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**PROCEEDINGS OF THE AFTON CITY COUNCIL
CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA**

APPROVED City Council Regular Meeting Minutes
April 17, 2018
Afton City Hall
3033 St. Croix Trail
Afton, MN 55001
7:00 P.M.

1. **THE MEETING WAS CALLED TO ORDER** at 7:00 P.M. by Mayor Richard Bend
2. **THE PLEDGE OF ALLEGIANCE** – was recited.
3. **ROLL CALL:** Mayor Richard Bend, Council Members Richter, Palmquist, Ross, Nelson. **Quorum Present.**
ALSO PRESENT: Nick Guilliams, Sean Delmore (City Engineers), City Administrator Ron Moore, City Attorney Fritz Knaak, Planning Commission Chair Kris Kopitzke, City Clerk Julie Yoho.
4. **APPROVAL OF AGENDA** – [some agenda items were discussed out of sequence]
 - A. Agenda for the Regular City Council Meeting of April 17, 2018
Add item C13, “LMC Conference”
Motion/Second Palmquist/Richter To approve the Agenda of the April 17, 2018 Regular City Council Meeting. Passed 5-0.
5. **APPROVAL OF MINUTES**
 - A. Minutes of the March 20, 2018 Regular City Council Meeting **Motion/Second Ross/Bend To approve the minutes of the March 20, 2018 Regular City Council Meeting. Passed 5-0.**
6. **PUBLIC INPUT** –

Kathy Graham, 5912 Trading Post Trail, spoke against the Carlson PLCD stating that this plan hasn’t changed much from the original. The city is giving up too much, the developer hasn’t compromised. The road to Odell is disruptive to neighborhood.

Lucia Wroblewski, 4081 Neal Ave S, requested that the council members publically explain their positions.

Nancy Turner, 13926 60th St S, specifically chose to live in Afton for the ordinances. Now her land is proposed to be surrounded by development. Setback is not sufficient. Would like conservation easement around her land.

Paul Wolner, 13446 50th St S, thanked the council members who will vote no on the proposed development proposal. The development goes against ordinances, the Planning Commission recommendations, the neighbors, and opens the door for development in Afton. Feels there have been too many work-arounds allowing this development to happen.

David Husebye, 5830 Osgood Ave Ct S, thanked the council for all the time involved in considering the development proposal. Concerned about groundwater movement under 60th street and impacts on potential paving. Also concerned on speed proposed for the road and traffic safety with a left hand turn. Odell traffic will increase and make it unsafe for pedestrians.

53 Franz Hall, 5730 Trading Post Trail, former city planner and architect, 27 yr residents of Afton. Spoke against
54 the proposed PLCD development as he feels it goes against existing ordinances.
55

56 Mary McConnell, 5680 Odell, spoke against the Carlson PLCD proposal as shown and stated she was in
57 support of the 9 lot proposal. Disputed the mayor's findings, stated that road to Odell needs to be denied.
58 Encouraged the council to uphold the planning commission's recommendations.
59

60 Patrick Leahy, 5680 Odell, stated that the letters of support from state agencies for this development were
61 only concerned with protecting Trout Brook. The council has a bigger responsibility to protect its citizens.
62 Requests for compromise have been ignored by the developer. Request the council deny the application.
63

64 **7. REPORTS/PRESENTATIONS -**

65 **A. Sheriff's Monthly Report**

66 Deputy Steve Wodell introduced himself
67

68 **B. Tom Niedzwiecki, Budget Report**

69 No report
70

71 **C. Lower St. Croix Fire District Report**

72 No report
73

74 **8. CONSENT AGENDA**

75 **A. Just and Correct Claims**

76 **B. 4M Fund Transfer – March – Resolution 2018-16**

77 **Motion/Second Nelson/Ross To approve consent agenda and Resolution 2018-16 approving March**
78 **transfers. Roll call: All aye, passed 5-0.**
79

80 **9. CITY COUNCIL BUSINESS**

81 **A. Planning Commission Report – (PC report & Draft PC minutes)**

82 1. Afton Creek Preserve Application for Rezoning, Preliminary Plat and Conditional Use Permit for a
83 Preservation and Land Conservation Development (PLCD) Subdivision to create 18 lots on 219 acres
84 of land at 14220 60th Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002,
85 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned
86 (33.028.20.33.000X described in document No. 4142813).

- 87 • **Denial of the establishment of a public road right-of-way easement through the lot**
- 88 **at 5550 Odell Avenue - Resolution 2018-17**
- 89 • **Preliminary Plat – Resolution 2018-18**
- 90 • **Conditional Use Permit – Resolution 2018-19**
91

92 Kris Kopitzke, PC Chair asked about the Squires Variance Application. Administrator Moose indicated
93 will be reviewed next month.
94

95 Administrator Moose provided the following information regarding the Afton Creek Preserve
96 Application: At its March 20, 2018 meeting, the City Council took action on two resolutions related to
97 the Afton Creek Preserve PLCD subdivision. The Council adopted a resolution denying the dedication
98 of the 5-acre parcel at 5550 Odell Avenue as parkland with the reservation of a public roadway
99 easement. The Council adopted a resolution approving the rezoning of the 5-acre parcel at 14622 60th
100 Street from Rural Residential to Agriculture. The Council also continued action regarding the
101 preliminary plat and conditional use permit to the April 17, 2018 Council meeting.
102

Additional findings for the resolution denying the dedication of the 5-acre parcel at 5550 Odell Avenue as parkland with the reservation of a public roadway easement

At the March 20 meeting, there was discussion regarding providing additional findings regarding the resolution denying the dedication of the 5-acre parcel at 5550 Odell Avenue as parkland with the reservation of a public roadway easement. Council member Richter has provided the following list of findings related to the resolution.

Findings for denying acceptance of parkland and public roadway easement at 5550 Odell Avenue

1. The land proposed for parkland is not included in the 2012 Park Plan,
2. The Parks Plan requires land proposed for parkland to be suitable for park use. The proposed land is not suitable because there is an existing residence and outbuildings on the property and it is located on a lot in the middle of an existing long-platted subdivision,
3. The Parks Plan requires a clear use for the land. Other than the road for a proposed development, there is no park use. A road through a park is inconsistent with City ordinances,
4. The proposed parkland does not provide aesthetic, recreational or scenic value, protect natural or cultural resources, wildlife habitat or unique landforms, and does not link current recreation areas, as called for in the Parks Plan,
5. The proposed parkland located adjacent to existing properties would detract from the value and enjoyment of those properties and interfere with their peace, harmony and security in violation of Sec. 12.2379.B.2 that requires that the proposed development not have an undue and adverse impact on the reasonable enjoyment of neighboring property,
6. The proposed park on a lot in the middle of an established subdivision disrupts long-established expectations of land use, lot configurations, and residential use by adjoining property owners that induced them to buy and invest in their properties,
7. A neighborhood park in the middle of an established subdivision is inconsistent with the Park Plan, paragraph 11.H that recommends that parks be planned based on input from residents because the residents surrounding the proposed park and within ½ mile of the park are strongly opposed to a park at this location,
8. There will be a maintenance cost with no perceived benefit.
9. The acceptance would enable a park and vehicular access from the proposed development through the Odell Avenue subdivision, disrupt the peace, harmony, and security of this established neighborhood, and fail to harmonize with the existing adjacent neighborhood as required by Sec. 12-1377,
10. There would be an adverse impact from the park and proposed development on traffic along Odell, a local road designed primarily for residences that abut it, and because Odell Avenue has areas of steep grades, sharp curves, variable geometry, and reduced sightlines.
11. A neighborhood park in the middle of an established subdivision is inconsistent with the Park Plan.
12. The land does not meet an identified park need.
13. Because there is to be a road running through it, the parcel does not provide recreational or scenic value, or wildlife habitat.
14. The predominant public opinion is in opposition to accepting the parcel as parkland with the right-of-way easement.

Bob Kirmis, City Planner provided a brief overview of the project. He noted that the determination of acceptability of a proposed right-of-way connection to Odell Ave is required to take action on the preliminary plat design.

Council member Richter asked about the resolution findings from March regarding the access to Odell and whether the council had already denied the right of way.

City Attorney Knaak replied that the resolution passed in March was specific to deny the parkland dedication. The findings of fact relate to that specific proposal. They may also relate to the resolution tonight.

155 **Motion/Second Richter/Palmquist To approve Resolution 2018-17 denying the establishment of a**
156 **public road right of way through the lot at 5550 Odell Ave South.**

157 **Discussion**

158 Council member Richter asked Council member Palmquist what his idea for a compromise was. Council
159 member Palmquist replied that he would consider 14 lots with an easement that wraps around the horse
160 property. In exchange the City could waive the park dedication fee and not require paving 60th St.

161 Council member Richter stated that the mayor and the developer have not been willing to compromise.
162 The Odell access exists only to allow more lots for the developer.

163 Mayor bend call the question

164 Ross asked for clarification on the resolution being vote on.

165 **Resolution 2018-17 denying a public road right of way through the lot at 5550 Odell.**

166 **Roll call vote:**

167 **Ross, Nay, Richter Aye, Palmquist Aye, Nelson Nay, Bend Nay. Motion Fails 2-3.**

168
169 **Motion/Second Bend/Nelson To approve Resolution 2018-xx (to become 2018-18) approving the**
170 **Afton Creek Preserve Preliminary Plat for a Preservation and Land Conservation Development**
171 **(PLCD) Subdivision at 14622 60th Street and Parcels with PID Numbers 33.028.20.32.0001,**
172 **32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID number be**
173 **assigned (33.028.20.33.000x described in document No 4142813) with the following Findings and**
174 **Conditions:**

175
176 **Findings:**

- 177 1. The preservation and land conservation development (PLCD) is consistent with the comprehensive
178 plan of the City, which allows the PLCD with a density of 4 dwelling units per quarter-quarter
179 section and includes the following land use strategies:
- 180 • “Encourage the use of conservation or open space design subdivisions where the subdivision
181 permanently preserves open space or agricultural land uses or creates transition zones with
182 adjoining zones or jurisdictions”
 - 183 • “Partner with the Minnesota Land Trust and other independent non-profit organizations that
184 can serve as holding entities for conservation easements.”
- 185 2. The preservation and land conservation development is an effective and unified treatment of the
186 development possibilities on the project site and the development plan provides for the preservation
187 of unique natural amenities, through the preservation of 110 acres of open space, and particularly
188 along the full length of the Trout Brook trout stream.
- 189 3. The preservation and land conservation development has been planned to harmonize with existing or
190 proposed development in the areas surrounding the project site, because the lot size is similar to the
191 lot size on adjacent properties, scenic easements are proposed to be placed over the wooded areas
192 along the northern boundary of the property, and the open space area on the west portion of the
193 property can be coordinated with open space preservation farther west as that property develops.
- 194 4. The tract of land, which is 218 acres, exceeds the minimum requirement of eighty (80) contiguous
195 acres in size
- 196 5. The proposal better adapts itself to the physical and aesthetic setting of the site and with the
197 surrounding land uses than could be developed using strict standards and land uses allowed within
198 the underlying zoning district, because the proposal preserves 110 acres of open space and does not
199 include any new lots within the Shoreland District.
- 200 6. The proposal would benefit the area surrounding the project to a greater degree than development
201 allowed within the underlying zoning district, because the proposal preserves 110 acres of open
202 space, including along the full length of the Trout Brook trout stream, and provides for the possibility
203 of expanding the open space farther to the west.

- 204 7. The proposal would provide land use and/or site design flexibility while enhancing site or building
205 aesthetics to achieve an overall higher quality of development than would otherwise occur in the
206 underlying zoning district, because the proposal provides for 5-acre lots located away from the trout
207 stream and preserves 110 acres of open space, including along the full length of the trout stream.
- 208 8. The proposal would ensure the concentration of open space into more workable or usable areas and
209 would preserve the natural resources of the site more effectively than would otherwise occur in the
210 underlying zoning district, because the proposal preserves 110 acres of open space, including along
211 the full length of the Trout Brook trout stream.
- 212 9. At least fifty (50) percent of the total tract is preserved as an undeveloped parcel
- 213 10. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of
214 neighboring property and will not be detrimental to potential surrounding uses because the lot sizes
215 are similar to adjacent lot sizes, the traffic generated by the proposed subdivision is within the
216 capabilities of streets which serve or will serve the subdivision and will not degrade the level of
217 service outside the proposed subdivision (to a level less than the existing level of service), and the
218 inclusion of the Odell Avenue street connection provides additional options for traffic access and
219 distribution.
- 220 11. The provision and construction of dwelling units and common open space are balanced and
221 coordinated, because the lots meet the 5-acre requirements and the proposal preserves 110 acres of
222 open space, including along the full length of the trout stream.
- 223 12. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities
224 and utilities that serve or are proposed to serve the district, because the proposal includes 18 lots,
225 each with its own private well and septic system, which will not generate significant increased
226 service or public facilities needs.
- 227 13. The proposed total development is designed in such a manner as to form a desirable and unified
228 environment within its own boundaries. Examples of this are as follows:
- 229 • All proposed lots are to receive direct internal access via streets proposed within the
230 subdivision.
 - 231 • All proposed lots are subject to uniform covenants including, but not limited to, covenants
232 which govern the architectural appearance of homes and landscaping.
 - 233 • All proposed lots exhibit uniform (5 acre) sizes.
 - 234 • Within the boundaries of the PLCD, homes are generally proposed to occupy the eastern area of
235 the site which border existing residential lots of similar size. Conversely, proposed open spaces
236 primarily border agricultural lands on the western half of the site. In this regard, the proposed
237 land use arrangement takes into account existing surrounding uses to create a unified (rather
238 than fragmented) design.
 - 239 • Protection of Trout Brook and surrounding land via the establishment of conservation
240 easements will maintain the existing natural environment of the area.
 - 241 • Stormwater drainage resulting from the proposed development is to be managed internally such
242 that lands outside the boundaries of the site will not be adversely impacted by the development.
- 243 14. The proposed land use is consistent with the proposed land use in the City's current (2030)
244 Comprehensive Plan.
- 245 15. The proposed land use is consistent with the proposed land use in the City's draft 2040
246 Comprehensive Plan.
- 247 16. Traffic generated by the proposed subdivision is within the capabilities of streets which serve or will
248 serve the subdivision and will not degrade the level of service outside the proposed subdivision (to a
249 level less than the existing level of service).
- 250 17. Proposed lot sizes (areas and widths) meet minimum requirements of the City's Ordinance (for
251 PLCD's).

