



## PLANNING COMMISSION AGENDA

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**August 1, 2016**  
**7:00 pm**

- 1. CALL TO ORDER -**
- 2. PLEDGE OF ALLEGIANCE -**
- 3. ROLL CALL -**
  - Barbara Ronningen (Chair)
  - Sally Doherty
  - Kris Kopitzke
  - Mark Nelson
  - Judy Seeberger
  - Lucia Wroblewski
  - Scott Patten
  - Jim Langan
  - Roger Bowman
- 4. APPROVAL OF AGENDA -**
- 5. APPROVAL OF MINUTES -**
  - A. July 11, 2015 Meeting Minutes -
- 6. REPORTS AND PRESENTATIONS - None**
- 7. PUBLIC HEARINGS -**
  - A. Guy Reithmeyer, etal - Preliminary Plat at 1093 Indian Trail Path -
  - B. Robert Demaster - Interim Use Permit for an Accessory Building at 15376 Afton Boulevard -
- 8. NEW BUSINESS - None**
- 9. OLD BUSINESS -**
  - A. Comprehensive Plan Update Process
    1. Land Use Classifications
    2. Identification of Issues for Review
  - B. Update on City Council Actions -
- 10. ADJOURN -**

-- This agenda is not exclusive. Other business may be discussed as deemed necessary. --

**A quorum of the City Council or Other Commissions may be present to receive information.**

CITY OF AFTON  
DRAFT PLANNING COMMISSION MINUTES  
July 11, 2016, 7:00 PM

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5 1. **CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 7:00 p.m.

6  
7 2. **PLEDGE OF ALLEGIANCE** – was recited.

8  
9 3. **ROLL CALL** – Present: Langan, Kopitzke, Bowman, Doherty and Chair Ronningen. Seeberger arrived at  
10 7:03. Excused absences: Wroblewski, Patten, Nelson. **Quorum present.**

11  
12 **ALSO IN ATTENDANCE** – Council Liaison Stan Ross, City Administrator Ron Moore and City Clerk Kim  
13 Swanson Linner.

14  
15 4. **APPROVAL OF AGENDA** –

16 **Motion/Second: Doherty/Bowman. To approve the July 11, 2016 Planning Commission agenda as**  
17 **presented. Motion carried 5-0-0.**

18  
19 5. **APPROVAL OF MINUTES** –

20 A. June 6, 2016 Planning Commission Meeting Minutes – Secretary Kopitzke commented that he preferred  
21 more details of the discussions by commissioners, as he was not present at the meeting. Chair Ronningen noted  
22 that she had passed that along to City Council and they will be taking up the discussion.

23 **Motion/Second: Bowman/Ronningen. To approve the June 6, 2016 Planning Commission Meeting**  
24 **minutes as presented. Motion carried 3-1-1 (Nay: Kopitzke; Abstain: Langan).**

25  
26 6. **REPORTS AND PRESENTATIONS** –

27 A. Mike Isensee of the Middle St. Croix Water Management Organization Presentation Regarding Minimal  
28 Impact Design Standards (MIDS) – reported that the Minimal Impact Design Standards (MIDS) have been  
29 adopted into the Middle St. Croix Water Management Organization (MSCWMO) water management plan and  
30 that the MSCWMO has obtained grant funding from the Clean Water Legacy Fund to assist cities in  
31 incorporating MIDS into their zoning regulations. Isensee reported that five of the cities have already adopted  
32 MIDS into their ordinances and five, including Afton, have adopted similar MIDS guidelines. He commented  
33 that the Valley Branch Watershed District and South Washington County Watershed District didn't come to the  
34 city when they incorporated MIDS into their watershed plans. Watersheds across the Metro Area are adopting  
35 MIDS so that consistent standards are being used across communities.

36 Commissioners' questions were addressed. No action was taken.

37  
38 7. **PUBLIC HEARINGS** –

39 A. Meisner Variance Application at 1520 Stagecoach Trail for Handicap Accessible Restroom – Chair  
40 Ronningen opened the Public Hearing at 7:22 p.m.

41 Administrator Moore summarized the application and conditions on the Meisner property at 1520  
42 Stagecoach Trail S requiring variances to front yard and stream setbacks to enable an 13' X 13' addition to the  
43 existing house for a handicap accessible bathroom. The current house is very small and does not have space for  
44 a handicap accessible bathroom. Mr. Meisner is proposing to construct an addition to the south side of the  
45 existing house for the bathroom. The existing house is legally non-conforming, in that it does not meet the front  
46 yard setback to the east or the stream setback to the west; in fact, the two setbacks overlap each other. The  
47 existing house has a 66 foot setback to the centerline of Stagecoach trail vs. the required 150 foot setback. The  
48 house has a 75 foot setback to the stream vs. the required 200 foot setback. The proposed addition would have a  
49 97 foot setback to the centerline of Stagecoach Trail and a 110 foot setback to the tributary. Moore explained  
50 that the house is an existing non-conforming structure and city code allows nonconforming uses, buildings and  
51 structures that are within 60 percent of the minimum required setback, and the proposed improvement to the  
52 structure is extended laterally or parallel with the substandard setback, to be approved with an Administrative  
53 Permit. The existing structure does not meet 60% of the required front yard or stream setbacks. While the

54 addition meets 60% of the required front yard setback, it does not meet 60% of the stream setback. A variance is  
55 therefore necessary to allow the proposed handicap accessible bathroom addition.

56 The contractor for Meisner reviewed that this house was owned by Meisner's grandparents and that it was  
57 built before there were any setbacks in Afton. He explained Meisner is designated by the Veteran's  
58 Administration as totally disabled and there is no other way to design a handicapped bathroom but to put on an  
59 addition.

60  
61 Public Comment

62 Scott Vlasko, 1420 Valley Creek Rd, spoke in support of granting the variance for Mr. Meisner.  
63

64 **Motion/Second: Langan/Doherty. To close the Public Hearing at 7:26 p.m. Motion carried 6-0-0.**  
65

66 Commission Discussion

67 Doherty commented that that property does not lend itself to meeting setbacks, so that no matter where the  
68 addition would go, it couldn't meet the setbacks.

69 Langan asked about the stream elevation. It was reported that the house is at least five feet above the stream  
70 level.

71 Kopitzke asked if there was a basement level. It was reported that it is only for access to mechanical and  
72 plumbing; basically a crawl space with a higher ceiling.

73 Commissioners felt that the 120 year-old house that has had no impact to the stream should have no impact  
74 from this bathroom addition.

75 Ronningen asked about the septic system to which it was reported that the new septic system is five years  
76 old and was sized to accommodate the maximum capacity of the house, even though Meisner does not use the  
77 upstairs at all.  
78

79 **Motion/Second: Bowman/Doherty. To recommend APPROVAL to the City Council for the Roger  
80 Meisner variance at 1520 Stagecoach Trail to allow an addition to the existing house for a handicap  
81 accessible bathroom with a 97 foot front yard setback and a 110 foot stream setback, including:**  
82

83 Findings of Fact

- 84 1. The application meets all of the criteria for grant a variance, including that the lot is sub-  
85 standard.
- 86 2. There is no other buildable solution for the lot and structure.
- 87 3. The structure is over 100 years old and has had no adverse effects to the neighborhood or health  
88 and safety.
- 89 4. There is vegetative screening on both sides of the reduced setbacks.
- 90 5. The addition does not make the structure more non-conforming.
- 91 6. The current 5-year old septic system was sized to meet the full capacity of the house.  
92

93 **Motion carried 6-0-0.**  
94

95 **B. Localized LLC Application for Zoning Code Amendment for a Non-Profit Park at 2167 Oakgreen  
96 Avenue and Two Adjacent Parcels with PID #s 16.028.20.23.0001 and 16.028.20.23.0002 – Chair Ronningen  
97 opened the Public Hearing at 7:36 p.m.**

98 Administrator Moose summarized that Localized LLC is a non-profit organization that has a purchase  
99 agreement on 60 acres of property at 2167 Oakgreen Avenue and two adjacent parcels with PID #'s  
100 16.028.20.23.0001 and 16.028.20.23.0002. The 2167 Oakgreen parcel is zoned Agricultural and the other two  
101 parcels are zoned Rural Residential. The property is generally wooded and has substantial sloped topography.  
102 The southerly portion of the property is adjacent to Valley Creek. The applicants are proposing to use the  
103 property as a non-profit park, with uses including a community garden, hiking trails and biking trails. The  
104 current list of allowed uses in Sec. 12-134 of the zoning code does not include on-profit park use. The list of

105 uses does include a nature center as a conditional use, but the code does not include a definition of nature center.  
106 The applicants are proposing to add “non-profit park” as a conditional use in the Agricultural and Rural  
107 Residential zoning districts. Their proposed definition of non-profit park is:

108 “*Non-Profit Park* means land owned and managed by a non-profit organization and open to the public  
109 in a controlled manner at no cost to provide for conservation as well as park and open space uses such  
110 as community gardens, hiking trails and biking trails.”

111  
112  
113 Public Comment

114 Jeff Polachek, 1670 Stagecoach Trail S, is a neighboring property. He commented that this will be a good  
115 spot for “keggers,” as it is at the end of the road. He asked how it would be policed and how it would keep  
116 clean. [The existing property had many dump sites and indications of “parties.”]

117 Krista Anderson, 2170 Oakgreen Avenue S, the property at the end of the cul-de-sac, commented that  
118 increased traffic will be a concern. This has already been and will continue to be a hotspot for teenagers. The  
119 City already has a community garden and there are already many recreation areas, such as Belwin and Afton  
120 State Park, within a couple miles of this property.

121  
122 **Motion/Second: Langan/Bowman. To close the Public Hearing at 7:43 p.m. Motion carried 6-0-0.**

123  
124 Commission Discussion

125 Kopitzke asked why there was a need for a “non-profit park” use classification in Afton’s ordinances.

126 Langan and Bowman questioned what the impact of a non-profit park would have to property taxes. The  
127 owners’ real estate agent reported that the owners plan to grow food for their commercial venture.  
128 Commissioners asked whether this could in fact qualify as a “non-profit; they asked if Localized LLC has  
129 501(C)3 status. Some wondered if this was a cost-effective way to do “land holding” for future development.

130 Chair Ronningen reminded that this is a request to change the ordinances and not an application.

131 Kopitzke felt policing would be a concern. If it was a public park, the Sheriff’s deputies would have  
132 jurisdiction, but this would be private land. It was questioned why this land could not be considered a  
133 “recreational area” or a “nature center” which Afton ordinances allow.

134 Moose clarified that Afton’s ordinances do not define “nature center,” so that would need to be added if the  
135 Commission felt that designation would fit.

136 Bowman stated that not having a definition for “nature center” is an identified weakness in the ordinances.

137 Langan asked if this application could be tabled until August.

138 Ronningen noted that Afton ordinances allow a request for Rezoning to come forward from the Planning  
139 Commission or City Council or by petition by affected property owners. [Localized LLC is on record as having  
140 a purchase agreement on the properties indicated.]

141  
142 **Motion/Second: Ronningen/Kopitzke. To recommend DENIAL to City Council for the Localized LLC  
143 application for an amendment to the zoning code to add the non-profit park use to the list of uses in Sec.  
144 12-132. Uses, and to add a new Section: 12-232. Non-Profit Park describing the non-profit park use and  
145 providing a set of performance standards, with the following:**

146  
147 Findings of Fact

- 148 1. Similar uses are already covered in Afton ordinances and could be accomplished as a “recreation  
149 area” or “nature center.”
- 150 2. All of the activities proposed for a “non-profit park,” such as community garden, hiking and  
151 biking trails and conservation are all allowed under Afton’s existing ordinances.
- 152 3. Raising food for a restaurant is not a community garden.
- 153 4. Request that the City Council have the Parks Committee and the Natural Resources &  
154 Groundwater Committee review such a use, as this topic may come up again. For instance,

155 churches have “park” areas, and they are not designated as “non-profit parks” in the use table;  
156 Belwin has soccer and baseball fields on their land (but they are not in Afton).  
157

158 Doherty offered a friendly amendment to refund the applicant’s fee if the application is denied at City  
159 Council. The friendly amendment was accepted.  
160

161 Motion carried 6-0-0.  
162

163 8. NEW BUSINESS –  
164

165 A. Drafting of an ordinance amendment to exclude man-made steep slopes from the regulations regarding  
166 the disturbance of steep slopes – Administrator Moore explained that at its June 13, 2016 meeting, the Council  
167 directed staff to work with the Planning Commission to develop an ordinance amendment to provide that the  
168 protection of slopes 18% or greater does not include slopes that were less than 18% in their natural state, but  
169 were made 18% or greater by grading, i.e. for the construction of a roadway, and also are not environmentally  
170 sensitive or fragile. He explained further, the Zoning Code prohibits the disturbance of slopes of 18% or greater  
171 and requires scenic easements to be placed on these slopes to protect them. The language prohibiting grading on  
172 steep slopes and requiring scenic easements to protect steep slopes references the protection of environmentally  
173 sensitive lands and lands judged to be fragile, as well as the preservation and management of areas unsuitable  
174 for development in their natural state. He reported that, while the disturbance of any steep slope requires proper  
175 erosion control measures to protect the slope, the question has been raised as to whether the 18% slope  
176 restriction was meant to protect man-made steep slopes as well as natural slopes, Council agreed that the 18%  
177 slope restriction was not meant for areas that were not 18% slopes in their natural state but were created by  
178 grading, i.e. for roadway construction, and has referred to the Planning Commission the task of developing an  
179 ordinance amendment that excludes man-made steep slopes from the 18% slope restrictions.  
180

181 Commission Discussion

182 Bowman indicated that, as in the case of Brown Trout LLC, erosion and runoff are still appropriate for 18%  
183 slope protection, whether natural or man-made.

