



## PLANNING COMMISSION AGENDA

July 11, 2016

7:00 pm

1. **CALL TO ORDER -**
2. **PLEDGE OF ALLEGIANCE -**
3. **ROLL CALL -**
  - Barbara Ronningen (Chair)
  - Sally Doherty
  - Kris Kopitzke
  - Mark Nelson
  - Judy Seeberger
  - Lucia Wroblewski
  - Scott Patten
  - Jim Langan
  - Roger Bowman
4. **APPROVAL OF AGENDA -**
5. **APPROVAL OF MINUTES -**
  - A. June 6, 2015 Meeting Minutes -
6. **REPORTS AND PRESENTATIONS -**
  - A. Mike Isensee of the Middle St. Croix Water Management Organization Presentation Regarding Minimal Impact Design Standards (MIDS)
7. **PUBLIC HEARINGS -**
  - A. Meisner Variance Application at 1520 Stagecoach Trail for Handicap Accessible Restroom
  - B. Localized LLC Application for Zoning Code Amendment for a Non-Profit Park at 2167 Oakgreen Avenue and Two Adjacent Parcels with PID #s 16.028.20.23.0001 and 16.028.20.23.0002
8. **NEW BUSINESS -**
  - A. Drafting of an ordinance amendment to exclude man-made steep slopes from the regulations regarding the disturbance of steep slopes
  - B. Discussion Regarding the Addition of Vegetative Screening Requirements to the Subdivision Ordinance
9. **OLD BUSINESS -**
  - A. Comprehensive Plan Update Process
    1. Land Use Classifications
    2. Identification of Issues for Review
  - B. Draft City Council Minutes -
  - C. Update on City Council Actions -
10. **ADJOURN -**

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

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

CITY OF AFTON  
DRAFT PLANNING COMMISSION MINUTES  
June 6, 2016, 7:00 PM

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

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

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9 3. **OATH OF OFFICE - REAPPOINTMENTS**

10 A. Roger Bowman – Administrator Moose administered the Oath of Office to Roger Bowman for  
11 appointment to a 3-year term to expire in February 2019.

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13 4. **ROLL CALL** – Present: Bowman, Wroblewski, Seeberger, Patten, Nelson, Doherty and Chair Ronningen.  
14 Excused absences: Langan, Kopitzke. **Quorum present.**

15  
16 **ALSO IN ATTENDANCE** – Council Liaison Stan Ross, City Administrator Ron Moose and City Clerk Kim  
17 Swanson Linner.

18  
19 5. **APPROVAL OF AGENDA** – One item was added: Item 9.B, Afton Branding Committee.

20 **Motion/Second: Patten/Wroblewski. To approve the June 6, 2016 Planning Commission agenda as**  
21 **amended. Motion carried 7-0-0.**

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23 6. **APPROVAL OF MINUTES** –

24 A. May 2, 2016 Planning Commission Meeting Minutes – Line 27, correct the Motion and Second to:  
25 Nelson/Wroblewski; Line 160, delete the quotes and ‘those’ from the DNR statement.

26 **Motion/Second: Wroblewski/Nelson. To approve the May 2, 2016 Planning Commission Meeting minutes**  
27 **as amended. Motion carried 5-0-2 (Abstain: Patten and Bowman).**

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29 7. **REPORTS AND PRESENTATIONS** – none.

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31 8. **PUBLIC HEARINGS** – none.

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33 9. **NEW BUSINESS** –

34 A. Schedule Presentation Regarding Minimal Impact Design Standards – Administrator Moose explained  
35 that Minimal Impact Design Standards (MIDS) guide construction projects and development plans in a way that  
36 minimizes impacts to surface water and protects water quality. MIDS regulations are being used by cities and  
37 watershed management organizations, such as the Valley Branch Watershed District and the Middle St. Croix  
38 Water Management Organization (MSCWMO). He reported that the MSCWMO has obtained grant funding to  
39 assist cities in incorporating MIDS into their zoning regulations. The MSCWMO and an engineering consultant  
40 with expertise in MIDS have asked to meet with Afton’s Planning Commission to provide information about  
41 MIDS and have an opportunity for questions and discussion. They propose to review Afton’s ordinances and  
42 recommend incorporating regulations into our ordinances.

43 Commissioners commented that the Valley Branch Watershed District and South Washington County  
44 Watershed District didn’t come to the city when they incorporated MIDS into their watershed plans. They felt  
45 the MSCWMO could have time for a brief presentation and a Q & A period. They felt the city has done a good  
46 job in its ordinances regarding water protection. The MSCWMO presentation regarding MIDS will be scheduled  
47 for the July 11 meeting.

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49 B. Afton Branding Committee – Commissioner Patten reported that Afton’s “story” is the focus of a newly  
50 launched website and survey. The committee is listening to residents and those who work and visit here to  
51 determine what the goal of the city should be – should it be tourism, a rural atmosphere, a river city, etc. Their  
52 goal is to get 10% of residents to complete the survey (that would be 190 responses to the survey).  
53

54 **10. OLD BUSINESS -**

55 **A. Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive** – Administrator Moorse  
56 reviewed the Chaim Teitelbaum minor subdivision application at 15511 Afton Hills Drive to subdivide the  
57 existing fifteen-acre parcel into three, five-acre residential parcels. Each parcel would have access via driveway  
58 directly to Afton Hills Drive. The most westerly parcel overlays an existing home while the two new parcels to  
59 the east would accommodate new home construction. He explained that the Planning Commission, at its June 6,  
60 2016 meeting, continued action on the minor subdivision application to enable questions regarding code  
61 requirements related to driveways, particularly the number of driveways allowed on a parcel and the distance  
62 required between driveways, to be addressed. Section 12-196. Parking. 170 A.7, indicates: “There shall be only  
63 one driveway access for each residential lot, except by Administrative Permit.” Because there is an existing  
64 driveway easement on Parcel C serving the property to the south, the second driveway access on Parcel C to  
65 serve the proposed home site on Parcel C could be approved by Administrative Permit. The location of this  
66 easement divides Parcel C into two halves.  
67

68 **Motion/Second: Ronningen/Bowman. To recommend approval to City Council for the Chaim Teitelbaum**  
69 **Minor Subdivision application at 15511 Afton Hills Drive, including findings and conditions below.**  
70

71 **Findings:**

- 72 1. **The subject property is located in the Rural Residential zone, as is all property surrounding it.**
- 73 2. **The Rural Residential zone allows residential use with five-acre minimum lot size.**
- 74 3. **The subdivision meets all subdivision requirements.**
- 75 4. **Allowing one driveway access, through an Administrative Permit, to be shared by Parcel C with**  
76 **the existing easement access to the parcel to the south, will reduce the amount of impervious**  
77 **surface on slopes in the area and be better for the environment.**
- 78 5. **Allowing one driveway access, through an Administrative Permit, is preferred for safety and**  
79 **traffic access onto Afton Hills Drive rather than two driveways on Parcel C so close together.**  
80

81 **Conditions:**

- 82 1. **Easements as required by the City Engineer shall be granted.**
- 83 2. **All drainage and utility easements shall be subject to the review and approval of the City**  
84 **Engineer.**
- 85 3. **All grading, drainage and erosion control issues shall be subject to review and approval by the**  
86 **City Engineer, and by the Valley Branch Watershed District if they meet permit thresholds.**
- 87 4. **Scenic easements shall be placed on all slopes greater than 18%.**
- 88 5. **The developer shall execute a scenic easement agreement and shall record the scenic easement**  
89 **concurrent with the subdivision.**
- 90 6. **Park dedication requirements shall be satisfied at the time of final subdivision approval in**  
91 **accordance with Section 12-1270 of the Subdivision Ordinance.**
- 92 7. **Permits for individual septic systems to serve new homes on parcels B and C shall be obtained**  
93 **from the Washington County Public Health Department at the time of application for building**  
94 **permits for those homes, and all requirements of the septic permits shall be met.**
- 95 8. **All driveways shall comply with Section 12-84 of the Zoning Ordinance and be subject to review**  
96 **and approval by the City Engineer.**
- 97 9. **Applicant was strongly advised to apply to the City for an Administrative Permit to have a**  
98 **driveway come off the existing driveway easement which bisects the newly created parcel, for one**  
99 **shared access to Afton Hills Drive serving both the existing parcel to the south and proposed**  
100 **Parcel C.**  
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102 **Motion carried 7-0-0.**  
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104 **B. Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision**  
105 **Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail** – Administrator Moose reviewed the  
106 application for properties at 15311 Putnam Boulevard and 2573 Stagecoach Trail, both of which are owned by  
107 Brown Trout LLC, requesting a variance to allow the access to the Putnam Boulevard parcel to come from an  
108 easement through the Stagecoach Trail property and requesting a minor subdivision to relocate the lot line  
109 between the Putnam Boulevard and Stagecoach Trail parcels. The Planning Commission, at its May 2, 2016  
110 meeting, continued action on the variance and minor subdivision applications due to concerns about the  
111 feasibility of two driveways on the Stagecoach Trail parcel and to enable the applicant to consider combining  
112 the parcels to eliminate the need for both the variance and the subdivision. Moose explained that the applicant  
113 revised the minor subdivision plan to relocate the lot line between the two parcels so that the new house is  
114 located on the Stagecoach Trail parcel, enabling the new house to have direct access to Stagecoach Trail, rather  
115 than through an easement. The new plan also proposed that the access to the Putnam parcel be provided from a  
116 driveway to the Putnam Boulevard right-of-way, in effect reopening the vacated portion of Putnam that would  
117 then connect with Stagecoach Trail. This driveway would require a license agreement to allow the use of the  
118 Putnam Boulevard right-of-way, but would eliminate the need for a driveway access variance. Washington  
119 County indicated that the access to Stagecoach seems “reasonable,” but that future access is not guaranteed and  
120 a future access permit would be subject to the requirements, ordinances, etc of the County at the time of a  
121 county driveway access permit.  
122

123 **Motion/Second: Ronningen/Doherty. To recommend DENIAL to the City Council for the Brown Trout**  
124 **LLC Minor Subdivision Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail, with the**  
125 **following findings of fact.**  
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127 **Findings of Fact:**

- 128 1. **The variance request does not comply with the three requirements listed in Section 12-477.**  
129 **Construction on nonconforming lots of record:**
  - 130 A. *Lots of record in the office of the county recorder on August 19, 1975, that do not meet the*  
131 *requirements of Section 12-401 may be allowed as building sites provided the use is permitted in*  
132 *the zoning district, the lot has been in separate ownership from abutting lands at all times since*  
133 *it became substandard, was created compliant with official controls in effect at the time, sewage*  
134 *treatment and setback requirements of this article are met and the lot meets the requirements of*  
135 *the zoning ordinance, article II of this chapter, regarding nonconformity.*
  - 136 B. *A variance from setback requirements must be obtained before any use, sewage treatment system,*  
137 *or building permit is issued for such lot...*
  - 138 C. *If, in a group of two or more contiguous lots under the same ownership, any individual lot does*  
139 *not meet the requirements of Section 12-401 the lot must not be considered as a separate parcel*  
140 *of land for the purposes of sale or development. The lot must be combined with the one or more*  
141 *contiguous lots so they equal one or more parcels of land, each meeting the requirements of*  
142 *Section 12-401 and the zoning ordinance, article II of this chapter.*
- 143 2. **Putnam Boulevard is not an open road, therefore no access is possible from the proposed**  
144 **subdivision’s Putnam parcel.**
- 145 3. **Putting a driveway over the steep slope from the proposed Putnam parcel is problematic; a**  
146 **driveway must be 12% or less. The slope over which the driveway is proposed is much steeper.**
- 147 4. **The house under construction should not have had a building permit issued without access and**  
148 **frontage verified and approved by the city.**
- 149 5. **A house may not be less than 50 feet to the front of the lot.**
- 150 6. **While both proposed parcels meet the minimum lot area of 5 acres, the minimum contiguous**  
151 **buildable area of 2.5 acres and minimum lot width of 300 feet, there are a number of existing legal**  
152 **non-conformities and the new house and septic system require the proposed lot line realignment**  
153 **to meet the required side yard setback.**
- 154 7. **Subdivisions with two non-conforming lots are not allowed in the Afton City Code.**  
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156 **Motion carried 7-0-0.**

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C. Comprehensive Plan Update Process – Commissioner Nelson offered language to revise the solar resource portion of the Comp Plan. The language was acceptable to commissioners.

Administrator Moose indicated that the City Clerk had updated the Afton Density Calculations, with new home permits and demolitions in the city as of 12/31/2015. The total build-out available under current density was corrected to 518 new homes.

D. Draft City Council Minutes – were provided in the packet; of note was that the Natural Resources and Groundwater Committee and the Parks Committee will review their respective sections of the Comp Plan and report back to the Planning Commission by September.

E. Update on City Council Actions – Council Liaison Ross reported that a petition came before Council to maintain Upper 34<sup>th</sup> Street as a standard road. Council denied the petition and directed staff to work with the residents on top of the hill to work out a shared maintenance agreement, with the city as a party to the agreement as well, as the City has agreed to contribute \$9,000 to the Afton Historical Society to restore and maintain Mt. Hope Cemetery, which will cause more traffic to the “Old Cemetery Road.”

11. **ADJOURN** –

**Motion/Second: Wroblewski/Nelson. To adjourn the meeting at 8:32 p.m. Motion carried 7-0-0.**

Respectfully submitted by:

\_\_\_\_\_  
Kim Swanson Linner, City Clerk

To be approved on July 11, 2016 as (check one): Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_

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

# Planning Commission Memo

## Meeting: July 11, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: June 28, 2016

Re: Minimal Impact Design Standards (MIDS) Presentation

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Minimal Impact Design Standards (MIDS) are standards and processes used to guide construction projects and development plans in a way that minimizes impacts to surface water and protects water quality. MIDS regulations are being used by cities and watershed management organizations, such as the Valley Branch Watershed District and the Middle St. Croix Water Management Organization (MSCWMO).

The MSCWMO has obtained grant funding to assist cities in incorporating MIDS into their zoning regulations. The MSCWMO has hired Jay Michels, an engineering consultant with expertise in MIDS, to assist in this process. Mike Isensee, Executive Director of the MSCWMO and Jay Michels have reviewed Afton's zoning regulations and have developed recommendations regarding incorporating MIDS into those regulations. Because the Planning Commission is responsible for zoning regulations, the first step in this process is to present information about MIDS to the Planning Commission and have an opportunity for questions and discussion. Attached is the Afton MIDS Whitepaper prepared by Mike Isensee and Jay Michels that will be discussed at the meeting.

### Planning Commission Direction Requested

Motion regarding recommended next steps related to the MIDS regulations.

**Project Name** | MIDS Community Assistance Package

**Date** | July 1, 2016

**To** | City of Afton Planning Commission  
Mike Isensee, MSCWMO

**From** | Jay Michels, EOR  
Spencer Peck, EOR

**Regarding** | Integrating MIDS into City of Afton Municipal Code

## **Introduction**

This memorandum presents a narrative description of why the City of Afton should update its existing stormwater management ordinances. At the direction of Afton City Council (please see resolution 2015-19 passed by the City of Afton City Council on February 17, 2015), staff at Emmons & Olivier Resources (EOR) thoroughly reviewed the existing City Code looking for opportunities to incorporate standards and policies from the Minimal Impact Design Standards Model Stormwater Ordinance (MIDS or Model Ordinance). The goal of the review and recommendations is to improve the effectiveness, consistency, and transparency of the City's ordinances and to continue protecting the community's water resources. The Middle St. Croix Watershed Management Organization (MSCWMO), EOR and City Staff considered the findings of the initial review at joint working session on April 22, 2015. Based on City Staff feedback the draft ordinance was completed and is now presented to the Planning Commission.

## **Minimal Impact Design Standards (MIDS) History**

This section briefly reviews the state-wide importance of water resources, the evolution of stormwater management generally, and how the Minimal Impact Design Standards (MIDS) Model Stormwater Ordinance were designed to protect these valuable, fragile resources.

Water is one of the most important natural resources in Minnesota. It is important to local economies, crucial for wildlife, and a critical component of Minnesotans' lifestyles and recreational pursuits. Clean, abundant water is a key issue all across the state: from the beautiful north shore of Lake Superior, to the game fishing and water recreation on the numerous in-land lakes, to the agricultural heartland of the south and west. The pervasive importance of water is the fundamental rationale for protecting and restoring the State's highly valued water resources. One crucial component in protecting and restoring Minnesota's water resources is effective stormwater management.

Stormwater management has evolved substantially during the past 20 years. Historically, stormwater management solutions concentrated on directing stormwater off-site quickly and reducing flooding concerns. The main tool to achieve these goals was collecting runoff in stormwater ponds and other detention facilities. The shortcomings of these approaches can be seen in the extensive water pollution in Minnesota, including huge number of impaired waters. Unfortunately, water resources in and around the City of Afton have not avoided damage or degradation from the failures of outdated stormwater management. A more modern and effective method of protecting waterbodies is to retain the raindrop where it falls through the use of retention

methods. This minimizes runoff, reduces pollution, and increases infiltration and groundwater recharge. Stormwater retention, as opposed to detention, is the overarching concern of the Minimal Impact Design Standards (MIDS).

The MIDS performance standards and Model Ordinance was developed over the course of four years (October 2009 – June 2013) with the help of the Minnesota Pollution Control Agency (MPCA) and a diverse group of stakeholders and experts. The foundation of MIDS is Low Impact Development (LID) standards, which use technologies and best management practices (BMP) to mimic a site's natural hydrology as the landscape is developed. The standards and procedures in MIDS are a set of effective, flexible, and adaptable tools designed to retain stormwater where it falls. In fact, these tools go beyond just managing stormwater, but also provide solutions for numerous issues associated with utility and infrastructure projects such as requiring financial securities, codifying fair and effective enforcement procedures, and ensuring facility inspection and maintenance.

## **Basic Principles of MIDS**

The Minimal Impact Design Standards represent the next generation of stormwater management in Minnesota. Using Low Impact Development (LID) principles, MIDS emphasizes keeping the raindrop where it falls in order to minimize stormwater runoff and pollution. Low Impact Development is an internationally recognized approach to stormwater management that mimics a site's natural hydrology as the landscape is developed. The LID approach preserves and protects environmentally-sensitive sites and natural features, including riparian buffers, wetlands, steep slopes, valuable trees, floodplains, woodlands, and highly permeable soils. MIDS incorporates these concepts to achieve more effective stormwater management with four main components:

1. Strong, consistent performance standards for the full range of constructions projects.
2. Flexible Treatment Alternatives designed to achieve high water quality standards despite site constraints such as high water tables, karst geology, or soil issues.
3. A MIDS Design Sequence Flow Chart to assist all stakeholders, from the most experienced developer to a first-time home builder, navigate, understand, and effectively apply the performance standards to specific projects.
4. A new calculator and credit calculations that standardize the use of a range of innovative structural stormwater practices and facilities.

## **Performance Standards**

Stormwater performance standards do not exist in Afton's current code. The current version of section 12-409 "Stormwater Management" lists both general and specific standards. These standards amount to only six sentences. The only objective standard imposed by these sections is a maximum amount of impervious surface coverage (10 percent). Although a "qualified

individual” must “document” that stormwater facilities are properly designed and installed, this standard fails to specify the required qualifications. The other standards provide only vague and unquantifiable standards. For instance, development must “minimize the extent of disturbed area” and be stabilized “as soon as possible.” Finally, the practices suggested as methods of stormwater management do not include modern technology, but instead focus on simply diverting runoff away from the site, or using stormwater ponds. Adopting MIDS offers the City of Afton the opportunity to implement performance standards to protect the community’s valuable water and land resources.

The MIDS Model Ordinance ensures consistent and effective management of a range of stormwater issues, including reducing the velocity at which stormwater leaves a particular property (rate), reducing the amount of water generated by the impervious surfaces on that property (volume), and removing sediment, nutrients, and other pollutants contained in the stormwater (water quality). These factors have important impacts on the body of water receiving stormwater—if not properly managed, each can damage, or even destroy a body of water. Performance standards differ depending on the severity of the storm (e.g. the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events). Generally under MIDS, new development and redevelopment projects must capture, and retain on-site, up to 1.1 inches of runoff from all impervious surfaces on the site.<sup>1</sup> Linear development (e.g. road construction).

These strong performance standards provide enhanced protection for Minnesota’s water resources without placing unreasonable or unnecessary burdens on developers or landowners. When adopted, MIDS can help communities achieve both water quality and regulatory goals. For instance, MIDS can be used to meet anti-degradation requirements; achieve rate and volume controls, actively reduce several pollutant loads; and achieve waste load reductions as specified in a Total Maximum Daily Load (TMDL) standards. The clear, concise, and quantifiable standards provided by MIDS also prevent anyone in the community from avoiding, exploiting, or neglecting the requirements of the ordinance. Simply put, the standards cannot be flouted or abused. Finally, MIDS is an approved approach for satisfying the requirements for new development and redevelopment outlined in Minimum Control Measure (MCM) 5 of the General Permit for small Municipal Separate Storm Sewers (MS4 Permits).