- 252 18. All proposed lots exhibit a minimum of 2.5 acres of buildable area (upland) consistent with Zoning
253 Ordinance requirements.
- 254 19. Proposed access point locations and sight distances within the proposed subdivision meet applicable
255 City requirements.
- 256 20. The inclusion of the Odell Avenue street connection provides additional options for traffic access and
257 distribution.
- 258 21. The Odell Avenue street connection provides a convenient pedestrian access to conservation areas
259 within the subdivision.
- 260 22. The inclusion of the Odell Avenue street connection eliminates the need for variance processing (as
261 required of the previously considered cul-de-sac design alternative).
- 262 23. All proposed lots demonstrate an ability to accommodate private waste disposal systems in a manner
263 consistent with City requirements.
- 264 24. Stormwater runoff upon the subject site is to be properly managed and improved in accordance with
265 the approved stormwater management plan.
- 266 25. Impacts upon the adjoining horse farm have been minimized through the placement of staggered
267 rows of tree plantings on abutting residential lots.
- 268 26. The PLCD design results in a land use density which is below the applicable AG, Agricultural
269 zoning district density requirement.
- 270 27. The proposed land use is consistent with the City's overall land use plan for the area.
- 271 28. The PLCD design results in the ability to protect the sensitive environmental features on the site by
272 preserving all lands near the trout stream.
- 273 29. Proposed lot sizes in the PLCD design are consistent with the lot sizes in surrounding
274 neighborhoods.
- 275 30. The preservation and conversion of the conservation area to native habitat would be beneficial for
276 stormwater, groundwater, and wildlife habitat and would be a positive amenity for the community.
- 277 31. Zoning Ordinance requirements imposed upon PLCD developments have been satisfied.

278
279 **Conditions**

- 280 1. Access and traffic related issues shall be subject to review and approval by the City Engineer.
- 281 2. The developer shall obtain and provide an easement providing access to Odell Avenue prior to the
282 approval of the final plat.
- 283 3. The developer shall provide an acceptable method of ensuring adequate long term maintenance of
284 the 5550 Odell Avenue parcel.
- 285 4. Street-related designs and specifications, including but not limited to right-of-way width, shall be
286 subject to further comment and recommendation by the City Engineer to insure they meet Afton's
287 standards.
- 288 5. The acceptability of the drainage and utility easement within Lot 4, Block 3 and related
289 maintenance responsibilities shall be subject to further comment and recommendation by the City
290 Engineer.
- 291 6. The plat drawing shall be modified such that the side lot lines of Lot 2, Block 3 shall be drawn
292 substantially at right angles to straight street lines and radial to curved street lines.
- 293 7. The two open space parcels shall be designated as outlots.
- 294 8. The applicant identify the proposed ownership and management of the conservation areas. This
295 issue should be subject to further comment and recommendation by the City Attorney.
- 296 9. The applicant provide explanation (acceptable to the City) regarding the lack of proposed front yard
297 tree plantings for Lot 8, Block 2.
- 298 10. In accordance with the submitted seeding plan, pre-development seeding with a prairie
299 grass/wildflower mix shall be provided on all lots and on the open space parcels. Maintenance
300 responsibilities associated with the seeded areas shall also be addressed by the applicant (to the
301 satisfaction of the City).

- 302 11. Wetland-related issues shall be subject to review and approval by the City Engineer.
- 303 12. The proposed 20-foot wide access easement width between Lots 5 and 6, Block 2 shall be
- 304 determined acceptable to the City Engineer and/or Fire Chief.
- 305 13. Easements for drainage and utilities shall be provided over individual lots as recommended by the
- 306 City Engineer.
- 307 14. The City Engineer and/or Washington County Department of Public Health provide review and
- 308 approval regarding the need to update the previously provided soils report to correspond to the
- 309 updated plat drawing.
- 310 15. Review of proposed septic designs and final septic permits shall be received from Washington
- 311 County prior to building permit approval.
- 312 16. The applicant shall pave 60th Street from Trading Post Trail to Neal Avenue.
- 313 17. The farm access shall be prohibited as a construction thoroughfare or road during development of
- 314 the PLCD and redeployed to the benefit of the neighborhood.
- 315 20. All proposed right-of-way dedication and street construction plans are subject to review and
- 316 approval of the City Engineer.
- 317 21. Driveways accessing the proposed lots shall comply with Section 12-84 of the Zoning Ordinance
- 318 22. All grading, drainage and erosion control issues are subject to review and approval by the City
- 319 Engineer and South Washington Watershed District.
- 320 23. All drainage and utility easements shall be subject to review and approval of the City Engineer.
- 321 24. Park dedication requirements shall be satisfied at the time of final plat approval
- 322 25. The Developer shall enter into a Developer’s Agreement with the City regarding the installation of
- 323 required improvements, and shall provide financial guarantees as required in Sections 12-1471 to
- 324 12-1476 of the subdivision ordinance.

325 **Additional Findings:**

326 **Introduction**

327 Afton’s Preservation and Land Conservation Developments ordinance (“PLCD”) is designed to
328 preserve open space, agricultural land (not use), wildlife habitat, vistas, ground water recharge
329 areas, areas with sensitive soils, areas identified in the Comprehensive Plan for preservation and to
330 preserve natural amenities of the site.

331 The Afton Creek Preserve Development (“ACPD”) has been recognized as meeting these goals by
332 the governing watershed, soil conservation district, Minnesota Land Trust and Minnesota
333 Department of Natural Resources.

334 This subdivision is designed to both preserve and restore a trout stream identified for preservation in
335 the Comprehensive Plan by making it impossible to place homes in the adjacent shoreland district;
336 if not approved three homes can currently be placed adjacent to the trout stream, with more possible
337 in the future if there are zoning changes. The PLCD prevents future placement of homes in the
338 shoreland district surrounding the trout stream even in the event of zoning changes.

339 This subdivision more than meets the one residential lot per ten-acre density requirements set forth
340 in the PLCD ordinance by yielding a density of less than one per twelve acres.

341 The proposed findings supplied in support of approval of the Afton Creek Preserve Development
342 conform precisely to the recommendations of the Minnesota League of Cities information memo
343 titled, *Taking the Mystery Out of Findings of Fact*.

344 The proposed findings also follow League guidance to focus on whether an application meets
345 ordinance standards, not resident opinions:

346 “B. Role of neighborhood opinion

347 Neighborhood opinion alone is not a valid basis for granting or denying a

354 CUP. While city officials may feel their decision should reflect the overall
 355 preferences of residents, their task is limited to evaluating how the CUP
 356 application meets the ordinance standards. Residents can often provide
 357 important facts to help the city address whether the application meets the
 358 standards, but unsubstantiated opinions and reactions to an application do
 359 not form a legitimate basis for a CUP decision. If neighborhood opinion
 360 serves as the sole basis of the decision, it could be overturned by a court if
 361 challenged.” *League of Minnesota Cities, Information Memo, Land Use Conditional Use Permits,*
 362 *pg. 4.*

363
 364 As recommended by the League, findings in favor of ACPD approval do the following:

- 365 1. They rely on documented facts.
- 366 2. They rely on applicable provisions of Afton Comprehensive Plan and Ordinances.
- 367 3. They accurately cite the precise provisions relied upon.
- 368 4. Sound reasoning and analysis support each finding.
- 369 5. They do not rely on opposition and opinions of neighbors.
- 370 6. They, as did the developer in its design, address all legal criteria required by Afton’s
- 371 ordinances while ignoring non-regulatory concerns of the neighbors such as the number of
- 372 homes in the development.
- 373
- 374

Findings:	Materials and analysis supporting findings:
1. The preservation and land conservation development is consistent with the comprehensive plan of the City and the City’s PLCD ordinance.	Afton’s PLCD ordinance spells out the purposes for its use: “A. To permit subdivisions in the Agricultural Zoning District which require the construction of a new public street. B. To encourage a more creative and efficient development of land and its improvements through the preservation of agricultural land, natural features and amenities than is possible under the more restrictive application of zoning requirements, while at the same time, meeting the standards and purposes of the comprehensive plan and preserving the health, safety, and welfare of the citizens of the City. C. To preserve open space, to preserve the natural resources of the site and to preserve wildlife habitat and corridors. D. To facilitate the economical provision of streets and public utilities.

	<p>E. To allow the transfer of development rights (density) within a subdivision in order to preserve agricultural land, open space, natural features and amenities.” <i>Afton Ordinances, Article XII, Sec. 12-2373.</i></p> <p>“Agricultural Zoning using a Preservation and Land Conservation Development on a minimum of 80 acres: 4 dwelling units per quarter-quarter section. Land developed under this option would be subject to conservation easements, and subdividers would be required to set aside an extensive part of their property for continued farming or conservation. The City intends to provide more intensive land use planning throughout this zone so as to coordinate and link the preservation areas for maximum benefit and minimal impact to the character of the community.” <i>Comp. Plan, pg 22</i></p> <p>Comp. Plan Policy: “c. Agricultural with a Preservation and Land Conservation Development and a minimum of 80 acres - 4 dwelling units per quarter-quarter section.” <i>Comp. Plan pg. 27</i></p> <p>“Protect steep slopes, tree cover, wetlands and other fragile lands through conservation easements, scenic easements, and other available means...” <i>Comp. Plan pg 20</i></p> <p>“Partner with the Minnesota Land Trust and other independent, non-profit organizations that can serve as holding entities for conservation easements.” <i>Comp. Plan, pg 28</i></p> <p>“Encourage the use of conservation or open space design subdivisions where the subdivision permanently preserves open space or agricultural land uses or creates transition zones with adjoining zones or jurisdictions.” <i>Comp. Plan pg. 28</i></p> <p>See also, every citation to provisions of the Comprehensive Plan which are referred to as specifically supporting other findings.</p> <p>For the above reasons, the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, A.</i></p>
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<p>2. The preservation and land conservation development is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation of unique natural amenities.</p>	<p>All residential parcels within the development are adjacent to parcels containing residences and the conservation parcels protect natural amenities identified by the South Washington Watershed, <i>Exbt. 1</i>, The Washington Conservation District, <i>Exbt. 2</i>, and the Minnesota Land Trust, <i>Exbt 3</i>, as areas which should be protected.</p> <p>The PLCD is designed to preserve the natural amenity of Trout Brook which is specifically called out for preservation in Afton’s Comprehensive Plan:</p> <p>“The City seeks to protect a number of significant natural features within its boundaries. These include Trout Brook...” Comp. Plan pg. 40.</p> <p>“Passing through Afton Alps and Afton State Park before discharging into the St. Croix River, Trout Brook has been classified by the DNR as a protected waterbody. The brook has seeps and spring discharges typical along the stream channel and its tributaries. It is one of the most significant perennial streams in the watershed.” Comp Plan pg 78</p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, B.</i></p>
<p>3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.</p>	<p>The development places the residential lots along the east and northern boundaries of the development, providing consistency with the current five-acre minimum zoning for those areas and places the 99.73-acre conservation area on the western side of the development where it provides a smooth transition between its use and that of the adjoining property.</p> <p>Even if changes in local zoning in the future permit subdivision of lots to the north, east and west to higher densities than the current 5-acre minimum lot requirements, the presence of lower densities in the PLCD will continue to provide an ecological, scenic and aesthetic benefit to the community as a whole.</p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, C.</i></p>