184 Kopitzke commented that he believes the 18% slope for conservation easement should be for longer  
185 distances of slopes, such as 50 or 100 feet. He felt erosion control and protection of slopes greater than 18% is  
186 appropriate whether natural or man-made.

187 Ronningen questioned what kind of evidence the City would allow that the slope was not “natural.”

188 Moore suggested the burden would be on the property owner to prove and that the City would have  
189 enforcement for erosion.

190 City Clerk Swanson Linner indicated that the City has not had good success in enforcing reparations to  
191 recent and on-going erosion issues.

192 Doherty asked if a variance application could handle this on a case-by-case basis.

193 Ronningen asked if this exemption would be for driveways only, or would apply to any man-made slopes.  
194 She felt there was a lack of specificity that would be problematic. Would it allow anyone to build on 18%  
195 slopes? What about a 2,000 year-old archeological area built by native peoples such as Bissel Mounds?

196 Bowman wondered if the City Engineer could offer some direction as to a definition for a ditch or a  
197 driveway would be appropriate to consider.  
198

199 B. Discussion Regarding the Addition of Vegetative Screening Requirements to the Subdivision Ordinance

200 – Administrator Moore presented a viewpoint that a significant element of Afton’s rural character are  
201 characterized by long views of farm fields and houses dotting the landscape, as well as wooded areas, some with  
202 homes hidden on large wooded lots. Over time, as open land is subdivided and large homes are built, the long  
203 views of farm fields could be replaced with shorter views of large homes, which could begin to appear more  
204 suburban than rural. The mayor, at the June meeting, wondered if one way to mitigate this possible change in  
205 character is to require substantial vegetative screening to create a natural buffer zone, particularly along public

206 roadways, as part of new subdivision approvals. The vegetation could provide a long-term natural, wooded view  
207 and natural, rural character. The Council requested that the Planning Commission explore adding vegetative  
208 screening requirements to the subdivision ordinance.

209 Council Liaison Ross gave an example of a concept that the image of Afton is a perception of low density  
210 because you “don’t see houses.” And what separates Afton from Woodbury, and if you see trees instead of a sea  
211 of homes, that this is a nice place to live. When you see Cedar Bluffs, you see a cluster of homes on large  
212 acreages and it feels like it’s a part of the culture of Afton.

213  
214 Commission Discussion

215 Langan commented that this type of requirement reminded him of an HOA [Homeowner’s Association]. He  
216 felt that Afton’s rural character has more to do with large lot sizes, not the amount of trees.

217 Ronningen agreed. She commented that subdivisions are required to keep and protect established trees.  
218 Also, the perception of Afton could be totally different depending on where you live: the eastern portion is  
219 wooded and hilly; the western portion is flat and agricultural.

220 Kopitzke commented that some people want their house to be plopped on the land with no trees and others  
221 plant trees for their own screening. He didn’t like the idea of treading on private property rights. What if the  
222 property owner cuts down the screening that was required at the time of development. It should be their right.

223 Doherty wholeheartedly agreed with Kopitzke.

224 Ronningen agreed that vegetative screening requirements, especially as conditions to commercial uses such  
225 as the trailer parking on Hudson Road, are important. She said the problem is in the enforcement of ensuring  
226 adequate screening. She felt additional requirements to vegetative screening is not needed.

227  
228 **9. OLD BUSINESS -**

229 A. Comprehensive Plan Update Process – Chair Ronningen offered an executive decision to skip this  
230 agenda item for this meeting. There were no objections.

231  
232 B. Draft City Council Minutes – were provided in the packet.

233  
234 C. Update on City Council Actions – Council Liaison Ross reported that the applicants from both items  
235 that had been recommended to the Council from the Planning Commission requested and were granted a  
236 continuation to the next Council meeting.

237  
238 **10. ADJOURN –**

239  
240 **Motion/Second: Doherty/Langan. To adjourn the meeting at 8:32 p.m. Motion carried 6-0-0.**

241  
242 Respectfully submitted by:

243  
244  
245 \_\_\_\_\_  
246 Kim Swanson Linner, City Clerk

247  
248 **To be approved on August 1, 2016 as (check one): Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_**

**NORTHWEST ASSOCIATED CONSULTANTS, INC.**

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**PLANNING REPORT**

TO: *Afton Planning Commission*

FROM: Bob Kirmis

DATE: July 27, 2016

SUBJECT: Afton - Nelson Estates Preliminary Plat

CASE NO: 280.02 - 16.02

Date Application Determined Complete: June 29, 2016  
Planning Commission Meeting Date: August 1, 2016  
City Council Meeting Date: August 16, 2016  
120-day Review Deadline: October 27, 2016

**BACKGROUND**

An ownership group consisting of Robert Nelson, Clinton Nelson, Guy Reithmeyer and Cheryl Frenette has requested preliminary plat approval of a four lot, single family residential subdivision (unsewered) entitled "Nelson Estates."

The subject property is located north of Indian Trail South, between Lake Edith Lane and Lake Edith (1093 Indian Trail Path).

The property overlays 30.1 acres of land, 20.7 acres of which lies above the ordinary high water level (OHWL) of Lake Edith.

The site is zoned RR, Rural Residential and lies within the Shoreland Management Area of Lake Edith and Conservancy Overlay District.

In September of 2014, a sketch plan of the subdivision was brought before the Planning Commission and City Council for informal feedback. Consistent with Ordinance requirements, no formal action was, however taken. At this time, the ownership group wishes to proceed with the formal platting of the property (via the submission of a preliminary plat application).

Attached for Reference:

- Exhibit A: Site Location
- Exhibit B: 2014 Sketch Plan
- Exhibit C: Site Survey
- Exhibit D: Preliminary Plat
- Exhibit E: Grading, Drainage & Erosion Control Plan
- Exhibit F: Valley Branch Watershed District Letter (dated 6/3/16)
- Exhibit G: City Engineer Memorandum (dated 7/18/16)

**ISSUES**

**Comprehensive Plan.** The City's 2008 Comprehensive Plan designates the subject site for rural residential use. In this regard, the Plan states that lots with such designation must measure not less than 5 acres in size and have at least 2.5 acres of contiguous buildable area. The proposed land use is consistent with the City's land use directives as established within the Comprehensive Plan.

**Zoning.** Reflective of its designation within the Comprehensive Plan, the site is zoned RR, Rural Residential. The site is bordered on the north, south and west by Rural Residential zoned properties and west and on the east by Lake Edith.

**Consistency with 2014 Sketch Plan.** With one minor exception, the submitted preliminary plat is consistent with the 2014 sketch plan in terms of lot configuration. A narrow, 12,150 square foot parcel of land located south of proposed Lot 4, Block 1 and east of the Lake Edith Lane cul-de-sac (as illustrated on the sketch plan) is no longer included in the subdivision. Rather, the strip of land is part of the abutting parcel to the south (the Harper property). This change has minimal or no impact upon Lots 1 through 4.

**Lot Requirements.** As noted, the applicants are proposing to subdivide the subject property into four individual parcels. The following table illustrates the minimum lot area requirements applied within the RR, Rural Residential District (and Shoreland Management District) and proposed lot areas.

	Lot Area		Buildable Area	
	Required	Proposed	Required	Proposed
Lot 1	5 acres	5.1 acres	2.5 acres	3.9 acres
Lot 2	5 acres	5.4 acres	2.5 acres	4.8 acres
Lot 3	5 acres	5.6 acres	2.5 acres	4.4 acres
Lot 4	5 acres	5.2 acres	2.5 acres	3.5 acres

The Zoning Ordinance defines "buildable area" as land having a slope of 13 percent or less and having enough suitable soil for the installation of two on-site sewage treatment systems. The Ordinance also notes that "buildable area" may include required building setbacks.

All proposed lots meet the minimum area requirements of the RR, Rural Residential zoning district.

**Lot Width and Depth.** According to the Zoning Ordinance, lots within the RR Districts must have at least 300 feet of frontage along an improved public street and 300 feet of depth.

All proposed lots meet the minimum lot and depth requirements of the Ordinance.

**Setbacks.** Within RR Districts and the Shoreland Management District, the following minimum setbacks apply

Side Yard:	50 feet
Front Yard:	105 feet (from roadway centerline)
Rear Yard:	50 feet
From OHWL of Lake Edith:	200 feet

All proposed lots illustrate an ability to meet the aforementioned setbacks (via illustrated building pads).

**Streets.** For local (rural) streets, Section 12-1380 of the Subdivision Ordinance imposes a minimum right-of-way width requirement of 60 feet. Both Indian Trail Path and Lake Edith Lane meet such requirement.

In review of the 2015 sketch plan, the City Engineer raised concern related to a portion of the Indian Trail Pass roadway surface lying outside of the proposed right-of way limits. As a condition of preliminary plat approval, the Indian Trail Pass and Lake Edith Lane roadways must be located within public right of-way.

Further, the City Engineer has recommended that 15-foot roadway setbacks from property lines be provided to accommodate private utilities and snow storage. This issue should be subject to further comment by the City Engineer.

It is unclear if Trail Pass and Lake Edith Lane are built to City standards. According to the Subdivision Ordinance, rural local streets must have a 24-foot-wide paved surface with four-foot-wide aggregate shoulders. The adequacy of the streets serving the property should be subject to comment and recommendation by the City Engineer.

**Lot Access.** All future driveways within the subdivision will be required to meet the design standards as described in Section 12-84 (d) of the Zoning Ordinance.

As shown on the submitted preliminary plat, Lot 3 borders the intersection of Indian Trail Path and Lake Edith Lane. According to the Ordinance, the minimum driveway setback between intersecting streets is 60 feet. This requirement should be specifically recognized as part of Lot 3 development.

**Wetlands.** As part of the sketch plan consideration in 2014, it was determined that there are no wetlands upon the subject site.

**Floodplain Requirements.** It does not appear that the subject site lies within the 100-year floodplain of Lake Edith. To be noted however, is that the Valley Branch Watershed District requires that the minimum (basement) floor elevation of site structures be at least two feet above the adjacent water/wetland/stream/lowland 100-year flood level. Such requirement will be imposed as part of building permit issuance.

**Vegetation Removal.** A significant amount of vegetation exists along the Lake Edith shoreline. Vegetation alterations upon the site are subject to the City's shoreland management provisions and specifically requirements of Section 12-404. To be noted is that vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed in order that structures, vehicles and other facilities are screened as viewed from the water (assuming summer leaf-on conditions).

As indicated in the attached Valley Branch Watershed District letter (Exhibit F), a minimum 35-foot-wide buffer strip of unmowed vegetation (measured perpendicular to the DNR's ordinary high water level and extending 35 feet inland) must be provided. The Watershed District has also noted that a mowed access path to the shoreline is allowed but must not exceed 30 percent of the landowner's shoreline width or 30 feet, whichever is less.

As a condition of preliminary plat approval, all requirements of the Valley Branch Watershed District letter (dated 6/3/16) must be satisfied.

**Easements.** As part of the preliminary plat submission, appropriate easements for utilities, drainage and scenic preservation should be provided. All easements should be subject to review and approval by the City Engineer and recorded with the final plat.

Utility Easements. In accordance with Section 12-1384.A of the Subdivision Ordinance, 20-foot-wide utility easements, centered on rear and other lot lines, are shown on the submitted preliminary plat.

Drainage Easements. The Subdivision Ordinance also states that drainage easements must be provided to provide proper maintenance and protection for stormwater runoff.

As part of permit issuance, the Valley Branch Watershed District has stated that a drainage easement must be established and granted to the Valley Branch Watershed District which covers the following:

1. Land adjacent to stormwater management facilities and lowlands up to their 100-year food elevations.
2. All ditches, storm sewers and maintenance accesses to stormwater management facilities.

Scenic Easements. In regard to scenic preservation, Section 12-1384.E of the Subdivision Ordinance requires a scenic easement to be placed over all slopes of 18 percent or greater, wetlands, drainageways and other lands and soils judged to be fragile by the soil conservation district. Scenic easements are also required on slopes greater than 12 percent if the land is unbuildable or heavily wooded. As shown on the submitted grading, drainage and erosion control plan (Exhibit E), it appears that slopes in excess of 18 percent border Lake Edith. If so determined by the soil and water conservation district, a corresponding scenic easement must be depicted upon the final plat.