### **Flexible Treatment Alternatives**

Many developers and land owners fear updates to development policies. They believe new regulations may result in impracticable requirements for a previously undeveloped site. These beliefs are often especially strong in communities where development policies are less stringent or are applied infrequently. The MIDS development group foresaw these obstacles, and purposely integrated measures of flexibility in the Model Ordinance and its performance

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<sup>1</sup> Long-Form MIDS Stormwater Ordinance, § 6(d)

standards. If an applicant is unable to achieve the full MIDS performance goals due to site restrictions as documented by the applicant and attested by the local authority, the development project may instead follow one of three Flexible Treatment Alternatives.

The first alternative is to retain a smaller volume of runoff, remove a large percentage of the total phosphorous load from the discharged runoff, and attempt to address constraints by relocating project elements. If the first alternative is unfeasible, the second alternative reduces the volume standards to a “maximum extent practicable” level, further decreases the percentage of total phosphorous that must be removed, and analyses the effect of relocation of project elements. Finally, if the first two alternatives are unattainable, the third alternative allows off-site mitigation equivalent to the full volume reduction performance goal. These alternatives are intended to be used in sequence. Each step of the sequence must be documented, reviewed, and approved by the local authorities.

## **MIDS Calculator**

One of the greatest aspects of MIDS is that it standardizes the benefits of non-structural and technological stormwater practices. The MIDS Best Management Practice (BMP) calculator is a Microsoft Excel-based tool used to determine stormwater runoff volume and pollutant reduction capabilities of various low impact development (LID) BMPs. The MIDS calculator estimates the stormwater runoff volume reductions for various BMPs based on the MIDS performance goal (1.1 inches of runoff off impervious surfaces) and annual pollutant load reductions for total phosphorus (including a breakdown between particulate and dissolved phosphorus) and total suspended solids (TSS).

Standardization of stormwater Best Management Practices (BMPs) not only simplifies the development process, but also supports decision-makers in determining which design aspects will satisfy a community’s goals. All the BMPs recommended by the MIDS system have been reviewed and approved by a host of stormwater professionals, including the Minnesota Pollution Control Agency (MPCA). The MIDS Calculator also helps communities quantify load reductions in applications for grants and other funding opportunities. In short, the MIDS Calculator reduces workloads for developers and City Staff, and clarifies the stormwater management possibilities to even the most unsophisticated user.

## **Overlapping Authority and MIDS**

MIDS is especially effective in Minnesota because it is typically implemented by several overlapping authorities, including watershed districts (WDs), watershed management organizations (WMO), counties, and municipalities. In fact, nearly every level of water governance has adopted the MIDS approach. The MIDS development process and state wide application is codified in state statute (Minn. Stat. 115.03 Subd. 5c(c)). The Minnesota Department of Natural Resources, a state-level agency, incorporated the MIDS performance

goals into its Stormwater and Shoreline Best Management Practices for Public Water Accesses.<sup>1</sup> Further, the Minnesota Pollution Control Agency (MPCA), the state agency responsible for issuing permits and overseeing many pollution prevention and water quality programs, was heavily involved in the development of MIDS, and has approved MIDS as a method for achieving the regulatory requirements for several state-wide programs.

At the watershed level, a significant number of Watershed Districts, Water Management Organizations, Lake Improvement Districts, Soil and Conservation Districts, and municipalities have adopted, or are actively preparing to adopt MIDS standards, including several of Afton's immediate neighbors.<sup>2</sup> These organizations have a critical role in achieving the water quality and resource conservation goals set at the state and local level. Since MIDS was released in 2013, five watershed districts, two water management organization, and six cities have adopted MIDS. The Middle St. Croix Watershed Management Organization was awarded a Clean Water grant in 2014 to implement the MIDS Community Assistance Package. The watershed management organization will work with up to 13 communities in the St. Croix Basin to adopt ordinance and code revisions to incorporate MIDS stormwater quality and volume standards for new development and redevelopment. Among these communities, two (Lakeland Shores and Lakeland) have already adopted the MIDS approach.

### **Consistency and the MIDS Approach**

MIDS also ensures a community's stormwater management ordinance is internally consistent and easy to use. The existing code uses multiple terms (i.e. drainage, stormwater, runoff, etc) which could cause a developer or landowner significant confusion. More problematic is the current cumbersome and disorganized structure. The relevant terms and standards are scattered throughout the code with no organization or consistency. Most appear in Chapter 12, but this Chapter is over 200 pages long and has several dozen subchapters, sections and subsections. For instance, to determine the exact stormwater management requirements for a particular project, at least thirteen (13) separate provisions must be consulted. These provisions are spread from page 10 to page 211, and only one provision even contains the term "stormwater management." Creating a stormwater pollution prevention plan for a project is thus a major undertaking requiring frequent contact with City staff, long hours reviewing the City Code, and possibly even hiring professional help.

Adopting MIDS offers an easy alternative. First, the new provisions would simply be slotted into the existing code. Using the reserved Chapter 13, MIDS could be integrated into the existing code as a standalone chapter titled "Stormwater Management." No major rewrite is required, beyond deleting conflicting or supplemented sections. Second, and most importantly, are the benefits of a stand-alone chapter. A single, organized stormwater management chapter would save developers and City staff enormous amounts of time and money. Instead of searching through a 200-page document, both Staff and developers would need to look at only one chapter

of the code to determine what stormwater management standards must be met. Moreover, even first time builders, or developers new to Afton could easily integrate the performance standards, and use the simple tools in the MIDS ordinance to develop a state-of-the-art stormwater management system.

In summary, Afton will greatly benefit from adopting the MIDS performance standards as recommended by the MSCWMO and EOR review. The MIDS updates provide clear and effective performance standards, which the current code lacks. The new ordinance does not place an unreasonable burden on landowners or developers. Thanks to the Flexible Treatment Alternative, the updates may open sites to development that were previously unavailable as a result of site constraints. The recommended updates bring Afton to the state-of-the-art stormwater management and seamlessly integrate their approach with neighboring communities and other overlapping layers of authority. Finally, the updates improve the effectiveness and consistency of the code with a new stand-alone stormwater management chapter. All water resources in and around Afton will greatly benefit from the reduced runoff volumes and rates, and decrease pollution loads once MIDS is adopted and implemented.

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<sup>1</sup> Minnesota Dept. of Nat. Resources, Stormwater and Shoreline Best Management Practices for Public Water Accesses

<sup>2</sup> See "Minnesota Stormwater Manual - Communities that Adopted MIDS," at [http://stormwater.pca.state.mn.us/index.php/Community Assistance Package](http://stormwater.pca.state.mn.us/index.php/Community_Assistance_Package).

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

# Planning Commission Memo

## Meeting: July 11, 2016

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 27, 2016  
Re: Roger Meisner Variance Application at 1520 Stagecoach Trail

Roger Miesner has applied for variances to front yard and stream setbacks to enable an addition to the existing house at 1520 Stagecoach Trail for a handicap accessible bathroom. The current house is very small and does not have space for a handicap accessible bathroom. Mr. Meisner is proposing to construct an addition to the south side of the existing house for the bathroom. The existing house is legally non-conforming, in that it does not meet the front yard setback to the east or the stream setback to the west. In fact, the two setbacks overlap each other. The existing house has a 66 foot setback to the centerline of Stagecoach trail vs. the required 150 foot setback. The house has a 75 foot setback to the stream vs. the required 200 foot setback. The proposed addition would have a 97 foot setback to the centerline of Stagecoach Trail and a 110 foot setback to the tributary.

### Existing Non-conforming Structure

Sec. 12-57. Nonconforming uses, buildings and structures (see below) provides that if the existing setback of a nonconforming structure is within 60 percent of the current minimum required setback, and the proposed improvement to the structure is extended laterally or parallel with the substandard setback, it can be approved with an administrative permit. The existing structure does not meet 60% of the required front yard or stream setbacks. While the addition meets 60% of the required front yard setback, it does not meet 60% of the stream setback. A variance is therefore necessary to allow the proposed handicap accessible bathroom addition.

Sec. 12-57. Nonconforming uses, buildings and structures.

Exceptions to setback standards for substandard structures. An extension, enlargement or alteration of a structure may be permitted by Administrative Permit if the structure does not meet the minimum setback requirements of this article, provided:

1. The structure involved is the principal structure;
2. The structure was built prior to September 18, 1975;
3. The existing setback of the structure is within 60 percent of the current minimum required setback;
4. The proposed improvement to the structure is on the side of the structure opposite from the substandard setback, or the improvement is extended laterally or parallel with the substandard setback;
5. The proposed improvement will not encroach farther into the substandard setback than does the structure; and
6. The proposed improvement will be in compliance with all other requirements and dimensional standards of this article.

### Variance Review Factors and Criteria

Sec. 12-77. Appeals and variances; Board of Adjustments and Appeals indicates the Planning Commission is to hear requests for variances from the literal provisions of the ordinances in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration and to grant such variances only when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan. "Practical difficulties" as used in connection with the granting of a variance includes a three-factor test, all three of which must be met in order for a variance to be granted.

- a. Reasonableness: The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
- b. Uniqueness: The plight of the landowners is due to circumstances unique to the property not created by the landowner.
- c. Essential Character: The variance, if granted, will not alter the essential character of the locality.

In addition to meeting the three-factor test, the following criteria must also be met before a variance may be granted:

- a. The Variance, if granted, will not have a significant adverse effect on the public health, safety, welfare or environment.
- b. The granting of the Variance requested will not confer on the applicant any special privilege that is denied by the Ordinance to owners of other land, structures or buildings in the same district.
- c. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the same zoning district or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of the property have had no control.
- d. The literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other property in the same district under the terms of this Ordinance.
- e. The Variance requested is the minimum Variance that would alleviate the practical difficulty.

#### Recommendation and Findings

The Planning Commission is requested to review the variance request based on the factors and criteria listed above, to make a recommendation regarding the variance and to provide the findings on which the recommendation is based. The Planning Commission may also place reasonable conditions on the variance.

#### **Planning Commission Direction Requested:**

Motion regarding a recommendation concerning the Roger Meisner variance application at 1520 Stagecoach Trail to allow an addition to the existing house for a handicap accessible bathroom with a 97 foot front yard setback and a 110 foot stream setback, including findings, and conditions if applicable.

RECEIVED

JUN 01 2016

216-19

CITY OF AFTON

CITY OF AFTON  
VARIANCE APPLICATION

(Reference Sections: 12-55, 12-77, 12-328 12-835, 12-1020, 12-1266, 12-1955, 12-2228)

Owner <b>ROGER MEISNER</b>	Address <b>1520 STAGECOACH TR. S.</b>	City <b>AFTON</b>	State <b>MN</b>	Zip <b>55001</b>	Phone <b>651.436.7182</b>
-------------------------------	--	----------------------	--------------------	---------------------	------------------------------

Applicant (if different than owner) <b>VSM Builders</b>	Address <b>Victor Myers 1102 S 6th Ave</b>	City <b>Stillwater</b>	State <b>MN</b>	Zip <b>55082</b>	Phone <b>651-271-5131</b>
---	---	---------------------------	--------------------	---------------------	------------------------------

Project Address <b>1520 STAGECOACH TRAIL SOUTH</b>	City <b>AFTON</b>	State <b>MN</b>	Zip <b>55001</b>
---	----------------------	--------------------	---------------------

Zoning Classification <b>RR</b>	Existing Use of Property <b>SINGLE FAMILY HOME</b>	PID# or Legal Description <b>09.028.20.14.0008</b>
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★

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

Description of Request  
**ADDITION TO NON-COMPLIANT PROPERTY FOR HANDICAP ACCESSIBLE BATHROOM.**

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

Signature of Owner/Applicant <b>Roger E. Meisner</b>	Date <b>05/31/16</b>
---	-------------------------

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

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

<u>FEES:</u>	<u>ESCROWS:</u>	
Variance	<u>\$250</u> \$600	TOTAL: <b>\$850.00</b>
Renewal/Extension	\$250      \$350	DATE PAID: <b>6-1-16</b>
		CHECK #: <b>2159</b>
		RECVD BY: <b>Kunst</b>



Department of Property Records  
and Taxpayer Services

14949 62<sup>nd</sup> Street North PO Box 200  
Stillwater, MN 55082-0200  
(651) 430-6175 www.co.washington.mn.us

Property ID: **09.028.20.14.0008**

Bill#: **562228**



**Taxpayer:** ROGER E MEISNER  
1520 STAGECOACH TRL S  
AFTON MN 55001-9777



TAX STATEMENT			
2015 Values for Taxes Payable in 2016			
VALUES AND CLASSIFICATION			
Step 1	Taxes Payable Year:	2015	2016
	Estimated Market Value:	450,300	467,100
	Homestead Exclusion:		
	Taxable Market Value:	150,300	167,100
Step 2	New Improvements/ Expired Exclusions:		
	Property Classification:	Res Hstd	Res Hstd
Sent in March 2015			
Step 3	PROPOSED TAX		
	Did not include special assessments or referenda approved by the voters at the November election		\$1,784.00
Sent in November 2015			
Step 3	PROPERTY TAX STATEMENT		
	First half taxes due	May 15	\$885.00
	Second half taxes due	October 15	\$885.00
Total Taxes Due in 2016:			\$1,770.00



**\$\$\$**

REFUNDS?

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

**Property Address:**  
1520 STAGECOACH TRL S  
AFTON MN 55001

**Description:**

Section 09 Township 028 Range 020 PT SE1/4-NE1/4 & PT N1/2-NE1/4 -SE1/4 DESC: BEG AT NE COR SD 1/2-1/4-1/4 THN S00DEG57'25"E ASSUM BEAR ALG THE E LN OF SD 1/2-1/4-1/4 A DIST 663.92FT TO SE CORN SD 1/2-1/4-1/4 THN S89 DEG54'06"W ALG S LN SD 1/2-1/4- 1/4 A DIST 131.49FT TO C/L OF 15TH ST S AS

**Line 13 Special Assessment Detail:**

COUNTY ENVIRONMENTAL CHARGE PHE DEP 3.00

Principal: 3.00  
Interest: 0.00

Tax Detail for Your Property:			
Taxes Payable Year:		2015	2016
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.			\$1,428.66
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$1,271.89	
Tax and Credits	3. Property taxes before credits	\$1,563.00	\$1,767.00
	4. Credits that reduce property taxes		
	A. Agricultural market value credit	\$0.00	\$0.00
	B. Other Credits	\$0.00	\$0.00
	5. Property taxes after credits	\$1,563.00	\$1,767.00
Property Tax by Jurisdiction	6. WASHINGTON COUNTY	A. County General \$454.03	\$510.66
		B. County Regional Rail Authority \$3.19	\$4.13
	7. CITY OF AFTON	\$416.88	\$490.83
	8. State General Tax	\$0.00	\$0.00
	9. ISD 834 STILLWATER	A. Voter approved levies \$230.70	\$269.87
		B. Other Local Levies \$387.32	\$406.32
	10. Special Taxing Districts	A. Metropolitan Council \$14.18	\$15.57
		B. Metropolitan Mosquito Control \$7.36	\$8.14
		C. Valley Branch Watershed \$25.56	\$29.43
		D. County HRA \$17.76	\$25.54
11. Non-school voter approved referenda levies	\$6.02	\$6.51	
12. Total property tax before special assessments	\$1,563.00	\$1,767.00	
13. Special assessments	\$3.00	\$3.00	
14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$1,566.00	\$1,770.00	

Detach at perforation & mail this stub with your 2<sup>nd</sup> half payment in the enclosed green envelope

Res Hstd

**PAYABLE 2016 2<sup>nd</sup> HALF PAYMENT STUB**  
TO AVOID PENALTY PAY ON OR BEFORE: October 15

Property ID: **09.028.20.14.0008** Bill #: **562228**



**Taxpayer:**  
ROGER E MEISNER  
1520 STAGECOACH TRL S  
AFTON MN 55001-9777

SECOND HALF TAX AMT

**\$885.00**

MAKE CHECKS PAYABLE TO:  
Washington County  
P.O. Box 200  
Stillwater MN 55082-0200

CHECK  
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.



DEPARTMENT OF VETERANS AFFAIRS  
Regional Office  
Bishop Henry Whipple Federal Building  
1 Federal Drive, Fort Snelling  
St. Paul, MN 55111

July 11, 2002

MR ROGER E. MEISNER  
1520 STAGECOACH TRL  
AFTON MN 55001

In Reply Refer To:  
12-301-845  
MEISNER, ROGER E.  
335/271

To Whom It May Concern:

This is to verify that records of U. S. Department of Veterans Affairs (VA) show that ROGER E. MEISNER is rated 100 percent service-connected and is totally and permanently disabled. This is made in accordance with the public laws administered by the VA.

Sincerely yours,

*K. L. Anderson*

K. L. ANDERSON  
Veterans Service Center Manager

271/192 REM/12-301-845 KA:sh

Applicant(s): Roger Meisner (Victor Myers VSM Builders Inc.)  
 Phone: 651-271-5131  
 Mailing Address: 1102 6th Ave. S., Stillwater, MN 55082  
 Property Address for variance: 1520 Stagecoach Trail, Afton, MN 55001

Variance request description: A two story addition for a handicapped bathroom on the first floor and a bathroom rough-in on the second floor built on the south side of the existing house. The whole house is within the 150 from center line of Stagecoach Trail, so it needs a variance to do anything.

City Ordinance Section number(s), that variance is requested for: 12-132.6 and 12-702.A

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

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

**Criteria #1** *The requested use, must be a reasonable use in order to receive a variance. Applicant - Please explain why the proposed use which requires a variance is a reasonable use for this property?*

It is for a handicapped bathroom to allow Roger Meisner to stay in his house the VA has stated he will be in a wheel chair within a year.

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

Explain?

Lot preexisted: The original house and out buildings were built in the 1890's. The house as built is entirely within the 150 ft of the center line of Stagecoach Trail.

The handicapped bathroom addition cannot comply with the set back but it is farther from the center line than the front of the house.

**Criteria #3** *That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.*

**Applicant** - How does the literal interpretation of the provisions of the Afton ordinance (from which you are requesting a variance) deprive you of rights commonly enjoyed by other properties in the same zoning district? Explain:

Yes, the bathroom cannot be built in the literal interpretation of the set back requirements.

**Criteria #4** *The special conditions or circumstances do not result from actions of the applicant.*

**Applicant** - How did these exceptional circumstances related to the property come about? Did actions by you create these circumstances? Explain: The house was built before the restrictions and the owner could not prevent the need for the handicapped bathroom.

**Criteria #5** *That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district.*

**Applicant** - Will the granting of the requested variance confer on you, the applicant, any special privilege that is denied by this ordinance to owners of other lands, structures, or buildings in the same zoning district? Explain: No, because the house preexists the set back requirements.

**Criteria #6** *The variance requested is the minimum variance which would alleviate the hardship.*

**Applicant** - Is the variance you are requesting the minimum variance which would alleviate the practical difficulty or hardship for your property? Explain: The foot print is needed for a handicapped bathroom that requires more space around fixtures for wheelchair accessibility do to Roger Meisner's increasing disability.

**Criteria #7** *The variance would not be materially detrimental to the purposes of this Ordinance, or to property in the same zone.*

**Applicant (Optional)** - Will the variance be materially detrimental to the purposes of this Ordinance, or to property in the same zone? How would the use of the property, if allowed by the variance, affect other properties in the vicinity?

Explain: The house predates the set back requirements, so it should not affect other properties.

**Criteria #8** *Economic conditions or circumstances alone shall not be considered in the granting of a variance request if a reasonable use of the property exists under the terms of the ordinance.*

**Applicant** - Is the requested variance for economic reasons?

Explain: No, it is for health reasons.

**Criteria #9** *In the Flood Plain District, no variance shall be granted which permits a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permits standards lower than those required by state law.*

**Applicant (optional), PC** - Is the property in a Flood Plain District?  Yes  No

**Criteria #10** *Variations shall be granted for earth-sheltered construction by state statutes when in harmony with this Ordinance.*

**Applicant** - Is the variance for earth-sheltered construction?  Yes  No

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

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

Explain: Because of the existing location of the house, the handicapped bathroom will not adversely affect the essential character of the area.