<p>4. The tract is a minimum of eighty (80) contiguous acres in size</p>	<p>The total tract is in excess of two hundred acres.</p> <p>For the above reason the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D.</i></p>
<p>5. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.</p>	<p>The development plans place homes more than a quarter mile from 60th Street, the nearest street from which they can be seen, and can be subject to CUP imposed color restrictions causing them to blend into the hillside. There will be no houses alongside 60th Street.</p> <p>The underlying zoning would permit three five-acre residential lots right on 60th Street in the shoreland, clearly visible and, due to the absence of any CUP requirement, no restrictions imposable on color or visibility.</p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D, 1.</i></p>
<p>6. The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.</p>	<p>Development within the existing zoning district would place residences in the shoreland district, immediately adjacent to Trout Brook, further degrading a Department of Natural Resources designated impaired trout stream in need of restoration and placing homes directly in the Trout Brook drainage, leaving open for future development the entire high ecological value area to the north.</p> <p>Alternative development patterns would do less to protect the environment from future development and leave open the risk of immediate damage through placement of homes in the shoreland district. Residents close to the proposed PLCD have a preferred local alternative, Exbt. 4, which would protect none of the environmentally fragile drainage to Trout Brook and leaves open the potential for three homes in the shoreland district off 60th Street. The neighbors stated their preference for this alternative in Exbt. 5.</p> <p>Also attached is Exbt. 6 which shows the alternative as it was presented to them by the developer. It showed access easements with questions marks as required by City Ordinance Sec. 12-1378 C and J.</p> <p>“J. Dead-end streets shall be prohibited, except as stubs to permit future street extension into</p>

	<p>adjoining tracts, or when designed as cul-de-sac streets. A temporary turn-around or cul-de-sac shall be required by the City if a road will be a dead end until an adjoining tract is developed.”</p> <p>The required Sec. 12-1378 connections to the undeveloped parcel enable future development when expected and inevitable local zoning changes occur in the future. The end result of the locally preferred alternative will be permanent destruction of the otherwise preserved drainage causing environmental damage to Trout Brook. This is as anticipated and described by the Minnesota Land Trust’s rejection of this alternative, <i>Exbt. 3</i>.</p> <p>For the above reasons and those listed in findings 8, 9, and 10 below, the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D3</i>.</p>
<p>7. The eastern one-third of the ACPD property containing the majority of the residential lots is currently in agricultural use but is poor agricultural land.</p>	<p>See attached Exbt. 7, Afton Comp Plan, Appendix I, Map 3, showing the eastern one-third of the property does not meet the Metropolitan Council’s Prime Ag Criteria.</p>
<p>8. Most of the eastern and southern part of the property is not in agricultural use because it is unsuitable for agricultural use due to steep slopes, riparian wetland and ephemeral drainage.</p>	<p>See attached Exbt. 8 showing the drainage easement covering most of the eastern one-third of the property and shoreland district, the stream, and the riparian wetland in the southern part of the property, and finally, the steep slopes in the conservation area in south-east part of the property. <i>Applicant’s Preliminary Plat survey, Exhibit F</i></p>
<p>9. The ACPD satisfies and accomplishes the environmental objectives of the special Agricultural Preserve Overlay District in which it is to be located to a greater degree and more completely than the current use by converting poor and unusable agricultural land to residential property and, in the case of environmentally fragile land, to open space protected by a conservation easement.</p>	<p>The Agricultural Overlay District states:</p> <p>“To address environmental concerns detailed within this plan and to maintain our overall 1/10 density, this plan creates an Agricultural Preserves Overlay District. With the Agricultural Preserves Overlay District, the Agricultural District is envisioned to allow for three development scenarios:</p> <p style="text-align: center;">***</p> <p>3. Agricultural Zoning using a Preservation and Land Conservation Development on a minimum of 80 acres: 4 dwelling units per quarter-quarter section. Land developed under this option would be subject to conservation easements, and subdividers would be required to set aside an extensive part of their property for continued farming or conservation.” <i>Comp. Plan, pg 22</i>.</p>

	<p>Improvements resulting from PLCD:</p> <p>“Converting agricultural lands to grasslands like prairie can offer measurable benefits to water quality. Excess phosphorus, one of the leading causes of the eutrophication of lakes and streams, has a minimum of a six fold decrease in entering nearby waterbodies when converting land from row crops to grasslands. Converting 135 acres of row crops to prairie within the Trout Brook watershed will dramatically improve the water quality of Trout Brook and assist in reaching the Phosphorus reduction goals outlined in the Lower St Croix TMDL.” <i>Washington Conservation District letter to the city. Exbt. 2</i></p> <p>The current use of much of the site involves row-crops planted on steep slopes above Trout Brook with resulting phosphate and nitrogen loaded fertilizer runoff into the stream causes algae blooms, and vegetative choking of the waterway. Restoration resulting from the PLCD will restore large sections of the upper slopes to native prairie, addressing Trout Creek degradation and reversing damage identified by watershed directed studies:</p> <p>“Discussion of Fishery Low base flow and a lack of well-developed pool-riffle sequences limit suitability for cold-water and warm-water species. Do [<i>Sic</i>] to its relatively small drainage area Trout Brook derives most of its flow from base flow. <u>This flow has likely been reduced by the conversion of the watershed landscape from prairie, forest and wetlands to agriculture</u>” <i>Trout Brook Management Plan, Emmons & Olivier Resources, Inc. for the Lower St. Croix Watershed Management Organization</i></p> <p>“Sources of Pollution [<i>Sic</i>] ... agricultural runoff ... fertilizers, herbicides, pesticides...” <i>Trout Brook Management Plan, Emmons & Olivier.</i></p> <p>In addressing the impact of the development on overland sheet flow onto adjacent property to the east, the city engineers stated: “The City and developer are aware of the sensitivity of the properties that have existing drainage problems and modeling currently shows, flow rates specifically off the eastern properties will be greatly reduced in typical storm events because there are no existing stormwater</p>
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	<p>controls.” <i>Memorandum to City Administrator, 2/27/18, pg. 5</i></p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII Sections 12-2375, B. and D. 2., D.3., and D4</i></p> <p>Recommended CUP provision:</p> <p style="padding-left: 40px;">All development requirements specified by the city engineers now existing or later communicated shall be met, including but not limited to those stated in existing memorandums to the city and/or developer.</p>
<p>10. The proposal would provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.</p>	<p>See supporting references in 6 above and 8 below. In addition, the proposed development is designed not only to withstand current developments, but to provide long term protection against future increases in density as a result of changes in the zoning of the underlying zoning district through:</p> <ol style="list-style-type: none"> 1. a conservation easement on the open space 2. restrictions on subdivision of the residential lots contained in the homeowners’ association bylaws and 3. the restrictions running with the land in favor of owners of land adjacent to the development. CUP provisions requiring limited visibility of homes from adjacent streets and from neighboring homes can further improve the conservation easement over development alternatives. <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D, 3</i></p>
<p>11. The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site more effectively than would otherwise occur in the underlying zoning district.</p>	<p>Three residential lots can currently be placed in the shoreland district, immediately adjacent to Trout Brook. The ACPD prevents that from occurring now or in the future, even in the event the underlying zoning changes, through the use of a conservation easement, homeowners’ association provisions and restrictions on use running in favor of landowners adjoining the ACPD and others.</p> <p>The alternative proposal announced as acceptable to the ten objecting neighbors would not protect the natural resources of the site more effectively.</p>

	<p>Neither a continuation of the current use or the marginally better neighbors' preferred alternative discussed fully in finding 7 above would protect the current open space and cropland from long term development. In either case the city's goals, strategies and policies in favor of long-term preservation of low density and of the environment would be frustrated.</p> <p><u>The open space and ecological preservation failures of the locally preferred alternative are articulated in the Minnesota Land Trust's rejection and refusal to hold a conservation easement on its open space. Exbt 3.</u></p> <p>For the above reasons the PLCD meets the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, D, 4.</i></p> <p>Recommended CUP Provision:</p> <p style="padding-left: 40px;">The applicant(s) shall grant a Conservation Easement which shall run with the land in perpetuity to the City of Afton, all of the owners of the lots and parcels to be created in the PLCD, all land owners of property within Afton abutting the PLCD and the Minnesota Land Trust (or similar independent third party approved by the City of Afton), which restricts the lots and parcels, as well as the development rights on the undeveloped parcel(s), within the PLCD to the number of dwelling units approved for the PLCD and the land cover and use approved by the City of Afton as a part of this PLCD.</p>
<p>12. At least fifty (50) percent of the total tract is preserved as an undeveloped parcel</p>	<p>The undeveloped parcel is _____ acres, constituting _____ % of the whole development acreage, thus meeting the requirements of <i>Afton Ordinances, Article XII, Sec. 12-2375, E.</i></p>
<p>13. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.</p>	<p>The residential lots adjacent to the development consist of wooded lots, visually and acoustically buffered by vegetation and land contour, with homes in the development located at distances from the existing homes in the neighborhood further removed than existing homes are from each other.</p>

	<p>The horse farm which occupies a centrally located position along the 60th Street boundary of the development will be bounded on one side by 60th Street as it is today, on the west side by native prairie in the conservation easement, on the north side by more fifty percent or more of each lot planted in native prairie, and on the east side by wooded conservation easement and by a residential lot's native prairie occupying fifty percent or more of the lot. Western boundary of the development is in open space and agricultural use consistent with and not adversely impacted by native prairie and woodland.</p> <p>Recommended CUP provisions:</p> <ol style="list-style-type: none"> 1. The fifty-foot setback of every residential lot adjoining the horse farm with a scenic easement and ten-foot-high vegetative screening. <p>There shall be a one-hundred-foot-wide strip planted in native vegetation on all residential lots adjoining the horse farm with the exception of any infringing portion of a driveway,</p>
<p>14. The provision and construction of dwelling units and common open space are balanced and coordinated.</p>	<ol style="list-style-type: none"> 2. The development more than meets the PLCD requirement of 5 acres of open space for each five-acre residential lot by providing more than one hundred acres of open space for the less than one hundred acres of residential lots.
<p>15. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the development.</p>	<p>“Upon review of the preliminary plat documents and supporting traffic study, WSB determined that the project is technically feasible from a traffic engineering standpoint based on the current posted speed limit, projected traffic volumes, and additional speed data. This conclusion was based on preliminary plat documents meeting Minnesota Department of Transportation (MnDOT) guidelines which follows American Association of State and Highway and Transportation Officials (ASSHTO).“ WSB <i>Memorandum to City Administrator, 2/27/18, pg. 1.</i></p> <p>In addressing traffic safety at both the 60th Street access and the Odell Ave. access the city engineers found: “There is no recorded accident history at this location that would indicate any deficiencies in traffic operations.” WSB <i>Memorandum to City Administrator, 2/27/18, pgs. 2 & 3.</i></p>

	<p>The conclusion of the city engineer’s traffic review was: “There is no evidence or data that has been submitted that shows there are any safety issues associated with the access road or the approaches from Trading Post and 60th Street or Odell Avenue.” <i>WSB Memorandum to City Administrator, 2/27/18, pg. 3</i></p> <p>The city engineer’s October 12, 2017 follow-up road safety report indicates that an increase in the already acceptable level of road safety at the curve on Trading Post and 60th Street is possible by the Afton City Council passing a resolution to place warning signs for the curve.</p> <p>The PLCD has within its boundaries more common walking area than other developments in Afton satisfying the requirement of providing recreational and park-like amenities. It does this without cost to the city.</p> <p>All water and septic systems are homeowner-provided through private wells and septic systems. The city provides no utilities or public facilities.</p> <p>Road infrastructure is constructed by the developer who, in addition to providing the internal roads in the development, is paving an external gravel city road, 60th, from its junction with Trading Post to its intersection with Neal, lifting a substantial infrastructure improvement cost off the city’s shoulders.</p> <p>Afton is part of a multi-city school district. Eighteen additional homes have an insignificant impact on schools.</p> <p>Recommended CUP provisions:</p> <ol style="list-style-type: none">1. Placement of 20 MPH speed advisory plaques (W13-1P in place of the existing Chevrons (W1-8) as advised by the city engineer with placement as shown on the engineer’s attached Exhb. 9 <i>WSB Memorandum to City Administrator, 10/12/17, Figure 3.</i>2. The developer will post an irrevocable letter of credit with such release schedule and other provisions as the City shall in its sole discretion dictate in an amount
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	<p>equal to one-hundred fifty percent of the cost of constructing the development and maintaining the development during completion, including but not limited to grading, landscaping, internal road construction, paving of 60th Street, construction of access roads, removal of improvements on the external five acre parcel through which an access road is to be built, re-landscaping of same with native vegetation, removal of invasive species on same, the city's engineering and legal costs in monitoring and enforcing construction to insure that it is in compliance with all specifications.</p> <ol style="list-style-type: none"> 3. Requirement that the developer pave 60th Street from its intersection with Trading Post to Neal to standards specified by the City's engineer at no cost to the City, including that portion lying within Denmark Township if and only if Denmark Township's approves of the paving. 4. The City Engineer shall conduct a curve warning analysis along Trading Post Trail in the area from 60th Street to 42nd Street, at the developer's expense and in the event that study shows that additional warning signs are advisable, they shall be installed at the developer's expense. 5. Sight distance standards shall be maintained during construction and shall be a required punch list item upon completion of construction, all subject to review and sign-off by the city engineer. 6. In the event that a speed study shows that the speed limit on Odell can be lowered to 30, it shall be lowered by the city. The speed study shall be conducted and paid for by the developer.
<p>16. Anecdotal evidence submitted by neighborhood residents with respect to the dangerous current condition of Trading Post and Odell Ave. is unpersuasive given the lack of corroborating data, accident history or non-compliance with MnDOT standards.</p>	<p>See city engineer's report quotes listed under finding #16 above and as additionally supported by additional information provided in memorandums themselves.</p>