Placement of the scenic easement over the wooded areas which exist along the Lake Edith shoreline will ensure compliance with the vegetative removal requirements of the Shoreland Management District.

As previously indicated, all easements should be subject to review and approval by the City Engineer and recorded with the final plat.

**Septic Systems.** It is understood that preliminary soil testing has been done for the purpose of determining suitability of each lot to support long-term sewage treatment.

As a condition of preliminary plat approval, primary and secondary septic sites must be illustrated on the preliminary plat in compliance with Section 12-413 of the Zoning Ordinance (Sewage Treatment) and Section 12-1328.C.9 of the Subdivision Ordinance (Preliminary Plat Data Requirements).

Permits for individual sewage treatment systems must be issued by the Washington County Department of Public Health prior to building permit approval.

**Conservancy Overlay District.** As previously noted, the subject site lies within the Conservancy Overlay District. The purpose of the District is to manage areas determined to be unsuitable for development due to wet soils, steep slopes, or large areas of exposed bedrock, and manage areas of unique natural and biological characteristics in accordance with compatible uses.

Section 12-137.B of the Conservancy Overlay District requirements stipulate that an administrative permit is required for all permitted and accessory uses in the underlying district (the RR, Rural Residential District in this case). The purpose of such administrative permit requirement is to ensure that permitted and accessory structures are located such that they do not negatively impact sensitive areas of the site.

**Park Dedication.** According to Section 12-1270 of the Subdivision Ordinance, subdividers must dedicate to the City a reasonable portion of the land being subdivided for park purposes or in lieu thereof, a cash equivalent. The form of dedication, land or cash, (or any combination) must be decided by the City and dedicated or paid prior to City signing the final plat.

The City's 2012 Park Plan does not illustrate any future parks or trails within the subject site.

In consideration of the sketch plan in 2014, the Park Committee recommended that the City acquire a public access to Lake Edith through the park dedication requirement for the subdivision. The Park Committee does not however, envision a driveway and boat launch. Rather, the Committee has recommended that a pedestrian access lane to the lake be provided at a location which would enable the public to launch a kayak or canoe. The Park Committee understands that the owners of the subject property are opposed to public access and that the recommended public access may not be supported by the City Council.

Consistent with the City's Park Plan directives, the submitted preliminary plat does not illustrate any park land dedication. With this in mind, a calculation of a possible cash contribution (as opposed to land dedication) is considered worthwhile. According to the Ordinance, a cash park dedication fee, in lieu of land dedication, shall be equivalent to 7.5 percent of the predevelopment value of the land to be subdivided, subject to a minimum fee of \$5,000 per dwelling unit and a maximum fee of \$10,000 per dwelling unit.

At the time of this planning report, 2016 land value information was not available on the Washington County website. Thus, an exact determination of a possible cash contribution amount cannot be determined at this time. It is however, estimated that a contribution between \$8,000 and \$9,000 per lot should be expected (if applied).

As a condition of preliminary plat approval, current land value information should be provided to the City by the applicants such that an exact cash contribution amount can be calculated and potentially applied as a condition of final plat approval.

A decision regarding park dedication requirements should be subject to recommendation by the Planning Commission and formal determination by the City Council.

**Development Agreement.** As part of future final plat approval, the applicants will be required to enter into a development agreement with the City and post any financial securities required by it. This issue should be subject to further comment by the City Attorney.

## **RECOMMENDATION**

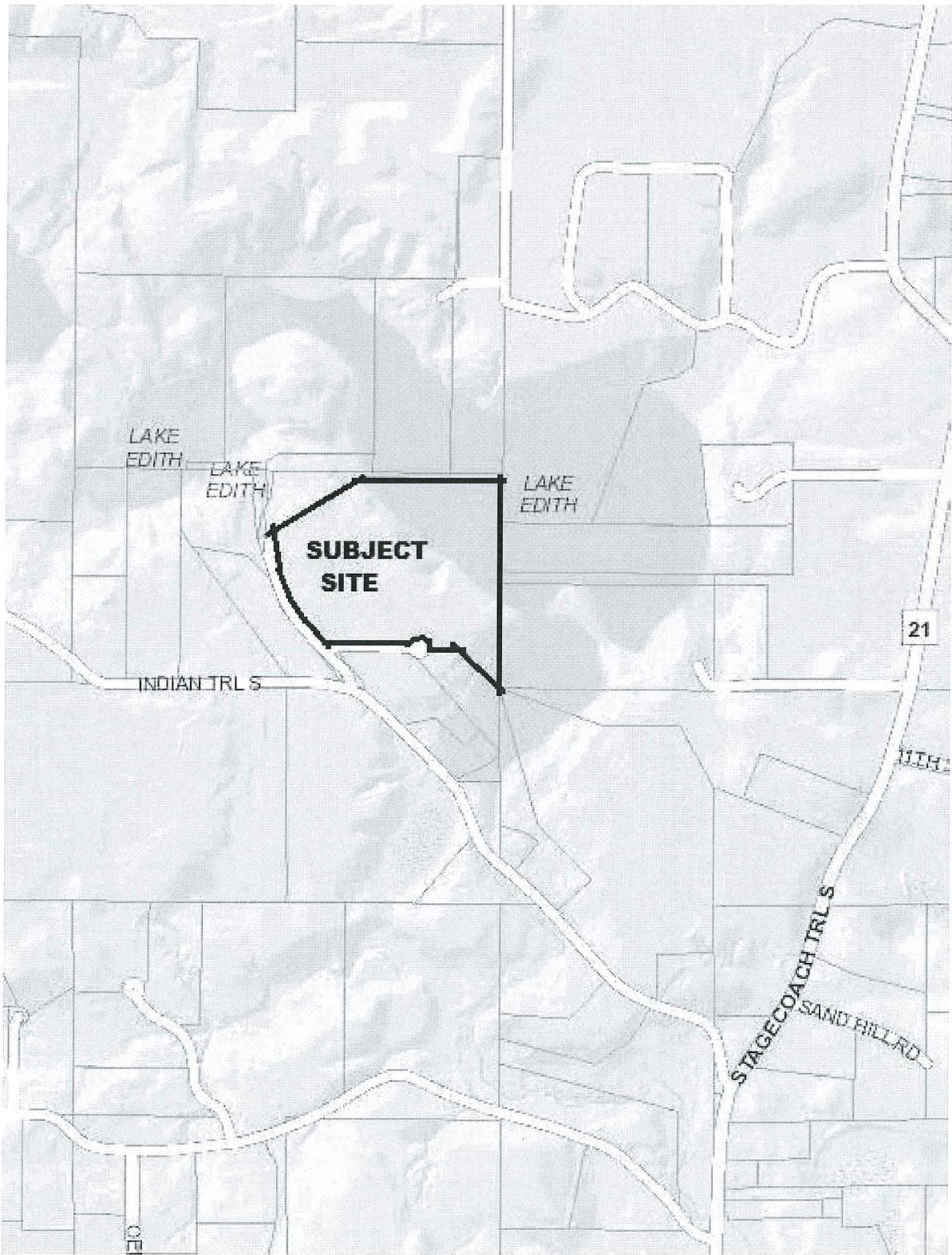
The proposed subdivision is considered well designed and has been found to be generally consistent with the applicable City development regulations. As a result, our office recommends approval of the Nelson Estates preliminary plat subject to the following conditions:

1. Both the Indian Trail Pass and Lake Edith Lane roadways shall be located within public right of-way and shall be provided 15 foot setbacks from property lines (to accommodate private utilities and snow storage). This issue shall be subject to further comment by the City Engineer.
2. The adequacy of the streets serving the property shall be subject to comment and recommendation by the City Engineer.
3. Driveway placement for Lot 3, Block 1 shall be setback a minimum of 60 feet from the intersection of Indian Trail Path and Lake Edith Lane.
4. Basement floor elevation of site structures shall be at least two feet above the adjacent water/wetland/stream/lowland 100-year flood level.
5. Except as otherwise allowed by the Valley Branch Watershed District for lake access, vegetation clearing within the shore and bluff impact zones and on steep slopes shall be prohibited.
6. All requirements imposed by the Valley Branch Watershed District in the attached letter dated June 3, 2016 shall be satisfied.
7. The City Engineer provide comment and recommendation in regard to the establishment of easements upon the property.
8. Primary and secondary septic sites shall be illustrated on the preliminary plat in compliance with Section 12-413 of the Zoning Ordinance (Sewage Treatment) and Section 12-1328.C.9 of the Subdivision Ordinance (Preliminary Plat Data Requirements).
9. Review and approval of proposed septic designs and final septic permits by the Washington County Department of Public Health shall take place prior to building permit issuance.
10. Consistent with Conservancy Overlay District requirements, permitted and accessory uses shall be subject to administrative permit.
11. Current land value information be provided to the City (by the applicants) such that an exact cash contribution amount can be calculated and potentially applied as a condition of final plat approval.
12. Park dedication requirements of the City (land, cash or a combination of both), as determined appropriate by City Officials, shall be satisfied (dedicated and/or paid) prior to City signing the final plat.
13. As part of final plat approval, the applicants shall enter into a development agreement with the City and post any financial securities required by it. This issue should be subject to further comment by the City Attorney.

14. All requirements of the City Engineer, as outlined in the memo from Jesse Carlson of WSB dated July 18, 2016, shall be satisfied.

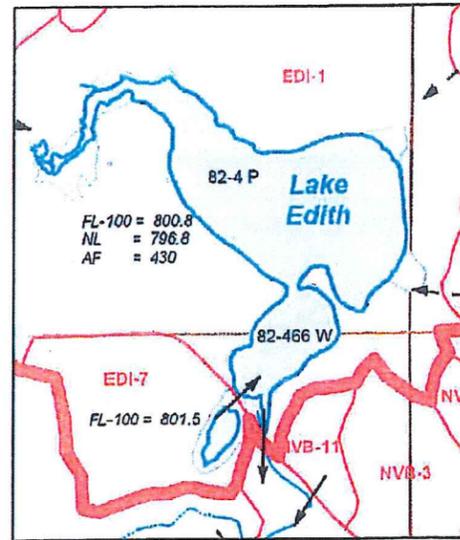
15. Comments of other City Staff.

