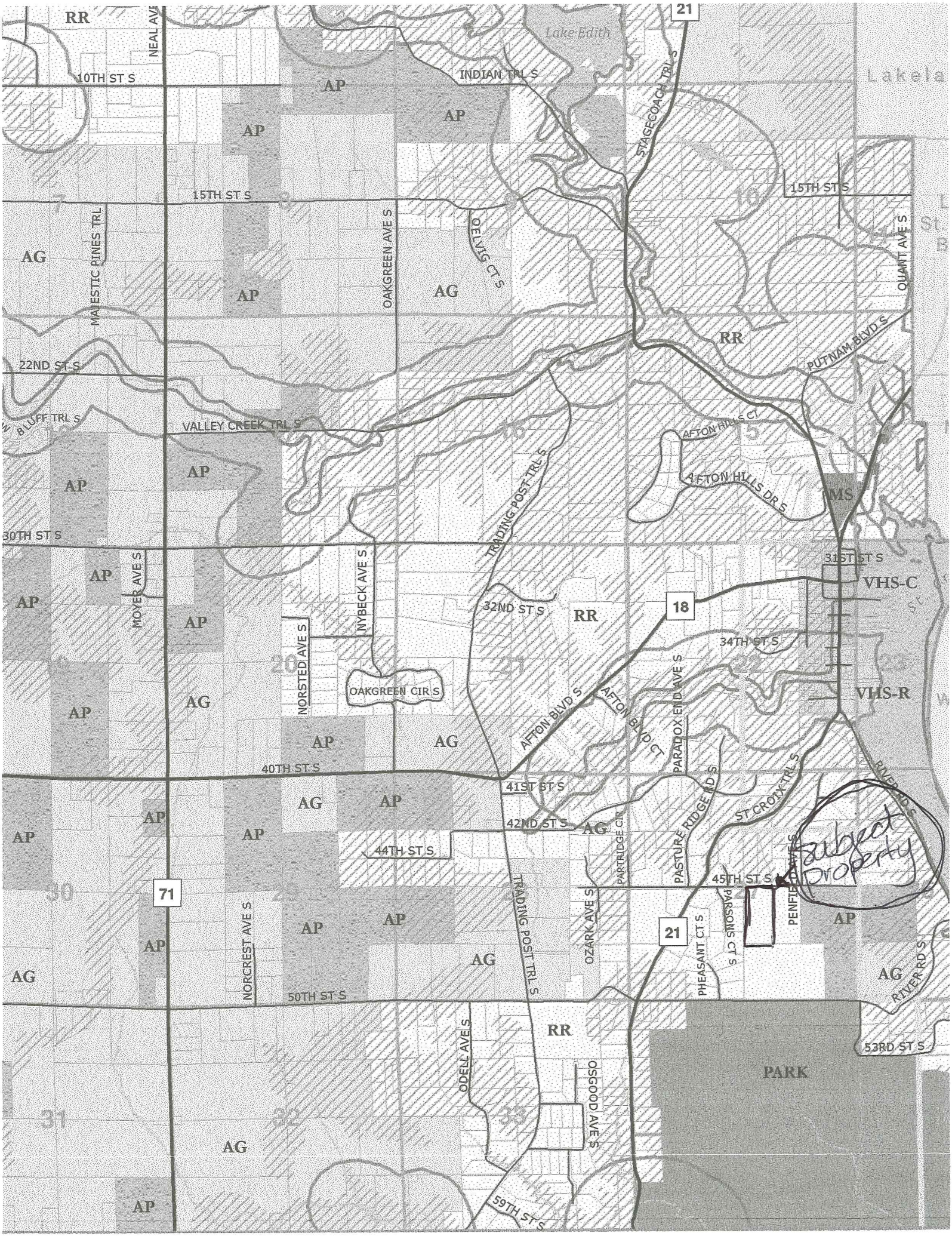
Conditions

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

1. Hours of operation shall not exceed Monday 9-5, Tuesday 9-5, Wednesday 9-6, Thursday 9-7 and Friday 9-5.
2. An Amended Conditional Use Permit shall be required for any future expansions or alterations.
3. Design, location, and specifications of any signs shall conform to the Afton Sign Ordinance. All signs shall require a permit to be issued by the Zoning Administrator.
4. The total number of horses allowed to be boarded is a maximum of nine.
5. Any lighting shall conform to Afton's ordinances
6. Non-compliance with the conditions of this permit shall be considered a violation and may result in revocation of this permit.