<p>17. Neighborhood speculation that Odell Ave. and Trading Post would become dangerous as a result of the additional traffic generated by ACPD traffic is unpersuasive.</p>	<p>City engineer’s report: “From a traffic engineering standpoint, 170 additional trips per day is a minor increase in traffic volume that will not alter existing roadway characteristics.” <i>WSB Memorandum to City Administrator, 2/27/18, pgs. 2 & 3.</i></p>
<p>18. Neither the connection of ACPD’s northern street to the City street through the five-acre park nor the connection of that street to Odell causes Odell to become something other than a local street.</p>	<p>The city engineer has stated that the connection of a subdivision does not in common usage cause a local street to become a collector street. It is Afton’s established practice to connect new developments to local streets without changing the “local” designation of the streets connected to; this is demonstrated by more than a dozen examples of this having been done in the city. In many of these cases, the total volume of traffic added to a local street following in connection of multiple developments exceeded the volume of traffic being added by the ACPD.</p>
<p>19. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.</p>	<p>The development is self-contained with lots conforming to city requirements with respect to set-backs, other restrictions and has a desirable impact on adjacent parcels by controlling impervious surface runoff and eliminating surface water run-off onto adjacent parcels which has been taking place prior to development.</p>
<p>20. The drainage of stormwater which has adversely impacted adjacent residential parcels will be reduced by the ACPD.</p>	<p>“The City Engineer’s role was to determine if the project is technically feasible in terms of meeting stormwater management requirements from all jurisdictions, and based on the information provided, the Engineer believes this project will improve the drainage.” <i>WSB Memorandum to City Administrator, 2/27/18, pg. 5</i></p>
<p>21. Incorporation by reference</p>	<p>For the reasons articulated in the above findings and supporting analysis and materials cited, the Afton Creek Preserve meets the requirements of Afton’s Comprehensive Plan and the requirements of Afton’s Ordinances, including but not limited to those listed in Article XII.</p> <p>Wherever materials or analysis is listed opposite a given finding but could equally apply to different finding, it is intended by the council to apply also to that or those different findings.</p>

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List of Exhibits to Preliminary Plat Approval and CUP Approval findings:

1. E-mail from South Washington Watershed from John Loomis, Water Resources Program Manager.
2. Washington Conservation District letter from Jay Riggs, District Manager of the Washington Conservation District.

- 381 3. Minnesota Land Trust letter from Wayne Ostlie refusing neighbors' preferred alternative.
- 382 4. Map of neighbors' preferred alternative.
- 383 5. Letter to Council stating the ten signatory's preference for the neighbors' preferred alternative.
- 384 6. Map developer presented to neighbors on which their slightly different map was based.
- 385 7. Map showing eastern one-third of the development does not meet the Metropolitan Council's Prime Ag
- 386 Criteria.
- 387 8. Map showing the drainage easement covering most of the eastern one-third of the development and the
- 388 high value ecological resources protected by the conservation easement.
- 389

390 **Exhibit 1**

391
392 **From:** Loomis, John [<mailto:john.loomis@woodburymn.gov>]
393 **Sent:** Friday, October 13, 2017 8:34 AM
394 **To:** Ron Moore <rmoorse@ci.afton.mn.us>
395 **Subject:** Afton Creek Preserve PLCD

396
397 Ron,

398 I am writing to commend and congratulate the City of Afton for the development and implementation of the
399 Preservation and Land Conservation Development (PLCD) ordinance as related to the proposed ACPD. It is an
400 innovative approach to allow development and protect valued resources. We hope that the successful
401 implementation of the ordinance will serve as a model not only for other landowners in Afton, but throughout
402 southern Washington County.

403 One of the greatest threats to Trout Brook is runoff and erosion of bluffs and streambanks. We worked with
404 Bob Schuster in the past to limit those threats to Trout Brook by stabilizing active ravines and converting turf
405 grass along the top of the bluff to native prairie. While those efforts were valuable and did help to protect Trout
406 Brook, we are thrilled that the proposed conservation easement will permanently protect the bluff and stream
407 corridor. Further, planting natives on the new residential lots which previously were used to grow row crop as
408 proposed will directly attack the cause of runoff and erosion concerns. We look forward to working with the
409 City of Afton and Minnesota Land Trust to continue to restore and protect Trout Brook.

410 The PLCD concept and this proposed project are great assets to the community and watershed. Thank you for
411 the chance to be involved in the development process and for your commitment to protecting Trout Brook. Let
412 me know if you need anything else.

413 John Loomis
414 Water Resources Program Manager
415 [South Washington Watershed District](#)
416 [@SoWashWD](#)
417 [2302 Tower Drive](#)
418 [Woodbury, MN 55125](#)
419 P: [\(651\) 714-3714](tel:(651)714-3714)

420
421 **Exhibit 2**



425 February 20, 2018
426 Mr. Ron Moorse
427 Administrator
428 3033 St Croix Trail S
429 Afton, MN 55001
430 Dear Mr. Moorse,

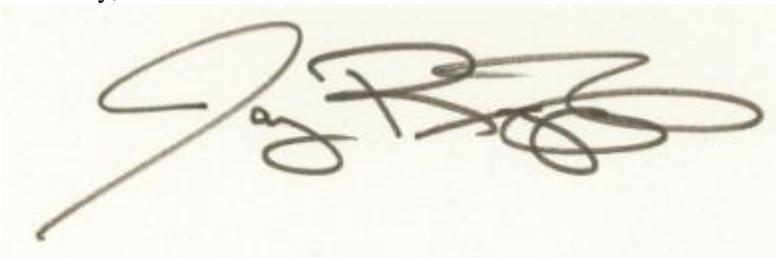
431
432 As the District Manager of the Washington Conservation District, it is our mission to enhance, protect, and
433 preserve the natural resources of Washington County through conservation projects, technical guidance, and
434 educational services to citizens and local government. The developer of the ACPD has asked us to provide some
435 feedback on the benefits of the 135 acres of prairie restoration in his proposed design.
436

437 We support the implementation of sustainable landscapes such as tallgrass prairie for the multiple benefits they
438 provide. Converting agricultural lands to grasslands like prairie can offer measurable benefits to water quality.
439 Excess phosphorus, one of the leading causes of the eutrophication of lakes and streams, has a minimum of a six
440 fold decrease in entering nearby waterbodies when converting land from row crops to grasslands. Converting
441 135 acres of row crops to prairie within the Trout Brook watershed will dramatically improve the water quality
442 of Trout Brook and assist in reaching the Phosphorus reduction goals outlined in the Lower St Croix TMDL.
443

444 In addition to water quality, prairie restoration offers habitat for a wide variety of plants and animals. The St
445 Croix Valley hosts a diversity of wildlife; many are listed by the Minnesota Department of Natural Resources as
446 "Species of Greatest Conservation Need". One of the groups of birds especially in decline is grassland birds.
447 These species depend on large tracts of remnant or restored grasslands such as the bobolink and the
448 meadowlark. Prairie restorations at a scale like the Afton Creek Preserve will provide habitat for these species.
449 Not only is the scale of this restoration important, but the location is valuable as well. The monarch butterfly
450 uses the St Croix River flyway on its migration. Finding large populations of milkweed and other important
451 nectar species along its migratory route is critical for this iconic species.
452

453 Please consider these important ecological benefits in your review of the prairie restoration at Afton Creek
454 Preserve.

455
456 Sincerely,



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458
459

460 **Exhibit 3**

461
462 **From:** Wayne Ostlie [<mailto:wayneostlie@minnesotalandtrust.org>]

463 **Sent:** Tuesday, February 27, 2018 9:11 AM

464 **To:** Joe Bush <joe@joebushmn.com>

465 **Subject:** Re: Please call joe bush
466

467 Joe:

468
469 Thanks for passing along the revised site plan for our review. After a review, here are my thoughts:

- 470 • The revised plan does far less for protection of Trout Brook than any of the previous plans and is
471 inferior in that regard. The original design created a substantial buffer of habitat along Trout Brook.
472 Although this design retains that buffer along the lower portion of the design, the upstream section is no
473 longer addressed through this site plan.
- 474 • The shape of the proposed conservation easement is very irregular with significantly more edge than
475 would be optimal from ecological and easement enforcement standpoints. As you recall, one of the main
476 elements we addressed in the previous designs was the creation of a large block of habitat (to the extent
477 possible) that would provide habitat for wildlife. That gets sacrificed to a significant degree through this
478 proposed site plan.
- 479 • The site plan also places 4 lots in positions that back up to the proposed easement area. We have found
480 that these situations often create long-term enforcement headaches through encroachment from adjacent
481 landowners. Although there are ways to ameliorate this threat to some degree (fencing, etc.), it is
482 unclear whether those measures are proposed here. The previous site plan also had four lots, but the
483 conservation benefit was significantly greater.
- 484 • Finally, the potential for a road to cut across the heart of the easement area is problematic. To
485 accommodate the potential for this road, this thoroughfare would need to be incorporated into the design
486 of the easement area. Our preference would be to excluded it altogether from the easement area. This
487 would effectively split the easement into two parts, which would again be a detriment to any habitat
488 values for wildlife and add enforcement risk and associated costs going forward.
489

490 Overall, this is a significant step backward in terms of conservation value when compared with previous
491 plans. Quite frankly, this proposed site plan would not meet the Land Trust's mission and we would not be
492 interested in holding an easement as designed.

493
494 Thanks for the opportunity to review.

495
496 Wayne

497 --

498
499 Wayne Ostlie
500 Director of Land Protection
501 Minnesota Land Trust
502 2356 University Ave W., Suite 240
503 St. Paul, MN 55114