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

Explain:

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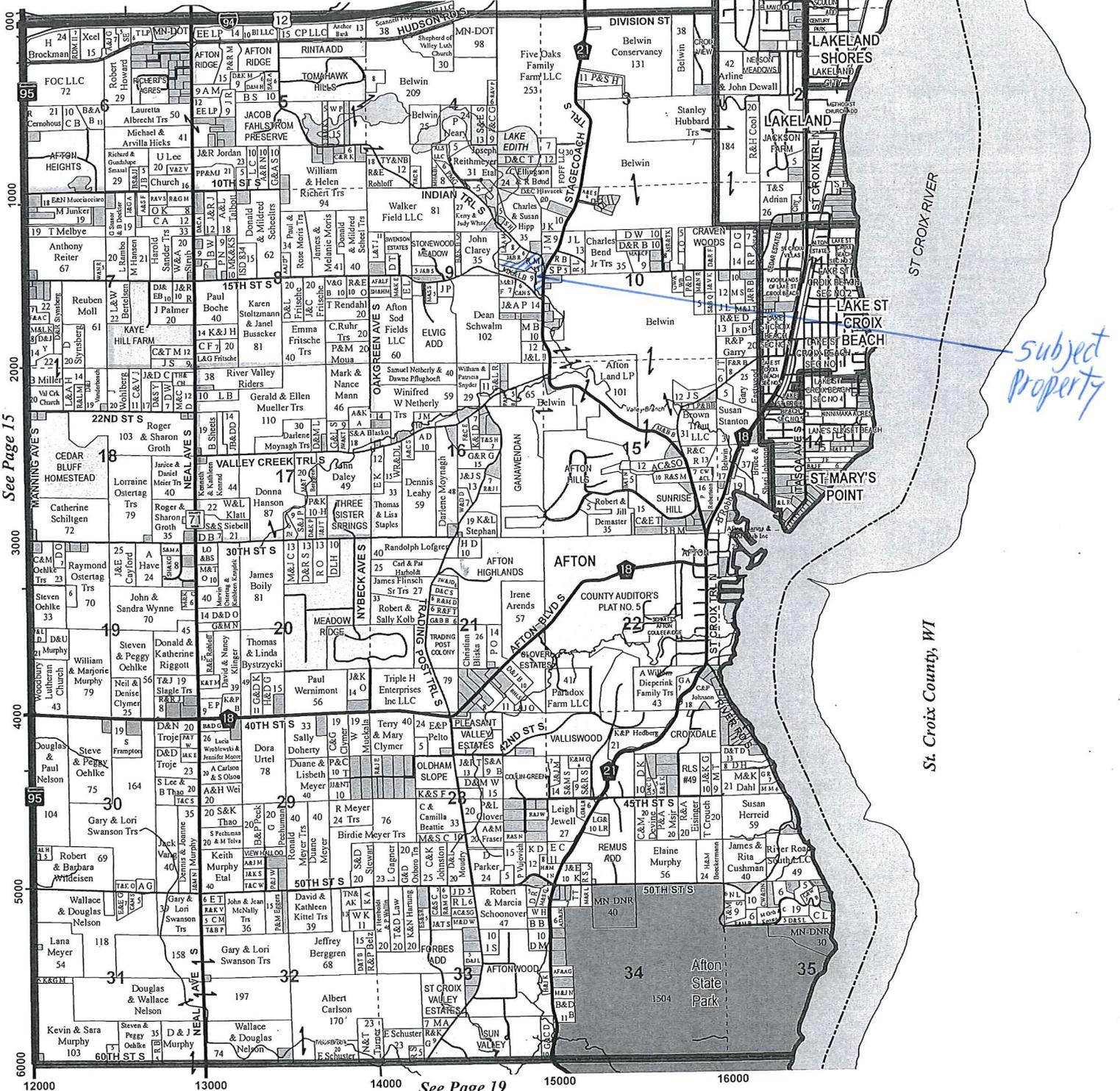
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Cities of Afton, St. Marys Point, Lakeland,  
Lake St. Croix Beach & Lakeland Shores

T.28N. - R.20W.



See Page 14



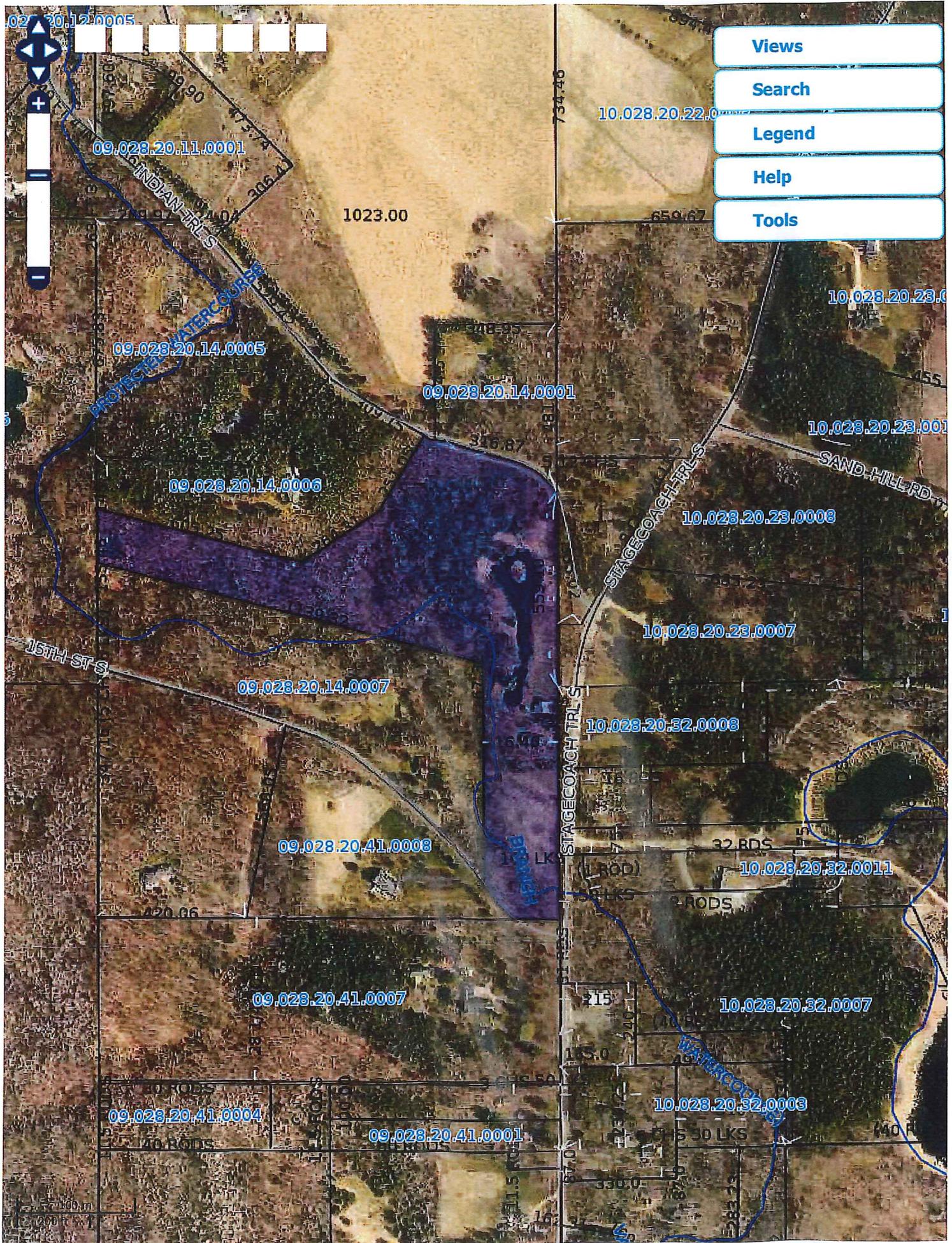
See Page 15

See Page 19

winter scene-  
St. Croix Valley

Photo by Pete Ganzel







**Washington County**  
 PUBLIC WORKS DEPARTMENT  
 SURVEY AND LAND MANAGEMENT DIVISION  
 16400 Cedar Street North, P.O. Box 6  
 Astoria, Oregon 97103-0006  
 (857) 452-8875  
 survey@co.washington.or.us  
 www.co.washington.or.us/survey

**LEGEND**  
 DNR PROTECTED WATERS  
 DNR PROTECTED WATERS COURSE  
 MUNICIPAL BOUNDARY  
 PARK BOUNDARY

**SECTION VICINITY MAP**

22	21	12	11
23	24	13	14
32	31	4	7
33	34	4.3	4.4

**SECTION-TOWNSHIP-RANGE INDEX**

562820	146280	100280
102820	102820	102820
102820	102820	102820
102820	102820	102820

**COUNTY MAP**  
 COUNTY MAP  
 \* LOCATION OF THIS MAP

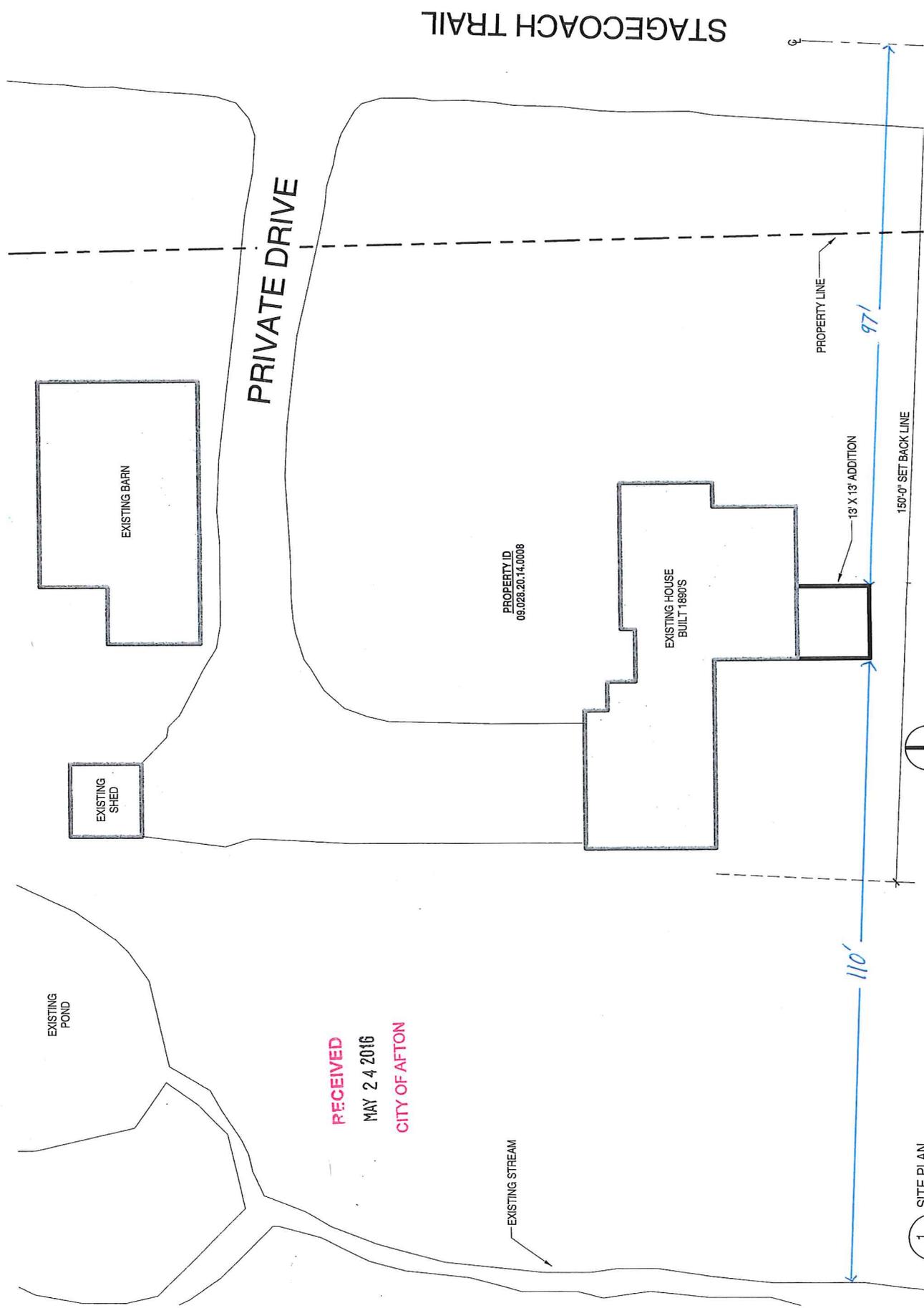
**SCALE:** 1 inch = 80 feet

**NORTH**

THIS DRAWING IS THE RESULT OF A COMBINATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES. PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.

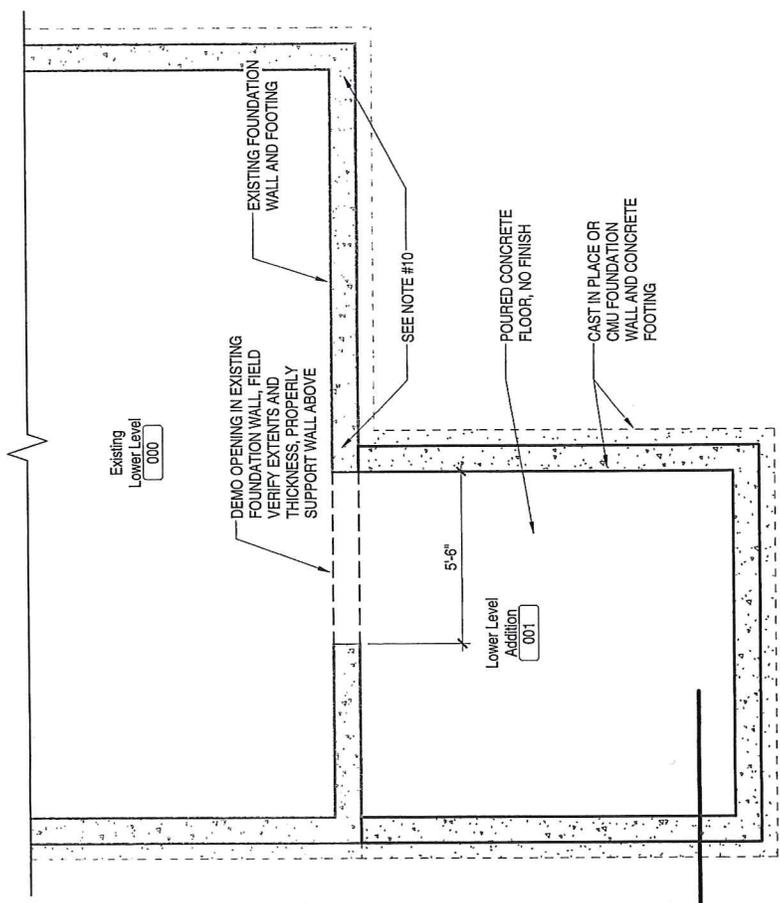
MAP LAST UPDATED: May 11, 2016  
 NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE  
 DATE OF CONTOURS: November, 2011 DATE OF PHOTOGRAPHY: May, 2013

Issued for	
Date	



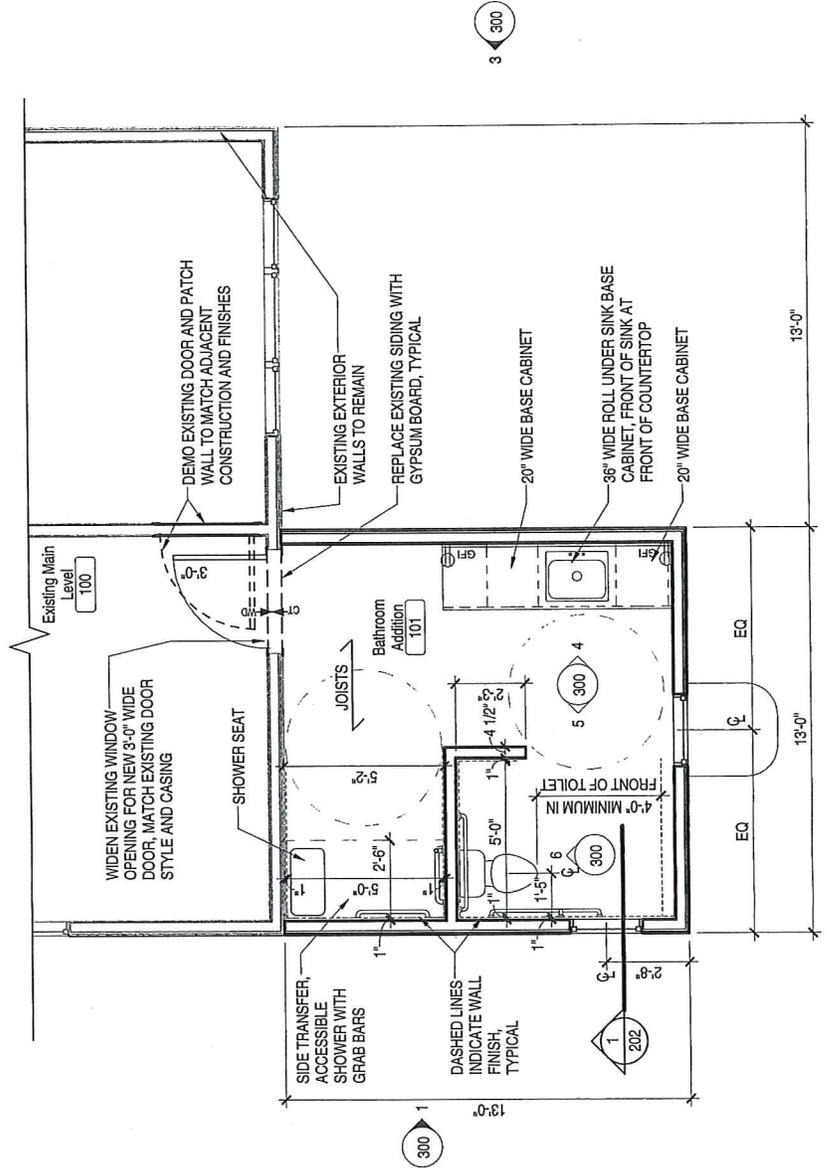
**RECEIVED**  
**MAY 24 2016**  
**CITY OF AFTON**

Issued for	
Date	



- GENERAL NOTES**
1. FIELD VERIFY EXISTING CONDITIONS
  2. ACCESSIBILITY TO COMPLY WITH 2015 MINNESOTA ACCESSIBILITY CODE
  3. PROVIDE IN-FLOOR RADIANT HEAT SYSTEM, CERAMIC TILE OVER 1/2" GYPCRETE INFILL WITH "WIRSBO" HOT WATER PIPED SYSTEM WITH ELECTRIC BOILER
  4. PROVIDE DUCTWORK FROM EXISTING HVAC SYSTEM FOR HEATING AND AIR CONDITIONING
  5. CONNECT INTO EXISTING SEPTIC SYSTEM FOR ALL DRAIN LINES
  6. REPLACE AND WIDEN TWO INTERIOR DOORS TO 3'-0" ON PATH TO BATHROOM ADDITION
  7. MATCH EXISTING CONDITIONS THROUGHOUT, TYPICAL
  8. WINDOWS TO BE ANDERSEN WINDOW 400 SERIES CW135, TYPICAL
  9. EXISTING MAIN LEVEL FLOOR FRAMING WILL NOT MATCH NEW FLOOR FRAMING, DEPRESS LOWER LEVEL SLAB 7"-10" FROM EXISTING LOWER LEVEL SLAB, FIELD VERIFY DEPRESSION
  10. EXAMINE CONDITION OF EXISTING FOUNDATION WALL, IF REPAIR IS NEEDED DO AS REQUIRED, INSULATE, WATERPROOF AND REGRADE

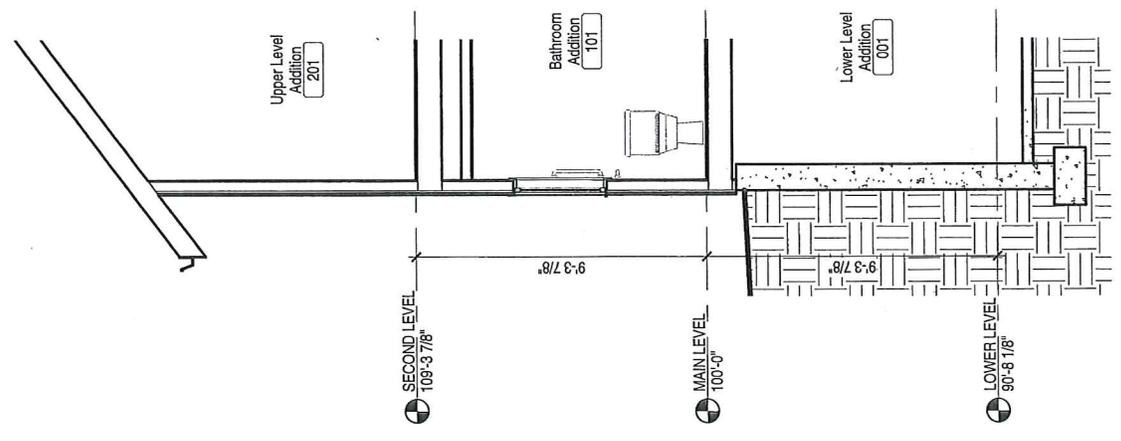
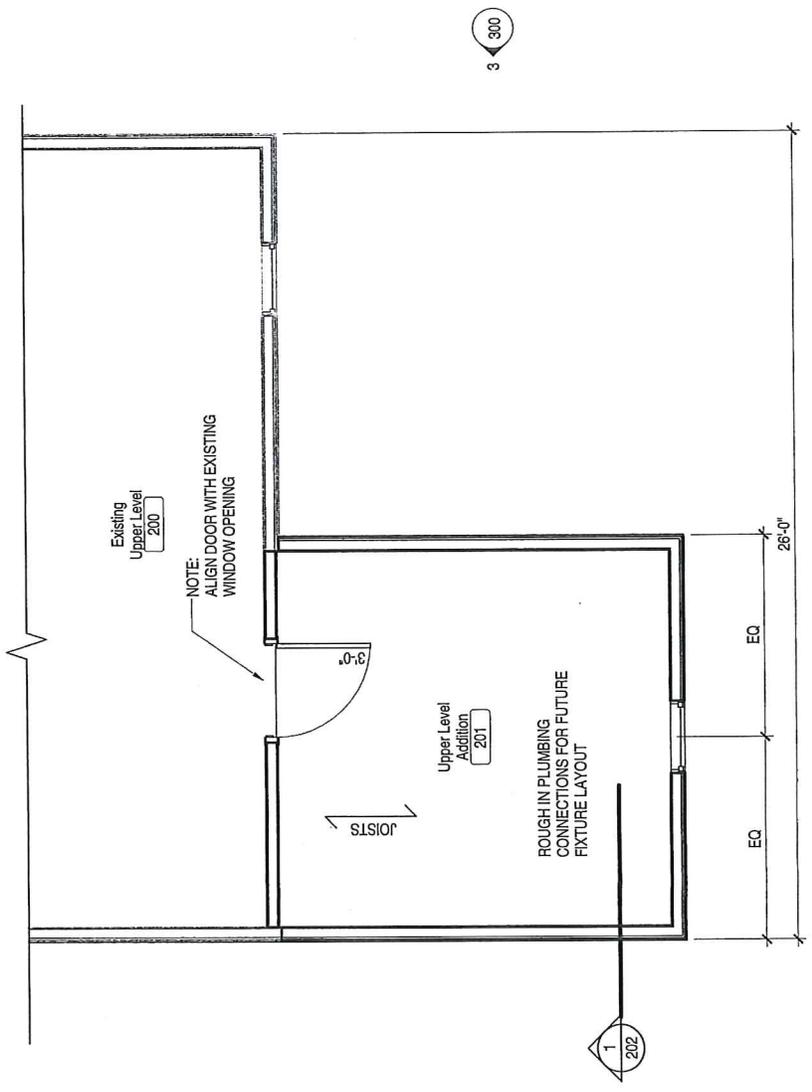




- GENERAL NOTES:**
1. FRAME MAIN LEVEL FLOOR FOR 1 1/2" GYPCRETE OR EQUAL FOR RADIANT WATER HEAT IN FLOOR
  2. DISCUSS HOT WATER SYSTEM WITH OWNER'S REP. POSSIBLE INSTANT HOT WATER IN BATHROOM ADDITION SINK.