Planning Commission Recommendation Requested:

1. Motion regarding the proposed ordinance amendment to allow a Small Commercial Riding Stable in the Rural Residential Zoning District, including findings.
2. Motion regarding the Boisjoli application for a Conditional Use Permit for a Small Commercial Riding Stable at 15489 45th Street including findings, and conditions if applicable.



Lake Edith
Lakela
RR
NEAL AVE
10TH ST S
INDIAN TRL S
STAGECOACH TRL S
21
AP
15TH ST S
MAJESTIC PINES TRL
OAKGREEN AVE S
OELVIG CT S
QUANT AVE S
AG
22ND ST S
PUTNAM BLVD S
BLUFF TRL S
VALLEY CREEK TRL S
AFTON HILLS CT
AFTON HILLS DR S
MS
TRADING POST TRL S
30TH ST S
31ST ST S
VHS-C
MOYER AVE S
NYBECK AVE S
32ND ST S
18
34TH ST S
NORSTED AVE S
OAKGREEN CIR S
VHS-R
AFTON BLVD S
AFTON BLVD CT
PARADOX END AVE S
40TH ST S
41ST ST S
ST CROIX TRL S
RIVER RD S
42ND ST S
PASTURE RIDGE RD S
PARTRIDGE CIR
44TH ST S
45TH ST S
Subject Property
71
NORCREST AVE S
OZARK AVE S
PHEASANT CT S
PARSONS CT S
PENFIELD AVE S
50TH ST S
ODELL AVE S
OSGOOD AVE S
53RD ST S
PARK
59TH ST S

Date: May 24, 2019
To: Ron Moorse, City Administrator
From: Kathy Boisjoli, Owner
Subj: Healing Lives Counseling CUP and Ordinance Amendment request

Healing Lives is a small counseling practice providing equine assisted psychotherapy to people struggling with depression, anxiety, and PTSD. Healing Lives offers equine assisted psychotherapy for adults, children, and families struggling with a myriad of mental health challenges ranging from depression, anxiety to post traumatic stress disorder. Equine Assisted Psychotherapy (EAP) is a powerful way to help people heal from trauma and enjoy healthier relationships and connect with others.

Healing Lives utilizes *Trauma-Focused Equine Assisted Psychotherapy (TF-EAP™)*, which is based on the neuroscience of human and horse brain development, the impact of trauma, and the role of relationships in healing. This is specifically an approach that heals mental health issues and is different from therapeutic riding for people with physical issues and special needs. Healing Lives focuses on mental health challenges.

Kathy and David Boisjoli purchased the home, outbuildings and 20 acres at 15489 45th St S in Afton, MN on April 8, 2019 to live in the home and operate the Healing Lives equine assisted psychotherapy business in the pole barn and surrounding pasture.