cc. Ron Moore, City Administrator

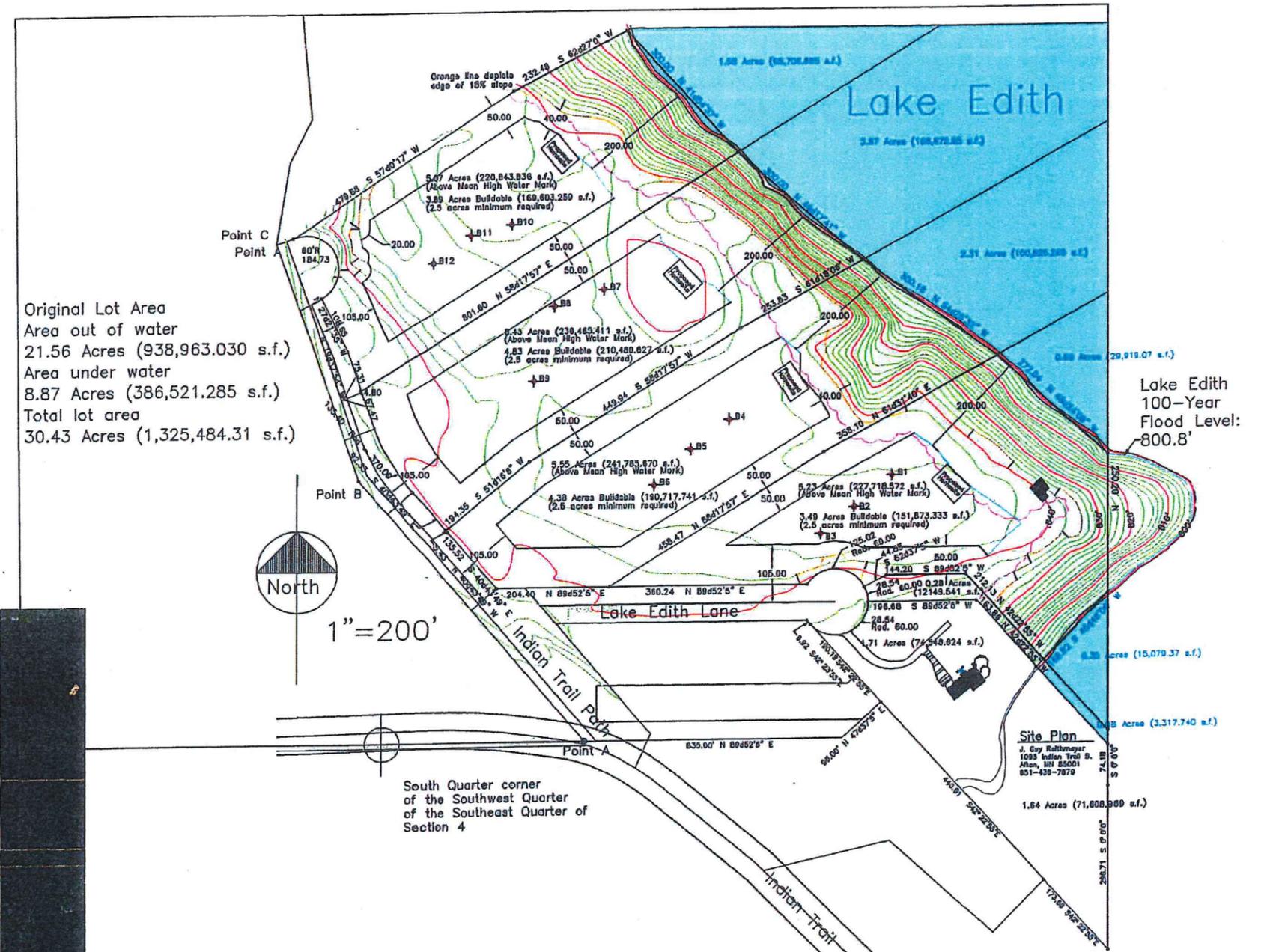


Map Source: Washington County Viewer

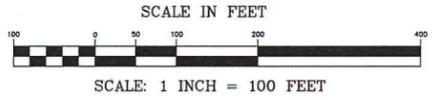
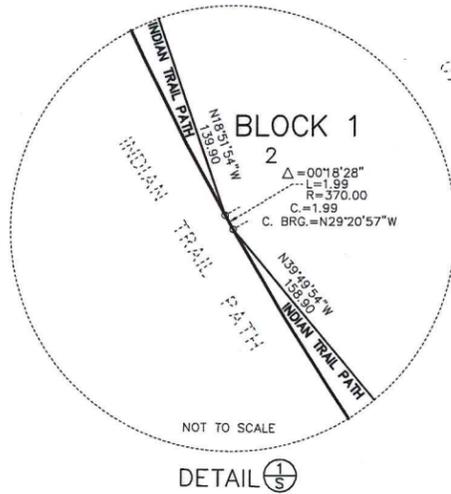
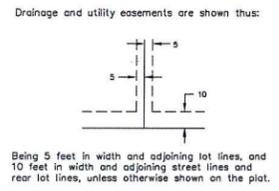
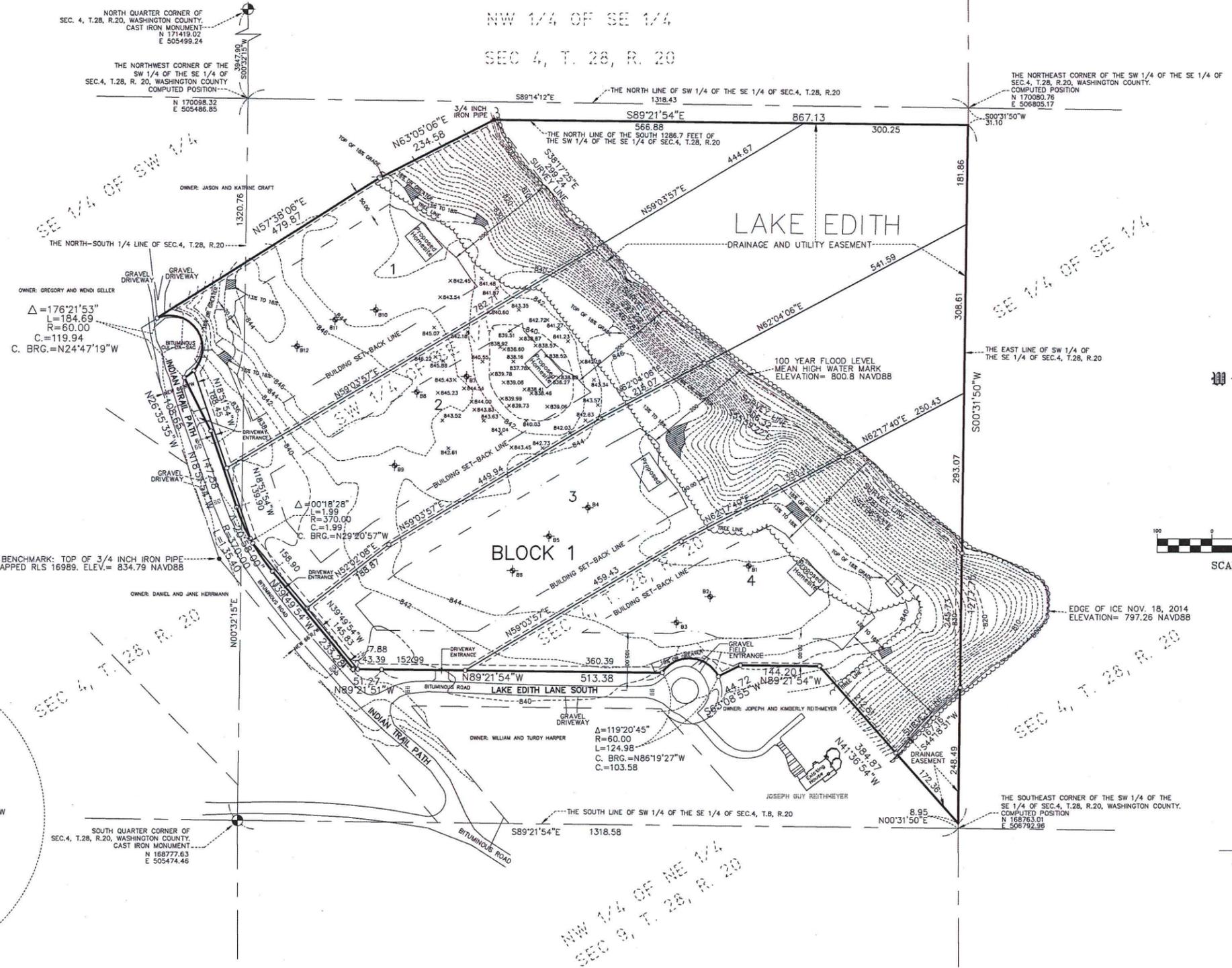
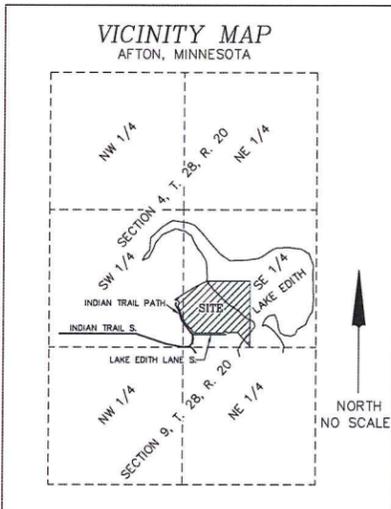
**EXHIBIT A - SITE LOCATION**



Nelson Estates  
1093 Indian Trail S  
Afton, MN 55001



# PRELIMINARY PLAT: NELSON ESTATES



## LEGEND

- ⊕ DENOTES P.L.S. CORNER MONUMENT FOUND, SIZE & TYPE AS NOTED.
- DENOTES 12 INCH COMMON SPIKE SET & CAPPED RLS 16464.
- DENOTES IRON MONUMENT FOUND SIZE, TYPE, AND RLS AS NOTED.

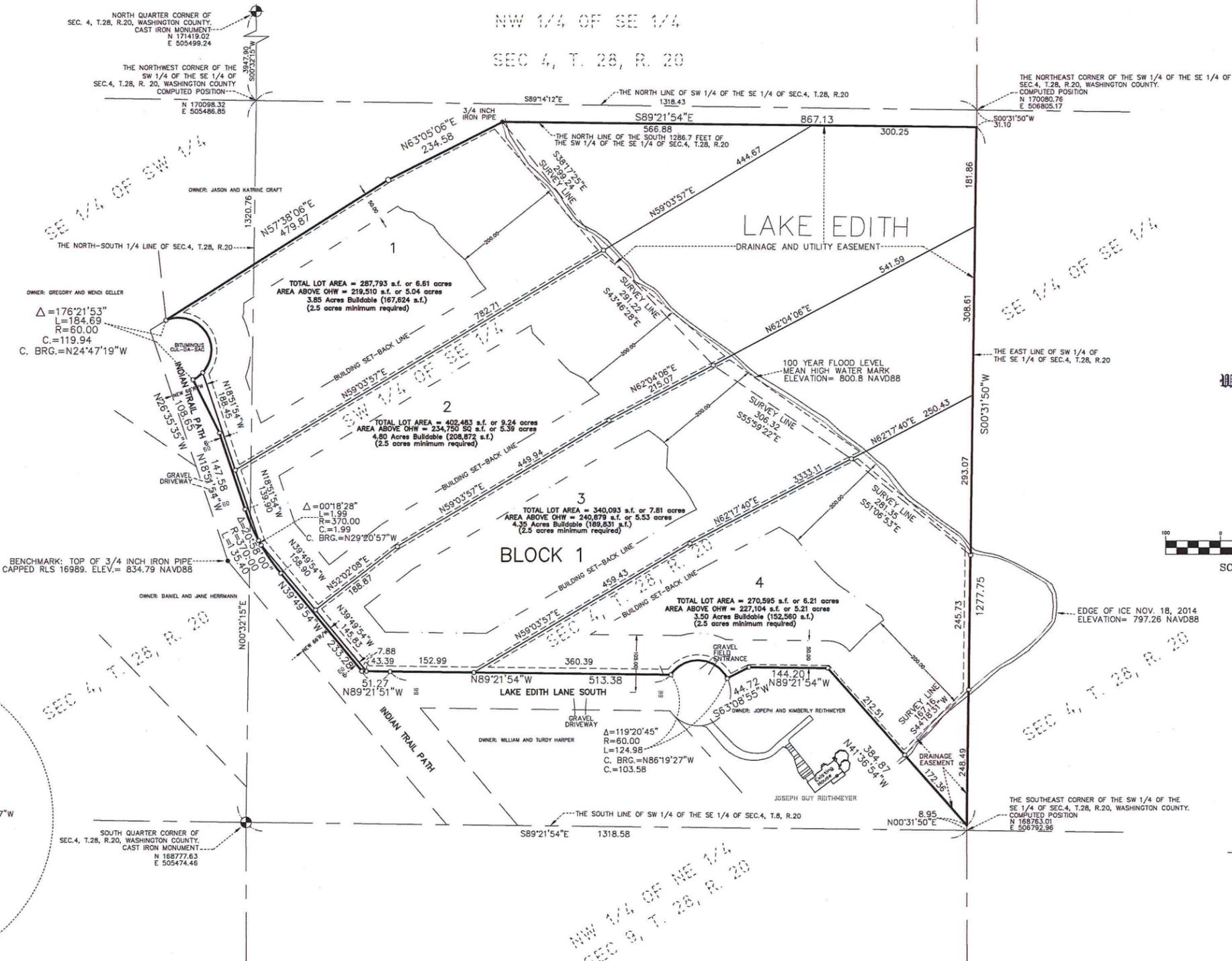
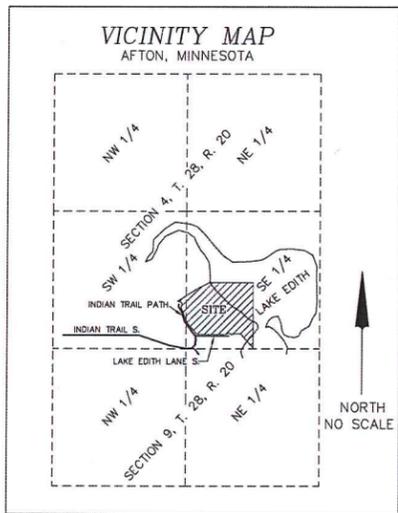
BASIS OF BEARINGS: WASHINGTON COUNTY COORDINATE SYSTEM NAD 83 (1986)

Client: Nelson Estate C/O Mr. Joseph Guy Reithmeyer 1093 Lake Edith Lane South Afton, MN 55001 Phone: 651-402-8403	Design by JF	Original date 12-9-15	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Registered Surveyor under the laws of the State of Minnesota.  Jonathan L'Forest Date: 12-21-15 Minnesota Reg. No. 16464
LAKE AND LAND SURVEYING, INC. LAND SURVEYING/CIVIL ENGINEERING 1200 CENTRE POINTE CURVE, STE 276 MENDOTA HEIGHTS, MN 55120 PHONE (651) 778-6211 E-MAIL: DVEYING@MNSURVEY.NET	Drawn by JF/K	Revisions 6-6-16	
	Survey book No.		Page Title SITE PLAN
	S.A.P. number 2014.142		Sheet number 3 of 3

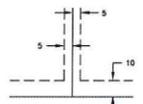
BASIS OF BEARINGS: WASHINGTON COUNTY COORDINATE SYSTEM NAD 83 (1986)

EXHIBIT C - SITE SURVEY

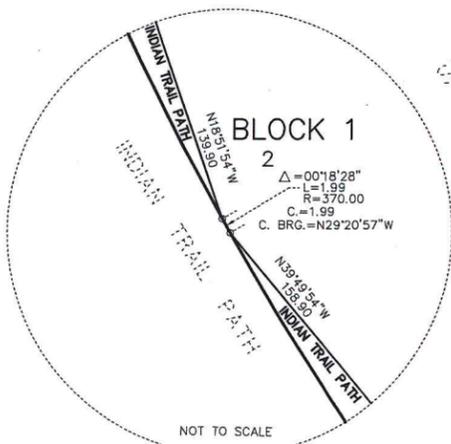
# PRELIMINARY PLAT: NELSON ESTATES



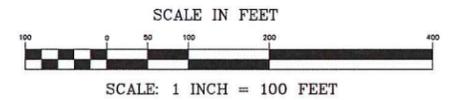
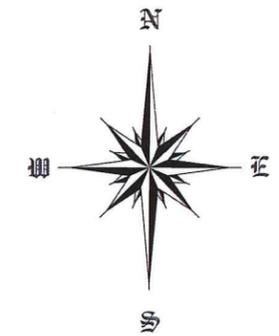
Drainage and utility easements are shown thus:



Being 5 feet in width and adjoining lot lines, and 10 feet in width and adjoining street lines and rear lot lines, unless otherwise shown on the plat.