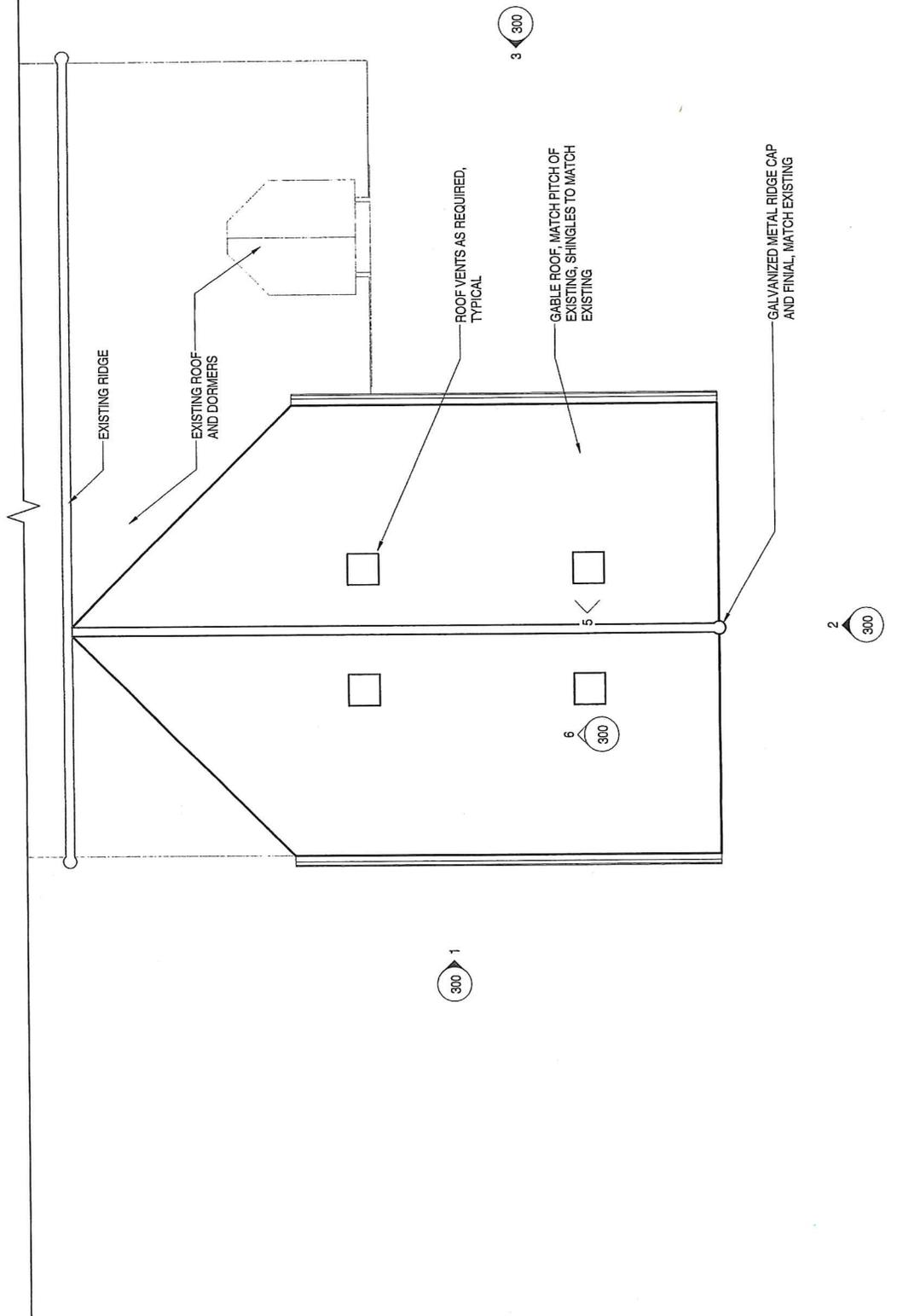
1 FLOOR PLAN - MAIN LEVEL

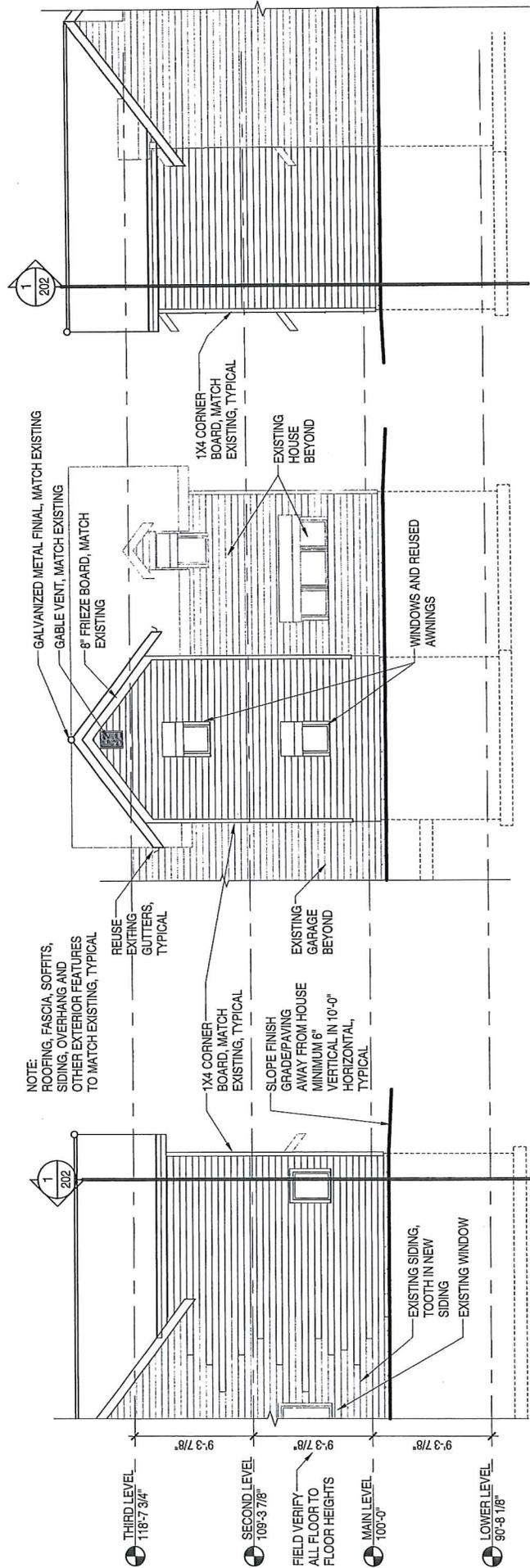
	Issued for	Date



2 FLOOR PLAN - UPPER LEVEL

1 Section 2

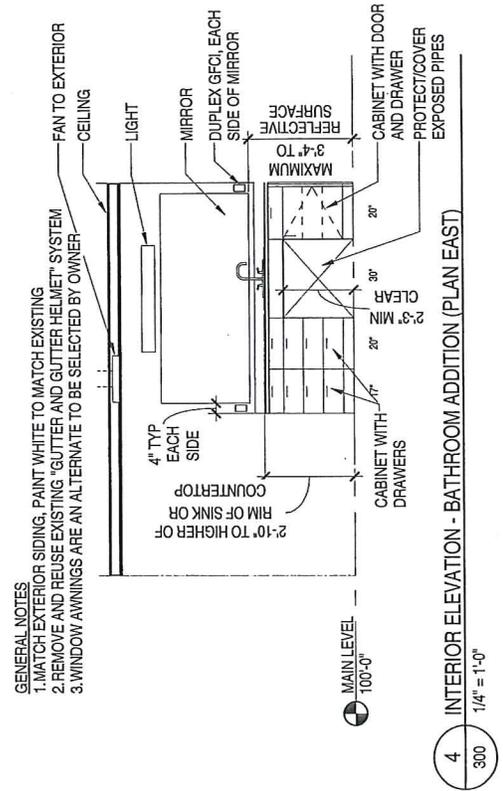




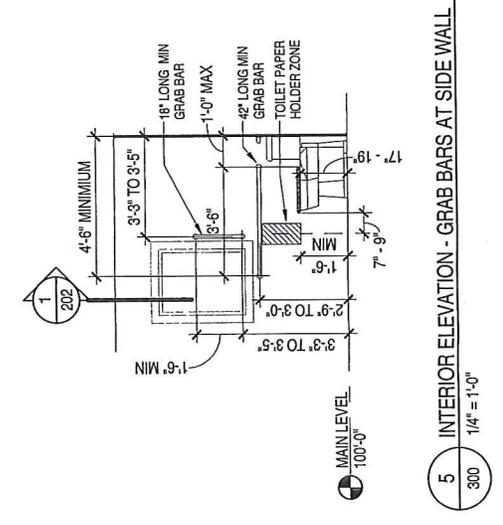
1 EXTERIOR ELEVATION - PLAN WEST  
 1/8" = 1'-0"

2 EXTERIOR ELEVATION - PLAN SOUTH  
 1/8" = 1'-0"

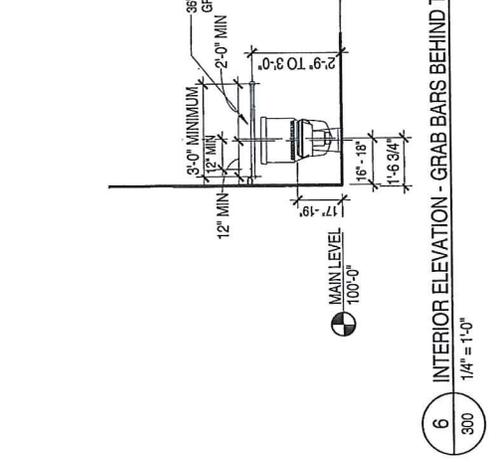
3 EXTERIOR ELEVATION - PLAN EAST  
 1/8" = 1'-0"



4 INTERIOR ELEVATION - BATHROOM ADDITION (PLAN EAST)  
 1/4" = 1'-0"



5 INTERIOR ELEVATION - GRAB BARS AT SIDE WALL  
 1/4" = 1'-0"



6 INTERIOR ELEVATION - GRAB BARS BEHIND TOILET  
 1/4" = 1'-0"

GENERAL NOTES  
 1. MATCH EXTERIOR SIDING, PAINT WHITE TO MATCH EXISTING  
 2. REMOVE AND REUSE EXISTING "GUTTER AND GUTTER HELMET" SYSTEM  
 3. WINDOW AWNINGS ARE AN ALTERNATE TO BE SELECTED BY OWNER

7B

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

# Planning Commission Memo

## Meeting: July 11, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: July 6, 2016

Re: Localized LLC Application for an Amendment to the Zoning Code to Allow a Non-Profit Park as a Conditional Use in the Agricultural and Rural Residential Zoning Districts at 2167 Oakgreen Avenue and two adjacent parcels with PID #s 16.028.20.23.0001 and 16.028.20.23.0002

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Localized LLC, a non-profit organization, has a purchase agreement on 60 acres of property at 2167 Oakgreen Avenue and two adjacent parcels with PID #'s 16.028.20.23.0001 and 16.028.20.23.0002. The 2167 Oakgreen parcel is zoned Agricultural and the other two parcels are zoned Rural Residential. The property is generally wooded and has substantial topography. The southerly portion of the property is adjacent to Valley Creek. The applicants are proposing to use the property as a non-profit park, with uses including a community garden, hiking trails and biking trails. The current list of allowed uses in Sec. 12-134 of the zoning code does not include a park or non-profit park use. The list of uses does include a nature center as a conditional use, but the code does not include a definition of nature center. The applicants are proposing to add "non-profit park" as a conditional use in the Agricultural and Rural Residential zoning districts. The proposed definition of non-profit park is as follows:

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

### Conditional Use Permit

The use is proposed to be a conditional use vs. a permitted use to provide for both an initial review of a proposed non-profit park and on-going review of both the initial uses of the park and any additional uses that may be proposed. This enables an initial review of the proposed uses through a public hearing at the Planning Commission and consideration and final action by the City Council, through which conditions may be placed on the use to avoid, mitigate or minimize any effects. Also, if the use is proposed to be changed in any substantive way an amended CUP would be required.

### Performance Standards

In addition to conditions that may be placed on a specific non-profit park conditional use permit, a set of performance standards that would apply to any non-profit park use could be put in place as part of the ordinance amendment. Some possible performance standards based on the proposal from Localized LLC are as follows:

1. The park property must be used and maintained in a way that protects and preserves the land and particularly the natural features and sensitive areas such as steep slopes, woods and streams.
2. The park property must be used and maintained in a way that maintains a natural and attractive appearance
3. Sufficient off-street parking must be provided for all uses

4. Off-street parking must be set back a minimum of 150 feet from adjacent properties, and must be screened from adjacent properties by vegetative screening.
5. No overnight accommodations are allowed
6. Hours of operation shall be the same as those for City Parks
7. The minimum parcel size for a non-profit park is 40 acres.

Additional performance standards for the Planning Commission's consideration are as follows:

- A. Limitations on the number and size of special events
- B. The applicant shall provide information in the application for the conditional use permit, and as requested by the City for permit review, regarding the activities to be provided by the park.

Information shall include the following:

- a. the types of uses to be allowed
- b. parking facilities
- c. sanitary facilities
- d. lighting
- e. Signage
- f. Screening
- g. Solid waste management

**Planning Commission Direction Requested:**

Motion regarding the Localized LLC application for an amendment to the zoning code to add the non-profit park use to the list of uses in Sec. 12-132. Uses, and to add a new Section: 12-232. Non-Profit Park describing the non-profit park use and providing a set of performance standards.

716-20

REC'D

# CITY OF AFTON ZONING PERMIT APPLICATION

JUN 08 2016

CITY OF AFTON

## REZONING APPLICATION

Owner	Address	City	State	Zip	Phone
Purchase Agreement on file					
Applicant (if different than owner)	Address	City	State	Zip	Phone
LOCALIZED, LLC	345 St. Peter Street	St. Paul	MN	55002	(651) 293-9001
Project Address					
2167 Oakgreen Avenue South		AFTON	MN	55001	
Zoning Classification	Existing Use of Property	PID# or Legal Description			
rural res./agricult.	Vacant	160282026001, 160282023000			
Description of Request	160282023002				
Seeking approval to develop and maintain parcels as non-profit hiking and biking trail and community garden.					
By signing this application, the applicant agrees to pay all expenses incurred by the City of Afton. In connection with this request, your signature constitutes permission for a representative of the City of Afton to enter your property, during business hours, to evaluate this request. This may involve minor excavating or soil borings. If you would like to be present during this evaluation, please contact the City.					
Signature of Owner/Applicant					Date
					6/6/16
<b>FEES:</b>		<b>DEPOSITS:</b>			
REZONING	\$350.00	Driveway		TOTAL:	\$1850.00
Driveway (B. Insp)		SUP/Variance		DATE PAID:	6-8-16
City Engineer		Rezoning	\$1500.00	CHECK #:	5003
Subdivision		Other		RECVD. BY:	
Make checks payable to City of Afton:					
<b>ATTACH COPY OF DEED OR PROOF OF OWNERSHIP TO APPLICATION</b>					

I understand and hereby agree that the work for which the permit is issued shall be performed according to the following: (1) the conditions of the permit, (2) the approved plans and specifications, (3) the applicable city approvals, ordinances and codes, and (4) the state building code.

I understand that the permit will expire if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 anytime after work has commenced; and that I am responsible for ensuring that all required inspections are requested in conformance with the state building code.

6/6/16  
City of Afton  
Rezoning Application  
LOCALIZED, LLC

To whom it may concern,  
LOCALIZED, LLC is seeking approval for development of a hiking and biking trail and community garden on parcels 1602820210001, 1602820230001 & 1602820230002. The parcels are currently for sale as one property, and we currently have a signed purchase agreement with the seller.

We are interested in this property chiefly as conservation land as it relates to Valley Creek and the St. Croix Watershed. However, we also hope to offer recreational and stewardship enjoyment of this land to the surrounding community. In this regard, we seek to develop and maintain a hiking and biking trail and establish a community garden, which would be open to the public in a controlled manner.

We believe that recreational use of land can be combined effectively with conservation efforts to build strong, sustainable communities and will seek to develop this plan with utmost consideration of impact and strict adherence to conservation values. We plan to work with local non-profits, government agencies, and community partners to achieve this. If approved, we would establish a restoration plan and garden program immediately and work gradually to develop the controlled recreational use in concert with it.

The community garden would take up very little of the property, but would provide, within a non-profit framework, agricultural plots to local growers. The existing acreage at the west end of the property, immediately adjacent to Oakgreen Avenue, is best suited for this as it has been agricultural land in the past (and some is currently). Removal of vegetation would likely be limited to invasive species.

For the hiking and biking trail, there are myriad variables to consider, most of which will require a significant investment on our part just to explore (soil stability, watershed improvement, habitat protection, grade engineering, etc.). To that end, the attached drawing is approximate at best. It is intended to show our goal that the trail would be inset at least 50' from the property line at every point. We intend to restore vegetation throughout the property but maintain vegetative screening to the extent that the trail is not visible from adjacent properties. We will plant native vegetation, if necessary, to assure this. Furthermore, activity on the southern portion that abuts Valley Creek would be limited to foot traffic. A modest parking area and potential maintenance shed would also be inset so as to not be visible from the surrounding properties.

Thank you for your consideration,

  
LOCALIZED, LLC

ORDINANCE XX - 2016

CITY OF AFTON, MINNESOTA  
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTIONS 12-55 AND 12-134 OF THE AFTON LAND USE CODE, AND ADDING A NEW SECTION 12-232. NON-PROFIT PARK TO THE AFTON LAND USE CODE TO ADD A NON-PROFIT PARK USE AS A CONDITIONAL USE IN THE RURAL RESIDENTIAL AND AGRICULTURAL DISTRICTS

BE IT ORDAINED by the City Council of the City of Afton that the Afton Code of Ordinances be amended as shown below.

Delete the strike-through language and add the underlined language as shown below:

Sec. 12-55 Definitions.

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

Sec. 12-134. Uses

	(A)	(R)	(VHS-R)	(VHS-C)	(I1-A)	(I1-B)	(I1-C)	(MS)
Non-Profit Park	C	C	N	N	N	N	N	N

Sec. 12-232. Non-Profit Park

Purpose and Intent

A non-profit park use is allowed as a conditional use in the Agricultural and Rural Residential Districts to provide for conservation and public use of open space through non-profit ownership and management.