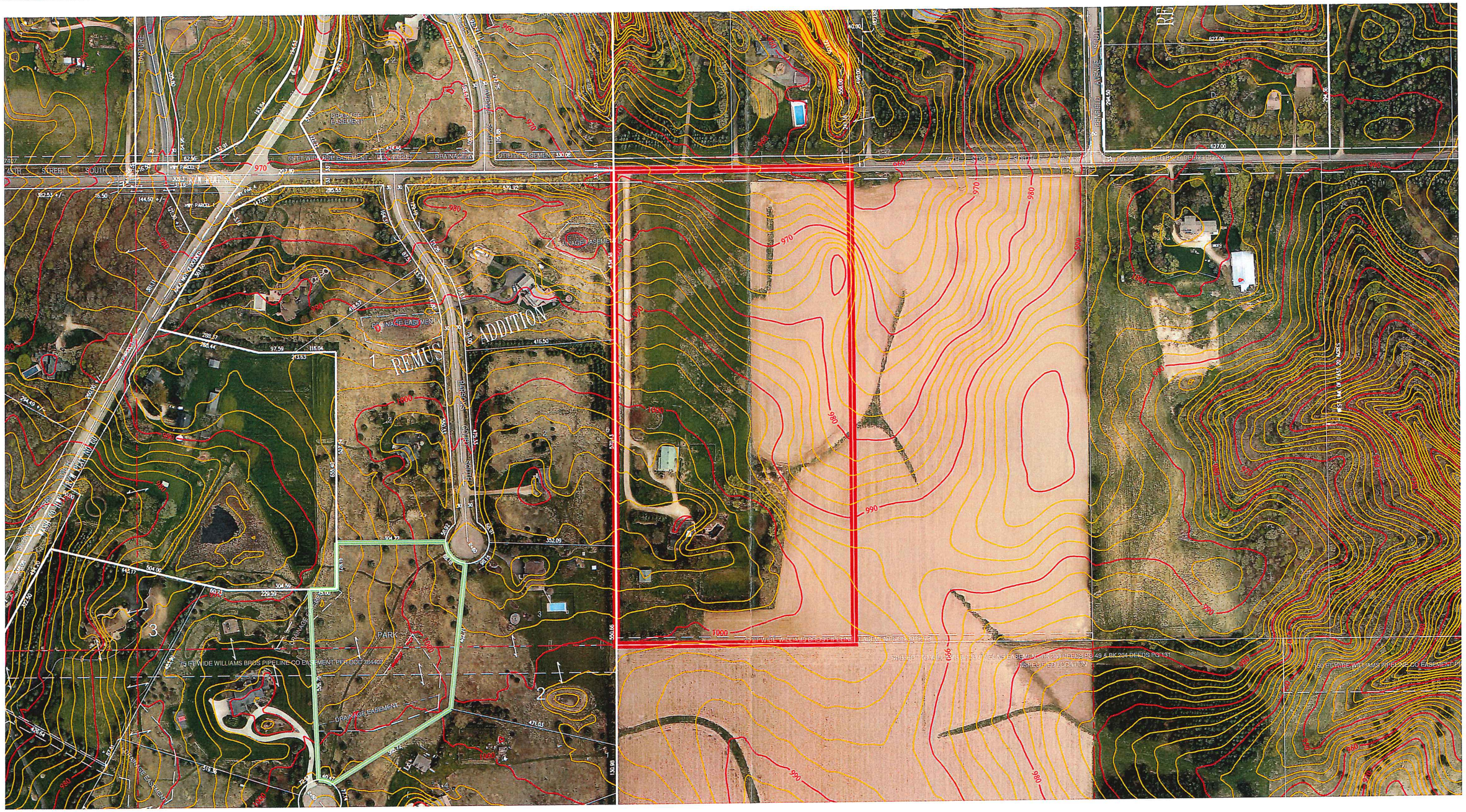
Healing Lives has 3 part time independent contractor therapists and myself for an equivalent of 2 FTEs providing equine assisted psychotherapy. The plan is to board 9 horses on the 20 acre property. Five of the horses are owned by Healing Lives and 4 horses are owned by the independent contractor therapists. Equine assisted psychotherapy will occur in several areas of the property. There is an outdoor round pen, an outdoor fenced in area which will be used as an outdoor arena, and several paddocks toward the back of the property.

The property has an existing pole building that has 4 stalls for horses. The pole building currently has a fully functioning indoor bathroom with a septic system for the pole barn. The pole barn will be used for equine assisted psychotherapy sessions when it is raining or there is inclement weather.

Hours of operation would be Monday 9-5, Tuesday 9-5, Wednesday 9-6, Thursday 9-7 and Friday 9-5. Sessions are an hour in length so at most traffic would be 3 cars on the hour during hours of operation. There is existing parking space in front of the pole building to accommodate 5 parking spots.

We are requesting an ordinance amendment to allow a small commercial riding stable of 9 horses or less in a rural residential zone. Additionally, we are requesting a Commercial Use Permit to enable Healing Lives to provide equine assisted psychotherapy services to the community. We believe this use of the 20 acres preserves Afton's rural focus and heritage in having up to 9 horses grazing the land and providing a peaceful, natural setting to help others heal from mental health challenges.

$17.00



Washington County

PUBLIC WORKS DEPARTMENT
SURVEY DIVISION

11660 Myeron Road North
Stillwater, Minnesota 55082
(651) 430-4300
publicworks@co.washington.mn.us
www.co.washington.mn.us/surveyor

CONTOUR LEGEND

10 FOOT INTERVAL CONTOUR
2 FOOT INTERVAL CONTOUR

Contours are provided courtesy of the Minnesota Department of Natural Resources (DNR). The Minnesota DNR makes no representation or warranties, express or implied, with respect to the reuse of data provided herewith, regardless of its format or the means of transmission. There is no guarantee or representation to the user as to the accuracy, currency, suitability, or reliability of this data for any purpose. The user accepts the data 'as is', and assumes all risks associated with its use. The Minnesota DNR assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

