

**Natural Resources and Groundwater Committee (NRGC) Meeting  
Tuesday, March 7, 2023  
5:00 PM**

**Note: The March 7, 2023 NRGC meeting will be held both remotely and in-person at City Hall. Instructions for participating in the meeting remotely are provided below.**

**Instructions for Participating in the Meeting Remotely Via Zoom**

Options for Joining the Zoom Meeting:

RECOMMENDED: Use your computer, tablet or smart phone to join the meeting by logging on to:  
<https://us02web.zoom.us/j/87686850684?pwd=VXhNMjdUVFZQQ21pNE1ZOURNam4zZz09>

- Meeting ID: (876 8685 0684)  
Passcode: 592378
- Dial-in Number (to call in to the meeting)  
+1 312 626 6799. When prompted, enter Meeting ID: 876 8685 0684

**Agenda**

1. Call to order
2. Roll call: David Husebye, Susan Loomis, Kim Myhers, Jack Kollmer and Elissa Thompson, Cody Kaye
3. Approval of Agenda
4. Approval of Minutes of the February 7, 2023
5. Old Business
  - A. Well testing for Nitrates and coliforms
    - 1) Program for 2023 – David Husebye
  - B. Perflourochemicals (PFC) update – Jack Kollmer
    - 1) Definition of PFCA – See Packet
  - C. List of reference items for NRGC and educational resources for community
  - D. NRGC items for Afton’s monthly newsletter
    - 1) Recycling update
    - 2) Well Testing for 2023
    - 3) VBWD Presentation to NRGC

E. Natural Resources Inventory (NRI) – Report David Husebye

1) Emmons & Olivier: Summary of Updates to Chapter 12

F. Afton Ordinance Chapter 10: Environment

1) See Packet

G. Kelle's Creek Septic System Inspection Program – Report Jack Kollmer

H. NRG Management Organization update

1) Washington Conservation District – Elissa Thompson

2) South Washington County Watershed District – Kim Myhers

3) Middle St. Croix Water Management Organization – Susan Loomis

4) Valley Branch Watershed District – Jack Kollmer

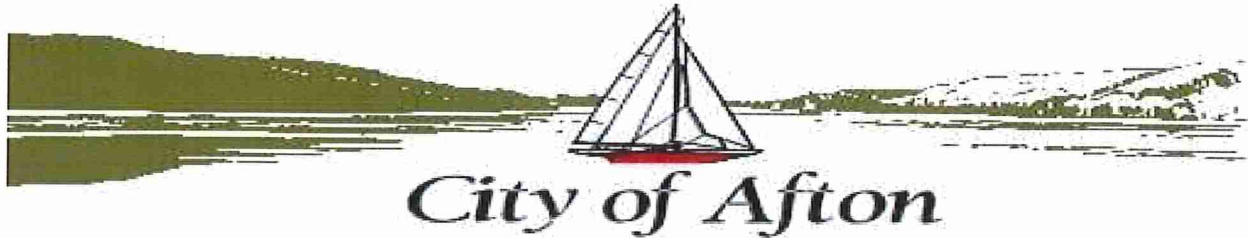
5) Washington County Water Consortium – David Husebye

I. Update on CC and PC Business - Mayor Palmquist

J. Additional agenda items proposed by members

6. Next Meeting Date TBD: April 4<sup>th</sup>, 2023?

7. Adjourn



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<https://us02web.zoom.us/j/88057211641?pwd=NFZxalJPQIBpY3h2dUFJMJjRTbzlrZz09>

- Meeting ID: (880 5721 1641) Passcode: 069114
- Dial-in Number (to call in to the meeting)  
+1 312 626 6799. When prompted, enter Meeting ID: 880 5721 1641

**Agenda**

1. Call to order Jack Kollmer
2. Roll call: David Husebye (**Zoom**), Susan Loomis, Kim Myhers, Jack Kollmer and Elissa Thompson, Cody Kaye (**Excused Absence, new baby**)
3. Approval of Agenda
  - A. **Jack add #4 Addition of newsletter insert**
    - 1) **Approval Motion 1 David**
    - 2) **2<sup>nd</sup> Jack**
    - 3) **Motion 5-0**
4. Approval of Minutes of the January 3, 2023
  - A. **Correction- call to order- add B to David's last name**
    - 1) **Motion to approve- Kim**
    - 2) **2<sup>nd</sup>- Susan**
    - 3) **Approval 5-0**
5. Old Business
  - A. Well testing for Nitrates and coliforms