DETAIL 1



## LEGEND

- ⊕ DENOTES P.L.S. CORNER MONUMENT FOUND, SIZE & TYPE AS NOTED.
- DENOTES 12 INCH COMMON SPIKE SET & CAPPED RLS 16464.
- DENOTES IRON MONUMENT FOUND SIZE, TYPE, AND RLS AS NOTED.

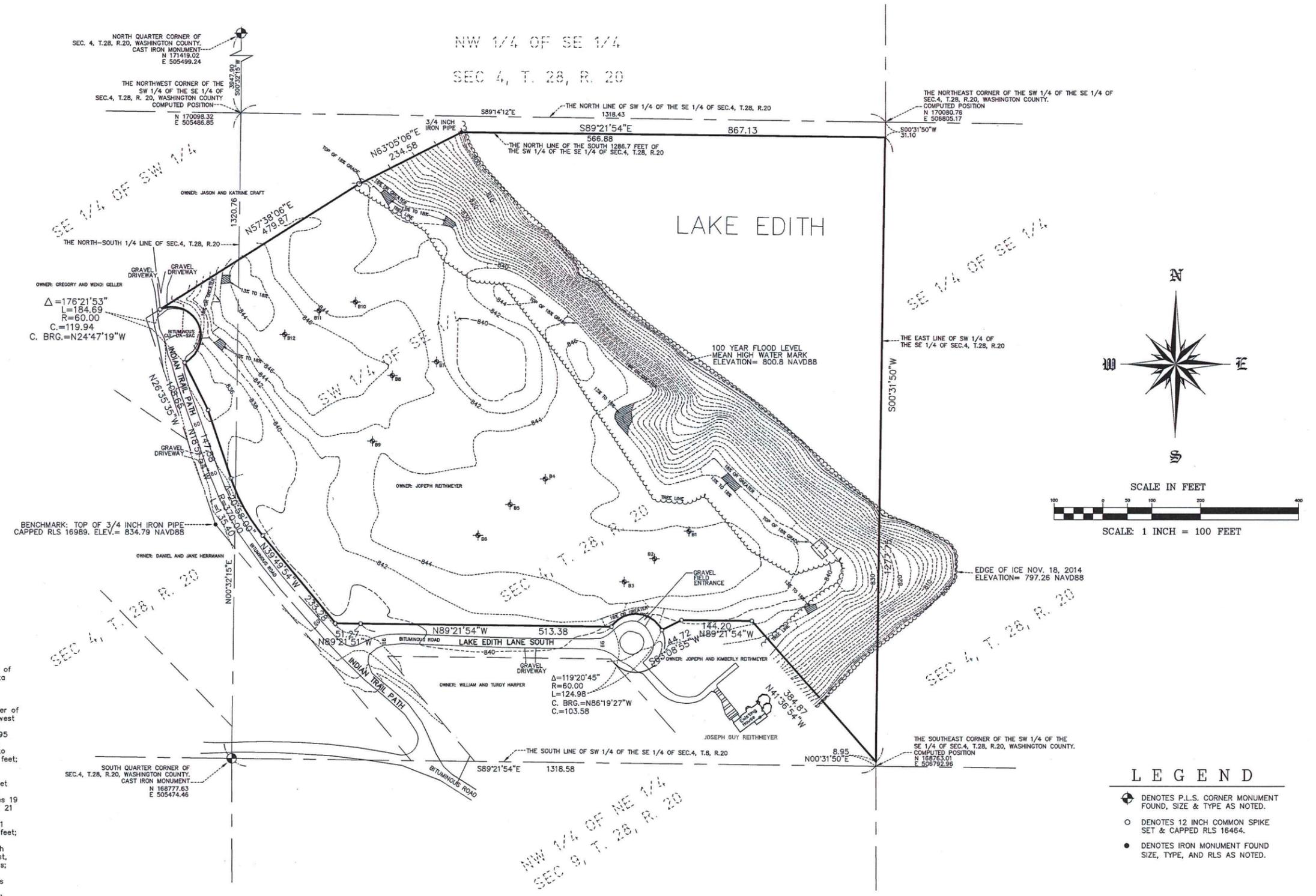
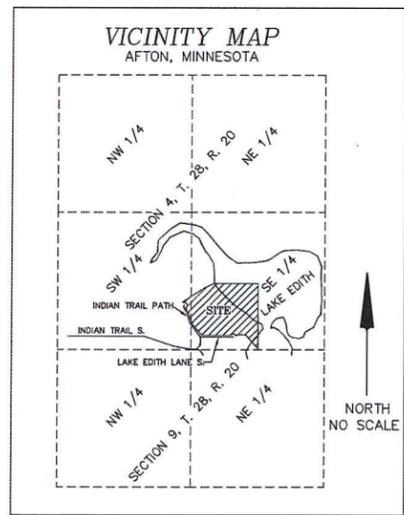
BASIS OF BEARINGS: WASHINGTON COUNTY COORDINATE SYSTEM NAD 83 (1986)

Client: Nelson Estate C/O Mr. Joseph Guy Reithmeyer 1093 Lake Edith Lane South Afton, MN 55001 Phone: 651-402-8403	Design by: JF Drawn by: JF/K	Original date: 12-9-15 Revisions: 6-6-16	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Registered Surveyor under the laws of the State of Minnesota.  Jonathan L. Faraci Date: 12-21-15 Minnesota Reg. No. 16464
LAKE AND LAND SURVEYING, INC. LAND SURVEYING/CIVIL ENGINEERING 1200 CENTRE POINTS CURVE, STE 275 MENDOTA HEIGHTS, MN 55120 PHONE: (651) 776-6211 E-MAIL: DEVEN@PAQWEST.NET	Survey book No. S.A.P. number: 2014.142	Page title: PRELIMINARY PLAT Sheet number: 2 of 3	

BASIS OF BEARINGS: WASHINGTON COUNTY COORDINATE SYSTEM NAD 83 (1986)

## EXHIBIT D - PRELIMINARY PLAT

# PRELIMINARY PLAT: NELSON ESTATES



## LEGAL DESCRIPTION:

That part of the Southwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Southwest Quarter of Section 4, Township 28, Range 20, Washington County, Minnesota described as follows:

Commencing at the south quarter corner of said Section 4; thence South 89 degrees 21 minutes 54 seconds East, assumed bearing, along the south line of said Southwest Quarter of the Southeast Quarter, a distance of 1318.58 feet to the southeast corner of said Southwest Quarter of the Southeast Quarter; thence North 00 degrees 31 minutes 50 seconds East, along the east line of said Southwest Quarter of the Southeast Quarter, a distance of 8.95 feet, the point of beginning; thence North 41 degrees 36 minutes 54 seconds West a distance of 384.87 feet; thence North 89 degrees 21 minutes 54 seconds West, parallel to the south line of said Southwest Quarter of the Southeast Quarter, a distance of 144.20 feet; thence South 63 degrees 08 minutes 55 seconds West a distance of 44.72 feet to the easterly right-of-way of Lake Edith Lane South; thence northwesterly, westerly, and southwesterly, along said right-of-way of Lake Edith Lane South, a distance of 124.98 feet along a non-tangential curve concave to the southwest, having a radius of 60.00 feet, a central angle of 119 degrees 20 minutes 45 seconds, a chord bearing of North 86 degrees 19 minutes 27 seconds West, and a chord distance of 103.58 feet; thence North 89 degrees 21 minutes 54 seconds West, along said Lake Edith Lane North right-of-way, a distance of 513.38 feet to the easterly right-of-way of Indian Trail Path; thence North 89 degrees 21 minutes 51 seconds West, along said Indian Trail Path right-of-way, a distance of 51.27 feet; thence North 39 degrees 49 minutes 54 seconds West, along said Indian Trail Path right-of-way, a distance of 233.28 feet; thence northwesterly, along said Indian Trail Path right-of-way, a distance of 135.40 feet along a tangential curve concave to the northeast, having a radius of 370.00 feet, and a central angle of 20 degrees 58 minutes 00 seconds; thence North 18 degrees 51 minutes 54 seconds West, along said Indian Trail Path right-of-way, a distance of 147.58 feet; thence North 26 degrees 35 minutes 35 seconds West, along said Indian Trail Path right-of-way, a distance of 108.65 feet; thence northeasterly, northerly, northwesterly, and westerly, along said right-of-way of Indian Trail Path, a distance of 184.69 feet along a non-tangential curve concave to the southwest, having a radius of 60.00 feet, a central angle of 176 degrees 53 seconds, a chord bearing of North 24 degrees 47 minutes 19 seconds West, and a chord distance of 119.94 feet; thence North 57 degrees 38 minutes 06 seconds East a distance of 479.87 feet; thence North 63 degrees 05 minutes 06 seconds East a distance of 234.58 feet to the North line of the South 1286.7 feet of said Southwest Quarter of the Southeast Quarter; thence South 89 degrees 21 minutes 54 seconds East, along said north line of the South 1286.7 feet of the Southwest Quarter of the Southeast Quarter, a distance of 867.13 feet to the east line of the Southwest Quarter of the Southeast Quarter; thence South 00 degrees 31 minutes 50 seconds West, along said east line of the Southwest Quarter of the Southeast Quarter, a distance of 1277.75 feet to the point of beginning.

BASIS OF BEARINGS: WASHINGTON COUNTY COORDINATE SYSTEM NAD 83 (1986)

## LEGEND

- ⊕ DENOTES P.L.S. CORNER MONUMENT FOUND, SIZE & TYPE AS NOTED.
- DENOTES 12 INCH COMMON SPIKE SET & CAPPED RLS 16464.
- DENOTES IRON MONUMENT FOUND SIZE, TYPE, AND RLS AS NOTED.

BASIS OF BEARINGS: WASHINGTON COUNTY COORDINATE SYSTEM NAD 83 (1986)

Client: Nelson Estate C/O Mr. Joseph Guy Reithmeyer 1053 Lake Edith Lane South Afton, MN 55001 Phone: 651-402-8403	Design by: JF Drawn by: JF/JK Survey book No. S.A.P. number: 2014.142	Original date: 12-9-15 Revisions: 6-6-16	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and that I am a duly Registered Surveyor under the laws of the State of Minnesota. <i>Joseph L. Francis</i> Date: 12-21-15 Minnesota Reg. No. 16464 Page title: EXISTING CONDITIONS Sheet number 1 of 3
--------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------	---------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

RECEIVED  
JUN 20 2016  
CITY OF AFTON



June 3, 2016

Joseph Guy Reithmeyer  
1093 Lake Edith Lane South  
Afton, MN 55001

**Re: Nelson Estates—Afton, Minnesota  
VBWD Permit #2016-13**

Dear Mr. Reithmeyer:

Enclosed is the Valley Branch Watershed District (VBWD) permit for your project. Please note the following conditions imposed by the Managers, which are also listed on the back of the permit.

1. A VBWD permit must be obtained prior to construction on any parcel. Construction on each parcel must conform to the VBWD Rules and Regulations, including but not limited to the VBWD stormwater management, erosion-control, and minimum floor elevation standards. Stormwater management facilities to manage runoff, as required by the VBWD, must be provided on each parcel. This condition must be included in a document, such as a development agreement, that can be recorded with the Washington County Recorder's Office. Sureties will also be required. Note: Under the current layout, the proposed home on Lot 2 will be required to have a low-entry elevation no lower than Elevation 844.
2. As required by VBWD Rule 4, Standard 13C, a minimum 35-foot-wide buffer strip of unmowed vegetation measured perpendicular to the DNR's ordinary high water level and extending 35 feet inland shall be provided. A mowed access path and shoreline are allowed, but must not exceed 30% of the landowner's shoreline width or 30 feet, whichever is less. Access paths shall not be located where concentrated runoff will flow to the lake.
3. This permit is not transferable.
4. This permit is subject to obtaining all other permits required by governmental agencies having jurisdiction (including, but not limited to, an NPDES permit).
5. Valley Branch Watershed District shall be granted drainage easements which cover (a) land adjacent to stormwater management facilities and lowlands up to their 100-year flood elevations and (b) all ditches, storm sewers, and maintenance accesses to the stormwater management facilities.
6. The required drainage easement shall be recorded with the Washington County Recorder's Office.