LEGEND

DNR PROTECTED WATERS
DNR PROTECTED WETLAND
DNR PROTECTED WATERCOURSE
MUNICIPAL BOUNDARY
PARK BOUNDARY

NORTH

SCALE: 1 inch = 260 feet

SECTION-TOWNSHIP-RANGE INDEX

2102820	2202820	2302820
2802820	2702820	2602820
3302820	3402820	3502820

COUNTY VICINITY MAP

* = LOCATION OF THIS MAP

SECTION VICINITY MAP

22	21	12	11
NW		NE	
23	24	13	14
32	31	*42	41
SW		SE	
33	34	43	44

PROPERTY IDENTIFICATION NUMBER FORMAT (GEOCODE)

SECTION NUMBER	TOWNSHIP NUMBER	RANGE NUMBER	QUARTER QUARTER	SPECIFIC PARCEL
##	###	##	##	####

(0001) = LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER

THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.

PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.

MAP LAST UPDATED: May 13, 2019

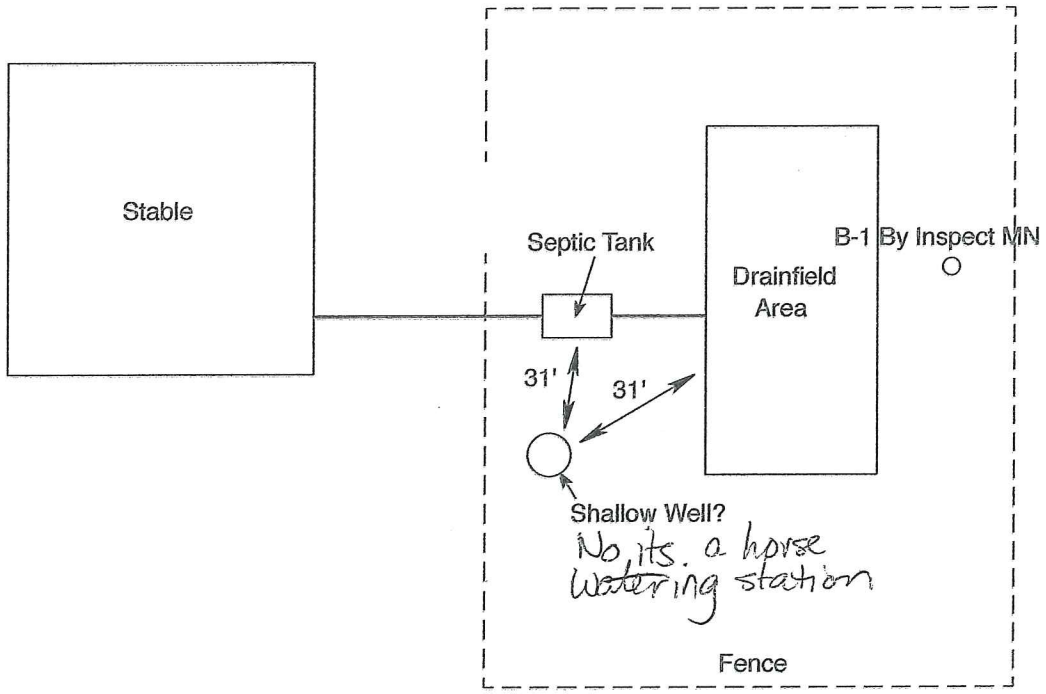
NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE

DATE OF CONTOURS: November, 2011 DATE OF PHOTOGRAPHY: April, 2017

© Copyright 2019, Washington County

Plotted May 23, 2019 at 11:52 a.m. by SURVPUB

sewer info



N

NO SCALE

15489 45th St S, Afton, MN 55001 - Stable

RECEIVED
JUN 05 2019
CITY OF AFTON

CITY OF AFTON
ZONING PERMIT APPLICATION

ORDINANCE AMENDMENT APPLICATION

Owner	Address	City	State	Zip	Phone
Kathy and David Borisjoli	15489 45th st S	Afton	MN	55001	651-315-5254

Applicant (if different than owner)	Address	City	State	Zip	Phone
Same					

Project Address			
15489 45th st. S	AFTON	MN	55001

Description of Request

Ordinance Amendment for a small commercial riding stable (9 horses or less) in a rural residential zone.