- 1) Program for 2023 (Jack and David as subcommittee)
  - 1 Voted to continue on an annual basis- in newsletter (Jack)
  - 2 Set up timeline with City (David)
  - 3 Add to April newsletter (Jack) follow up with instructions (David)
- B. Perflourochemicals (PFC) update (Bill Palmquist)
  - 1) Bill- 3M Settlement Group
    - 1 Ron will continue to represent Government
    - 2 Update Natural Resource Inventory with dollars
    - 3 Working group- Representative (new rep for non-drinking water)
    - 4 Elissa- Send map of tested wells to group
    - 5 Add information to newsletter, provide testing information
- C. List of reference items for NRGC and educational resources for community
  - 1) Kim new item- R&E article for newsletter. Hyperlink note- access to links via online newsletter.
- D. NRGC items for Afton's monthly newsletter
  - 1) Recycling update
    - 1 Kim to send in for next month's newsletter
  - 2) Well Testing for 2023
    - 1 David and Jack to put notice in April newsletter
      - a Pick dates for collection 7-9 am June/July
  - 3) VBWD Presentation to NRGC
    - 1 May meeting- Jack to coordinate
  - 4) Add additional items for newsletter
    - 1 Set up calendar
      - a Elissa to set up calendar to track topics
      - b Adopt a Drain program
      - c June article- VBWD presentation
- E. Natural Resources Inventory (NRI) – Report David Husebye
  - 1) David Husebye reached out to Jason
    - 1 Price increase (5-10%)
    - 2 Sources for cost assistance- Outdoor Heritage Fund
      - a 3M Priority 2 Subgroup
    - 3 Committee to look at options and put in a motion for 3M settlement funding at next meeting
- F. Kelle's Creek Septic System Inspection Program – Report Jack Kollmer
  - 1) VBWD Meeting- testing on website. John Hanson e-mail. Impaired waterway listed by MPCA. Motion to get funding for additional testing and replacement.

G. NRCG Management Organization update

- 1) Washington Conservation District – Elissa Thompson
  - 1 **Just returned from 4 weeks in AZ, will update next month**
- 2) South Washington County Watershed District – Kim Myhers
  - 1 **Contact is out of town**
- 3) Middle St. Croix Water Management Organization – Susan Loomis
  - 1 **Adopt a Drain Program- 167 adopted drain, none listed in Afton. Inquire about Afton Adopt a Drain Program.**
- 4) Valley Branch Watershed District – Jack Kollmer
  - 1 **Stakeholder engagement plan for 2025 WD Plan- NRCG to provide input**
  - 2 **VBWD to present to NRCG**
- 5) Washington County Water Consortium – David Husebye
  - 1 **December- AIS Presentations**
  - 2 **Jan- MS4 Permitting**

H. Update on CC and PC Business - Mayor Palmquist

- 1) **Reappointing positions**
- 2) **Bottle spring water- Do not do it- newsletter**
- 3) **Afton Marina suits dismissed/dropped**
- 4) **Rough fish native vs. invasive species- Lower St. Croix Partnership**

I. Additional agenda items proposed by members

- 1) **None**

6. Next Meeting Date TBD: March 7, 2023?

- A. **Motion Kim**
- B. **2<sup>nd</sup> David**
- C. **Vote 5-0 Pass**

7. Adjourn

- A. **Jack**
- B. **2<sup>nd</sup> Susan**
- C. **Vote 5-0 Pass**



## Perfluoroalkyl Substances (PFAS) and Health

ALSO REFERRED TO AS PERFLUOROCHEMICALS (PFCS)

PFAS are a family of manmade chemicals that were used for decades to make products that resist heat, oil, stains, grease, and water. PFAS are extremely stable and do not breakdown in the environment. Common uses of PFAS include 1) nonstick cookware, stain-resistant carpets and fabrics, 2) coatings on some food packaging (especially microwave popcorn bags and fast food wrappers), 3) components of fire-fighting foam, and 4) many industrial applications.