504
505 Office: (651) 917-6292

506 Cell: (651) 894-3870

507 wostlie@mnland.org

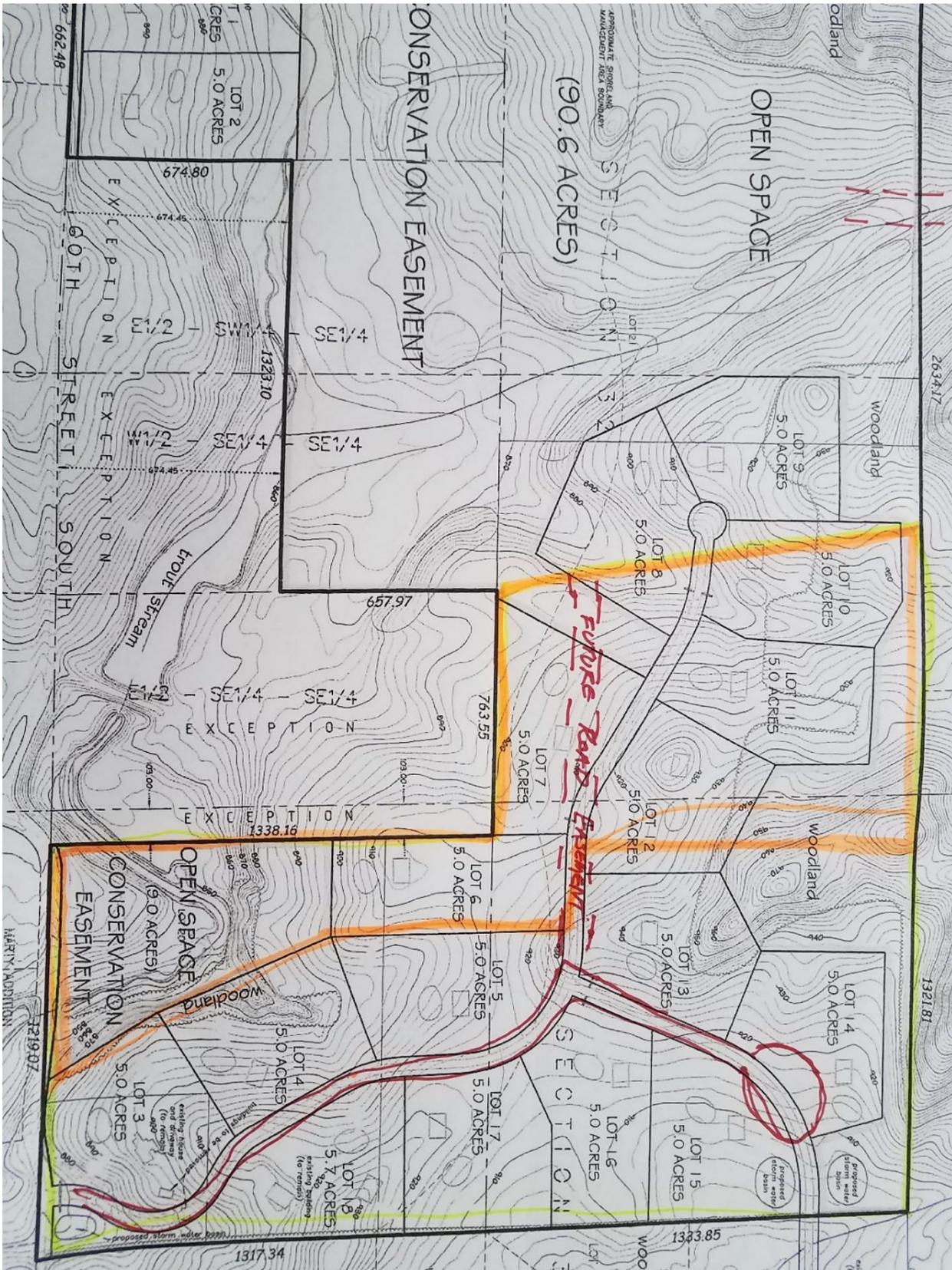
508 www.mnland.org

509

510 *Protecting the places you treasure...forever.*

511

512 **Exhibit 4**



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Exhibit 5

From: Mary McConnell [<mailto:marymcconnell@comcast.net>]
Sent: Thursday, March 01, 2018 10:30 AM
To: mayor <mayor@ci.afton.mn.us>; ward1 <ward1@ci.afton.mn.us>; ward2 <ward2@ci.afton.mn.us>; ward3 <ward3@ci.afton.mn.us>; ward4 <ward4@ci.afton.mn.us>; 'Randy' <rpnelson501@gmail.com>; 'Joe Richter' <joerichter@mac.com>
Cc: Ron Moorese <rmoorse@ci.afton.mn.us>
Subject: Carlson PLCD-Revised Bush Proposal and Neighborhood Support

Mayor and City Council Members: A group of neighbors met with Joe Bush this past Sunday at his request where he proposed a new concept plan. The concept plan shows 9 lots on a cul-de-sac utilizing the single Schuster access with a 50-acre conservation easement east of the development and north of the Turner property. I have attached a rough drawing of the proposal we viewed. The neighbors can support this concept layout and we hope you will too. We think it addresses the community concerns about road safety, density and the impacts on the Turner/Rhode horse sanctuary in a meaningful way. This plan also does not require a variance from our ordinances as we understand it. Its reduced size also exposes the City to less financial risk.

We appreciate the thought that went into this layout by the developer and your efforts to encourage the developer to address our concerns with this revised plan.

While some may be concerned that this smaller plan does not lock up the entire 100 acres in a conservation easement at this time, Mr. Bush has indicated that the remaining 50 acres will not be farmed in row crops but will remain in native grasses and pollinator plants and possibly be used for a bee operation mitigating any water quality concerns.

Thank you.

- Mary McConnell
- Kathy Graham
- Randy Graham
- Teresa Lewandowski
- Christian Dawson
- James Rickard
- Nicole Ricard
- Patrick Leahy
- Nancy Turner
- Tom Rhode

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Exhibit 6



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569 **Exhibit 8** (From Afton Comprehensive Plan, Map 3)

Map Image Cropped to show development
only:



Agricultural Class



Prime Soils (Class I & II)



Soils of Statewide Importance



Area Meeting Met Council
Prime Ag Criteria



City of Afton



Section Lines



Parcel Boundaries

Roads



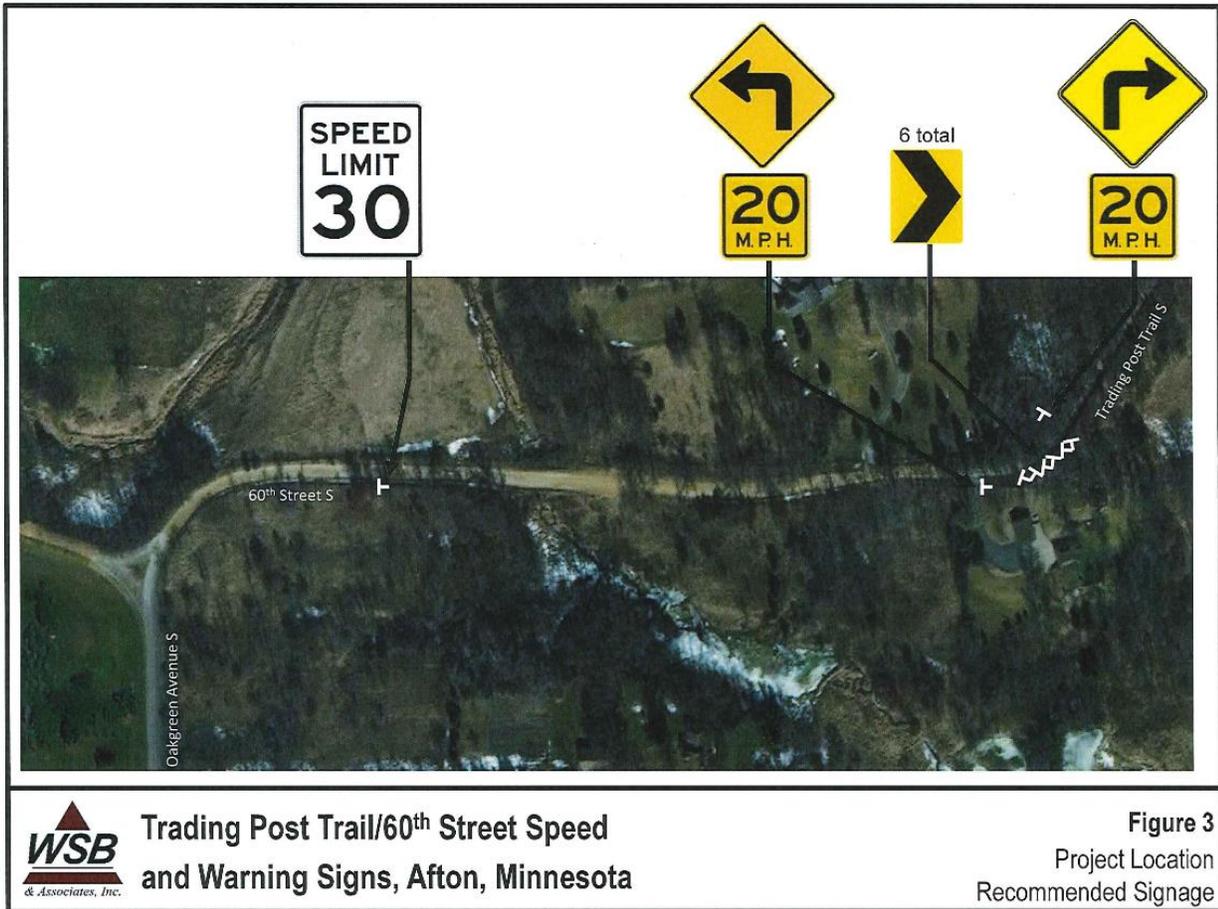
Major Roads



Local Road

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572 Exhibit 9
573



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Additional conditions:

1. The final plat shall contain as built house locations and residential site grading plans.
2. The final plat maps shall show septic sites conforming to Afton’s ordinance requirements including but not limited to setback requirements.
3. 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.
4. The homeowner’s association documents shall contain a waiver of assessment appeal running in favor of the city.
5. 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.
6. The public walking paths shall be added to the plat maps.
7. 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.
8. 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.

- 595 9. Covenant amendment provisions in the homeowner's restrictive covenants permitting changes after a
596 certain number of years have passed shall be amended to remove the current conflict with restrictions on
597 future subdivision of PLCD lots and other provisions of Afton's ordinances.
- 598 10. Architectural controls shall be removed from the homeowner's association restrictive covenants.
- 599 11. Prairie Restoration shall be the vendor planting the conservation easement and the initial planting of all
600 residential lots with a seed mix matching the one submitted with the preliminary plat application.
- 601 12. The reference to a lot 20 shall be removed from the final plat documentation.
- 602 13. Provisions on setbacks shall be removed from the homeowner's restrictive covenants and Afton's
603 restrictions shall control.
- 604 14. The provisions restricting certain pets shall be removed from the homeowner's restrictive covenants;
605 Afton's ordinances shall control pets.
- 606 15. Residential lots shall be subject to perpetual easements in favor of the other lot owners in the
607 development and the city of Afton requiring that 60% of each lot remain planted in natural prairie and
608 appropriate language shall be inserted in the homeowner's association documents to insure enforcement
609 of maintenance of these prairie areas.
- 610 16. All bid documents received by the developer must be approved by the City's engineers prior to
611 acceptance.
- 612 17. No work shall commence until the final plat has been approved.
- 613 18. The letter of credit securing performance shall include amounts necessary to pay the city's engineers for
614 on-site monitoring, review of plans and specifications and intermediate and final certifications of
615 completion required prior to all final releases.
- 616 19. All fund releases shall be based on completion of plans and specifications and sign-off by the city's
617 engineers.
- 618 20. The final release of funds shall not occur until all improvements in the development, including
619 construction of homes and accessory structures on all lots, has occurred.
- 620 21. The development agreement shall be personally guaranteed by Wil Carlson in a form acceptable to the
621 city.
- 622 22. Costs of completion shall be calculated based on an assumed annual 4%, year over year, with provision
623 for a 10-year build-out.
- 624 23. The final plat application shall include estimated initial costs including but not limited to grading,
625 surface water controls and roads and also a final cost estimate, both of which shall be subject to
626 approval by the city's engineers.
- 627 24. No final plat approval shall occur until both the development contract and the tri-party agreement
628 between the developer, the city and the Minnesota Land Trust has been executed by all parties.
- 629 25. Plat improvements and off-site improvements shall be separately secured by separate letters of credit.
- 630 26. The city accepts and adopts the attached conditions proposed by the developer in its letter of April 12,
631 2018, with the exception of the \$100,000 park dedication fee payment.

632 **Additional Findings:**

633 The condition requiring the developer provide an access to the development through the Odell parcel
634 mitigates impacts on the neighborhood by satisfying the public need to distribute and dilute traffic from
635 the development onto multiple streets, thereby reducing the volume of traffic on individual streets. It
636 also diverts traffic away from streets less capable of handling higher traffic volumes to 60th Street.
637 Requiring the developer to pave 60th Street from Trading Post to Neal Avenue assists in diverting the
638 development's increased traffic flows away from narrow winding roads onto 60th Street which is an
639 open, straight road, thereby enhancing public safety and facilitating efficient traffic flows. Paving the
640 road will encourage development residents to utilize its direct route to the high density metropolitan
641 areas to the west of the development in preference to using the winding, narrow neighborhood roads.

643 **Motion Discussion**

644 Council member Ross clarified his position on the project. He primarily had financial concerns. He
645 pointed out that the city does not have design powers but has to react to proposals given. This plan does
646 not require variances, having two exits splits traffic flow, the farm access road issue is resolved, 60th will
647 be paved, there is a park dedication fee. There are processes that will be put in place to protect the city
648 from financial exposure on roads and infrastructure. He is satisfied that the financial risk has been
649 rectified.

650 Council member Palmquist stated he felt there could have been something significantly better here.
651 Friendly amendment that a conservation easement be granted for the property at 5550 Odell and the house
652 taken down.

653 Mayor Bend stated that the removal of the house is a condition, the easement is not. The owner of the
654 property has to be willing to grant an easement. After discussion with Joe Bush, Bend will accept
655 amendment if the owner will agree to a conservation easement.

656 Council member Palmquist asked about maintenance on that parcel. Attorney Knaak stated that could be
657 common property of the association. Mr. Bush stated they were willing to maintain that property.

658 Council member Richter stated the financial concerns raised are standard everywhere. The only way this
659 project would compromise is if Odell was denied, now there is no compromise.

660 Council member Nelson stated that the lot sizes in the area are similar in size, environmentally we are
661 protecting groundwater and trout brook, reduces run off.

662 Mayor Bend stated why he is support of the project. Regarding road safety, he has chosen to believe the
663 engineers. Needs to make decisions for the city as a whole. Maximum density is 1 per 10. This is 1 per
664 12 acres. Regarding alternatives, the 9 acre concept left lots on west side that were immediately
665 developable and put land with least ecological value in conservation easement. He believes in the
666 ordinances as written and after reviewing this proposal fits within parameters.

667 Council member Richter stated the Odell access lies outside the PLCD and cannot be joined. That
668 language is being ignored.

669 Mayor Bend asked Attorney Knaak to clarify. Attorney Knaak replied there are no variances required and
670 the 5550 Odell parcel is not part of the PLCD.