By signing this application, **the applicant agrees to pay all expenses incurred by the City of Afton in processing this application**. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City. Your signature and payment of fees and escrow is received by the city to process the application only and does not constitute any approvals of this application request.

Kathy Borisjoli David Borisjoli 5/25/19

Signature of Owner/Applicant Date

FEE: $350.00

ESCROW: $1500.00

TOTAL: $1850.00

DATE PAID: _____

CHECK #: _____

RECVD. BY: _____

Make checks payable to: **City of Afton**

Updated May 2016

CITY OF AFTON
CONDITIONAL USE PERMIT APPLICATION

(Reference Code Section 12-78; also see Section 12-134 Use Table)

Owner	Address	City	State	Zip	Phone
Kathy and David Boisjoli	15489 45th St. S	Afton	MN	55001	651-315-5254

Applicant (if different than owner)	Address	City	State	Zip	Phone

Project Address 15489 45th St. S AFTON MN 55001

Zoning Classification	Existing Use of Property	PID# or Legal Description
Rural Residential	Home + horse hobby farm	27.028.20.42.0003

Description of Request
Conditional Use Permit for a small equine assisted psychotherapy practice helping people heal from depression, anxiety, and PTSD through horses, nature and a peaceful setting.

By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City. If work authorized by this Conditional Use Permit is not started **within 12 months of the date issued**, this CUP will EXPIRE and be INVALID.

David Boisjoli Kathy Boisjoli 6/13/19

Signature of Owner/Applicant Date

Make checks payable to **City of Afton:**

FEES:		**ESCROW DEPOSIT:**			
CUP	$250	CUP Escrow	$600	TOTAL:	
Amended CUP	$250	Amend CUP Escrow	$350		
City Engineer		Engineer Escrow		DATE PAID:	
Other		Other			
				CHECK #:	
				RECVD. BY:	

ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION

Ownership Info

DEPARTMENT OF REVENUE

View Summary for Preliminary eCRV 937509

County:Washington Auditor ID:

Submit Date: 04/08/2019 12:07 PM Accept Date:

Buyers Information

Person name:	David J. Boisjoli
Address:	15489 45th Street South, Afton, MN 55001 United States
Foreign address:	No
Phone number:	(651) 315-5254
Email:	
	**** MN Revenue does not display SSN/Tax ID fields due to privacy. ****
Comments:	

Person name:	Kathy L. Boisjoli
Address:	15489 45th Street South, Afton, MN 55001 United States
Foreign address:	No
Phone number:	(651) 315-5254
Email:	
	**** MN Revenue does not display SSN/Tax ID fields due to privacy. ****
Comments:	

Sellers Information

Organization name:	Brougham REO Owner, L.P.
Address:	PO Box 447, Odessa, FL 33556 United States
Foreign address:	No
Phone number:	(952) 831-5010
Email:	
	**** MN Revenue does not display SSN/Tax ID fields due to privacy. ****
Comments:	

Ownership Info

Property Information

County: Washington

Legal description:

The Northwest Quarter of the Southeast Quarter (NW1/4 of SE1/4) of Section Twenty-seven (27), Township Twenty-eight (28), Range Twenty (20), Washington County, Minnesota EXCEPT the East Half thereof. Abstract Property

Deeded acres: 0.00

Will use as primary residence: Yes

What is included in the sale: Land and Buildings

New construction: No

Property Location(s)

Property location: 15489 45th Street South, Afton, 55001

Parcel ID(s)

Parcels to be split or combined: No

Primary parcel ID: 27.028.20.42.0003

Additional parcel ID(s):

Use(s)

Planned use: Residential / Single family home

Primary use: Yes

Prior use: Residential / Single family home

Sales Agreement Information

Deed Type: Warranty Deed

Date of Deed or Contract: 04/08/2019

Purchase amount: $500,000.00

Downpayment amount: $28,500.00

Seller-paid amount: $0.00

Delinquent Special Assessments Paid by Buyer: $0.00

Financing type: New Mortgage

Personal Property

Personal property included: No

Sales Agreement Questions

Buyer leased before sale:	No	Lease option to buy:	No
Seller leased after sale:	No	Minimum rental income guaranteed:	No
Partial interest indicator:	No	Contract payoff or deed resale:	No
Received in trade:	No	Like exchange (IRS section 1031):	No
Purchase over two years old:	No		