Performance standards:

- A. The park property must be used and maintained in a way that protects and preserves the land and particularly the natural features and sensitive areas such as steep slopes, woods and streams.
- B. The park property must be used and maintained in a way that maintains a natural and attractive appearance
- C. Sufficient off-street parking must be provided for all uses
- D. Off-street parking must be set back a minimum of 150 feet from adjacent properties, and must be screened from adjacent properties by vegetative screening.
- E. The minimum parcel size for a non-profit park use is 40 acres.
- F. Hours of operation shall be the same as those for City Parks
- G. No overnight accommodations are allowed

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS X DAY OF X, 2016.  
SIGNED:**

---

Richard Bend, Mayor

**ATTEST:**

---

Ronald J. Moore, City Administrator

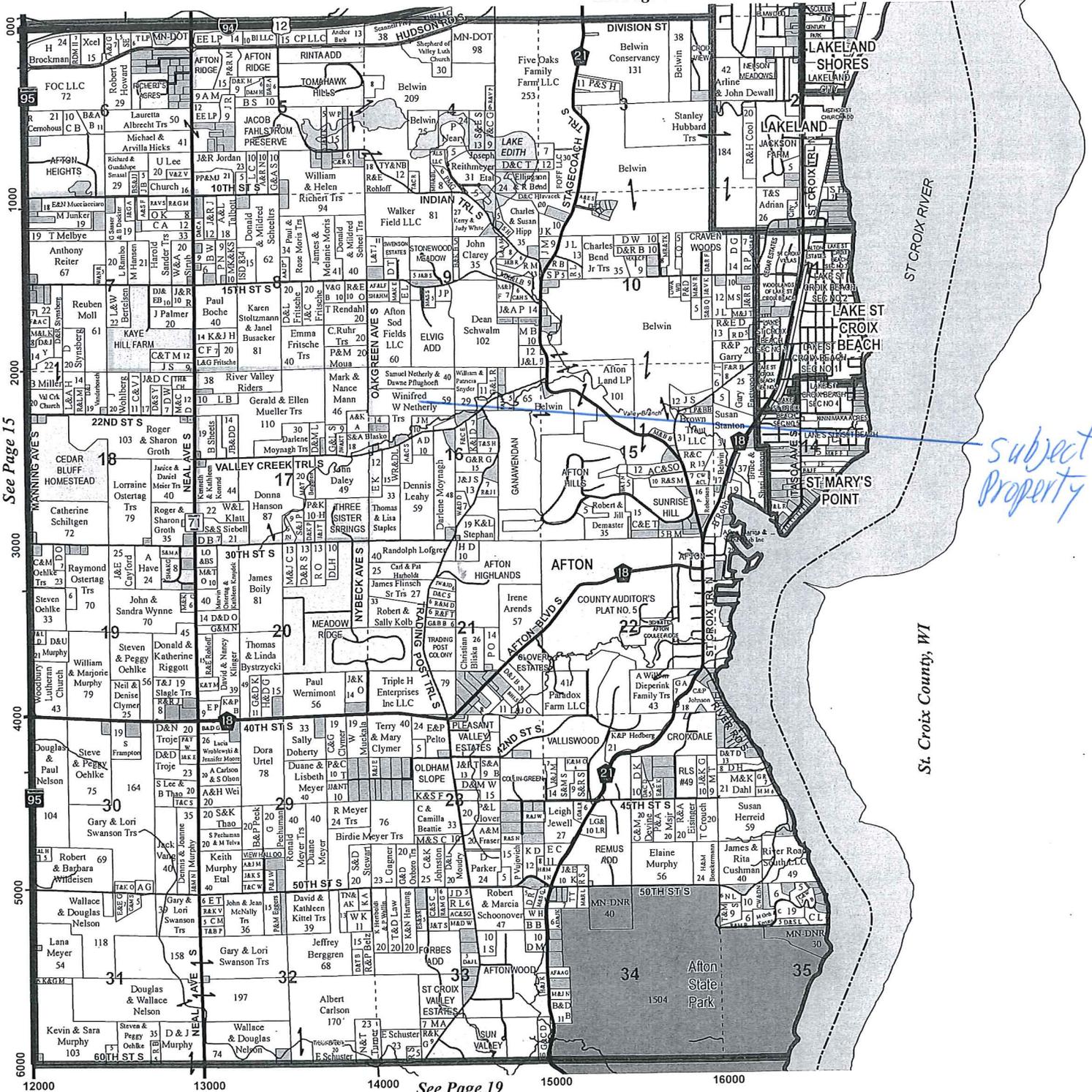
Motion by:  
Second by:  
Palmquist:  
Richter:  
Ross:  
Nelson:  
Bend:

Cities of Afton, St. Marys Point, Lakeland,  
Lake St. Croix Beach & Lakeland Shores

T.28N. - R.20W.



See Page 14



See Page 15

See Page 19

St. Croix County, WI

subject property

winter scene -  
St. Croix Valley

Photo by Pete Ganzel



Property ID: 16.028.20.23.0002 Bill#: 498246

Taxpayer: US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142



You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

Property Address:

Description:  
 Section 16 Township 028 Range 020 PT LOT  
 2-STATE SUBD OF NW1/4 BEING NORTH 10 RODS

TAX STATEMENT 2016			
2015 Values for Taxes Payable in			
VALUES AND CLASSIFICATION			
Taxes Payable Year:	2015	2016	
Estimated Market Value:	124,100	124,100	
Step 1 Homestead Exclusion:			
Taxable Market Value:	124,100	124,100	
New Improvements/ Expired Exclusions:			
Property Classification:	Res Non-Hstd	Res Non-Hstd	
Sent in March 2015			
Step 2	<b>PROPOSED TAX</b>		\$1,590.00
Did not include special assessments or referenda approved by the voters at the November election			
Sent in November 2015			
Step 3	<b>PROPERTY TAX STATEMENT</b>		
First half taxes due	May 15		\$788.00
Second half taxes due	October 15		\$788.00
Total Taxes Due in 2016:			\$1,576.00

Tax Detail for Your Property:				
Taxes Payable Year:		2015	2016	
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>				
2. Use these amounts on Form M1PR to see if you are eligible for a special refund. <input type="checkbox"/> \$0.00				
Tax and Credits	3. Property taxes before credits	\$1,550.00	\$1,576.00	
	4. Credits that reduce property taxes			
	A. Agricultural market value credit	\$0.00	\$0.00	
	B. Other Credits	\$0.00	\$0.00	
	5. Property taxes after credits	\$1,550.00	\$1,576.00	
Property Tax by Jurisdiction	6. WASHINGTON COUNTY	A. County General \$468.83	\$474.99	
		B. County Regional Rail Authority \$3.29	\$3.84	
	7. CITY OF AFTON	\$430.20	\$455.58	
	8. State General Tax	\$0.00	\$0.00	
	9. ISD 834 STILLWATER	A. Voter approved levies \$199.65	\$211.95	
		B. Other Local Levies \$376.13	\$351.78	
	10. Special Taxing Districts	A. Metropolitan Council \$14.63	\$14.45	
		B. Metropolitan Mosquito Control \$7.60	\$7.56	
		C. Valley Branch Watershed \$26.38	\$27.31	
		D. County HRA \$18.32	\$23.71	
		11. Non-school voter approved referenda levies	\$4.97	\$4.83
		12. Total property tax before special assessments	\$1,550.00	\$1,576.00
	13. Special assessments	\$0.00	\$0.00	
	14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$1,550.00	\$1,576.00	

**PAYABLE 2016 2<sup>nd</sup> HALF PAYMENT STUB**

TO AVOID PENALTY PAY ON OR BEFORE: October 15

Property ID: 16.028.20.23.0002 Bill #: 498246



Taxpayer:  
 US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142

1602820230002 2 00000000078800 7

Detach at perforation & mail this stub with your 2<sup>nd</sup> half payment in the enclosed green envelope  
 Res Non-Hstd

SECOND HALF TAX AMT

\$788.00

MAKE CHECKS PAYABLE TO:  
 Washington County  
 P.O. Box 200  
 Stillwater MN 55082-0200

CHECK  
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

**PAYABLE 2016 1<sup>st</sup> HALF PAYMENT STUB**

TO AVOID PENALTY PAY ON OR BEFORE: May 15

Property ID: 16.028.20.23.0002 Bill #: 498246



Taxpayer:  
 US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142

1602820230002 1 00000000078800 9

Detach at perforation & mail this stub with your 1<sup>st</sup> half payment in the enclosed green envelope  
 Res Non-Hstd

FIRST HALF TAX AMT

\$788.00

MAKE CHECKS PAYABLE TO:  
 Washington County  
 P.O. Box 200  
 Stillwater MN 55082-0200

CHECK  
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

Property ID: 16.028.20.23.0001 Bill #: 498597

**Taxpayer:** US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142

TAX STATEMENT 2016			
2015 Values for Taxes Payable in			
VALUES AND CLASSIFICATION			
Taxes Payable Year:	2015	2016	
Estimated Market Value:	131,400	131,400	
<b>Step 1</b>			
Homestead Exclusion:			
Taxable Market Value:	131,400	131,400	
New Improvements/ Expired Exclusions:			
Property Classification:	Res Non-Hstd	Res Non-Hstd	
Sent in March 2015			
<b>Step 2</b>			
<b>PROPOSED TAX</b>			
Did not include special assessments or referenda approved by the voters at the November election			\$1,684.00
Sent in November 2015			
<b>Step 3</b>			
<b>PROPERTY TAX STATEMENT</b>			
First half taxes due	May 15		\$834.00
Second half taxes due	October 15		\$834.00
Total Taxes Due in 2016:			\$1,668.00



You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

Property Address:

**Description:**  
 Section 16 Township 028 Range 020 PT GOV LOT 2  
 DESC AS FOLL: COM AT CENT OF THE N LN SD LT  
 2 THN RUN S ALG E LN OF W1/2-NW1/4 SD SEC  
 DIST 10 RODS TO POB THN WLY PARL TO N LN SD  
 LT 2 TO A PT 9.25 CHNS ELY FROM W LN SD SEC  
 THN S PARL TO W LN SD SEC DIST 721 FT ML TO  
 PT ON NLY BANK OF CREEK

Tax Detail for Your Property:				
Taxes Payable Year:		2015	2016	
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>				
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$0.00	\$0.00	
Tax and Credits	3. Property taxes before credits	\$1,642.00	\$1,668.00	
	4. Credits that reduce property taxes			
	A. Agricultural market value credit	\$0.00	\$0.00	
	B. Other Credits	\$0.00	\$0.00	
	5. Property taxes after credits	\$1,642.00	\$1,668.00	
Property Tax by Jurisdiction	6. WASHINGTON COUNTY			
		A. County General	\$496.84	\$501.83
		B. County Regional Rail Authority	\$3.49	\$4.06
	7. CITY OF AFTON	\$455.72	\$482.59	
	8. State General Tax	\$0.00	\$0.00	
	9. ISD 834 STILLWATER			
		A. Voter approved levies	\$211.41	\$224.43
		B. Other Local Levies	\$398.39	\$372.60
		A. Metropolitan Council	\$15.49	\$15.31
		B. Metropolitan Mosquito Control	\$8.05	\$8.01
10. Special Taxing Districts				
	C. Valley Branch Watershed	\$27.94	\$28.93	
	D. County HRA	\$19.41	\$25.12	
	11. Non-school voter approved referenda levies	\$5.26	\$5.12	
	12. Total property tax before special assessments	\$1,642.00	\$1,668.00	
	13. Special assessments	\$0.00	\$0.00	
	14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$1,642.00	\$1,668.00	

**PAYABLE 2016 2<sup>nd</sup> HALF PAYMENT STUB**  
 TO AVOID PENALTY PAY ON OR BEFORE: October 15

Property ID: 16.028.20.23.0001 Bill #: 498597



**Taxpayer:**  
 US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142

Detach at perforation & mail this stub with your 2<sup>nd</sup> half payment in the enclosed green envelope  
 Res Non-Hstd

SECOND HALF TAX AMT

\$834.00

MAKE CHECKS PAYABLE TO:  
 Washington County  
 P.O. Box 200  
 Stillwater MN 55082-0200

CHECK  
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

1602820230001 2 00000000083400 0

**PAYABLE 2016 1<sup>st</sup> HALF PAYMENT STUB**  
 TO AVOID PENALTY PAY ON OR BEFORE: May 15

Property ID: 16.028.20.23.0001 Bill #: 498597



**Taxpayer:**  
 US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142

Detach at perforation & mail this stub with your 1<sup>st</sup> half payment in the enclosed green envelope  
 Res Non-Hstd

FIRST HALF TAX AMT

\$834.00

MAKE CHECKS PAYABLE TO:  
 Washington County  
 P.O. Box 200  
 Stillwater MN 55082-0200

CHECK  
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

1602820230001 1 00000000083400 2

Property ID: 16.028.20.21.0001 Bill#: 498100

**Taxpayer:** US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142

TAX STATEMENT 2016			
2015 Values for Taxes Payable in			
VALUES AND CLASSIFICATION			
Taxes Payable Year:	2015	2016	
Estimated Market Value:	729,900	750,900	
<b>Step 1</b>			
Homeslead Exclusion:			
Taxable Market Value:	729,900	750,900	
New Improvements/ Expired Exclusions:			
Property Classification:	NH Rur Vac Land Res Non-Hstd	Res Non-Hstd NH Rur Vac Land	
Sent in March 2015			
<b>Step 2</b>			
<b>PROPOSED TAX</b>			
Did not include special assessments or referenda approved by the voters at the November election			\$7,232.00
Sent in November 2015			
<b>Step 3</b>			
<b>PROPERTY TAX STATEMENT</b>			
First half taxes due	May 15	\$3,582.00	
Second half taxes due	October 15	\$3,582.00	
Total Taxes Due in 2016:		\$7,164.00	



You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

**Property Address:**  
 2167 OAKGREEN AVE S  
 AFTON MN 55001

**Description:**  
 Section 16 Township 028 Range 020 N1/2-NW1/4  
 EXCEPT N1/2-N1/2-NW1/4

**Line 13 Special Assessment Detail:**  
 COUNTY ENVIRONMENTAL CHARGE PHE DEP 3.00

Principal: 3.00  
 Interest: 0.00

Tax Detail for Your Property:				
Taxes Payable Year:		2015	2016	
1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible. <input type="checkbox"/>				
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$0.00	\$0.00	
Tax and Credits	3. Property taxes before credits	\$6,831.00	\$7,161.00	
	4. Credits that reduce property taxes			
	A. Agricultural market value credit	\$0.00	\$0.00	
	B. Other Credits	\$0.00	\$0.00	
	5. Property taxes after credits	\$6,831.00	\$7,161.00	
Property Tax by Jurisdiction	6. WASHINGTON COUNTY			
		A. County General	\$2,203.20	\$2,295.76
		B. County Regional Rail Authority	\$15.50	\$18.58
	7. CITY OF AFTON	\$2,024.51	\$2,205.61	
	8. State General Tax	\$0.00	\$0.00	
	9. ISD 834 STILLWATER			
		A. Voter approved levies	\$659.89	\$750.74
		B. Other Local Levies	\$1,598.59	\$1,521.92
		A. Metropolitan Council	\$68.84	\$69.98
		B. Metropolitan Mosquito Control	\$35.75	\$36.60
	C. Valley Branch Watershed	\$124.13	\$132.24	
	D. County HRA	\$86.23	\$114.79	
	10. Special Taxing Districts			
	11. Non-school voter approved referenda levies	\$14.36	\$14.78	
	12. Total property tax before special assessments	\$6,831.00	\$7,161.00	
	13. Special assessments	\$3.00	\$3.00	
	14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$6,834.00	\$7,164.00	

**PAYABLE 2016 2<sup>nd</sup> HALF PAYMENT STUB**  
 TO AVOID PENALTY PAY ON OR BEFORE: October 15

Property ID: 16.028.20.21.0001 Bill #: 498100



**Taxpayer:**  
 US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142

Detach at perforation & mail this stub with your 2<sup>nd</sup> half payment in the enclosed green envelope  
 NH Rur Vac Land Res Non-Hstd

SECOND HALF TAX AMT

\$3,582.00

**MAKE CHECKS PAYABLE TO:**  
 Washington County  
 P.O. Box 200  
 Stillwater MN 55082-0200

CHECK  
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

1602820210001 2 00000000358200 4

**PAYABLE 2016 1<sup>st</sup> HALF PAYMENT STUB**  
 TO AVOID PENALTY PAY ON OR BEFORE: May 15

Property ID: 16.028.20.21.0001 Bill #: 498100



**Taxpayer:**  
 US BANK NA AS TRUSTEE  
 WINIFRED W NETHERLY GST EXEMPT TRS  
 PO BOX 64142  
 SAINT PAUL MN 55164-0142

Detach at perforation & mail this stub with your 1<sup>st</sup> half payment in the enclosed green envelope  
 NH Rur Vac Land Res Non-Hstd

FIRST HALF TAX AMT

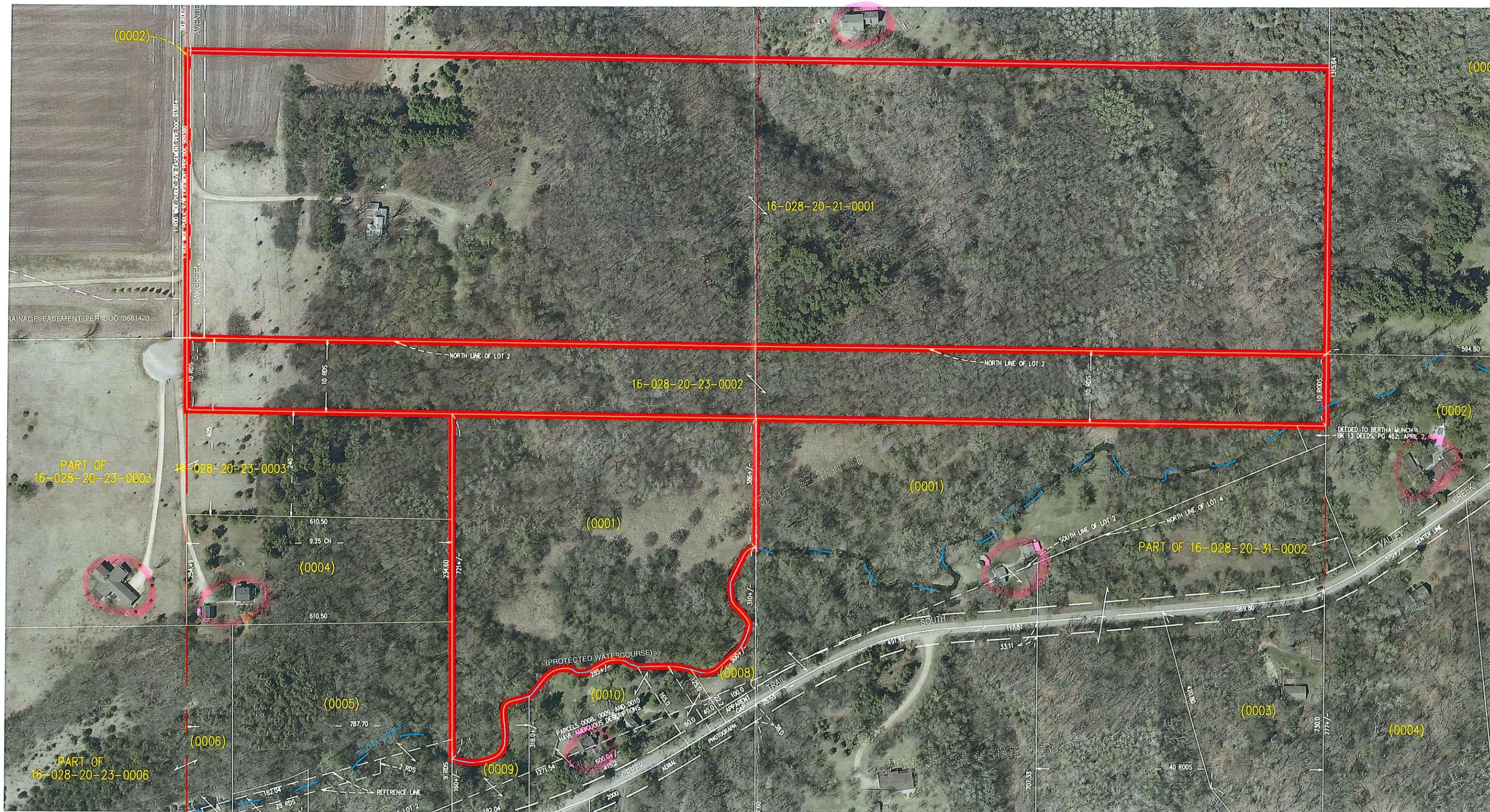
\$3,582.00

**MAKE CHECKS PAYABLE TO:**  
 Washington County  
 P.O. Box 200  
 Stillwater MN 55082-0200

CHECK  
 CASH

No Receipt sent. Your canceled check is proof of payment. Do not send postdated checks.