Our understanding and ability to detect PFAS in the environment has evolved since the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Health (MDH) began investigating them in 2002. Laboratories at that time only identified a few PFAS and could not detect very low concentrations. The science in the past also suggested that exposure to very small amounts of PFAS were not a health concern. We are now able to measure extremely small amounts (parts per trillion in water) of a number of PFAS and newer studies suggest that long-term exposure to PFAS in this range might affect the most vulnerable members of the population. MDH continues to monitor the growing body of science about PFAS and we will adjust our health advice as needed.

### What do we know about PFAS in the environment?

- In the environment: Because PFAS are so stable, they may be found in soil, sediments, water or other places. Studies show some PFAS travel through soil and easily enter groundwater, where they may move long distances. Some experts suggest PFAS also travel long distances in air. PFAS have been released to the environment through spills and disposal in the past. For information about where PFAS have been found in Minnesota, see the MPCA [Perfluorochemicals](#) webpage.
- In wildlife: PFAS have been found in many species of wildlife around the world, including fish, bald eagles, and mink in the mid-western U. S.
- In fish: PFOS is a specific PFAS that accumulates to levels of concern in fish. Most fish have low levels of PFOS. However, fish in some Minnesota lakes have levels of PFOS that require restrictive fish consumption advice. Information about PFAS in fish and site-specific meal advice are available on the MDH [Site-Specific Meal Advice for Tested Lakes and Rivers](#) webpage.
- In Minnesota lakes and rivers: PFAS may be present in lakes and rivers at very low levels. MDH has determined that exposure to PFAS through swimming is not of concern. PFAS are poorly absorbed through skin and swallowing small amounts of water while swimming will not result in significant exposure. Also, because there is little evaporation of PFAS from water into the air, breathing them in while swimming or bathing is not a health concern.
- In people: Studies show nearly all people have some PFAS in their blood, regardless of their age. The PFAS most commonly found in human blood are PFOS, PFOA, PFHxS, and PFNA. People are exposed through food, water, dust or consumer products. Some PFAS can build up and stay in the human body for many years. They can also slowly decline if the exposure stops. MDH has conducted three studies that measured PFAS in the blood of East Metro residents. Results showed that PFAS levels in the blood of longer-term residents dropped between 2008 and 2014 after public health interventions were put in place to reduce drinking water exposures. For information about the studies, see the MDH [PFAS Biomonitoring in the East Metro](#) webpage.

## Are PFAS harmful to people?

Scientists are actively studying whether PFAS cause health problems in people. Researchers have found links between PFAS and some human health outcomes. In some studies, higher levels of PFAS in a person's body were associated with higher cholesterol, changes to liver function, reduced immune response, thyroid disease, and increased kidney and testicular cancer. More work needs to be done to determine if PFAS or other factors caused the health outcomes.

There are several different PFAS and health effects are slightly different for each PFAS. The MDH website has information about PFAS shown in the table below with an information sheet noted. Studies in animals have shown some health effects such as changes in development, liver and thyroid function, immune response, and increased kidney weight and cellular changes. Increased tumors were also observed in certain organs in animals exposed to very high doses of PFOA. Research continues on PFAS and health effects such as birth outcomes, hormone balance, cholesterol levels, immune response, and carcinogenicity.

- While we believe the immediate health risks for people exposed to PFAS are low, the latest information indicates that fetuses and infants are more vulnerable. Long term exposure to PFOA and PFOS leads to a buildup of these chemicals in women of child bearing age that results in more exposure to the fetus and breastfed infants. Breastfeeding provides many health benefits to both a mother and infant. MDH recommends that women currently breastfeeding, and pregnant women who plan to breastfeed, continue to do so. For information about breastfeeding, see the MDH [\*About Breastfeeding\*](#) webpage.
- Bottle-fed infants are also of concern because they drink more water per body weight than adults. If you are concerned about exposure through bottle feeding, consider using bottled water as your water source until you have filtered drinking water. This can lower exposure to PFAS for your infant.