Ownership Info

Supplementary Information

Buyer paid appraisal:	Yes	Appraisal value:	$500,000.00
Seller paid appraisal:	No	Appraisal value:	$0.00
Buyer and seller related:	No	Organization tax exempt:	No
Government sale:	No	Foreclosed, condemned or legal proceedings:	Yes
Gift or inheritance:	No	Name change:	No
Buyer owns adjacent property:	No		
Public promotion:	Yes		
Significant different price paid:	No		
Comment on price difference:			

Submitter Information

Submit date:	04/08/2019 12:07:51 PM
Submitter:	Nicole Bradley
Organization:	First Financial Title
Email:	nbradley@logs.com
Phone number:	(952) 831-5010
Comments:	

Terms Accepted by the Submitter:

I declare under penalty of law that I have examined the information entered and submitted on this form, and, based on what I know and believe to be true, the information entered on this form is complete and correct.

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

Planning Commission Memo

Meeting: July 1, 2019

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: June 24, 2019

Re: Review and Clarification of Elements of the Preservation and Land Conservation Development (PLCD) Ordinance

---

At its June 3, 2019 meeting, the Planning Commission discussed the restrictions and requirements placed on the use of the open space parcels by the Conservation Easement and the Homeowners Association Declaration. The Commission also began the discussion of the elements of Review Group 3

Review Group 3 – Clarification of Ordinance Language Elements and Shared Driveways
The following is an outline regarding the elements of Review Group 3.

- **A.** Parcels previously subdivided to their maximum density may not be joined to a PLCD
- **B.** Should a lot in an existing subdivision that has been previously subdivided to its maximum density be allowed to be used to provide access to a PLCD?
- **C.** The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
- **D.** Review of the conditions placed on the Afton Creek Preserve PLCD to determine if some of those conditions are universal enough to be incorporated into the PLCD ordinance as conditions to be placed on all PLCD's.
- **E.** Shared Driveways

A,B &C. Parcels previously subdivided to their maximum density

At its June 3 meeting the Commission discussed how parcels previously subdivided to their maximum density are to be treated in relation to a PLCD. The Commission voted to recommend that a parcel previously subdivided to its maximum density may be included in a PLCD, if it would help to accomplish conservation design goals, but the parcel may not be included in the density calculation and may not be used to meet the open space set-aside requirement.

D. Conditions Placed on the Afton Creek Preserve PLCD and PLCD Ordinance Requirements

Attached are the conditions placed on the Afton Creek Preserve PLCD Final Plat, with a number highlighted as possibly being universally applicable to PLCD subdivisions, such that they would be added to the PLCD ordinance as conditions to be placed on all PLCD's.

E. Shared Driveways

Consider allowing a shared driveway as an alternative to a PLCD to enable a subdivision to serve two or three very large lots, with the condition that a conservation easement be placed on the lots to preserve the open space and natural features and prevent future subdivision of the lots.

Planning Commission Direction Requested:
Motion regarding the review and clarification of elements of the Preservation and Land Conservation Development (PLCD) Ordinance

RESOLUTION 2018 - 59

CITY OF AFTON
COUNTY OF WASHINGTON, MINNESOTA

A RESOLUTION APPROVING THE FINAL PLAT FOR J.P. HOMES, INC. "AFTON CREEK PRESERVE"

WHEREAS, J.P. Bush Homes, Inc. has made application for approval of a final plat to subdivide 18 lots from 218 acres for a Preservation and Land Conservation Development subdivision to be known as Afton Creek Preserve; and,

WHEREAS, based upon review of the application and evidence received, the Afton City Council now makes the following findings of fact:

A. The legal description of the property is attached as Exhibit A.

B. The 2008 Afton Comprehensive Plan allows Preservation and Land Conservation Development subdivisions in the Agricultural District.