DAVID BUCHECK • LINCOLN FETCHER • JILL LUCAS • EDWARD MARCHAN • ANTHONY HAIDER

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

**EXHIBIT F - VALLEY BRANCH WATERSHED DISTRICT LETTER**

7. Return or allowed expiration of any remaining surety and permit closeout is dependent on the permit holder providing proof that all required documents have been recorded (including but not limited to easements) and providing as-built drawings that show that the project was constructed as approved by the Managers and in conformance with the VBWD rules and regulations.

Thank you for your cooperation with the District's permit program.

Sincerely,



David J. Budcheck, President  
Valley Branch Watershed District

DJB/ymh  
Enclosure

c: Susannah Torseth, VBWD Attorney  
Ray Roemmich, VBWD Inspector  
Jenifer Sorensen, MDNR  
Ronald Moore, City Administrator—City of Afton  
Diane Hanke, WSB, City Engineer—City of Afton  
Duane Stensland, Stensland Inspections, Building Inspector—City of Afton  
John Faraci, Lake and Land Surveying, Inc.—Authorized Agent  
Karen Wold, Barr Engineering Co.  
Yvonne Huffman, Barr Engineering Co.

P:\Mpls\23 MN\82\2382020\\_MovedFromMpls\_P\2016\2016-13\_NelsonEstates\2016-13\_PermitLtr\_June2016.docx

**VALLEY BRANCH WATERSHED DISTRICT  
PERMIT APPLICATION**

TO BE COMPLETED BY VBWD:

Permit Number 2016-13

Permit Fee Received N/A

Date Received N/A

Return application to  
John Hanson  
Barr Engineering Co.  
Engineers for the Valley Branch Watershed District  
4300 MarketPointe Drive  
Bloomington, MN 55435



A permit fee shall accompany this permit, unless waived by the Board of Managers. (Governmental bodies are not required to pay a fee.)

Project Information			
Project Name	Nelson Estates		
Location (street address, if known; otherwise major intersection)	1093 Indian Trail S		
City or Township	Afton		
Parcel Identification Number (if known)	04.028.20.43.0006		
Section, Township, Range (if known)	Section:4	Township:28	Range:20
Project Timeline Estimate	Start: September, 2016	Complete: Unsure	
Project Contacts			
	Applicant	Authorized Agent	Owner (if different than applicant)
Name	Joseph Guy Reithmeyer	John Faraci	
Company (if applicable)		Lake and Land Surveying, Inc	
Address	1093 Lake Edith Lane S	1200 Centre Pointe Curve, Ste. 275	
City, State, Zip	Afton, MN 55001	St. Paul, MN 55120	
Phone	651-402-8403	651-776-6211	
Email	gksreith@msn.com	jfdevengpa@qwest.net	

Once a Valley Branch Watershed District permit has been approved, the permit conditions will be attached to the back of this form.

By signing this permit application, the permit applicant, his/her agent, and owner (hereinafter "Permittee") shall abide by all the conditions set by the Valley Branch Watershed District (VBWD). All work which violates the terms of the permit by reason of presenting a serious threat of soil erosion, sedimentation, or an adverse effect upon water quality or quantity, or violating any rule of the VBWD may result in the VBWD issuing a Stop Work Order, which shall immediately cause the work on the project related to the permit to cease and desist. All work on the project shall cease until the permit conditions are met and approved by the VBWD representatives. In the event Permittee contests the Stop Work Order issued by the VBWD, Permittee shall attend a VBWD Board of Managers meeting and discuss the project. Any attorney fees, costs, or other expenses incurred on behalf of the VBWD in enforcing the terms of the permit shall be the sole expense of the permit applicant. Costs shall be payable from the permit applicant's permit fee. If said fees exceed the permit amount, the Permittee shall have ten (10) days from the date of receipt of the invoice from the VBWD to pay for the cost incurred in enforcing the permit, by which to pay the VBWD for said costs. If costs are not paid within the ten (10) days, the VBWD will draw on the permit applicant's surety. The Permittee agrees to be bound by the terms of the final permit and conditions required by the VBWD for approval of the permit. The permit applicant further acknowledges that he/she has the authority to bind the owner of the property and/or any entity performing the work on the property pursuant to the terms of the VBWD permit, and shall be responsible for complying with the terms of the VBWD permit.

**Signatures (Required):**

	Applicant	Authorized Agent	Owner (if different than applicant)
Signature			
Date	May 18, 2016		



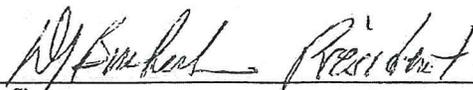
DAVID BUCHECK • LINCOLN FETCHER • DALE BOPASH • JILL LUCAS • EDWARD MARCHAN

VALLEY BRANCH WATERSHED DISTRICT • P.O. BOX 838 • LAKE ELMO, MINNESOTA 55042-0538

www.vbwd.org

1. A VBWD permit must be obtained prior to construction on any parcel. Construction on each parcel must conform to the VBWD Rules and Regulations, including but not limited to the VBWD stormwater management, erosion-control, and minimum floor elevation standards. Stormwater management facilities to manage runoff, as required by the VBWD, must be provided on each parcel. This condition must be included in a document, such as a development agreement, that can be recorded with the Washington County Recorder's Office. Sureties will also be required. Note: Under the current layout, the proposed home on Lot 2 will be required to have a low-entry elevation no lower than Elevation 844.
2. As required by VBWD Rule 4, Standard 13C, a minimum 35-foot-wide buffer strip of unmowed vegetation measured perpendicular to the DNR's ordinary high water level and extending 35 feet inland shall be provided. A mowed access path and shoreline are allowed, but must not exceed 30% of the landowner's shoreline width or 30 feet, whichever is less. Access paths shall not be located where concentrated runoff will flow to the lake.
3. This permit is not transferable.
4. This permit is subject to obtaining all other permits required by governmental agencies having jurisdiction (including, but not limited to, an NPDES permit).
5. Valley Branch Watershed District shall be granted drainage easements which cover (a) land adjacent to stormwater management facilities and lowlands up to their 100-year flood elevations and (b) all ditches, storm sewers, and maintenance accesses to the stormwater management facilities.
6. The required drainage easement shall be recorded with the Washington County Recorder's Office.
7. Return or allowed expiration of any remaining surety and permit closeout is dependent on the permit holder providing proof that all required documents have been recorded (including but not limited to easements) and providing as-built drawings that show that the project was constructed as approved by the Managers and in conformance with the VBWD rules and regulations.

Approved: \_\_\_\_\_ May 26, 2016

  
\_\_\_\_\_  
Signature Title  
Valley Branch Watershed District

Note: The grant of this permit in no way purports to permit acts, which may be prohibited by other governmental agencies.



## Memorandum

**To:** Ron Moorse, City of Afton

**From:** Jesse Carlson, WSB

**Date:** July 18<sup>th</sup>, 2016

**Re:** Grading and Drainage Review – Nelson Estates  
WSB Project No. 1856-500

A proposed plan was submitted for a 4-lot subdivision in the city of Afton, MN. The proposed project is located at 1093 Indian Trail South. The net increase of impervious surfaces of the proposed development is unknown. As a part of this submittal the following was reviewed:

- Preliminary Plat revised 6/6/16

The site was reviewed for conformance with the City of Afton's grading and stormwater requirements. The following are items that will need to be addressed as a part of this application.

### Grading

- Proposed site should show the future drainage patterns, and the locations of swales, ditches, etc. that will convey stormwater across the site.
- All proposed building locations are set back 40 feet from the top of natural slopes greater than 18%. No action needed.
- Proposed long driveways are limited to 12 feet wide at the street.

### Erosion

- Appropriate BMPs must be implemented such as construction phasing, vegetative buffer strips, horizontal slope grading, and inspection and maintenance to minimize erosion and protect surrounding waters.
- Locations and types of temporary and permanent sediment control facilities shall be shown on the plan, such as silt fence, fiber logs, sediment mat, rock check dams, sedimentation basins, vegetative buffer strips, along with the propose temporary and permanent stabilization plan.

### Stormwater

- A minimum 35-foot wide vegetative buffer (measured perpendicular to the OHW) is required adjacent to lakes to reduce phosphorus from runoff. Native, non-invasive vegetation is preferred.
- A stormwater management plan should be submitted for each lot. The stormwater management plan should address rate control, volume retention, and water quality standards as required by the City of Afton, VBWD, and the NPDES permits, outlined below:
  - All proposed increased impervious areas shall be managed as to not increase rate and volume of runoff. Rate of surface water runoff must not increase from the property for

all precipitation events of all durations up to and including the 100-year storm. Design criteria include the 2, 10, and 100-year storms.

- Implemented BMPs must comply with the standards in the City of Afton's Stormwater Management Plan. The recommended stormwater treatment devices include:
  - Rainwater gardens
  - Vegetative buffers
  - Settling ponds
  - Porous pavement
  - Filtration basins

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

# Planning Commission Memo

## Meeting: August 1, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: July 27, 2016

Re: Robert Demaster Application for an Interim Use Permit for an Accessory Building at 15376 Afton Boulevard South

---

Robert Demaster owns the small parcel at 15376 Afton Boulevard South. He also owns three adjacent parcels. These include the parcel at 15252 Afton Hills Drive, which includes his home, the large parcel to the south with PID # 15.028.20.34.0001, on which he has a vineyard, and the long narrow parcel with PID# 15.028.20.43.0005 southeast of the 15376 parcel. The attached map shows the 15376 parcel outlined in red and the total property owned by Mr. Demaster outlined in green.

The parcel at 15376 Afton Boulevard South had an older house and storage building. (See attached photos). The storage building has been removed. Mr. Demaster would like to construct a new accessory building on the site of the old house in order to use the current driveway and utilities including the well, electrical and septic. The top story of the existing older house has been removed, as part of the plan to remodel the first floor of the house to create an accessory building/workshop. Because there will no longer be a principal structure on this parcel, the accessory building would not meet the requirement that an accessory building is not allowed on a parcel without a principal structure. A building permit for the accessory building has not been issued, while a solution to meeting the code requirement is pursued. The code language is provided below.

### Sec. 12-187. Types of Accessory Buildings

D. No accessory building shall be constructed nor accessory use located on a lot until a building permit has been issued for the principal building to which it is accessory.

Currently, the principal building to which the workshop would be accessory (Mr. Demaster's house) is located on a separate lot. Mr. Demaster is in the process of working through a title registration process that needs to be completed before he can replat the property so that the parcel at 15376 Afton Boulevard South, on which the accessory building is located, is combined with the adjacent parcels, including the parcel on which the house is located. This will enable the accessory building to be located on the parcel with the principal structure. This process could take a year to complete. Attached is a memo from Mr. Demaster's attorney regarding the status of the title work. Mr. Demaster would like to be able to use the accessory building in the interim as a workshop and for winemaking.

In discussing this situation with the City's planning consultant, while the proposal appeared to be reasonable, there was not a clear solution, either administratively or through a land use application. The City Attorney suggested that an interim use permit would be a good fit for this situation, because only an interim solution is needed. The interim use permit would allow the accessory building without a principal structure on a temporary basis until the title work and the replatting process are complete.

Conditions

The Planning Commission may place conditions on the interim use permit, including an expiration date. The Commission may want to consider setting an expiration date at twelve months with the option to extend the interim use permit for six or twelve months subject to the status of the title registration and replatting process and meeting other conditions the Commission may place on the permit.

**Planning Commission Direction Requested:**

Motion regarding a recommendation concerning the Robert Demaster application for an Interim Use Permit for an accessory building at 15376 Afton Hills Drive, with conditions, if desired.