1602820210001 1 00000000358200 6



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

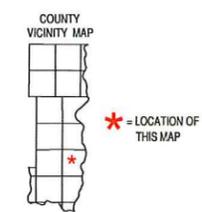
*adjacent home loc.*

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



SECTION-TOWNSHIP-RANGE INDEX

0802820	0902820	1002820
1702820	1602820	1502820
2002820	2102820	2202820



SECTION VICINITY MAP

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

PROPERTY IDENTIFICATION NUMBER FORMAT (GEOCODE)

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

(0001) = LAST FOUR DIGITS OF PROPERTY IDENTIFICATION NUMBER

THIS DRAWING IS THE RESULT OF A COMPILATION AND REPRODUCTION OF LAND RECORDS AS THEY APPEAR IN VARIOUS WASHINGTON COUNTY OFFICES. WASHINGTON COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES.  
**PROPERTY LINES AS SHOWN ARE FOR REFERENCE PURPOSES AND MAY NOT REPRESENT ACTUAL LOCATIONS.**

MAP LAST UPDATED: May 11, 2016  
 NO ADDITIONAL CHANGES HAVE BEEN REPORTED TO DATE  
 DATE OF CONTOURS: November, 2011    DATE OF PHOTOGRAPHY: May, 2013

# CERTIFICATE OF SURVEY

Folz, Freeman, Erickson, Inc.



LAND PLANNING  
SURVEYING  
ENGINEERING

5620 MEMORIAL AVENUE NORTH, STILLWATER, MN 55082

Phone (651) 439-8833 Fax (651) 430-9331

Website: www.ffe-inc.com



**SURVEY FOR:**

Samuel G. Netherly  
2167 Oakgreen Ave. South  
Afton, Minnesota 55101

**LEGAL DESCRIPTION:**

**LEGEND**

- DENOTES 1/2 INCH IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "FREEMAN LS 16989", UNLESS SHOWN OTHERWISE
- DENOTES FOUND MONUMENT, SIZE AND MARKINGS AS INDICATED

**NOTES**

1) ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER SECTION 16, T 28 N, R 20 W.

**PARCEL A**

The North half of the North half of the Northwest one-quarter (N1/2 N1/2 of NW1/4) in Section 16, Township 28, Range 20 West

**PARCEL B**

North one-half of the Northwest one-quarter (N1/2 NW1/4) and the North 10 rods of Government Lot 2, all in Section 16, Township 28, Range 20 west;

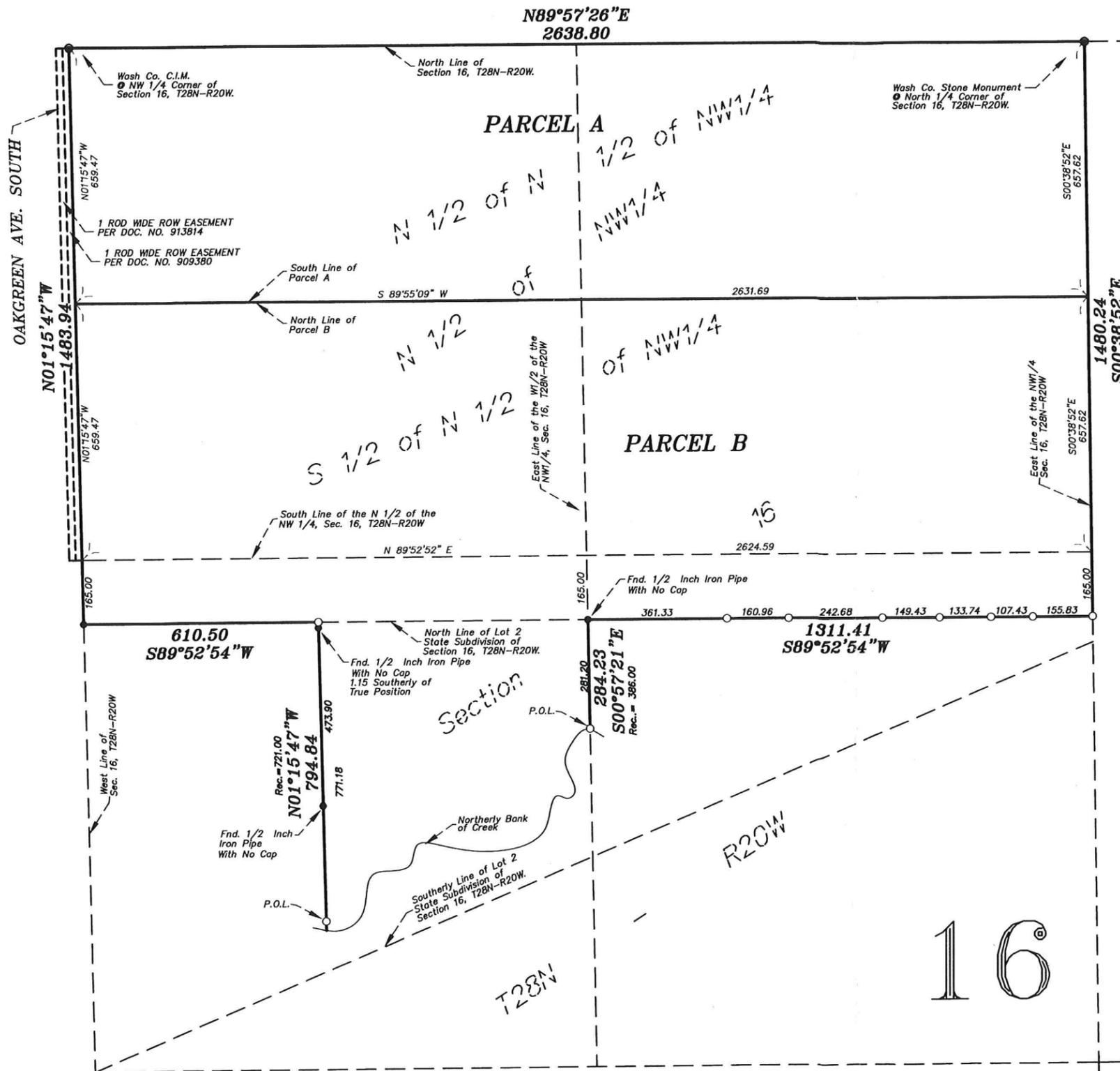
**Also:**

All the part of Lot number Two (2) in State Subdivision of Section number Sixteen (16) in Township number Twenty-eight (28) North, of Range number Twenty (20) West, described as follows, viz:

From the center of the North line of said Lot number Two (2), run South along the East line of the West one-half of the Northwest quarter (W1/2 of NW1/4) of said Section Sixteen (16), Ten Rods for a BEGINNING; thence Westerly parallel to the North line of said Lot Two (2) to a point Nine and twenty-five one-hundredths (9.25) Chains Easterly from the West line of said Section Sixteen (16); thence South parallel to the West line of said Section Sixteen (16) Seven Hundred Twenty-one (721) feet more or less to a point on the Northerly bank of the creek which runs through said Lot numbered Two (2) in a general Easterly and Westerly direction; thence in a Northeasterly direction along the Northerly bank of said creek to the East line of the West one-half of the Northwest quarter (W1/2 of NW1/4) of said Section Sixteen (16), at a point Three Hundred Eighty-six (386) feet more or less South of the point of beginning; thence North Three Hundred Eighty-six (386) feet more or less to the point of beginning, together with the perpetual right to the use and enjoyment of said creek and the benefits thereof jointly with the owner of that part of said Lot numbered Two (2) which lies South of the Northerly bank of said creek.

**EXCEPT**

The North half of the North half of the Northwest one-quarter (N1/2 N1/2 of NW1/4) in Section 16, Township 28, Range 20 west



16

RECEIVED  
JUN 13 2016  
CITY OF AFTON

Timothy J. Freeman, LS  
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8/11/05  
Date

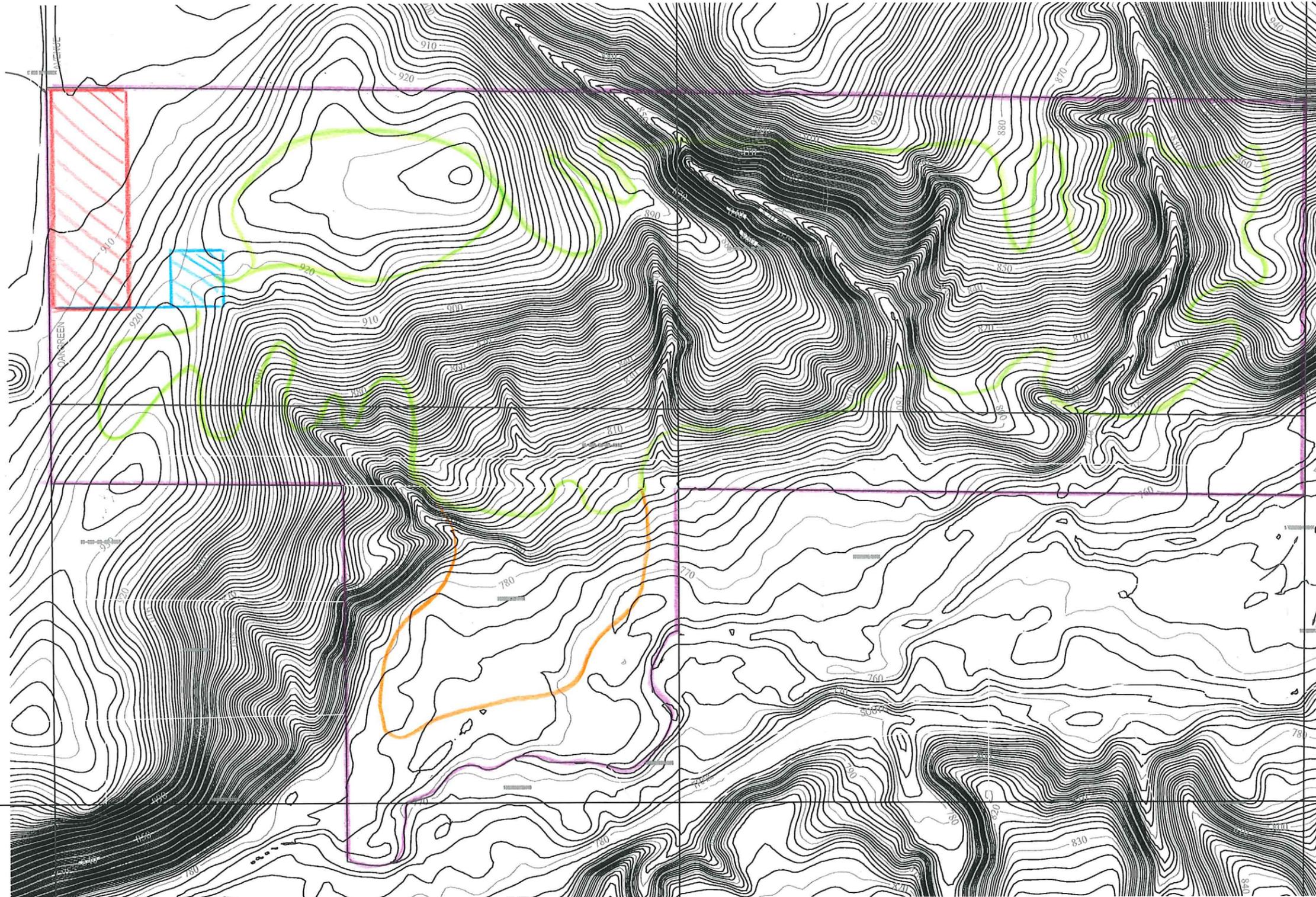
REVISED 8/11/05: CHANGED LEGALS, ADDED PARCEL'S  
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota.

Note: Official Copies of this map are crimp sealed  
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# Netherly

## City of Afton, Minnesota

**Folz, Freeman, Erickson, Inc.**  
 LAND PLANNING ♦ SURVEYING ♦ ENGINEERING  
**FFE** 12445 55TH STREET NORTH  
 STILLWATER, MINNESOTA 55082  
 Phone (651) 439-8833 www.ffe-inc.com



### LEGEND

- EXISTING PROPERTY BOUNDARY
- PROPOSED LOT LINE
- COMMUNITY GARDEN
- DRIVEWAY (EXISTING)
- PARKING / REST AREA
- PROPOSED MAINT. SHED
- HIKING / BIKING TRAIL
- HIKING ONLY TRAIL

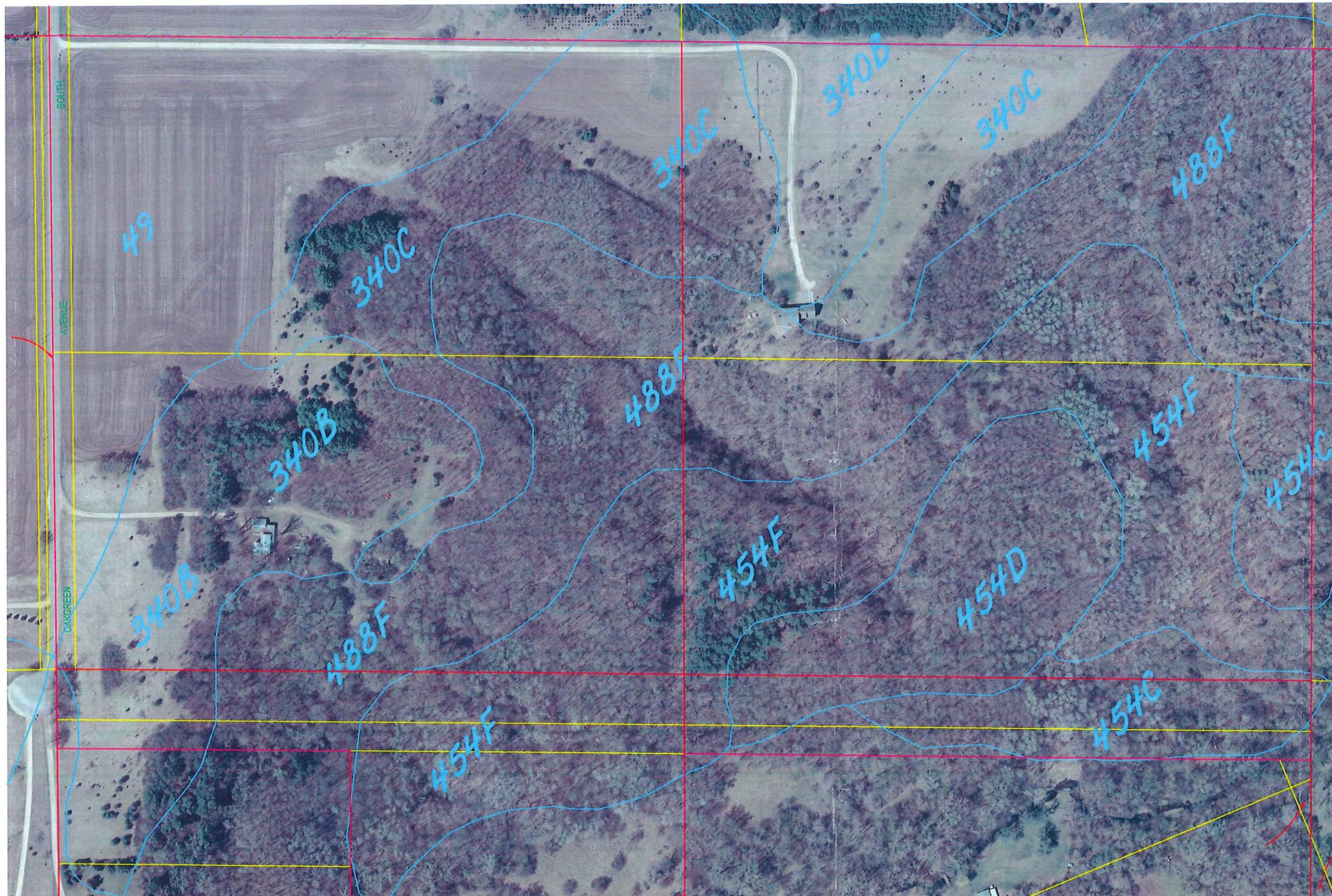
# Netherly

## City of Afton, Minnesota

### Soil Map

**Folz, Freeman, Erickson, Inc.**  
 LAND PLANNING ♦ SURVEYING ♦ ENGINEERING

**FFE** 12445 55TH STREET NORTH  
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#### LEGEND

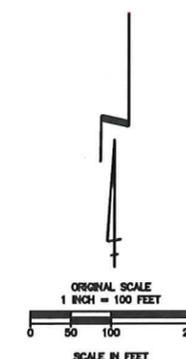
**49 - Antigo Silt Loam** - Typically, this soil has a very dark gray silt loam surface layer 4 inches thick, is dark grayish brown silt loam. The subsoil is about 25 inches thick. The upper part is dark brown silt loam. The middle part is dark brown and dark yellowish brown silt loam. The lower part is yellowish brown stratified coarse sand and gravel. This soil has fair suitability as building sites and poor suitability for most sanitary facilities. Soil strength is low in the silt mantle but is high in the underlying sandy material. Susceptibility to frost heave is moderate. Special precautions may be needed when installing roads, streets, sidewalks, and parking areas to prevent damage from frost heave. Septic tank absorption fields function well in this soil. They must be specially designed, however, because the underlying material is rapidly permeable and there is a hazard of pollution of ground water. Lawns, trees, and shrubs are generally easy to establish and maintain. The soil is a good source of sand and gravel for construction.

**340 - Whalan Silt Loam** - Typically, the surface layer is very dark grayish brown silt loam about 8 inches thick. The subsurface layer is dark grayish brown silt loam about 4 inches thick. The upper part is dark brown loam. The lower part is dark yellowish brown silt loam. Limestone bedrock is at a depth of 23 inches. This soil has fair suitability as building sites because of the moderate depth to bedrock. The underlying bedrock requires heavy machinery for excavation. Susceptibility to frost heave is moderate, and roads, streets, and driveways may be damaged unless placed on more suitable base materials. Septic tank absorption fields are difficult to install because of the shallowness to the underlying bedrock.

**454 - Mantoni Loamy Sand** - Typically, the surface layer is dark brown loamy sand about 8 inches thick. The subsoil is about 19 inches thick. The upper part is dark brown gravelly sand. The lower part is reddish brown gravelly coarse sand. The underlying material is stratified reddish brown medium sand and gravelly sand. This soil is well suited to building site development. Foundations are relatively easy to excavate, but sidewalks have poor stability and may cave in during excavation or when underground utilities are installed. This can be prevented by using temporary retaining walls. Septic tank absorption fields function well, but there is a hazard of pollution of underground water supplies and nearby lakes and streams. Specially designed absorption systems are needed to overcome this hazard.

**488 - Brodale Flaggy Loam** - Typically, the surface layer is very dark gray flaggy loam about 7 inches thick. The subsoil is dark brown flaggy very fine sandy loam about 6 inches thick. In some areas where soils have developed under soddland vegetation, the surface layer has lighter colors. In some areas there is not a flaggy surface layer. Because it has steep slopes, this soil is poorly suited to building site development and sanitary facilities. If it is used for building, designing buildings to fit the site can preserve the natural landscape and at the same time reduce the need for grading and control erosion and sedimentation. In most areas the underlying bedrock is very hard and large machinery is required for excavation, thereby increasing construction costs. This soil is poorly suited to septic tank absorption fields because of the steep slopes.

- B - 1 to 6 percent slope
- C - 6 to 12 percent slope
- D - 12 to 25 percent slope
- E - 18 to 30 percent slope
- F - 20 to 50 percent slope



8A

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

# Planning Commission Memo

## Meeting: July 11, 2016

To: Chair Ronningen and members of the Planning Commission  
From: Ron Moorse, City Administrator  
Date: June 28, 2016  
Re: Draft Ordinance Amendment Language Regarding the Disturbance of Man-made Steep Slopes

### Background

At its June 13, 2016 meeting, the Council directed staff to work with the Planning Commission to develop an ordinance amendment to provide that the protection of slopes 18% or greater does not include slopes that were less than 18% in their natural state, but were made 18% or greater by grading, i.e. for the construction of a roadway, and also are not environmentally sensitive or fragile.

The Zoning Code prohibits the disturbance of slopes of 18% or greater and requires scenic easements to be placed on these slopes to protect them. The language prohibiting grading on steep slopes and requiring scenic easements to protect steep slopes references the protection of environmentally sensitive lands and lands judged to be fragile, as well as the preservation and management of areas unsuitable for development in their natural state. (See the ordinance language below).

While the disturbance of any steep slope requires proper erosion control measures to protect the slope, the question has been raised as to whether the 18% slope restriction was meant to protect man-made steep slopes as well as natural slopes. The Council has agreed that the 18% slope restriction was not meant for areas that were not 18% slopes in their natural state but were created by grading, i.e. for roadway construction, and has referred to the Planning Commission the task of developing an ordinance amendment that excludes man-made steep slopes from the 18% slope restrictions.

### Current Ordinance Regulations

Language regarding the protection of steep slopes is found in a number of sections of the zoning code as follows:

#### Sec. 12-215. Land reclamation and land grading.

##### D. Grading of Slopes

1. **No slopes of 18% or greater shall be disturbed.**
2. Within the Lower St. Croix River Bluffland and Shoreland Management District, no slopes of 12% or greater shall be disturbed (See Sec. 12-702).