C. The property is zoned Ag, Agricultural District, which allows Preservation and Land Conservation Developments with a Conditional Use Permit and single family dwellings as a permitted use.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Afton that based on the foregoing information and applicable ordinances, the request is hereby **APPROVED** and is subject to the following conditions:

1. Access and traffic related issues shall be subject to review and approval by the City Engineer.
2. The developer shall obtain and provide an easement providing access to Odell Avenue prior to the approval of the final plat.
3. The developer shall provide an acceptable method of ensuring adequate long term maintenance of the 5550 Odell Avenue parcel.
4. Street-related designs and specifications, including but not limited to right-of-way width, shall be subject to review and approval by the City Engineer to insure they meet Afton's standards.
5. The acceptability of the drainage and utility easement within Lot 4, Block 3 and related maintenance responsibilities shall be subject to review and approval by the City Engineer.
6. In accordance with the submitted seeding plan, **pre-development seeding with a prairie grass/wildflower mix shall be provided on all lots and on the open space parcels.** Maintenance responsibilities associated with the seeded areas shall also be addressed by the applicant (to the satisfaction of the City).
7. Wetland-related issues shall be subject to review and approval by the City Engineer.
8. The proposed 20-foot wide access easement width between Lots 5 and 6, Block 2 shall be determined acceptable to the City Engineer and/or Fire Chief.
9. Easements for drainage and utilities shall be provided over individual lots as recommended by the City Engineer.
10. Review of proposed septic designs and final septic permits shall be received from Washington County prior to building permit approval.
11. The applicant shall pave 60th Street from Trading Post Trail to Neal Avenue.
12. The farm access shall be prohibited as a construction thoroughfare or road during development of the PLCD and redeployed to the benefit of the neighborhood.
13. All proposed right-of-way dedication and street construction plans are subject to review and approval of the City Engineer.
14. Driveways accessing the proposed lots shall comply with Section 12-84 of the Zoning Ordinance.

15. All grading, drainage and erosion control issues are subject to review and approval by the City Engineer and South Washington Watershed District.
21. All drainage and utility easements shall be subject to review and approval of the City Engineer.
22. Park dedication requirements shall be satisfied at the time of final plat approval.
23. **The Developer shall enter into a Developer's Agreement with the City regarding the installation of required improvements, and shall provide financial guarantees as required in Sections 12-1471 to 12-1476 of the subdivision ordinance.**
24. The developer shall grant a conservation easement over the required open space parcels to the Minnesota Land Trust, the provisions of which shall be approved by both the City and the Minnesota Land Trust.
25. **The homeowner's association restrictive covenants shall contain a provision that in the event the homeowner's association becomes insolvent or ceases operating control shall at its option be transferred to the city of Afton or another method of succession shall be dictated by the City.**
26. **The homeowner's association documents shall contain a waiver of assessment appeal running in favor of the city.**
27. **The provision in the homeowner's association restrictive covenants allowing changes in lots upon the vote of 2/3 of the residents shall be changed to comply with Afton's requirements.**
28. **The public walking paths shall be added to the Final Development Plan.**
29. **The city of Afton shall be a named insured on the homeowner association insurance policy and the policy shall cover those risks identified by the city, including but not limited to coverage for personal injuries and any other losses occurring as a result of the public use of the walking trails on the conservation area.**
30. **The homeowner's association shall be required to indemnify and hold the city of Afton harmless from all losses incurred as a result of the public's use of the conservation area walking trails.**
31. **Covenant amendment provisions in the homeowner's restrictive covenants permitting changes after a certain number of years have passed shall be amended to remove the current conflict with restrictions on future subdivision of PLCD lots and other provisions of Afton's ordinances.**
32. Architectural controls shall be removed from the homeowner's association restrictive covenants.
33. Prairie Restoration shall be the vendor planting the conservation easement and the initial planting of all residential lots with a seed mix matching the one submitted with the preliminary plat application.
34. Provisions on setbacks shall be removed from the homeowner's restrictive covenants and Afton's restrictions shall control.
35. The provisions restricting certain pets shall be removed from the homeowner's restrictive covenants; Afton's ordinances shall control pets.
36. **Residential lots shall be subject to restrictive covenants in favor of the other lot owners in the development and the City of Afton requiring that 60% of each lot remain planted in natural prairie, forbs, shrubs and trees, and appropriate language shall be inserted in the homeowners association documents to ensure enforcement of the maintenance of the lots in accordance with these requirements.**
37. All bid documents received by the developer must be approved by the City's engineers prior to acceptance.
38. No work shall commence until the final plat has been approved.
39. The letter of credit securing performance shall include amounts necessary to pay the city's engineers for on-site monitoring, review of plans and specifications and intermediate and final certifications of completion required prior to all find releases.
40. All fund releases shall be based on completion of plans and specifications and sign-off by the city's engineers.
41. The final release of funds shall not occur until all improvements in the development, including construction of homes and accessory structures on all lots, has occurred.
42. The development agreement shall be personally guaranteed by Albert W. Carlson in a form acceptable to the city.