671 Mayor Bend stated he needs to accept the City Attorney and City Engineers review on this.

672 **Motion vote on Resolution 2018-xx (to become 2018-18) to approve the Preliminary Plat with**
673 **Findings and Conditions above.**

674 **Further Discussion**

675 Council member Palmquist stated he wants 100' rear yard setbacks as a condition. Mayor Bend stated
676 that is included in his findings and conditions. Council member Palmquist asked about the \$100,000 park
677 dedication fee. Mayor Bend stated that the public walking trail on the conservation easement land may
678 limit the park dedication fee.

679 **Motion/Second Palmquist/Ross To remove the park dedication fee limit of \$100,000 and remove**
680 **condition #3.**

681 Council member Richter stated the park dedication fee is non-negotiable and is not dependent on
682 conservation easements, we have never applied it that way.

683 Mayor Bend asked attorney Knaak. Attorney Knaak stated it is within parameters of the ordinance and
684 the park dedication fee can be set later.

685 **Vote all aye, passed 5-0.**

686
687 Palmquist asked if there was a 100' setback around turner horse farm, and can the city have input on
688 vegetation. Knaak replied that a covenant could be put in as a condition.

689 Discussion was held on the best way to accomplish this.

690 Attorney Knaak stated a condition of development would be prior approval of tree/vegetation plan which
691 would not permit removal.

692 **Motion/Second Bend/ Nelson To accept a condition drafted by Attorney Knaak stating these**
693 **objectives regarding vegetation buffer around the Turner horse farm. All aye, passed 5-0.**

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Discussion was held regarding prescribed burns near the horse farm. Administrator Moose will draft a condition regarding prescribed burns.

Council member Richter would like to add the following conditions as friendly amendment:

- no construction related traffic on Odell (accepted)
- tree border to block farm access road from PLCD on eastern boundary (accepted)
- tree border along eastern boarder abutting existing properties (prior to construction)
- DOT speed study on Odell (not accepted as friendly amendment)
- WSB analysis of Odell intersections (not accepted as friendly amendment)
- WSB analysis of 60th and Oakgreen (not accepted)
- Sightline improvement around (not accepted)
- HOA plan reviewed by city attorney (accepted)
- Monitor compliance with PLCD standards (already in)
- HOA develop Stormwater pond maintenance plan for eastern boundary (accepted)
- Washout of seeds on sloped areas (already in)
- Culvert replacement

Accepted amendments above added to conditions and findings

Motion vote on Resolution 2018-xx (to become 2018-18) to approve the Preliminary Plat with Findings and Conditions above and friendly amendments.

Roll call: Nelson Aye, Palmquist Nay, Ross Aye, Richter Nay, Bend Aye. Passed 3-2.

Resolution 2018-xx (to become 2018-19) to approve the CUP

Motion / Second Nelson/Bend To approve Resolution 2018-xx (to become 2018-19) Approving the Conditional Use Permit for the Afton Creek Preserve.

Discussion

Attorney Knaak pointed out that the CUP is additional protection, put conditions in CUP as well. If conditions are not followed they can be enforced civilly if needed.

Mayor Bend stated conditions for prelim plat should be here also

Roll call vote: Nelson Aye, Ross Aye, Richter Nay, Palmquist Nay, Bend Aye. Passed 3-2.

B. Engineering Report – (Engineer Staff Report & Council Update)

1. Change Order No. 9, Downtown Village Improvement Project

Motion/Second Palmquist/Ross to approve Change Order No. 9 to Geislinger and Sons Inc. in the amount of \$173,974.01. Passed 5-0.

2. City Engineer Proposal to the City in the 3M Settlement Working Group Process

Administrator Moose provided the following information: a proposal from WSB to represent the City in the 3M Settlement Working Group Process. The proposal identifies the two WSB staff who would serve as the City’s representative on the Working Group. While the proposal indicates the costs would be billed on an hourly basis based on the standard hourly billing rates, it does not identify the hourly rates of Todd Hubmer or Greg Johnson. Also, at this time, the meeting schedule for the Working Group has not been fully defined, which makes it difficult to provide a cost estimate. Staff’s recommendation is that the proposal be approved on an interim basis and that full approval be considered when an overall cost estimate can be provided.

Motion/Second Palmquist/Ross To approve the proposal for WSB to represent the city of Afton in the 3M Settlement Working Group Process. Passed 5-0.

C. Administration –

- 746 1. Letter to MPCA Commissioner regarding Afton’s priorities in relation to the use of the 3M
747 Settlement Funds
748 At its April 4 work session, the Council discussed drafting a letter to John Linc Stine, the
749 Commissioner of the MPCA, regarding the City’s priorities regarding the use of the 3M settlement
750 funds. Todd Hubmer has suggested that a meeting with the Commissioner and his staff would be a
751 preferable option. The scheduling of such a meeting will be discussed at the Council meeting.
752 **Motion/Second Palmquist/Bend To authorize staff to organize a meeting with the MPCA**
753 **Commissioner to discuss the City’s priorities regarding the use of 3M settlement funds. Passed**
754 **5-0.**
755
- 756 2. Pay Voucher No. 11 from Geislinger and Sons, Inc. for Downtown Village Improvement Project
757 **Motion/Second Ross/Palmquist To approve the payment of Pay Voucher No. 11 from**
758 **Geislinger and Sons, Inc. for the Downtown Village Improvement Project in the amount of**
759 **\$292,052.81. Passed 5-0**
760
- 761 3. Revise Date for Prepayment of Assessments Without Interest. – **Resolution 2018-20**
762 **Motion/Second Palmquist/Richter adopting Resolution 2018-20, revising the date for the**
763 **prepayment of assessments without interest to July 1, 2018. Roll Call, all aye, passed 5-0**
764
- 765 4. Abatement of Assessment at 15909 Afton Boulevard Due to Deferral – **Resolution 2018-21**
766 **Motion/Second Palmquist/Ross adopting Resolution 2018-21 regarding the abatement of the**
767 **assessment on the Thoenke property at 15909 Afton Boulevard. Roll Call, all aye, passed 5-0**
768
- 769 5. Proclamation Regarding Jessie Diggins Day on May 12 – **Resolution 2018-22**
770 **Motion/Second Bend/Ross adopting Resolution 2018-22 proclaiming May 12, 2018 as Jessie**
771 **Diggins Day. Roll call, all aye, passed 5-0**
772
- 773 6. Afton Historical Museum Proposal for Review of Property File Documents
774 Staff is preparing to have all documents in the property files scanned for input into Laserfiche and
775 then shredded. The Afton Historical Museum believes it is important that, prior to shredding, the
776 files be reviewed to identify original documents with historic value, so that those original
777 documents can be preserved. Cities Digital, who will be doing the scanning, has indicated they will
778 deliver the property files back to the City or to the Museum after the documents are scanned. The
779 Museum has provided the attached proposal for review of the files. The proposed cost is \$70 per
780 box of files, which the Museum estimated at 60 boxes. Cities Digital believes it will be closer to 80
781 boxes of files. The total cost would be between \$4,200 and \$5,600.
782 **Motion/Second Palmquist/Nelson to authorize the Afton Historic Museum to do a historic**
783 **review of the City’s property files at a cost not to exceed \$5,600. Passed 3-1-1 (Ross abstain,**
784 **Richter nay)**
785
- 786 7. Paperless Agenda Packets Technology Update
787 Council member Ross provided a report on his testing of the Microsoft Surface. He would
788 recommend it. The council will test it out at an upcoming work session.
789
- 790 8. Sandy Alexander Park Bench Donation
791 **Motion/Second Bend/Nelson To accept the picnic table donation, in the amount of \$1,200,**
792 **from Sandy Alexander in memory of Richard Balsimo. Passed 5-0**
793
- 794 9. Draft Ordinance Amendment Regarding Allowed Uses, Design Standards and Exterior Storage in
795 the Industrial Zones

796 **Motion/Second Palmquist/Ross To refer the attached draft ordinance amendment regarding**
797 **allowed uses, design standards, landscape requirements and exterior storage in the Industrial**
798 **zones to the Planning Commission for review and comment and for a public hearing.**

799 Discussion

800 Council member Richter asked about several items, Administrator Moose will review and be sure
801 the items that were to be added are there. Council member Richter asked if a study should be done
802 to determine impact.

803 **Palmquist amend motion to include the uses that were missing which Moose will add. (Nelson**
804 **accept). Bend friendly amendment to require native trees (accepted). Passed 4-1 (Richter**
805 **Nay)**

806

807 10. Rediscover Afton Event, August 4 - **Resolution 2018-23**

808 **Motion/Second Palmquist/Ross To approve Resolution 2018-23 in support of the Rediscover**
809 **Afton Event scheduled for August 4, 2018. Roll call, All aye, passed.**

810

811 11. Cooperative Agreement with Washington County for BoldPlanning Software for Developing a
812 Continuity of Operations Plan and Updating the Emergency Operations Plan

813 Washington County has purchased software for developing Continuity of Operations Plans and for
814 updating Emergency Operations Plans. The software walks users through the process of creating or
815 updating the plans and because the plans are in a digital format, they are easy to update on an annual
816 basis. The County has offered to provide the software, along with training, to the cities in the
817 County at no cost, as long as the County continues to receive a grant to pay the annual costs for the
818 software, and as long as the cities continue to update their plans periodically. The County has
819 provided a Cooperative Agreement for participation by the cities. The Cooperative Agreement is
820 attached. Staff recommends participation by Afton, because the software will facilitate the needed
821 updating of the City's Emergency Operations Plan and will facilitate the development of a
822 Continuation of Operations Plan, which the City does not currently have.

823

824 **Motion/Second Ross/Palmquist To approve participation in a Cooperative Agreement with**
825 **the County for the use of BoldPlanning Software, and authorizing the City Administrator to**
826 **sign the Cooperative Agreement.**

827

828 Council member Nelson stated that the Fire Dept. would like to implement safety inspections in
829 commercial buildings and have requested a list of properties.

830 Will be discussed further at a work session.

831

832 12. Schedule Work session

833 A work session will be scheduled in the next week or two.

834

835 13. LMC Conference

836 Council members Ross and Richter would like to attend.

837

838 **D. Committee Reports**

839 1. Public Works – crack filling will be needed on estimated 6 miles. 30th St Culvert project, bridge reports
840 and snow removal payment schedule were discussed. The boat dock needs repair.

841 2. Personnel – no report

842 3. Parks – Lynn Kaye is resigning

843 4. Heritage Preservation Commission / Design Review – no report

844 5. Natural Resources and Groundwater – no report

845

846 **10. COUNCIL, CONSULTANT, AND STAFF REPORTS, ANNOUNCEMENTS, AND UPDATES**

- 847 A. Ward 1 Council Member Palmquist – levee pumps will be turning on
- 848 B. Ward 2 Council Member Richter – no report
- 849 C. Ward 3 Council Member Ross – no report
- 850 D. Ward 4 Council Member Nelson – no report
- 851 E. Mayor Bend – no report
- 852 F. City Attorney Knaak – no report
- 853 G. City Administrator Moorse – no report

854
855 **11. ADJOURN –**
856 **Motion/Second Bend/Ross to adjourn. Passed 5-0.**

857 Meeting adjourned at 10:55 pm.

858
859
860
861 Respectfully submitted by:

862
863
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865 JY
866 Julie Yoho, City Clerk

867
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869
870 Approved by Council (May 15, 2018) as (check one): Presented: _____ Amended: X _____

871
872
873 Mayor Richard Bend _____ Date _____
874
875

5.A.

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

Meeting Date May 15, 2018

Council Action Memo

To: Mayor Bend and Members of the City Council
From: Ron Moorse, City Administrator
Date: May 15, 2018
Re: Minutes of the April 27, 2018 Regular City Council Meeting – **Supplemental**

Council member Richter has indicated that the findings related to the Council's action on a zoning application are generally not included in the meeting minutes, but rather are reflected in the approved resolution. He has requested that, because all of the findings related to the approval of the Afton Creek Preserve PLCD Subdivision were included in the draft minutes of the April 17, 2018 Council meeting, the findings related to the denial of the Subdivision should also be included in the minutes. The denial findings are attached.

**Resolution DENYING Public Park and Road Dedication at 5550 Odell
Avenue South, Afton, MN**

Background. Portions of Afton Ordinances relevant to this matter include the following:

12-55. Street, local means a street intended to serve primarily as an access to abutting properties.

12-55. Street, collector means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

Sec. 12-1377. Land requirements

D. Proposed subdivision shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

Sec. 12-2375. General standards for approval.

A. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:

3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site

Sec. 12-2377. Coordination with subdivision regulations.

C. Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may not be joined to a PLCD.

Sec. 12-2379. General development plan.

B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of Administrative Permits, the following additional findings shall be made before the approval of the outline development plan:

2. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.