#### Article III Shoreland Management

##### Sec. 12-283. Definitions

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

**A. Scenic easements shall be required on slopes of 18 percent and greater, wetlands, drainageways, and other lands and soils judged to be fragile by the soil conservation service.** Such easements shall be required as a condition of subdivision approval, and shall prohibit the following activities:

1. Dumping.
2. Burning.
3. **Grading.**
4. Grazing of domesticated farm animals.
5. Vegetative cutting.
6. Motorized vehicles.
7. **Construction of any structure, including driveways.**

B. Such scenic easements shall be recorded against the affected lots in the subdivision.

C. The City shall have the right to reasonable access to easement areas to verify compliance with the restrictions, and to cross adjacent lands in common ownership with the easement area to obtain such access.

D. A scenic easement prohibits the owner from engaging in harmful activities in the area subject to the easement, but does not grant the general public any right of access to the land.

#### Article VI Subdivisions

##### Sec. 12-1384. Easements.

A. Provided for utilities. Easements of at least 20 feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary as recommended by the City Engineer. Where underground utilities are being installed, a ten-foot wide front or side yard easement may be required.

B. Provided for drainage. Easements shall be provided along each side of the centerline of any watercourse or drainage channel, whether or not shown on the comprehensive plan, to a sufficient width to provide proper maintenance and protection and to provide for stormwater runoff and installation and maintenance of storm sewers.

C. Dedication. Utility and drainage easements shall be dedicated for the required use.

D. Trails. Trail easements shall be provided as required by the City Council in compliance with the comprehensive plan.

E. **Scenic easements.** Scenic easements shall be required on slopes of 18 percent and greater, wetlands, drainageways, and other lands and soils judged to be fragile by the soil conservation service. Scenic easements also shall be required on slopes greater than 12 percent if the land is unbuildable or heavily wooded and would be affected adversely by development. Such easements shall be required as a condition of subdivision approval, and shall prohibit the following activities: Dumping, burning, grading, grazing of domesticated farm animals, vegetative cutting in excess of prudent forestry practices as approved by the Forestry Division of the Minnesota Department of Natural Resources, motorized vehicles, construction of any structure including driveways. Such scenic easements shall be recorded against the affected lots in the subdivision.

1. The City shall have the right to reasonable access to easement areas to verify compliance with the restrictions, and to cross adjacent lands in common ownership with the easement area to obtain such access.

2. A scenic easement prohibits the owner from engaging in harmful activities in the area subject to the easement, but does not grant the general public any right of access to the land.

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

A. Public sites to be reserved. Where a proposed drainageway, park, playground, school site or other public site, as shown on the comprehensive development plan is embraced in part or in whole by the boundary of a proposed subdivision and such public sites are not dedicated, such sites shall be reserved and no action taken towards approval of a plan or plat for a period not to exceed 90 days to allow the proper governmental

agency the opportunity to consider and take actions towards acquisition of such public ground or park by purchase or other methods.

B. **Scenic easements.** Scenic easements shall be required on slopes of 18 percent and greater, wetlands, drainageways, and other lands and soils judged to be fragile by the soil conservation service.

**Ordinance Amendment Language**

The ordinance amendment language is to provide that the protection of slopes 18% or greater does not include slopes that are not environmentally sensitive or fragile, and were less than 18% in their natural state, but were made 18% or greater by grading, i.e. for the construction of a roadway. The implementation of the ordinance language would need to involve the applicant or property owner showing that the natural slope of the land was less than 18% prior to grading that resulted in a slope of 18% or greater, and also showing that the land is not environmentally sensitive or fragile, and the land can be readily protected from erosion during and after grading.

Proposed ordinance language, to be added in each area of the code that addresses the protection of steep slopes, is as follows:

**The protection of slopes 18% or greater does not include land that had a slope of less than 18% in its natural state but was graded to create an 18% slope, if the land is also determined not to be environmentally sensitive or fragile and can readily be protected from erosion both during and after grading.**

**Planning Commission Direction Requested:**

**Motion to provide direction regarding the drafting of an ordinance amendment to indicate the current regulations regarding the protection of steep slopes do not include slopes that were less than 18% in their natural state, but were graded to create a slope of 18% or greater.**

8B

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

# Planning Commission Memo

## Meeting: July 11, 2016

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: June 28, 2016

Re: Discussion Regarding the Addition of Vegetative Screening Requirements to the Subdivision Ordinance

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A significant element of Afton's rural character is rural views that are characterized by long views of farm fields and houses dotting the landscape, as well as wooded areas, some with homes hidden on large wooded lots. Over time, as open land is subdivided and large homes are built, the long views of farm fields could be replaced with shorter views of large homes, which could begin to appear more suburban than rural. One way to mitigate this change in character is to require substantial vegetative screening to create a natural buffer zone, particularly along public roadways, as part of new subdivision approvals. The vegetation could provide a long-term natural, wooded view and natural, rural character. The Council has requested that the Planning Commission explore adding vegetative screening requirements to the subdivision ordinance.

### Discussion and Direction

It would be helpful to staff if the Planning Commission would discuss the general concept of adding vegetative screening requirements and provide direction regarding the exploration of adding such screening requirements. Elements of screening requirements could include the location of the buffer area(s), the depth of the buffer area(s), the opacity of the screening and the appearance or character of the screening, i.e. types of trees - native species, combination of coniferous and deciduous - and a more natural planting pattern vs. a more formal planting pattern. Attached are examples of regulations related to vegetative buffers and maintaining rural character.

### **Planning Commission Direction Requested:**

Motion regarding next steps in the exploration of adding vegetative screening requirements to the subdivision ordinance.

#### 603.4. Scenic Roadway Corridor Preservation and Enhancement

##### A. Intent

The intent of planning and design standards contained within this section is to:

1. Preserve and enhance superior scenic views from designated roadway corridors that traverse Rural Northeast Pasco County.
2. Preserve existing natural tree cover along designated Scenic Roadway Corridors.
3. Allow for the unrestricted or filtered view of superior scenic views and vistas as seen from designated Scenic Roadway Corridors.
4. Require that new development on parcels adjacent to designated Scenic Roadway Corridors preserve existing natural tree cover along those corridors or where natural tree cover is insufficient, require the installation of tree plantings and/or landscaping in accordance with Section 603.2.C.
5. Provide tree cover and/or landscaping around new homes and accessory structures to help protect the existing natural setting and rural character, and to screen the view of these structures from the corridors, abutting roadways and both adjacent and distant properties, while preserving the viewshed from the onsite residences.

##### B. Designation of Rural Scenic Roadway Corridors

Pursuant to Policy FLU 2.1.10, "Corridor Overlay District for Rural Scenic Roadways in the Northeast Pasco County Rural Area" roadways classified as either "rural scenic road" or "rural-residential road" shall be critical to sustaining and maintaining the rural character of this area. Therefore, the following roadway segments are designated as Rural Scenic Roadways, (see Figure 603-2):

1. "Rural Scenic Roads" S.R. 52, from Scharber Road extended east to the Dade City limits; St. Joe Road; Blanton Road; Bellamy Brothers Road; and Trilby Road to the extent that they are located in the Northeast Pasco County Rural Area.
2. "Rural-Residential Roads" include Lake Iola Road, Happy Hill Road, Frazee Hill Road, Jessamine Road, Johnston Road, and Scharber Road.
3. The number of necessary travel lanes is limited to two (2), unless otherwise consistent with Chapter 7, Transportation Element table 7-4A, Pasco County Corridor Preservation Table.
4. Street design and location for all streets shall encourage open-space conservation, pedestrian/bicycle safety, and comfort through the application of minimum roadway widths necessary for vehicular movement.

5. These roadways shall be designed to the rural typical cross section as depicted in Figure 603-3, as adopted.

C. Corridor and Building Buffer and Screening Standards

Corridor and building buffer requirements shall be as further detailed in this Section. One of the following options (Corridor Buffer under subsection 1. Building Buffer under subsection 2. or Corridor and Building Buffer under subsection 3.) shall be used to meet the Corridor Buffer and Screening Requirements.

D. Corridor Buffer and Screening Standards

1. Corridor Buffer

a. Corridor Tree Buffer

Corridor buffer requirements shall be consistent with Table 905.2-E., "Corridor Buffer and Screening Requirements", and as further detailed in this Section and with the intent illustrated on Figure 603.3 "Scenic Corridor Buffer Design Standards." One of the following options shall be used to meet the Corridor Buffer and Screening Requirements.

b. Corridor Tree Preservation

Existing trees, (8") DBH or larger, located within the required tree buffer, shall be preserved; provided, however, (i) underbrush or understory vegetation may be cleared from buffer areas and (ii) exotic and invasive species shall be removed, in accordance with LDC Section XXX. Routine tree maintenance and tree replacement or addition of trees may occur as appropriate.

c. Corridor Tree and Landscaping Planting

Pursuant to the applicability provision above, all new development abutting a designated Scenic Roadway Corridor shall establish a tree buffer area meeting or exceeding the following standards:

- (1) Tree quantity required shall be four (4) qualifying trees (see Section 603.2.C.3.c. below) per one hundred (100) linear feet of Scenic Roadway Corridor frontage.
- (2) Trees shall be planted in clusters of like tree species and irregularly spaced along and within the twenty-five foot (25') wide tree buffer area, with gaps allowed up to one hundred feet (100'). Shade trees shall have a minimum spacing of twenty (20) feet. Where a scenic view-shed or vista exists, gaps larger than 100' in the buffer will be allowed, subject to the review and approval of the Planning and Development Department.

(3) "Qualifying trees" shall consist of one or more of the following species and shall meet or exceed the following size and quality specifications:

(a) Acceptable Species:

- i. Slash Pine (*Pinus elliottii*)
- ii. Longleaf Pine (*Pinus palustris*)
- iii. Shortleaf Pine (*Pinus echinata*)
- iv. Loblolly Pine (*Pinus taeda*)
- v. Dade County Pine (*pinus elliottii* var. *densa*)
- vi. Live Oak (*Quercus virginiana*)
- vii. Laurel Oak (*Quercus laurifolia*)
- viii. Florida Juniper (*Juniperus solidicola*)
- ix. Sabal Palm (*Sabal palmetto*)
- x. Washington Palm (*Robusto Washington*)
- xi. Other species may be approved by the Planning and Development Director or designee.
- xii. Palm shall be planted in accordance with LDC Section 905.2.C.2.e.

(b) Size at Time-of-Planting Specifications:

- i. Minimum caliper of three inches (3") measured at 6" above the ground.
- ii. Minimum height of eight (8').

(c) Alternative Plant Materials

Additional trees may be used as qualifying trees, and other forms of landscaping (such as shrubs and hedges) may be used in combination with, trees subject to review and approval at the time of Preliminary Development Plan/Preliminary Site Plan approval.

(4) Where new development or redevelopment is proposed, existing trees (equal to or greater than 6" DBH) within the buffer shall be given full credit toward meeting the tree buffer planting requirements and comply with LDC Section 905.2.

## 2. Building Buffer

In order to assist in the mitigation of the visual impacts of residential construction within the existing rural landscape, buffer tree requirements shall be provided in accordance with the requirements stated below and illustrated in Figure 603-X, "Residential Landscape Buffer Zones". Figure 603-X, "Buffer Application Example" illustrates the implementation of these requirements within a hypothetical rural residential development plan.

- a. Type 'A' Buffers are intended to screen new development from off-site public roadways. Type 'A' buffers shall contain a minimum of four (4) qualifying trees per 100 linear feet of buffer length. The buffer shall begin not less than 30 feet, or greater than 100 feet from the residence building to be screened and extend for a width of 20 feet in the direction of the abutting existing public roadway.
  - b. Type 'B' buffers are intended to provide a screened view between new development and adjacent properties or non-adjacent properties that have significant views of the developed property. Type 'B' buffers shall contain a minimum of four (4) qualifying trees per 100 linear feet of buffer length. The buffer shall begin not less than 30 feet, or greater than 100 feet from the structure(s) to be screened and extend for a width of 20 feet. Type 'B' buffers may be located either within subdivided parcels or within open space areas, provided adequate screening of new structures is accomplished.
  - c. Trees within each buffer shall be planted in clusters of like tree species and irregularly spaced along and within the full width of the buffer area; however, shade trees shall have a minimum spacing of twenty (20) feet, but no continuous gap without a tree shall be permitted in excess of 50 feet.
  - d. Qualifying trees shall consist of one or more species and shall meet or exceed the size and quality specifications as described in Section 603.2.C.3., above.
  - e. Where existing trees are located within the required buffer zone, those trees equal to or greater than 6" in diameter (DBH) shall be credited toward the tree buffer requirements.
3. Optional Combination of Corridor Buffer and Building Buffer

The minimum requirements associated with Options 1 and Options 2 may be reduced if a combination of both Corridor Buffering and Residential Screening techniques are applied and the intent of this section is met. This Option shall be reviewed and approved by the Planning and Development Department.

E. Easement for Buffers

All required buffers shall be placed within non-exclusive, perpetual easements and restricted from development except for necessary tree and landscape plantings, utility lines and facilities (including, but not limited to, water lines needed for irrigation), property access drives or site access roadways and associated pedestrian walkways. Required buffers located within subdivided parcels may be used by the homeowner for traditional yard use and open space activities, provided that no buffer tree is removed to accommodate such uses and activities.

**Sec. 78-1635. - Basic Conservation Design Master Plan requirements and evaluation criteria.**

The developer shall prepare a Conservation Design Master Plan for development of the property, consisting of written and visual documentation including maps in an acceptable electronic format, addressing the following topics:

- (1)  
Consideration of the existing drainage system;
- (2)  
Establishment of a stormwater management system, using multi-cell treatment principles, and defining proposed methods of stormwater phosphorus reduction;
- (3)  
Removal of invasive species and diseased trees;
- (4)  
Protection of significant tree stands and woodlands that support scenic and/or ecological goals, including mitigation of any such stands to be impacted by development activities;
- (5)  
Protection of existing wetlands, including augmentation of buffers, mitigation of impacts, and enhancement of degraded systems;
- (6)  
Justification and mitigation of any negative impact to ecological communities. "Negative impact" includes any modification to a lower level of ecological community quality, as described by the Minnesota Land Cover Classification System (M-34X Modifiers);
- (7)  
Maintenance of ecological connections through site design, as shown on the Orono Natural Resource Inventory;
- (8)  
**Maintenance and protection of existing positive views, and mitigation of any existing or proposed negative views using appropriate measures such as site layout, screening, building design and coloration, etc.; and**
- (9)  
Preservation or reinterpretation of existing landmarks.

The planning commission and city council shall evaluate the Conservation Design Master Plan to determine whether the proposed development:

(1)

Preserves existing drainage patterns and enhances stormwater collection and conveyance by applying an ecologically-based multi-cell stormwater management system that improves ecosystems by reducing reliance on manmade infrastructure, reducing downstream runoff of contaminants, and enhancing ecological connections;

(2)

Includes a program for the removal of invasive species and diseased trees; protects significant tree stands and woodlands that support scenic and/or ecological goals; and includes mitigation of any such stands that will be impacted by development activities;

(3)

Protects existing wetlands by implementing new buffers or augmenting existing buffers; mitigates identified wetland impacts; and enhances degraded wetland systems;

(4)

Results in no negative impact to ecological communities of Ecological Management Categories 1 and 2; results in no negative modification of any ecological communities as described by the Minnesota Land Cover Classification System; and establishes, maintains and improves native ecological communities including natural and semi-natural areas to provide wildlife habitat and support natural ecological functions (i.e. drainage, filtering, buffering, etc.);

(5)

Establishes or maintains ecological connections through site design, as shown on the Orono Natural Resource Inventory that will enhance stormwater collection and conveyance, promote ecological and wildlife corridors, and provide recreational opportunities for residents;

(6)

**Preserves and where appropriate augments or improves roadway corridor enclosure to promote community aesthetics associated with the city's rural character; preserves open rural views and other aesthetic elements of the landscape; and mitigates the negative visual impacts of development;**

(7)

Preserves, maintains, or reinterprets existing landmarks and unique points of local character, and preserves distinct cultural features that will maintain a familiar sense of place in the community.

***Corridor enclosure* means the nature, appearance and relative degrees of screening provided by roadside vegetation. Corridor enclosure types include:**

*Open enclosure:* Long views beyond the right-of-way, no real sense of corridor enclosure.

*Edged enclosure:* Solid wall of vegetation along roadside, views focused along corridor.

*Tunneled enclosure:* Vegetation begins to completely enclose roadway, above and sides, creating a "small scale" roadway experience.

*Varied enclosure:* Enclosure changes rapidly along corridor, short stretches of open, edged, and tunneled corridor.

*View analysis* means the process of determining whether a view is positive or negative.

*Positive views:* Views of natural areas, water bodies, established parks, wetlands, rural and historic land uses.

*Negative views:* Views of structures, particularly multi-family residential, institutional, and commercial and industrial uses. Views of power lines, telephone poles and other utility infrastructure.

<b>Table 18J.15.030-2. General Minimum Tree Unit Density (1)</b>	
Employment Centers	5 tree units/acre
Urban Centers and Districts, <del>Employment Centers</del> , Rural Centers	20 tree units/acre
Urban Residential (2)	30 tree units/acre
Rural Residential (3)	40 tree units/acre
Resource Lands and Other Zones	Not Applicable

Footnotes:

- (1) If the calculation results in a fractional quantity, it shall be rounded to the nearest whole number (greater than or equal to .5 is rounded up, less than .5 is rounded down).
- (2) Non-residential uses, other than schools, permitted within Urban Residential zones shall be subject to a required tree unit density of 20 tree units/acre.
- (3) Non-residential uses, other than schools, permitted within Rural Residential zones shall be subject to a required tree unit density of 20 tree units/acre.

**18J.15.190 Outdoor Event Facilities.**

8. **Outdoor Receptions.** Outdoor receptions or parties shall be prohibited in Reserve Five Rural 5 zone classifications. No amplified noise shall be permitted at outdoor events in the Reserve Five Rural 5 zone classification except during an outdoor wedding ceremony for the wedding march music, recited vows, etc.

**18J.40.060 Rural Area Design Standards and Guidelines.**

**A. Site Design.**

1. **Design Objective – Building Placement.** In the rural area, buildings are generally required to locate in the interior of lots to provide adequate land for open space and tree retention around the perimeter property lines. When the land adjacent to exterior lot lines is kept free from development a variety of design objectives including: screening between incompatible land uses, pedestrian connections between developments and wildlife movement can be achieved.

**a. Standards.**

- (1) Screening is required adjacent to all exterior property lines, except for points of vehicular or pedestrian access, for new development in the rural area. Trails, utilities, small accessory structures such as a gazebo or picnic table, and fencing that does not impede wildlife movement may be permitted within required screening areas when the integrity of the screening can be maintained. The following screening standards shall be required, adjacent to the exterior of a development, for all new divisions of land, commercial, civic uses and utility buildings in the following rural zones:
  - (a) Rural Ten – 35 feet
  - (b) Reserve Five Rural 5 – 35 feet
  - (c) Rural Sensitive Resource – 50 feet
- (2) In Rural Neighborhood Centers, that portion of a commercial or civic building that faces the street shall be located within 25 feet of the street.

When outdoor gathering places are provided, the building is not required to be within 25 feet of the street as long as the building is located immediately adjacent to the outdoor gathering place.

**D. Landscaping and Planting Design.**

1. **Design Objective – Native Vegetation Screening and Perimeter Buffers.** The retention of native vegetation and significant trees is necessary to preserve and enhance the visual appearance of the Gig Harbor Peninsula throughout the rural area. Retaining native vegetation on a development site also supports various environmental systems and provides a better transition between permitted land uses. The retention or replanting of native vegetation is required for all projects in the rural area. The following standards are intended to supplement the Tree Conservation and Landscape Standards in PCC 18J.15.030 and 18J.15.040.

a. **Standards.**

- (1) Native vegetative screening shall be retained between rural development and Highway 16. The depth of screening buffers shall be determined by evaluating the quality and quantity of natural vegetation that is available on the site together with intensity of the proposed use. In no case shall the screen buffer be less than 50 feet wide. Supplemental plantings shall be provided when existing native plantings do not provide a complete visual screen.
- (2) The depth of native vegetation screening buffers shall be a minimum of 35 feet wide in a Rural 10 (R-10) and ~~Reserve 5 (Rsv 5)~~ Rural 5 (R5) zone.
- (3) The depth of native vegetation screening buffers shall be a minimum of 50 feet wide in a Rural Sensitive Resource (RSR) zone.
- (4) The native vegetation screening requirements in this Section must provide a dense screen. Where existing vegetation does not provide adequate screening, additional native plantings may be required. The vegetative screen may only be broken at points of vehicular or pedestrian access.