Water with PFAS levels above health concern is safe for bathing, showering, swimming or washing clothes and cleaning, but should not be used for drinking or cooking.

## What levels of PFAS are safe to drink?

MDH is responsible for ensuring safe drinking water for all Minnesotans. One way we do this is through regular testing of public water supplies for contaminants. MDH also works with the MPCA to investigate situations where groundwater contaminants may affect private drinking water wells.

MDH has developed health-based guidance values to represent levels for various PFAS in drinking water that MDH considers safe for people, including sensitive populations. The guidance values apply to short periods of time as well as over a lifetime of exposure. The table below shows the PFAS that the MDH Public Health Laboratory can test for and the health-based drinking water guidance values (in parts per billion, or ppb) MDH uses to evaluate drinking water samples. More information can be found on the MDH [\*Guidance Values and Standards for Contaminants in Drinking Water\*](#) webpage.

## PERFLUOROALKYL SUBSTANCES (PFAS) AND HEALTH

### Table of Health-based Values for PFAS

PFAS Detected in Minnesota PFAS Specific Information Sheet Available	Drinking Water Guidance Value (ppb)
perfluorobutane sulfonate (PFBS) <i>PFBS and Drinking Water</i>	2
perfluorohexane sulfonate (PFHxS) <i>PFHxS and Groundwater</i>	0.047
perfluorooctane sulfonate (PFOS) <i>PFOS and Groundwater</i>	0.015
perfluorobutanoic acid (PFBA) <i>PFBA and Drinking Water</i>	7
perfluoropentanoic acid (PFPeA)	Not established
Perfluorohexanoic acid (PFHxA)	Not established
perfluorooctanoic acid (PFOA) <i>PFOA and Drinking Water</i>	0.035

Water samples often contain multiple chemicals. Chemicals in combination may cause effects that would not be predicted based on separate exposures to the individual concentrations of each chemical present. When more than one PFAS for which guidance values are available are present in drinking water, MDH evaluates their “additive” risk. For more information, visit the MDH webpage: [Evaluating Concurrent Exposures to Multiple Chemicals](#).

## How can I reduce my exposures to PFAS?

Completely stopping exposure to PFAS is not practical, because they are so common and present throughout the world.

If you live where drinking water sources are contaminated, you can take the steps below to lower your exposure to PFAS.

- Reverse osmosis and activated carbon filter treatment systems can reduce the levels of PFAS in drinking water in your home. The MDH website has information about inexpensive and easy to use systems you can install in your home to reduce your exposure to PFAS through drinking water. You may choose to use bottled water for drinking and cooking for a short time, but long-term bottled water use will be more expensive than installing a treatment system.
  - [Water Treatment Using Carbon Filters: GAC Filter Information](#)
  - [Home Water Treatment](#)
  - [Evaluation of Perfluorochemical Removal by a Small, In-home Filter \(PDF\)](#)

PFOS may also be present in the fish people catch and eat. The MDH website provides [Site-Specific Meal Advice for Tested Lakes and Rivers](#) for eating fish, including fish caught in areas affected by PFOS contamination.

Ingestion of household dust can also be a significant route of exposure, especially for infants and young children. Dust household surfaces regularly to lower the amount of dust in the house.