5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

FINDINGS

EXHIBIT Y

City does not accept a dedication of a public park and public road right of way through a rural residential lot at 5550 Odell Avenue based on the following findings:

1. The park and road dedication would require tearing down an existing home at 5550 Odell Avenue (Lot) on a 5-acre lot in the middle of an established subdivision, St. Croix Valley Estates, that is of record and platted over 20 years ago to provide a park and access connection to Odell Avenue;
2. On its own, there is no public purpose or need for a public road right of way through the Lot because it does not connect to any other public road and is not part of any public road plan or system;
3. On its own, a park is unsuitable at this location because:
 - a. The Lot is not identified in the 2012 Parks Plan as suitable parkland.
 - b. The Lot is not suitable because it has an occupied dwelling and outbuildings on it and is located in the middle of an established subdivision.
 - c. The Parks Plan requires a clear use for land but the only use for the land is for placement of the public road through a park solely to access other land inconsistent with City ordinances.
 - d. The Lot, located in the middle of an established subdivision with a proposed road through it, does not provide aesthetic, recreational or scenic value, protect natural or cultural resources, wildlife habitat, unique landforms, nor does it link to other current recreational areas as recommended in the Parks Plan to be suitable park land.
 - e. Odell Avenue has steep grades, sharp curves, variable geometry, and reduced site lines that are unsuitable for public bike access to the Lot.
 - f. Odell Avenue is not identified in the Park Plan page 21 as a potential bike route for access to the Lot.
 - g. A park at this location would have a negative impact on traffic safety because it would add traffic to traffic on Odell Avenue, a local road designed primarily for residences that abut it and because it has steep grades, sharp curves, variable geometry, and reduced sitelines.
 - h. A neighborhood park in the middle of an established subdivision is inconsistent with the Park Plan, paragraph 11.H that recommends that parks be planned based on input from residents because the residents surrounding the proposed park and within ½ mile of the park are strongly opposed to a park at this location.

4. As part of an access to the proposed Afton Creek Preserve development as shown on the preliminary plat application, the proposed park and public road right of way connection with Odell Avenue would have the following impacts:
 - a. The proposed road would change Odell Avenue from a local street (as defined in Sec. 12-55) to a collector street (as defined in Sec. 12-55) and negatively impact safety by introducing more traffic onto Odell Avenue that is known to have restricted site lines, steep grades, and sharp curves;
 - b. Burden and devalue properties that abut the Lot who would have a public road and park adjacent to their properties where before their lots were adjacent to another lot in the middle of a long-time platted subdivision;
 - c. The proposed park and road access through the middle of a long-established subdivision disrupts long-established expectations of lot configurations and residential use by adjoining property owners that induced them to buy and invest in their properties;
 - d. Disrupt the peace, harmony, and security of a long time existing platted subdivision in violation of Sec. 12-1377 that requires the proposed subdivision be coordinated with existing neighborhoods so that the community as a whole may develop harmoniously.
 - e. Create a road access for the PLCD outside of the PLCD development boundaries through a Lot in the middle of an established subdivision in violation of Sec. 12-2379.B.5 that requires a PLCD development design that is unified within its own boundaries.
 - f. Tear down an existing home on a Lot in the middle of a long-time platted subdivision to construct a road and park that would bisect and change the nature such subdivision in violation of Sec. 12-2375.A.3 that requires the development to harmonize with existing development in the area surrounding the project site
 - g. Create a road and park against running adjacent and along the boundaries of existing properties in the middle of an established subdivision and otherwise interfere with the peace, harmony, and security of the entire subdivision neighborhood in violation of Sec. 12.2379.B.2 that requires that the

development not have an undue and adverse impact on the reasonable enjoyment of neighboring property.

5. The residents of the subdivision, St. Croix Valley Estates and the Forbes addition, and surrounding community are against the creation of a public park and road that would require tearing down a home in the middle of this long-established subdivision to bisect it with a road.

**Resolution DENYING Rezoning of Parcel at 14220 60th Street from Rural
Residential to Agricultural**
FINDINGS

Portions of Afton Ordinances relevant to the denial of the rezoning are as follows:

Sec. 12-80. Amendments and rezonings.

C. Application. Where an amendment to this article is proposed by a property owner, an application therefore shall be filed with the City Administrator; such application shall be accompanied by development plans, if any, for the use which requires the rezoning.

J. Agreement with comprehensive plan. In granting or recommending any rezoning provided for in this article, the Planning Commission and Council shall find that the proposed development conforms substantially to the policies, goals and standards of the comprehensive plan.

Sec. 12-1377. Land requirements

D. Proposed subdivision shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

Sec. 12-2375. General standards for approval.

A. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:

1. The preservation and land conservation development is consistent with the comprehensive plan of the City

3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

Sec. 12-2379. General development plan.

B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of Administrative Permits, the following additional findings shall be made before the approval of the outline development plan:

4. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the district.

The rezoning is DENIED based on the following findings:

1. The character of the neighborhood surrounding the subject parcel has not changed to suggest a rezoning is required;
2. The subject parcel is currently used for residential purposes consistent with its current zoning and adjacent land use;
3. There will be no change in use of the parcel to agriculture as the end result of the rezoning and the parcel will remain in residential use;
4. The subject parcel abuts and is directly adjacent to a large area zoned Rural Residential;
5. As required by Sec. 12.80.C, the use identified that would require the rezoning is a proposed development known as the Afton Creek Preserve PLCD.
6. In the proposed PLCD, the rezoning would convert a current 5-acre rural residential lot at 14220 60th Street to agriculture zoning so that this lot can be included within the boundaries of the proposed development and be used as a road access for the development.
7. The proposed access road at 14220 60th Street intersects 60th Street near the south end of Trading Post Trail and would add traffic to the north at a curve that is substandard in its width, geometry, and sitelines.
8. The proposed access road at 14220 60th Street would add traffic to the south on 60th street that has reduced sitelines, steep grades, reverse curves, and a poor quality intersection at 60th Street and Oakgreen Avenue.
9. The proposed access road at 14220 60th Street concentrates traffic and related stormwater runoff immediately adjacent to one of the highest quality areas of Trout Brook on the site with perennial stream flows.
10. The proposed access road at 14220 60th Street would create an excessive burden on streets that serve the proposed PLCD in violation of Sec. 12-2379.B.4 that requires that the PLCD will not have an excessive burden on streets.
11. The proposed PLCD development that necessitates the rezoning does not conform substantially to the policies, goals and standards of the Comprehensive Plan as required for a rezoning to occur under Section 12.80.J because it is inconsistent with such stated goals and policies including but not limited to:
 - a. "Discourage residential development on lands suitable for agricultural use and adhere to planning practices that will allow farms to operate without external pressures." Page 27 paragraph 8 (2015)

- b. "The residents of the City of Afton value the agricultural economy and rural character that an agricultural environment provides. This Plan intends to preserve agricultural land for permanent agricultural use, and does not accept the belief held by some that agricultural use is merely a temporary use or that agricultural lands are merely a holding area for future residential or other development." Page 21

12. The rezoning is solely for the convenience and pecuniary interest of the developer to facilitate the proposed development known as the Afton Creek Preserve.

13. The proposed rezoning will have an adverse effect on the health, safety, and general welfare of the community because it will facilitate the proposed PLCD development whose impacts have not been adequately addressed including those related to traffic safety, placement of a park and road access through an established neighborhood on Odell Avenue, density, and interference with an existing long time agricultural business as set forth below;

- a. Change Odell Avenue from a local street to a collector street and negatively impact safety by introducing more traffic onto Odell Avenue that is known to have restricted site lines, steep grades, sharp curves, and variable geometry thus creating an excessive burden on streets that serve the PLCD
- b. Disrupt the peace, harmony, and security of a long time existing platted subdivision, St. Croix Valley Estates, by placing a park and road access in the middle of such subdivision in violation of Sec. 12-1377 that requires the proposed subdivision be coordinated with existing neighborhoods so that the community as a whole may develop harmoniously.
- c. The proposed park and road access through the middle of the subdivision are strongly opposed by residents of the subdivision and surrounding community because they would disrupt the peace, harmony, and security of this long established neighborhood.
- d. The proposed park and road access through the middle of a long-established subdivision disrupts long-established expectations of lot configurations and residential use by adjoining property owners that induced them to buy and invest in their properties.
- e. The PLCD surrounds an existing horse rescue and retirement farm/facility located at 13926 60th Street clustering its housing density on the north and east boundaries of the farm with a conservation easement providing public access and walking trails bordering the west side of the farm.
- f. The PLCD with its density clustered around a long time operating farm will have an adverse effect on the farm, is incompatible with this existing land use in the Agricultural Zoning district, and does not harmonize with the area surrounding the project in violation of Sec. 12-2375.A.3 that requires the development to harmonize with existing development in the area surrounding the project site

- g. The density of the development is too high given the sensitive nature of the land with steep slopes and an adjacent stream and the recommendations of the Afton Natural Resources and Groundwater Committee with respect to lot configuration have not been fully incorporated in the plan.

**Resolution DENYING Preliminary Plat Application for Afton Creek Preserve,
Afton, MN**

Background. Portions of Afton Ordinances relevant to this matter include the following:

12-55. Street, local means a street intended to serve primarily as an access to abutting properties.

12-55. Street, collector means a street which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

Sec. 12-1377. Land requirements

D. Proposed subdivision shall be coordinated with existing nearby municipalities or neighborhoods so that the community as a whole may develop harmoniously.

Sec. 12-2373. Purpose.

The purposes of this article are:

B. To encourage a more creative and efficient development of land and its improvements through the preservation of agricultural land, natural features and amenities than is possible under the more restrictive application of zoning requirements, while at the same time, meeting the standards and purposes of the comprehensive plan and preserving the health, safety, and welfare of the citizens of the City. (emphasis added)

Sec. 12-2375. General standards for approval.

A. A Conditional Use Permit shall be required for all preservation and land conservation developments. The City may approve the preservation and land conservation development only if it finds that the development satisfies all of the following standards:

1. The preservation and land conservation development is consistent with the comprehensive plan of the City.

3. The preservation and land conservation development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

B. The tract is a minimum of eighty (80) contiguous acres in size and that all of the following conditions exist:

1. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.

2. The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.

Sec. 12-2377. Coordination with subdivision regulations.

C. Parcels which contain their maximum permitted density or have been previously subdivided to their permitted density may not be joined to a PLCD.

Sec. 12-2379. General development plan.

B. In addition to the criteria and standards set forth in Sec. 12-78 of this article for the granting of Administrative Permits, the following additional findings shall be made before the approval of the outline development plan:

1. The proposed PLCD is in conformance with the comprehensive plan.
2. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
4. The PLCD will not create an excessive burden on parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the district.
5. The proposed total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

FINDINGS

The City denies the Preliminary Plat Application for the Afton Creek Preserve PLCD (Project) based on the following findings:

1. The proposed access road/park at 5550 Odell Avenue (Lot) would require tearing down an existing home on a Lot in the middle of an existing subdivision, St. Croix Valley Estates, that is of record and platted over 20 years ago to provide an access connection between Odell Avenue and the Project. As a result the road would:
 - a. Change Odell Avenue from a local street to a collector street and negatively impact safety by introducing more traffic onto Odell Avenue that is known to have restricted site lines, steep grades, sharp curves, and variable geometry thus creating an excessive burden on streets that serve the PLCD in violation of Sec. 12-2379.B.4 that requires that the PLCD will not have an excessive burden on streets.
 - b. Burden and devalue properties that abut the Lot who would have a public road/park adjacent to their properties where before their lots were adjacent to another lot in the middle of a long-time platted subdivision
 - c. Disrupt the peace, harmony, and security of a long time existing platted subdivision in violation of Sec. 12-1377 that requires the proposed subdivision be coordinated with existing neighborhoods so that the community as a whole may develop harmoniously.

- d. Create a road access outside of the PLCD development boundaries through a Lot in the middle of an established subdivision in violation of Sec. 12-2379.B.5 that requires a PLCD development design that is unified within its own boundaries
 - e. Bisect and change the nature such subdivision in violation of Sec. 12-2375.A.3 that requires the development to harmonize with existing development in the area surrounding the project site
 - f. Create a road/park running adjacent and along the boundaries of existing properties in the middle of an established subdivision and otherwise interfere with the peace, harmony, and security of the entire subdivision neighborhood in violation of Sec. 12.2379.B.2 that requires that the development not have an undue and adverse impact on the reasonable enjoyment of neighboring property.
 - g. The proposed park and road access through the middle of a long-established subdivision disrupts long-established expectations of lot configurations and residential use by adjoining property owners that induced them to buy and invest in their properties
2. The proposed access road at 14220 60th Street intersects 60th Street near the south end of Trading Post Trail and would add traffic to the north at a curve that is substandard in its width, geometry, and sitelines
 3. The proposed access road at 14220 60th Street would add traffic to the south on 60th street that has reduced sitelines, steep grades, reverse curves, and a poor intersection at 60th Street and Oakgreen.
 4. The proposed access road at 14220 60th Street would create an excessive burden on streets that serve the PLCD in violation of Sec. 12-2379.B.4 that requires that the PLCD will not have an excessive burden on streets.
 5. The grading necessary to accommodate the proposed access at 14220 60th Street would interfere with sensitive slopes in excess of 12 percent and in some cases 18 percent
 6. The proposed lot sizes in the PLCD are smaller than most of the existing lots abutting the PLCD and such proposed lots are clustered in an area that abuts these existing lots thus increasing the overall density in the immediately surrounding area. Accordingly, the proposal is in violation of Sec. 12-2375.B.1 and 2 because it would not benefit the area

surrounding the project or surrounding residential land uses to a greater degree than development allowed within the underlying zoning district.