43. Costs of completion shall be calculated based on an assumed annual 4%, year over year, with provision for a 10-year build-out.
44. **The final plat application shall include estimated initial costs including but not limited to grading, surface water controls and roads and also a final cost estimate, both of which shall be subject to approval by the city's engineers.**
45. **No final plat approval shall occur until both the development contract and the tri-party agreement between the developer, the city and the Minnesota Land Trust has been executed by all parties.**
46. Plat improvements and off-site improvements shall be separately secured by separate letters of credit.
47. Albert W. Carlson will at his expense install a 60' road access to the development through the lot at 5550 Odell Avenue. Included will be the removal of existing structures, erosion control management, complete road installation, boulevard/tree landscape. Similarly, Albert W. Carlson, at his expense, will install bituminous improvements on 60th Street as determined necessary by the City Council.
48. Albert W. Carlson will provide proof of his funding capabilities to the City of Afton. Funding for the City's security of development completion and any release of funds must be approved by City staff, consultants and City Council.
49. Lots 1,2,3,4 Block 2, abutting the Turner Rhode Horse Farm, will have a 100 foot setback instead of the required 50 foot setback. Will Carlson will install evergreen trees and prairie grass as a screening buffer within the 100 foot setback area. Tree height will be a minimum of 12 feet with proper spacing for screening.
50. Lot 13 Block 2 and lots 1,2,3, 4 Block 3 that are abutting the Graham, Dawson/Lewandowski, McConnell, Rickard, Mettler, Dickes and Forbes properties will also have an increased setback of 100 feet. Albert W. Carlson will also provide evergreen trees in locations that help screen sightlines to new homes.
51. Albert W. Carlson has 2.5 acres of land abutting the Turner Rhode Horse Farm that are not being used in the development site requirements or lots. He shall offer either an easement for use of this land or the sale of this land for $1.00 to the Turner Rhode Horse Farm owners.
52. Albert W. Carlson will transfer ownership of the farm access road at no cost to either or both Dawson/Lewandowski and McConnell, the abutting property owners.
53. No construction related traffic to be allowed on Odell.
54. Tree border to be provided to block farm access road from the development on eastern boundary.
55. Tree border to be provided along eastern boundary of the development abutting existing properties.
56. The Home Owners Association (HOA) plan and documents to be reviewed and approved by the city attorney.
57. The Home Owners Association shall develop a stormwater pond maintenance plan for eastern boundary.
58. A minimum of a 48 hour notice shall be provided to the Turner Rhode Horse Farm in advance of controlled burns for the maintenance of the prairie grass, and the burning shall be done only when the prevailing winds will carry all or most of the smoke away from the Horse Farm.
59. City to review and approve a tree/vegetation plan for the 100 foot setback area abutting the Turner Rhode Horse Farm, and no tree removals shall be allowed in this area without the approval of the City.
60. The developer/HOA shall be responsible for on-going maintenance of the 5550 Odell parcel.
61. The boundaries of the new lots adjacent to the open space outlots shall be marked by fencing, at minimum at the property corners, as approved by both the City and the Minnesota Land Trust, to enable a visual demarcation of the property boundaries to prevent encroachments into the conservation easement area.
62. A Letter of Credit, in a form and amount acceptable to the City and the City Engineer, shall be provided to ensure sufficient financial security for the completion of the development.
63. **All new streets shall be named in accordance with the Washington County street naming conventions.**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 18TH DAY OF DECEMBER, 2018.

SIGNED:

_____

Richard Bend, Mayor

ATTEST:

_____

Ronald J. Moorse, City Administrator

Motion by:	Bend
Second by:	Nelson
Palmquist:	Aye
Richter:	Nay
Ross:	Aye
Nelson:	Aye
Bend:	Aye

June 18, 2019 City Council Meeting Highlights

The Council:

- Approved an ordinance amending Article IX Sewer of Chapter 12 Land Use—Ordinance 02-2019
- Received an update from the City Engineer on the Afton Creek Preserve Construction.
- Approved the solar garden subscription agreement with Novel Energy Solutions.
- Approved improvements to the Town Square Park playground equipment.
- Approved Ordinance Amendment 03-2019 regarding Vacant Building Registration.
- Approved the 60th Street Maintenance Agreement with Denmark Township.
- Approved hiring Bret Christianson as the contracted videographer.
- Approved purchase of bollards for the trail along the levee.