216-23

Updated April, 2012

# Interim CITY OF AFTON CONDITIONAL USE PERMIT APPLICATION

Owner <i>Robert Duane DeMaster + Jill Trustees</i>	Address <i>15252 Afton Hills Dr, Afton</i>	City <i>Afton</i>	State <i>MN</i>	Zip <i>55001</i>	Phone <i>612 269-1580</i>
Applicant (if different than owner)	Address	City	State	Zip	Phone
Project Address <i>15376 Afton Blvd. S.</i> <i>AFTON</i> <i>MN</i> <i>55001</i>					
Zoning Classification <i>Res. Non-Hstd. RURAL Residential #1</i>	Existing Use of Property <i>VACANT Home → STORAGE Bldg</i>	PID# or Legal Description <i>#15.02B.20.34.0002</i>			
Description of Request <i>Convert Demolished home into Storage Building until new property survey is recorded</i>					
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 <b>within 12 months of the date issued</b> , this CUP will EXPIRE and be INVALID.					
Signature of Owner/Applicant <i>Robert DeMaster Jill DeMaster</i>			Date <i>July 14, 2016</i>		
Make checks payable to <b>City of Afton:</b>					
<b>FEES:</b>		<b>ESCROW DEPOSIT:</b>			
CUP	<u>\$250</u>	CUP Escrow	<u>\$600</u>	TOTAL:	<i>\$850.00</i>
Amended CUP	\$250	Amend CUP Escrow	\$350	DATE PAID:	<i>7-14-16</i>
City Engineer	_____	Engineer Escrow	_____	CHECK #:	<i>14332</i>
Other	_____	Other	_____	RECVD. BY:	<i>[Signature]</i>
<b>ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION</b>					

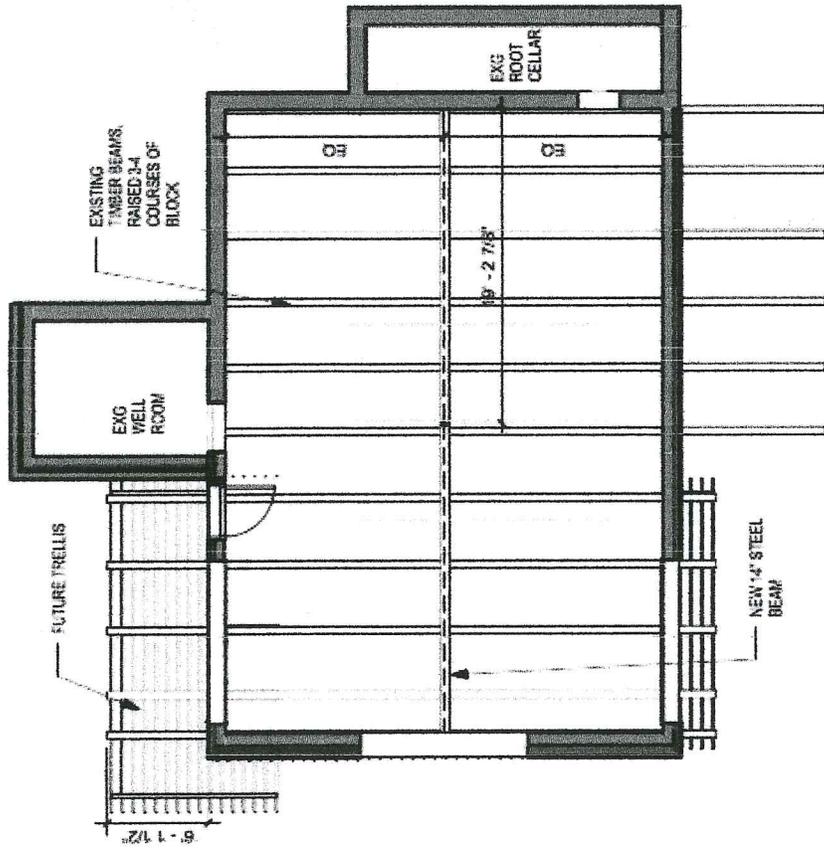
RECEIVED  
JUL 14 2016  
CITY OF AFTON

From: Robert DeMaster [jillrob@me.com](mailto:jillrob@me.com)  
Subject: Heideman  
Date: May 4, 2016 at 9:47 AM  
To: Robert DeMaster [jrdemaster@msn.com](mailto:jrdemaster@msn.com)

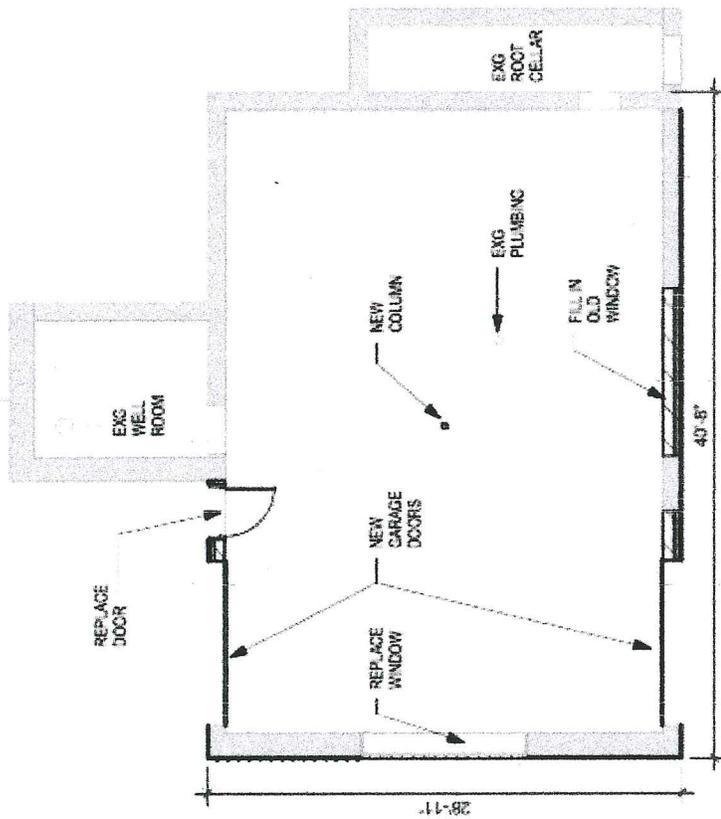


ITA

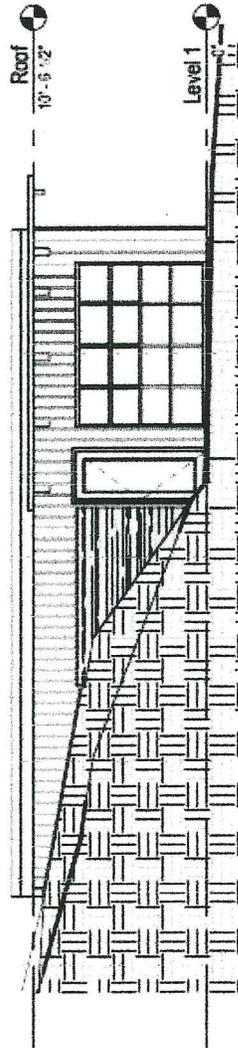




**Reflected Ceiling Plan**  
1/8" = 1'-0"



**Floor Plan - Grade Level**  
1/8" = 1'-0"



**West Elevation**  
1/8" = 1'-0"

STACK LAND SURVEYING  
9090 North Fairy Falls Road  
Stillwater, MN 55082  
(651) 439-5630  
April 4, 2016

Mr. Robert DeMaster  
15252 Afton Hills Drive South  
Afton, MN 55001

SURVEY WORK AND DESCRIPTION REPORT:

(December 6, 2015 thru April 4, 2016)

Dear Mr. DeMaster,

Herewith a progress report on our survey and description work to date. I have supplied you with preliminary copy of the Certificate of Survey/topography mapping we intend to use to accomplish the Proceedings Subsequent court action and the Title Registration of your abstract property and also to illustrate the desired Lot Line Adjustment with you neighbor. Accordingly, please be advised of the following:

1. We have tied in and reviewed the location of the remaining Judicial Landmarks (JLM's) that represent your original overall boundary vs. their described locations. As shown on the map, 5 of the 15 JLM's have been disturbed and 1 JLM is missing completely. It appears that the original registration and JLM placement was based on an older Wash. Co. Section Subd. data worksheet. A newer, current Wash. Co. Section Subd. worksheet, has slightly different dimensional and angular values. Our current work is based on this datum. There are irregularities with respect to the described vs. found locations of the JLM's, due in part to the different section subd's. and other unknown factors.

2. The original position of the JLM's are the Court settled adjudicated parcel boundaries. The issue here is that the torrens description itself does not exactly fit the JLM's as originally placed on the ground. In some areas, the described torrens parcel lines are external of the JLM boundaries while in other areas some abstract property is included therein. In concert with discussions with your attorney, the Washington County Surveyor's office and the Washington County Registrar of Titles office, I suggest that we undertake a Proceeding Subsequent action in district court to bring the record torrens description into conformance with the in-place, adjudicated boundaries. This action will be needed in any event, to have the Court direct me to re-set the missing or disturbed JLM's. When this action is accomplished, the following Title Registration work on your southerly abstract parcels will dovetail exactly with the revised, re-described adjudicated boundaries. A 1992 survey of a parcel to the east has descriptive calls to the in-place JLM's as the boundary. Data shown on that survey coincides with our field work and my conclusion that two of the easterly most JLM's are 0.6 feet, more or less, easterly of their described location.

3. We have computed the recorded descriptive elements of the current Scenic Easement on your original torrens parcel. This record description has a dimensional omission and bearing orientation problems that render it incorrect. Also, this scenic easement description does not call to JLM's, as your Torrens boundary description does. The computed position of the scenic easement shown on the survey is not the described location. It is my interpretation of the intended location of the easement based on the original survey mapping that was provided by you. This record easement must be re-described to correct its record location. The revision of this scenic easement will require a corrective deed and/or the participation and agreement of the City of Afton, who holds the current easement. Again, in concert with discussions with your attorney, The City of Afton and the Washington County Registrar of Titles office, this existing scenic easement needs to be replaced with a corrected one. There exists the possibility that the City of Afton may also request a Scenic Easement be granted to the City on the additional Abstract property you have obtained. It would probably be a requested condition of approval of the Lot Line Adjustment you are seeking with your neighbor.

4. The boundary irons set by Metro Land Surveying that represent the westerly most portions of the described lines between you and the Geitl lot have all been re-located or re-set and are correct as described. As directed by you, I have set a proposed line for viewing by you and your neighbor that could represent the proposed Lot Line Adjustment. At this point they are proposed locations only and do not represent current record property lines.

Geitl  
Addition  
AK

5. Survey monuments on the boundaries of your southerly abstract parcels, intended to be registered, have been recovered or set, as shown on preliminary copies of the survey. As we have discussed, we are holding the monumented easterly lines of Lots 29 thru 31, inclusive, of the recorded plat of AFTON HILLS as your westerly boundary. This monumented plat boundary is roughly 4'+- easterly of your described westerly line and has been surveyed, occupied and re-surveyed many times by others. This length of occupation and monumentation is an established, occupied boundary that would be difficult to challenge. Everybody abutting your boundaries will be notified by the court of your intent to register your property. Going to their monumented easterly lines should not be a threat to them. As stated earlier, we see no conflicts with other easterly described and monumented boundaries, as we agree with survey monuments found in place along the most easterly lines of your abstract parcels.

6. The Lot Line Adjustment that you and your neighbor desire, should be affected after the registration of your abstract parcels is accomplished. The existing neighbors title is torrens and the revised parcel will contain part of what is currently abstract title. As we have discussed, this Lot Line Adjustment would best be handled by the final document being a Mn. Stat. 505 plat. This final document would include all of the original DeMaster parcel, which includes yours and the neighbors parcel, and also the newly registered southerly abstract parcels. When the plat is accomplished, all of the lengthy metes and bounds descriptions would be replaced by Lot and Block descriptions with the revised scenic easement being shown on the plat. I have spoken with

the county surveyors office about this approach and they appear to be in favor of it. If this all goes thru as I have envisioned, you and your neighbors record, torrens description may end up being 1 sentence long, as opposed to the existing lengthy metes and bounds easement and boundary descriptions. Again, in concert with discussions with your attorney and the Washington County Registrar of Titles office, a legal method and approach will need to be developed that would accomplish the final deed exchanges or to possibly have both parties sign the plat.

*yes -  
torrens  
property*

7. I enclose for your information, some info on Lot 32 of County Auditors Plat (CAP) No. 5. As we discussed, the taxes for this lot are being paid by a party named Rosenquist. Lot 32 is subject to a road and utility easement held by the City of Afton up to the south line of your abstract parcel. I also transmit a copy of a 1986 Afton Zoning use permit, probably now void, that deals with the improvement and additional right-of-way expansion of his road as a condition of approval for a Minor Subdivision that was apparently being sought at that time. Obviously the road was never improved to City standards and I don't think the Minor Subd. was finally approved, possibly because of the costs involved to obtain the additional right-of-way and to build the road to City standards. There may be some merit in additional research to see if you may want to pursue fee ownership of Lot 32. Be advised however that CAP's are not true subdivision plats. They were generated in the past as a method to simplify and illustrate and bill tax parcels for the County Auditor and are no longer used. The underlying metes and bounds descriptions for these CAP lots control the boundaries and are subject to junior and senior deed rights.

Bob, I realize there are lots of items here to digest. Give me a call with your questions or comments. If needed we can meet and discuss the project in greater detail.

Respectfully,

*Barrett M. Stack*  
Barrett M. Stack, LS

*Plat 4-11-16  
chk # 14139  
BMS*

STATEMENT TO DATE:

Additional Field and Office Services Rendered 12-6-2015 thru 4-4-2016:

Total \$4140.00

Thank You!