7. The PLCD is inconsistent with the Comprehensive Plan (CP) in violation of Sec. 12-2375.A.1 and Sec. 12-2379.B.1 because it:
 - a. changes the character of the community by converting prime agricultural land to residential development (CP page 22, paragraph 3 [2015])
 - b. does not preserve the rural agricultural character of southwest Afton or encourage agricultural uses (CP page 26)
 - c. does not discourage residential development on lands suitable for agricultural use and adhere to planning practices that will allow farms to operate without external pressures (CP page 27, paragraph 8)
 - d. fails to value the agricultural economy and rural character that an agricultural environment provides (CP page 21.)
 - e. fails to preserve agricultural land for permanent agricultural use (CP 21)
8. The PLCD surrounds an existing horse rescue and retirement farm/facility located at 13926 60th Street clustering its housing density on the north and east boundaries of the farm with a conservation easement providing public access and walking trails bordering the west side of the farm.
9. The PLCD with its density clustered around a long time operating farm/horse rescue/retirement facility would have a negative impact on it and is incompatible with this existing land use in the Agricultural Zoning district and does not harmonize with the area surrounding the project in violation of Sec. 12-2375.A.3 that requires the development to harmonize with existing development in the area surrounding the project site
10. The PLCD proposal conveys maximum density development rights to the PLCD owner in this section, potentially resulting in a taking of landowner's development rights at 13926 60th given the ordinance restrictions on the number of lots developable in each section in the agricultural zone.
11. The PLCD is proposing at least 4 times the number of homes than could be developed on the site based on the underlying zoning district because the owner owns only limited areas of 300 feet on a public road, the ag zone does not allow construction of a public road, and because large portions of the site are undevelopable because of stream, wetlands and steep slopes. Accordingly, the proposal is in violation of Sec. 12-2375.B.1 and 2 because it would not benefit the area surrounding the project or surrounding agricultural and residential land uses to a greater degree than development allowed within the underlying zoning district.

12. The proposed clustering of lot density around an existing long operating farm and the related negative impacts on the business is a violation of Sec. 12-2379.B.2 because it would have an undue and adverse impact on the reasonable enjoyment of neighboring property and is detrimental to surrounding uses.
13. The PLCD as proposed does not preserve the health, safety, and welfare of the citizens of the City as required by Sec.12-2373.
14. The lot at 5550 Odell needs to be joined to the PLCD for road access because there is no preexisting public road through it connecting Odell Avenue to the PLCD. This lot has previously been subdivided to its maximum density, and can not be joined to the PLCD in accordance Sec. 12-2377.C.
15. A park at 5550 Odell Avenue (Lot) is unsuitable because:
 - a. The Lot is not identified in the 2012 Parks Plan as suitable parkland.
 - b. It has an occupied dwelling and outbuildings on it and is located in the middle of an established subdivision.
 - c. The Parks Plan requires a clear use for land but the only use for the land is for placement of the public road through a park solely to access other land inconsistent with City ordinances.
 - d. The Lot, located in the middle of an established subdivision with a proposed road through it, does not provide aesthetic, recreational or scenic value, protect natural or cultural resources, wildlife habitat, unique landforms, nor does it link to other current recreational areas as recommended in the Parks Plan to be suitable park land.
 - e. Odell Avenue has steep grades, sharp curves, variable geometry, and reduced site lines that are unsuitable for public bike access to the Lot.
 - f. Odell Avenue is not identified in the Park Plan page 21 as a potential bike route for access to the Lot.
 - g. A park at this location would have a negative impact on traffic safety because it would add traffic to traffic on Odell Avenue, a local road designed primarily for residences that abut it and because it has steep grades, sharp curves, variable geometry, and reduced sitelines.
 - h. A neighborhood park in the middle of an established subdivision is inconsistent with the Park Plan, paragraph 11.H that recommends that parks be planned based on input from residents because the residents surrounding the proposed park and within ½ mile of the park are strongly opposed to a park at this location.

16. The density of the development is too high given the sensitive nature of the land with steep slopes and an adjacent stream and the recommendations of the Afton Natural Resources and Groundwater Committee with respect to lot configuration have not been fully incorporated in the plan.

RESOLUTION 2018-17

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION DENYING THE ESTABLISHMENT OF A PUBLIC ROAD RIGHT OF WAY THROUGH
THE LOT AT 5550 ODELL AVENUE SOUTH

WHEREAS, the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and

WHEREAS, JP Bush Homes has proposed a preliminary plat for a PLCD subdivision that includes a loop road providing vehicular access to Odell Avenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton does hereby DENY the establishment of a public road right-of-way easement through the lot at 5550 Odell Avenue based on the findings listed below:

Findings:

1. There is no pre-existing public purpose or need for a public road right of way through the lot because it does not connect to any other public road and is not part of any public road plan or system.
2. The proposed public road through the middle of a platted rural residential lot in an established subdivision on Odell Avenue disrupts long-established expectations of land use, lot configurations, and residential use by adjoining property owners that induced them to buy and invest in their properties.
3. The acceptance would enable vehicular access from the proposed development through the Odell Avenue subdivision, disrupt the peace, harmony, and security of this established neighborhood, and fail to harmonize with the existing adjacent neighborhood as required by Sec. 12-1377.
4. The public road acceptance would create a road access outside of the proposed development boundaries through a lot in the middle of an established subdivision in violation of Sec. 12-2379.B.5 that requires a proposed development design that is unified within its own boundaries.
5. There would be an adverse impact from the proposed development on traffic along Odell, a local road designed primarily for residences that abut it, and because Odell Avenue has areas of steep grades, sharp curves, variable geometry, and reduced sightlines.
6. The proposed roadway adjacent to existing properties would detract from the value and enjoyment of their land and interfere with their peace, harmony and security in violation of Sec. 12.2379.B.2 that requires that the proposed development not have an undue and adverse impact on the reasonable enjoyment of neighboring property.
7. The proposed roadway adjacent to existing properties on Odell would detract from the value and enjoyment of the existing landowners and interfere with their peace, harmony and security in violation of Sec. 12.2379.B.2 that requires that the proposed development not have an undue and adverse impact on the reasonable enjoyment of neighboring property
8. The proposed road would change Odell Avenue from a local street that serves as *primary means of access to*

EXHIBIT Z

RESOLUTION 2018-17

abutting property (as defined in Sec. 12-55) to a collector street that *serves as a trafficway for a neighborhood* (as defined in Sec. 12-55) and negatively impact the Odell Avenue subdivision by introducing more traffic onto Odell Avenue from the proposed development.

9. The predominant public opinion is in opposition to accepting a public road dedication at the Odell Location.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 17TH DAY OF APRIL, 2018.

SIGNED:

Richard Bend, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

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

RESOLUTION 2018-18

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

A RESOLUTION DENYING THE AFTON CREEK PRESERVE PRELIMINARY PLAT FOR A PRESERVATION AND LAND CONSERVATION DEVELOPMENT (PLCD) SUBDIVISION AT 14622 60TH STREET AND PARCELS WITH PID NUMBERS 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 AND THE PARCEL WITH PID NUMBER TO BE ASSIGNED (33.028.20.33.000X described in document No. 4142813).

- WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS,** JP Bush Homes has applied for a Preliminary Plat at 14622 60th Street and the parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813); and
- WHEREAS,** the application proposes a Preservation and Land Conservation Development (PLCD) subdivision of the existing parcels to create eighteen lots; and
- WHEREAS,** City staff reviewed the request and drafted a report for consideration; and
- WHEREAS,** the Planning Commission held a public hearing on the application at its regular meeting of March 5, 2018 and recommended DENIAL of the preliminary plat on a vote of 5-2-0; and
- WHEREAS,** the City Council heard the request at its regular meeting on March 20, 2018, at which it considered all of the comments, concerns and recommendations of the Planning Commission and Zoning Administrator and the applicant;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton does hereby DENY the Afton Creek Preserve Preliminary Plat at 14622 60th Street and parcel with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813), based on the findings listed below.

Findings:

1. The proposal does not better adapt itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
2. The proposal would not benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.
3. The proposal would not provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.
4. The uses proposed will have an undue and adverse impact on the reasonable enjoyment of neighboring property and will be detrimental to surrounding uses.
5. The proposed total development is not designed in such a manner as to form a desirable and unified environment within its own boundaries.

EXHIBIT AA

RESOLUTION 2018-18

6. The public opinion is predominantly in opposition
7. The proposed development does not harmonize with the existing development adjacent to the project site
8. The proposed development does not benefit the site and the surrounding area to a greater degree than would a development based on the underlying zoning
9. The proposed development would have an undue and unreasonable impact on the neighboring properties
10. The HOA covenants have restrictions that prohibit uses allowed in the Ag and RR zones, i.e. the keeping of horses and other animals
11. The proposed plat incorporates an intersection with 60th Street near a curve on Trading Post Trail that is substandard in terms of width and geometry.
12. The proposed street connection to Odell Avenue introduces a new street into an existing, settled neighborhood.
13. The proposed development would add traffic to Odell Avenue, 60th Street and Trading Post Trail.
14. The project would place lots adjacent to the adjoining horse farm, replacing the existing agricultural use.
15. The grading necessary to accommodate the roadway proposed for access to the development from 60th Street would impact existing vegetation and sensitive slopes.
16. The amount of development on the parcel would impact both stormwater and groundwater.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 20TH DAY OF MARCH, 2018.

SIGNED:

Richard Bend, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

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

RESOLUTION 2018-19

**CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA**

A RESOLUTION DENYING THE AFTON CREEK PRESERVE CONDITIONAL USE PERMIT FOR A PRESERVATION AND LAND CONSERVATION DEVELOPMENT (PLCD) SUBDIVISION AT 14622 60TH STREET AND PARCELS WITH PID NUMBERS 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 AND THE PARCEL WITH PID NUMBER TO BE ASSIGNED (33.028.20.33.000X described in document No. 4142813).

- WHEREAS,** the City of Afton is a municipal corporation organized and existing under the laws of the State of Minnesota; and
- WHEREAS,** the City Council of the City of Afton has adopted zoning, subdivision, and building regulations as part of the Afton Code of Ordinances, to promote the orderly, economic, and safe development and utilization of land within the City; and
- WHEREAS,** JP Bush Homes has applied for a Conditional Use Permit for the Afton Creek Preserve Preservation and Land Conservation Development (PLCD) subdivision at 14622 60th Street and the parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813); and
- WHEREAS,** the application proposes a Preservation and Land Conservation Development (PLCD) subdivision of the existing parcels to create eighteen lots; and
- WHEREAS,** City staff reviewed the request and drafted a report for consideration; and
- WHEREAS,** the Planning Commission held a public hearing on the application at its regular meeting of March 5, 2018. Because the Planning Commission recommended DENIAL of the Afton Creek Preserve Preliminary Plat on a vote of 5-2-0, their recommendation resulted in the DENIAL of the Conditional Use Permit also; and
- WHEREAS,** the City Council heard the request at its regular meeting on March 20, 2018, at which it considered all of the comments, concerns and recommendations of the Planning Commission and Zoning Administrator and the applicant;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Afton does hereby DENY the Conditional Use Permit for the Afton Creek Preserve PLCD subdivision at 14622 60th Street and parcels with PID Numbers 33.028.20.32.0001, 32.028.20.41.0002, 32.028.20.42.0004, and 32.028.20.43.0001 and the parcel with PID Number to be assigned (33.028.20.33.000X described in document No. 4142813), based on the findings listed below.

Findings:

1. The proposal does not better adapt itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
2. The proposal would not benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district.
3. The proposal would not provide land use and/or site design flexibility while enhancing site or building aesthetics to achieve an overall higher quality of development than would otherwise occur in the underlying zoning district.

EXHIBIT BB

RESOLUTION 2018-19

4. The uses proposed will have an undue and adverse impact on the reasonable enjoyment of neighboring property and will be detrimental to surrounding uses.
5. The proposed total development is not designed in such a manner as to form a desirable and unified environment within its own boundaries.
6. Public opinion is predominantly in opposition
7. The proposed development does not harmonize with the existing development adjacent to the project site
8. The proposed development does not benefit the site and the surrounding area to a greater degree than would a development based on the underlying zoning
9. The proposed development would have an undue and unreasonable impact on the neighboring properties
10. The HOA covenants have restrictions that prohibit uses allowed in the Ag and RR zones, i.e. the keeping of horses and other animals

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 20TH DAY OF MARCH, 2018.

SIGNED:

Richard Bend, Mayor

ATTEST:

Ronald J. Moorse, City Administrator

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