**18J.100.020 Applicability.**

C. Table 18J.100.020-1 identifies the regulated activities and the type of design review that is required:

<b>ALDERTON-McMILLIN COMMUNITY PLAN AREA</b>			
<b>Table 18J.100.020-1. Type of Review Required for Regulated Activities</b>			
Review Type	1. New Multi-Family, Civic, Commercial, Industrial, Binding Site Plan (includes commercial building permit and use permit) (2) 2. Multi-Family, Civic, Commercial or Industrial Expansion < 60% of the building value (1) 3. Multi-Family, Civic, Commercial or Industrial Expansion > 60% of the building value (1)		
	1	2	3
<b>18J.100.070 A.10. A.9.</b> Agricultural Product Sales Buildings	Yes		

9B

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

DRAFT City Council Regular Meeting Minutes  
June 21, 2016  
Afton City Hall  
3033 St. Croix Trail  
Afton, MN 55001  
7:00 P.M.

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11  
12 1. THE MEETING WAS CALLED TO ORDER at 7:00 P.M. by Mayor Bend.

13  
14 2. THE PLEDGE OF ALLEGIANCE – was recited.

15  
16 3. ROLL CALL: Council Members Nelson, Ross, Richter, Palmquist and Mayor Bend. Quorum Present.

17  
18 ALSO PRESENT: City Attorney Fritz Knaak, City Engineer Diane Hankee, Planning Commission Chair  
19 Barbara Ronningen, City Administrator Ron Moore and City Clerk Kim Swanson Linner.

20  
21 4. APPROVAL OF AGENDA –

22 A. Agenda for the Regular City Council Meeting of June 21, 2016 – Added Item 9B3, Afton Hills Drive  
23 repair; added Item 9C6, Charitable Gambling application from Lumberyard Pub; added Item 9C7, Form a City  
24 Grants Committee; added Item 9C8, Screening requirement added to ordinance language; added Item 10H,  
25 Easement Acquisition in a CLOSED SESSION; and, moved Item 7A, Sheriff’s Report, to after Item 4A, Approval  
26 of the Agenda, to accommodate the deputy’s schedule.

27  
28 Motion/Second: Palmquist/Richter. To approve the agenda of the June 21, 2016 Regular City Council  
29 Meeting as amended. Motion carried 5-0-0.

30  
31 7A. Sheriff’s Monthly Report – Deputy Jackson reported that citations are down this year compared to last year  
32 at this time (176 in 2015; 76 in 2016). There had been several daytime break-ins with entry through garages.  
33 Residents were again encouraged to be the eyes and ears of their neighborhood; do not hesitate to CALL 911 for  
34 suspicious activity or vehicles.

35  
36 5. APPROVAL OF MINUTES -

37 A. Minutes of the May 17, 2016 Regular City Council Meeting –  
38 Motion/Second: Bend/Ross. To approve the minutes of the May 17, 2016 Regular City Council Meeting as  
39 presented. Motion carried 5-0-0.

40  
41 B. Minutes of the June 13, 2016 City Council Work Session with the Public Works Committee –  
42 Motion/Second: Bend/Ross. To approve the minutes of the June 13, 2016 City Council Work Session with the  
43 Public Works Committee as presented. Motion carried 5-0-0.

44  
45 6. PUBLIC INPUT – none.

46  
47 7. REPORTS/PRESENTATIONS -

48 A. Sheriff’s Monthly Report – [was moved to after 4A]

49 B. Tom Niedzwiecki, Budget Report – [Report given when Mr. Niedzwiecki arrives from another meeting.]

50 C. Lower St. Croix Fire District Report – Deputy Chief Jim Stanley reported that the Fire Department offers  
51 CPR classes that members of the community can take. He reminded that the electronic sign can have community  
52 events advertised, such as the Strawberry Festival; the 4<sup>th</sup> of July event is scheduled to be advertised. He reported  
53 that the LSCV Fire Dept bought a “new” used fire truck that is state of the art.

54 Jim Stanton, LSCV FD budget representative, reported that Afton’s 2017 levy will be \$49,843, however, the  
55 levy will be lowered by \$8,000 – 10,000 over eight years, totaling \$58,468. He noted that Fire Chief Chris Peterson  
56 will retire in 2017; the Department has opted to make the Fire Chief position full-time at that time. The FD

57 accountant will also retire from his day job, so that ancillary costs of professional development, etc. will be covered  
58 by the department.

59 **D. Natalie Warren – St. Croix River Association** – presented information on the projects being done: a 3-year  
60 project of education and outreach for realtors working along the riverway and providing training for them on  
61 subjects such as watersheds, flood plains and land stewardship. They are working with the County on getting the  
62 riverway boundaries as a GIS layer for properties. They are developing checklists with City Administrators, are  
63 getting involved in pre-application meetings and managing people’s expectations by developing an FAQ Guide to  
64 Riverway Landowners, for consistency and transparency. She noted the “Workshop on the River” is scheduled for  
65 September 14, from 4:00 – 8:00 pm, topics will include stormwater and MIDS.

66 **E. Bob Sherman – new Executive Director of Youth Service Bureau** – presented information about the  
67 services provided to Afton residents. They requested the City contribute \$1,200 for the 1,100 services it provided in  
68 2015. The 2016 Budget included \$1,500 in the line-item for Other Fees for Service, which includes the Youth  
69 Service Bureau.

70

71 **Motion/Second: Richter/Palmquist. To contribute \$1,500 to the Youth Service Bureau for the anticipated**  
72 **services to Afton residents in 2016. Motion carried 5-0-0.**

73

74 **8. CONSENT AGENDA –**

75 **A. Just and Correct Claims**

76 **B. 4M Fund Transfer – MAY - Resolution 2016-23**

77 **C. Authorization for Accountant to pay Utility Bills on AutoPay – Resolution 2016-24**

78

79 **Motion/Second: Richter/Ross. To approve the Consent Agenda, including Resolution 2016-23 and 2016-24 as**  
80 **presented. ROLL CALL: All Ayes. Motion carried 5-0-0.**

81

82 **9. CITY COUNCIL BUSINESS -**

83 **A. Planning Commission Report** – Chair Ronningen reported for the Planning Commission.

84 1. Chaim Teitelbaum Minor Subdivision Application at 15511 Afton Hills Drive -

85 **Applicant Request for Continuation** – Administrator Moorse explained that at its June 6, 2016 meeting, the  
86 Planning Commission approved the minor subdivision with the recommendation that the existing  
87 driveway easement which serves a separate parcel to the south and bisects proposed Parcel C, be allowed  
88 to be used as the point of access for a future house on Parcel C by an Administrative Permit. As the  
89 applicant was not in attendance at the Planning Commission meeting, he did not have an opportunity to  
90 respond to this recommendation. The applicant has requested Council continue action to its July 19  
91 meeting to enable the applicant to determine whether the recommendation would cause any problems  
92 regarding the existing easement agreement. The statutory review period for a subdivision is 120 days vs 60 days  
93 for other land use applications. The 120 day review period expires on August 16, 2016.

94

95 **Motion/Second: Richter/Palmquist. To accept the request for continuation by Chaim Teitelbaum for a**  
96 **Minor Subdivision Application at 15511 Afton Hills Drive to the July 19, 2016 Regular Council meeting.**  
97 **Motion carried 5-0-0.**

98

99 2. Brown Trout LLC Variance Application at 15311 Putnam Boulevard and Minor Subdivision

100 Application at 15311 Putnam Boulevard and 2573 Stagecoach Trail – Applicant Withdrawal of Variance

101 **Application and Request for Continuation of Minor Subdivision Application** – Brown Trout LLC applied for a  
102 variance to allow a driveway on an easement through the adjacent property at 2573 Stagecoach Trail to serve a  
103 house on 15311 Putnam Boulevard and for a minor subdivision to rearrange the lot line between the parcel at 15311  
104 Putnam Boulevard and the parcel at 2573 Stagecoach Trail. The Planning Commission, at its June 6, 2016 meeting,  
105 recommended, on a vote of 7-0-0, denial of the variance application and the minor subdivision application based on  
106 the two parcels being under the same ownership and being nonconforming. Brown Trout LLC has now withdrawn  
107 its variance application due to a change in proposed access and has requested that the Council continue

108 consideration of the minor subdivision application to the July 19, 2016 Regular Council meeting. The statutory  
109 review period for a subdivision is 120 days, which does not expire until August 16, 2016.

110  
111 **Motion/Second: Richter/Ross. To accept the withdrawal of the Variance Application and accept the request**  
112 **for continuation by Brown Trout LLC for a Minor Subdivision at 15311 Putnam Boulevard and 2573**  
113 **Stagecoach Trail S to the July 19, 2016 Regular Council meeting. Motion carried 5-0-0.**

114  
115 Chair Ronningen commented that she understands that the Council wanted to have less detail in their meeting  
116 minutes. However, she requested that more details be put into the Planning Commission minutes, as they will  
117 inform Council of the reasons why recommendations are made to them by the Planning Commission.

118  
119 **Council agreed to discuss the issue at the July City Council meeting or place on a work session agenda.**

120  
121 **B. Engineering Report** – Engineer Diane Hankee reported:

122 1. Staff Report/Council Update - 2016 Crack Fill and Seal Coat project quotes were received from two  
123 contractors. Astech Corp was the low bidder in the amount of \$29,450. Quotes were as follows:

	<u>Contractor</u>	<u>Grand Total Quote</u>
1.	Astech Corp.	\$29,450.00
2.	Allied Blacktop Company	\$56,557.00

124  
125 WSB followed up with the low quote received by Astech Corp. and found they had performed a field visit and  
126 identified less cracking than anticipated (2004 paved roadways). Additionally, Astech Corp. is currently  
127 experiencing a lower than anticipated workload and bid the project competitively. This work will use the excess  
128 seal coat rock stored at the City Garage on Stagecoach Trail.

129  
130 **Motion/Second: Richter/Ross. To accept the quote of the low bidder Astech Corp in the amount of \$29,450**  
131 **for the 2016 Crack Fill and Seal Coat project. Motion carried 5-0-0.**

132  
133 2. Status of Wastewater Treatment System Bids – Administrator Moorse explained that the City received  
134 bids for the wastewater treatment system earlier this spring, but has not awarded the bid because of the timing of  
135 the Section 106 Process and the certification of the bids by the MPCA. The low bid contractor has extended his bid  
136 to remain valid until July 1. Staff and Wenck Associates have been working with the contractor to further extend  
137 his bid through July to enable the bid to be certified by the MPCA and to clarify the amount of flexibility the City  
138 has, and any risks to the City, of awarding the bid prior to the final completion of the Section 106 Process. Work  
139 continues on these issues with the City Engineer and Environmental Attorney, as well as with the Minnesota  
140 Pollution Control Agency and the Public Facilities Authority.

141  
142 **A Special City Council meeting was scheduled for Thursday, June 30, at 3:30 p.m. for discussion of the issues**  
143 **related to the award of the wastewater treatment system bid.**

144  
145 3. Afton Hills Drive repairs – Council Member Ross had this item added to the agenda. He stated that he  
146 was unaware of a “city road plan” and so the City Council has a work session with the Public Works Committee to  
147 review the road work needed and to prioritize the work. He stated he is in favor of pothole filling to hold over Afton  
148 Hills Drive until such time that a reconstruction can be budgeted, assuming that the road can be prioritized.

149  
150 **Motion/Second: Bend/Nelson. To authorize pothole filling not to exceed \$11,000 for the patch repair on**  
151 **Afton Hills Drive as previously described at the May City Council meeting.**

152  
153 Council Member Richter, Chair of the Public Works Committee, felt the “smear coat” would likely fall apart  
154 after one winter and felt this “fix” did not address the underlying problem of the culvert and water drainage  
155 damaging the road.

156 Ken Johnson, Public Works Supervisor, was asked if the culvert was included. He stated the culvert repair was  
157 within the budget.  
158

159 **C. Administration –**

160 1. Designation of Cemetery Road as a Minimum Maintenance Road – Resolution 2016 -25 –

161 Administrator Moose explained that the roadway that bisects the property at 15711 Upper 34<sup>th</sup> Street and continues  
162 up a steep hill to the Mount Hope Cemetery is substantially substandard. In 2011 the City claimed a prescriptive  
163 easement over the road based on the long term use of the road to provide public access to the Cemetery. At the May  
164 17 Council meeting, a petition from two property owners along the road was presented requesting the City to  
165 upgrade and take over maintenance of the road. No residents at the top of the hill had signed the petition. Moose  
166 continued that the City has not maintained this road, as it has been maintained by the residential property owners  
167 who use it for access to their properties. At its May 17 meeting, the Council directed the City Attorney to draft a  
168 resolution designating the road as a minimum maintenance road.  
169

170 **Motion/Second: Palmquist/Nelson. To adopt Resolution 2016-25 designating the road that bisects the**  
171 **property at 15711 Upper 34<sup>th</sup> Street and serves Mount Hope Cemetery as a minimum maintenance road.**  
172 **This designation includes posting signage to that effect at the beginning of the road to inform conditions.**  
173 **ROLL CALL: All Ayes. Motion carried 5-0-0.**  
174

175 2. Resolution to Disband High Speed Internet Committee – Resolution 2016-26 – At its May 17 meeting,  
176 Council directed staff to draft a resolution disbanding the High Speed Internet Committee, as it had completed its  
177 work. Council Member Ross reported that the internet expansion project is to commence in two weeks and be  
178 completed by September.  
179

180 **Motion/Second: Palmquist/Ross. To disband the City’s High Speed Internet Committee per Resolution 2016-**  
181 **26 as it has completed its work. Motion carried 5-0-0.**  
182

183 3. Amend Regulations to City-Owned Cemeteries - Ordinance 07-2016 and Summary Ordinance 06-  
184 2016 – Administrator Moose reported that the Council, at its May 17, 2016 meeting, adopted an ordinance for the  
185 maintenance and operation of City Cemeteries. Because the ordinance is lengthy, a summary ordinance is needed to  
186 enable cost-effective publication of the ordinance. / **Summary Ordinance 06-2016** was provided. In addition, a  
187 review of the ordinance language determined a revision was needed for the language related to the allowance of  
188 future burials. Rather than indicating the City does not expect either cemetery will be used on an ongoing basis for  
189 burial purposes, the language needs to indicate the City will not approve any future burials beyond those already  
190 approved. This language is needed because State statutes require that, if the City approves the request of one person  
191 to be buried, it cannot deny the request of another person to be buried. **Ordinance 07-2016** reflected the amended  
192 language.  
193

194 **Motion/Second: Palmquist/Bend. To adopt Summary Ordinance 06-2016 and Ordinance 07-2016 amending**  
195 **Section 16-27 of the City Cemetery Operation and Maintenance ordinance. ROLL CALL: All Ayes. Motion**  
196 **carried 5-0-0.**  
197

198 4. Hiring of Contracted Videographer for Planning Commission and City Council meetings –

199 Administrator Moose indicated that Mark Nelson had served as a contracted videographer to operate the video  
200 recording equipment during Council meetings for a number of years and that he has chosen not to continue in that  
201 role and requested the City hire a replacement. Also, Pat Joyce, former Office Assistant, videotaped the Planning  
202 Commission meetings prior to his retirement. Therefore, the City needs a videographer for both the City Council  
203 and the Planning Commission meetings. The hourly rate paid to Mark Nelson is \$20 for the first hour and \$12 for  
204 all additional hours. The hourly rate paid to Pat Joyce was his regular rate of \$14.44. The market rate for  
205 contracted part-time videographers is higher than those rates. An outline of rates paid by nearby cities is was  
206 provided: Lakeland: \$100 per meeting for Council meetings which generally are two hours long; Lakeland  
207 Shores: \$75 per meeting; Lake Elmo: A minimum of \$55 per meeting up to 4 hours and additional pay for a  
208 meeting longer than 4 hours.

209 Staff recommended an hourly rate of \$25 per hour. This would make the cost for the average Planning  
210 Commission meeting \$50, as those meetings normally do not extend beyond two hours. The cost for Council  
211 meetings would be between \$75 and \$100 depending on the length. The City received two applications and staff  
212 recommended hiring Spencer Klover, due to his educational background and experience in videography. Staff  
213 believed it was important to have a person in this role who has some educational background in videography, so  
214 that, as the city upgrades the audio equipment and possibly the video equipment, the person can readily learn how  
215 to operate the equipment. Moorse explained the General Fund Budget includes \$1,000 for the contract  
216 videographer. Cost estimates for City Council meetings at 3.5 hours long would be \$1,050. Planning Commission  
217 meetings at 2 hours would cost an additional \$600.

218  
219 **Motion/Second: Palmquist/Richter. To authorize hiring Spencer Klover as a contracted videographer to**  
220 **make recordings of the City Council and Planning Commission meetings at an hourly rate of \$25.00. Motion**  
221 **carried 5-0-0.**

222  
223 5. Reimbursement and/or Contribution for Plants at the City “gateway” signs – Administrator Moorse  
224 explained that the volunteers planting the “gateway” signs at the north and south ends of the City have requested  
225 reimbursement. It was reported to city staff that the AABA had paid Little Foot Farms \$750 in the past to maintain  
226 the sign garden for the season.

227 Council reviewed the background of the “gateway” signs in that the city was asked to contribute funds to build  
228 the signs, which it did, but that the Afton Area Business Association (AABA) owns the signs and therefore  
229 maintenance is the responsibility of the AABA.

230  
231 **Motion/Second: Bend/Richter. To DENY the request for reimbursement for plants purchased to beautify the**  
232 **City “gateway” signs and to DENY the request for the City to contribute an amount annually for the**  
233 **“gateway” sign plants. Motion carried 5-0-0.**

234  
235 6. Charitable Gambling Application from Merrick, Inc. for Lumberyard Pub – Council Member Palmquist  
236 reported that the City received an application for charitable gambling and the Lumberyard Pub has indicated that  
237 their proceeds go to local non-profit organizations such as the River Valley Riders and the Afton Historical  
238 Museum.

239 Mayor Bend suggested that since this was just handed out to Council at the meeting, that staff draft a memo of  
240 conditions for the Lumberyard Pub to follow in regards to appropriate uses of funds and operations expected.

241 Council members felt that state statute detailed the conditions that must be followed for charitable gambling  
242 and that Council may not have the discretion or authorization to regulate it further.

243 **The issue was placed on the agenda for the scheduled June 30 Special City Council Meeting.**

244  
245 7. Form a Grants Committee – Mayor Bend suggested that the City form a Grants Committee that could  
246 work on applying for grants to benefit the community in the arts, city beautification and environmental efforts.

247  
248 **Motion/Second: Bend/Nelson. To authorize that a City Grants Committee be formed and have a draft**  
249 **mission for Council to consider at the July meeting. Motion carried 5-0-0.**

250  
251 8. Screening Ordinance language – Mayor Bend suggested that the City discuss new requirements for  
252 screening structures from the roads to provide flexibility of design and to retain rural character.

253 It was suggested that the issue be sent to the Planning Commission for a recommendation.

254  
255 **D. Committee Reports -**

256 1. Public Works – Richter commented that he’d like the committee to review and reconcile the old road  
257 CIP with the new road CIP. It was suggested that staff update the CIP and keep it on file in City Office records.

258 2. Personnel – Ross reported that a recommendation for the document storage and task management  
259 software will be at the July CC meeting.

260 3. Parks – Palmquist reported that the committee has requested \$1,000 from the Parks Dedication Fund to  
261 have construction drawings completed in order to get an accurate bid. Richter reminded that items incurring costs  
262 from the city should be on the agenda, with background information to be considered.  
263

264 **Motion/Second: Palmquist/Richter. To authorize \$1,000 from the Parks Dedication Fund to have**  
265 **construction drawings completed in order to get an accurate bid for the Town Square Park restroom**  
266 **building. Motion carried 5-0-0.**  
267

268 4. HPC/DR – Moose reported they are getting 13 properties for the local designation process sent to  
269 SPHO. Will have two more to complete. At the July CC meeting there should be some to approve.

270 5. Natural Resources and Groundwater – the committee is proceeding with the well testing.  
271

272 **7B. Tom Niedzwiecki, Budget Report** – Mr. Niedzwiecki reviewed the Financials with Council and staff in  
273 preparation for the 2017 Budget process.  
274

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

276 **A.** Ward 1 Council Member Palmquist – none.

277 **B.** Ward 2 Council Member Richter – none.

278 **C.** Ward 3 Council Member Ross – none.

279 **D.** Ward 4 Council Member Nelson – none.

280 **E.** Mayor Bend – none.

281 **F.** City Attorney Knaak – Prosecution Report is on file.

282 **G.** City Administrator Moose – none.

283 **H.** Easement Acquisition – **Motion/Second: Nelson/Palmquist. To enter a CLOSED SESSION at 9:44**  
284 **p.m. to authorize an offer for easement for Knutson. Motion carried 5-0-0.**  
285

286 **Motion/Second: Nelson/Richter. To come out of CLOSED SESSION at 9:59 p.m. Motion carried 5-0-0.**  
287

288 **11. ADJOURN –**  
289

290 **Motion/Second: Nelson/Richter. To adjourn the meeting at 10:00 p.m. Motion carried 5-0-0.**  
291

292 Respectfully submitted by:  
293  
294

295 \_\_\_\_\_  
296 Kim Swanson Linner, City Clerk  
297

298 **Approved by Council (on July 19, 2016) as (check one): Presented: \_\_\_\_\_ Amended: \_\_\_\_\_**  
299  
300

301 **Signed by Mayor Richard Bend \_\_\_\_\_ Date \_\_\_\_\_**