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

*Barrett M. Stack*  
Barrett M. Stack

Date: April 4, 2016 License No. 13774

City of Afton

Permit Fee Paid

ZONING USE PERMIT

- Special Use
- Conditional Use
- Grading
- Vegetative Cutting
- Signs
- Minor Lot Subdivision

Owner: La Vina Rosenquist

Address: 15198 Afton Boulevard South

City/State: Afton, Mn. 55001

Legal Description of Property: See attached

Township/Municipality: Afton Zoning District: R

Applicant (if other than owner): G. Rebecca McCullough, Guardian

Address:

City/State: Zip Code:

Permitted Uses: Subdivide a ten acre parcel into two parcels each of which shall be at least five acres.

Subject to the following special conditions or restrictions:

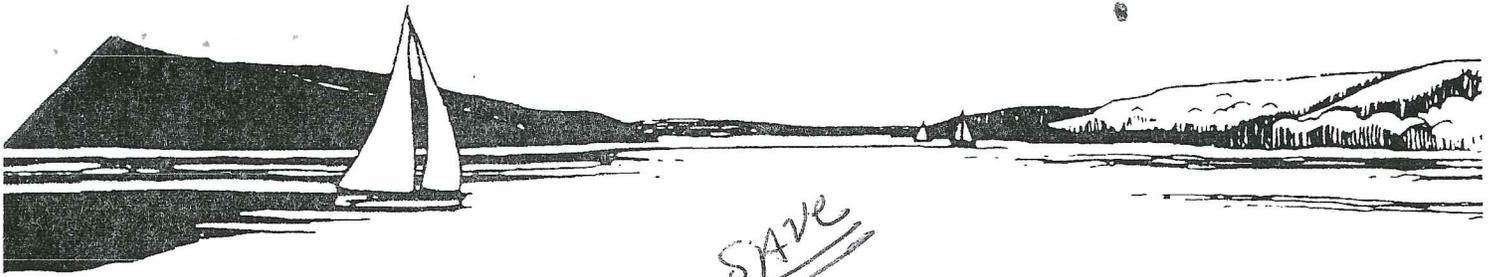
1. The 25' strip (Lot 32 of Auditors Plat #5) will be conveyed to the City by deed or easement for city road and utility purposes.
2. An easement over the east 35.25' of Lot 31, Auditor's Plat #5, for road and utility purposes by Laverna and Darel Leipold will be conveyed to the City.
3. The location of the present driveway will be the location for the access serving the Leipold parcel and the northerly parcel created by Rosenquist.
4. The driveway will be brought to City road standards and all benefited properties assessed at such time as the driveway serves as an access for more than three dwellings.
5. Parcel #3550 will be combined with parcels #3650 (Lot 22) and #3600 (Lot 21) at the time the two lots are created by this subdivision.
6. The Rosenquist property shall be surveyed and the City Attorney approve the deeds prior to recording. Each new parcel will have at least five acres. The southerly parcel shall have all the frontage of the present Lot 22 on Afton Boulevard and the northerly parcel shall include all the property of Lot 21 which is now adjacent to Lot 32 (the 25' strip). See site plan.
7. The roadway will not be accepted for maintenance as a City street until it is constructed to City specifications by the adjoining property owners.
8. Construction of a residence on Lot 31 and Lot 21 will require the driveway to be brought to standards for roads serving more than one but less than four residences.

We accept the conditions of this permit. We understand that any changes from these plans must be resubmitted for approval.

La Vina Rosenquist  
Guardian

Feb 2, 1986  
Helen H. Baker, Zoning Administrator

COUNTY REPRESENTATIVE DATE



Mayor  
Jerry Kellogg

City Administrator  
Larry Whittaker

April 13, 1999

Mr. Gerard Schoen  
406 Utz Lane  
Hazelwood, MO 63402

Fax Copy to: Harry Schoen, Attorney :

Re: Use of Public Right-of-way

Dear Mr. Schoen:

The City of Afton has an easement for road and utility purposes over Lot 32 of County Auditor's Plat #5. The City has previously allowed adjacent property owners access over that easement as long as they have improved and maintained a driveway that meets City driveway standards (See enclosed Zoning Use Permit). The City Council agreed that Mr. Farrington could use this easement to gain access to Lot 31 if he improved the existing driveway to City standards.

at some point get copy

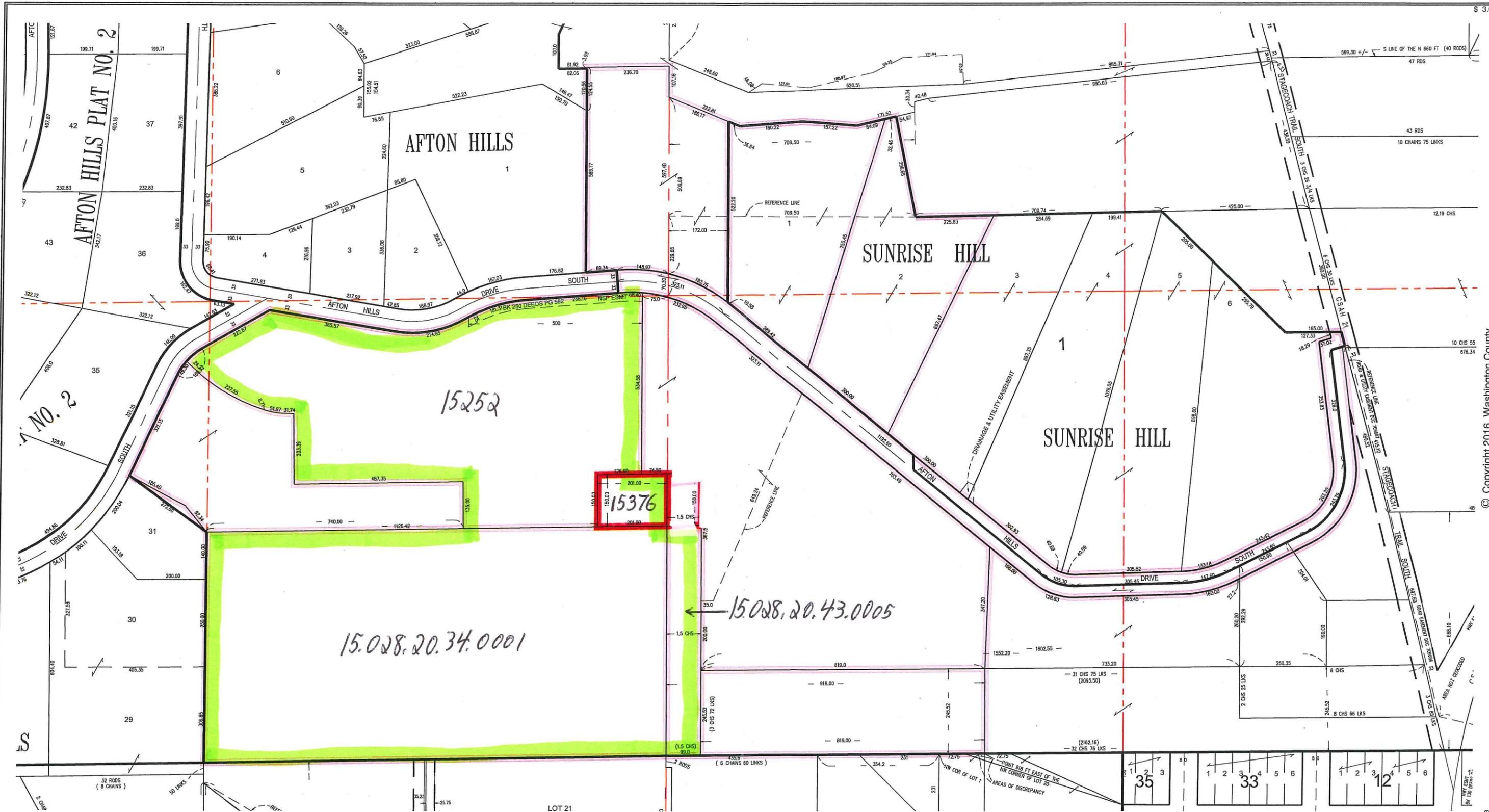
I am enclosing a copy of a January 19, 1999 Memorandum from the City Attorney to the City Council on the status of Mr. Heideman's claim to this same access. I hope this will be helpful in understanding his claim and the City position on that claim. Mr. Heideman's use of Lot 32 for access to his property precedes the easement and maintenance agreement. Therefore, we have not imposed the current driveway standards on him. However, your use of Lot 32 is governed by the enclosed permit and current City standards, which we discussed in our meeting with you last week. We would require you to meet those standards since we have clear concerns about safe access for you and Mr. Heideman - as well as adequate access for public safety vehicles.

I was pleased to learn that you had offered to improve and maintain the shared driveway from Afton Blvd. to Lot 31 at your own expense. I hope this will alleviate some of your neighbor's concerns. However, as we discussed, I would encourage you to negotiate and record a covenant with Mr. Heideman governing the improvement, use and maintenance of the shared driveway.



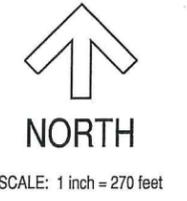
I hope this addresses your concerns. If you have any further questions, please call me. Best wishes as you consider your move to Afton.

Very truly yours,  
*Laurence E. Whittaker*  
Laurence E. Whittaker,  
City Administrator  
CC: John Heideman  
F/Larry/Letters/Schoen



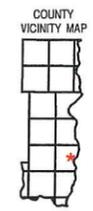
**Washington County**  
 PUBLIC WORKS DEPARTMENT  
 SURVEY AND LAND MANAGEMENT DIVISION  
 14949 62nd Street North, P.O. Box 6  
 Stillwater, Minnesota 55082-0006  
 (651) 430-6875  
 surveyor@co.washington.mn.us  
 www.co.washington.mn.us/surveyor

- LEGEND**
- DNR PROTECTED WATERS
  - DNR PROTECTED WETLAND
  - DNR PROTECTED WATERCOURSE
  - MUNICIPAL BOUNDARY
  - PARK BOUNDARY



SECTION-TOWNSHIP-RANGE INDEX

0902820	1002820	1102820
1602820	1502820	1402820
2102820	2202820	2302820



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	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 11, 2016  
 NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE  
 DATE OF CONTOURS: November, 2011 DATE OF PHOTOGRAPHY: None

## JULY MEETING HIGHLIGHTS

### Planning Commission, July 11

- **Heard** Mike Isensee from the Middle St. Croix Water Management Organization (MSCWMO) inform of their adoption of Minimal Impact Design Standards (MIDS). Watersheds across the Metro Area are adopting MIDS so that consistent standards are being used across communities.
- **Recommended** approval of the Meisner variance to current setbacks at 1520 Stagecoach Trail to construct a handicapped accessible bathroom addition as the only building solution to the 100-year-old legal non-conforming home structure.
- **Recommended** denial for a zoning code amendment by Localized LLC to add a Non-Profit Park use into the City Code. The location of such a proposed use is 2167 Oakgreen Avenue and the two adjacent parcels. Commissioners felt Afton's ordinances already have similar uses in Afton ordinances and that this could be accomplished as a "recreation area" or "nature center."
- **Discussed** considering an ordinance excluding man-made steep slopes from regulations for disturbing slopes greater than 18%. Commissioners felt steep slopes, whether man-made or natural, deserved protection and preservation and preferred narrowing the scope of the exemption.
- **Discussed** adding increased vegetative screening requirements to the Subdivision Ordinance. Commissioners felt this encroached on private property rights and felt that vegetative screening is not the main factor that gives Afton its rural character. Rather, they felt that large lot sizes afford Afton its rural character.

### City Council Meeting, July 19

- **Approved** the Minor Subdivision for Chaim Teitelbaum at 15511 Afton Hills Drive, but deleted the condition encouraging a shared driveway for Parcel C, as "private streets" aka, shared driveways, are not allowed by ordinance.
- **Denied** the application for a Minor Subdivision for Brown Trout LLC at 15311 Putnam and 2573 Stagecoach Trail, noting that subdivisions increasing non-conformities are not allowed. The Putnam property does not have frontage on an improved public road. The two parcels are to be combined per ordinance requirements and that the City will consider them as combined in relation to any City actions related to the parcels.
- **Approved** the Roger Meisner variance to construct a handicapped accessible bathroom addition as the only option to meet this disabled veteran's needs.
- **Denied** Localized LLC ordinance amendment to add a Non-Profit Park use into the City Code as Afton has "recreation area" and "nature center" uses in the ordinances that the proposed property owner could apply for as a conditional use.
- **Approved** purchasing Laserfiche, a paperless office and workflow management software, to aid city staff in efficient records management, process tracking and office workflow.
- **Approved** eleven properties for Local Historic Designation for which Afton's Heritage Preservation Commission has been working diligently for the past year with a consultant, paid by grant funds, to complete. The City Council is scheduled to approve two more next month. The Commission is looking for additional properties of a historical nature to nominate for historical designation.
- **Directed** staff to prepare an ordinance "opting out" of the new state Temporary Health Care Dwelling Statute language, due to the fact that Afton has similar ordinance language which accommodates such uses.