

ORDINANCE 11-2016

CITY OF AFTON, MINNESOTA
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 12, LAND USE, TO PROVIDE AN EXCEPTION TO
STEEP SLOPE RESTRICTIONS FOR EXISTING MAN-MADE SLOPES THAT WERE CREATED
BY THE CONSTRUCTION OF PUBLIC ROADS AND RELATED DITCHES

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

The following sections of the Afton Code of Ordinances shall be amended by adding the underlined language

Sec. 12-132. Minimum Requirements.

E. *Setbacks*

2. Setbacks from slopes. All structures, including but not limited to, driveways, decks, swimming pools, and so forth, shall be setback a minimum of 20 feet from the crest of all slopes exceeding 18 percent as determined by the Zoning Administrator, with the exception of driveways crossing man-made slopes that were created by the construction of roads or related ditches, and that extend only perpendicular to the road for a horizontal distance of 30 feet or less, and, where no other option is available to the landowner. An exception to this requirement, allowing an encroachment within the 20 foot setback from an 18 percent slope, is allowed outside of the Lower St. Croix River Bluffland and Shoreland Management District via a Conditional Use Permit (CUP) ~~CUP~~. As a condition of approval the applicant must submit an erosion control plan for the proposed encroachment. The erosion control plan shall be reviewed and approved by the City Engineer. In addition, the Zoning Administrator shall require a performance bond or Letter of Credit for a period of two (2) years beginning at the time of completion to ensure the applicant adheres to the erosion control, landscaping and any revegetation plan. The performance bond or letter of credit shall equal 125% of the total cost of the erosion control as recommended by the City Engineer.

Sec. 12-215. Land Reclamation and Grading.

D. *Grading of Slopes*

1. No slopes of 18% or greater shall be disturbed, with the exception of driveways crossing man-made slopes that were created by the construction of roads or related ditches, and that extend only perpendicular to the road for a horizontal distance of 30 feet or less, and, where no other option is available to the landowner.

Sec. 12-283. Definitions.

Scenic easement, also referred to as a natural protection easement, means an easement dedicated by a developer restricting the use of lands with steep slopes, floodprone areas as well as other fragile areas. The purpose of the scenic easement is to protect environmentally sensitive lands.

- A. Scenic easements shall be required on slopes of 18 percent and greater, wetlands, drainageways, and other lands and soils judged to be fragile by the soil conservation service, with the exception of man-made slopes that were created by the construction of roads or related ditches, and that extend perpendicular to the road for a horizontal distance of 30 feet or less. Such easements shall be...

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Sec. 12-407. Topographic alterations; grading and filling.

- D. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
 - 7. Fill or excavated material shall not be placed on steep slopes, with the exception of driveways over man-made slopes that were created by the construction of roads or related ditches, and that extend only perpendicular to the road for a horizontal distance of 30 feet or less.
 - 12. Scenic easements on slopes greater than 18 percent shall be required as per the City subdivision ordinance, article VI of this chapter, with the exception of driveways over man-made slopes that were created by the construction of roads or related ditches, and that extend only perpendicular to the road for a horizontal distance of 30 feet or less.

Sec. 12-1259. Public sites and open spaces.

- B. Scenic easements. Scenic easements shall be required on slopes of 18 percent and greater, wetlands, drainageways, and other lands and soils judged to be fragile by the soil conservation service, with the exception of driveways over man-made slopes that were created by the construction of roads or related ditches, and that extend only perpendicular to the road for a horizontal distance of 30 feet or less.

Sec. 12-1384. Easements

- E. Scenic easements. Scenic easements shall be required on slopes of 18 percent and greater, wetlands, drainageways, and other lands and soils judged to be fragile by the soil conservation service, with the exception of driveways over man-made slopes that were created by the construction of roads or related ditches, and that extend only perpendicular to the road for a horizontal distance of 30 feet or less. Scenic easements also shall be required on slopes greater than 12 percent...

This ordinance shall take effect upon publication of this ordinance.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 18TH DAY OF OCTOBER, 2016.

SIGNED:


 Richard Bend, Mayor

ATTEST:


 Ronald J. Moore, City Administrator

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