## Website links from text above:

1. MPCA webpage: *Perfluorochemicals*  
[www.pca.state.mn.us/waste/perfluorochemicals-pfcs](http://www.pca.state.mn.us/waste/perfluorochemicals-pfcs)
2. MDH webpage: *Site-Specific Meal Advice for Tested Lakes and Rivers*  
<https://www.health.state.mn.us/communities/environment/fish/eating/sitespecific.html>
3. MDH webpage: *PFAS Biomonitoring in the East Metro*  
<https://www.health.state.mn.us/communities/environment/biomonitoring/projects/pfas.html>
4. MDH webpage: *About Breastfeeding*  
<https://www.health.state.mn.us/people/breastfeeding/aboutbf.html>
5. MDH webpage: *Guidance Values and Standards for Contaminants in Drinking Water*  
<https://www.health.state.mn.us/communities/environment/risk/guidance/gw/index.html>
6. MDH webpage: *PFBS and Drinking Water (PDF)*  
<https://www.health.state.mn.us/communities/environment/risk/docs/guidance/gw/pfbsinfo.pdf>
7. MDH webpage: *PFHxS and Groundwater (PDF)*  
<https://www.health.state.mn.us/communities/environment/risk/docs/guidance/gw/pfhxsinfo.pdf>
8. MDH webpage: *PFOS and Drinking Water (PDF)*  
<https://www.health.state.mn.us/communities/environment/risk/docs/guidance/gw/pfosinfo.pdf>
9. MDH webpage: *PFBA and Drinking Water (PDF)*  
<https://www.health.state.mn.us/communities/environment/risk/docs/guidance/gw/pfbainfo.pdf>
10. MDH webpage: *PFOA and Drinking Water (PDF)*  
<https://www.health.state.mn.us/communities/environment/risk/docs/guidance/gw/pfoainfo.pdf>
11. MDH webpage: *Evaluating Concurrent Exposures to Multiple Chemicals*  
<https://www.health.state.mn.us/communities/environment/risk/guidance/gw/additivity.html>
12. MDH webpage: *Water Treatment Using Carbon Filters: GAC Filter Information*  
<https://www.health.state.mn.us/communities/environment/hazardous/topics/gac.html>
13. MDH webpage: *Home Water Treatment*  
<https://www.health.state.mn.us/communities/environment/water/factsheet/hometreatment.html>
14. MDH PDF: *Evaluation of Perfluorochemical Removal by a Small, In-home Filter (PDF)*  
<https://www.health.state.mn.us/communities/environment/hazardous/docs/pfas/poueval.pdf>

For more information about PFAS, visit the MDH *Perfluoroalkyl Substances (PFAS)* webpage at <https://www.health.state.mn.us/communities/environment/hazardous/topics/pfcs.html>

Minnesota Department of Health  
Site Assessment and Consultation  
Unit PO Box 64975,  
St. Paul, MN (zip) 55164-0975  
(phone) 651-201-4897  
hazard.health@state.mn.us  
www.health.state.mn.us

3/30/2019

To obtain this information in a different format, call: 651-201-4897.



## Harmful Substance Compensation Program

This fact sheet, prepared by the Minnesota Pollution Control Agency (MPCA) explains how individuals can get financial aid for property damage or personal injury caused by harmful chemical substances.

### What is the Harmful Substance Compensation Program?

The Harmful Substance Compensation Program (HSCP) was created to compensate persons who suffer certain kinds of injury or property damage from exposure to harmful substances in Minnesota. This exposure may come from water, soil, or air contaminated by improperly disposed of or discharged chemical waste, petroleum, or agricultural chemicals.

The HSCP was established to provide an administrative alternative to filing lawsuits against the person or company responsible for the damage. Decisions on compensation are made by the Commissioner of the MPCA. The Commissioner receives advice as necessary from physicians knowledgeable in toxicology, from health professionals knowledgeable about injuries caused by harmful substances, and from the Minnesota Attorney General's staff.

### What kinds of personal injury are eligible for compensation?

Injuries eligible for compensation from the HSCP are those caused by exposure to an identifiable harmful substance and may include:

- A chronic or progressive disease, illness or disability, such as cancer, organic nervous system disorder, reproductive disorder, or physical deformity.
- Acute diseases or conditions that are obvious after limited exposure to a harmful substance released into the environment, provided the party responsible for the release is unknown or unable to compensate the victim.

### What kinds of property damage are eligible for compensation?

If the contamination is at the person's principal residence, eligible damages include:

- The reasonable cost of replacing or decontaminating drinking water at a home when the Minnesota Department of Health has advised that the water not be used for drinking.
- The reasonable cost to install a vapor mitigation system at a home when the MPCA has recommended a system be installed to protect human health due to soil vapor intrusion of harmful substances.
- Losses for the sale of a home at less than the appraised market value if the sale was necessary due to a hardship for the owner. Compensation is limited to 75% of the difference in the appraised market value and the selling price.
- The increased cost to maintain two residences when caused by the inability of a property owner in a hardship situation to sell the property due to the contamination.

For eligible property damage, the compensation is limited to \$25,000 for each loss.

Claims for rental or business property or second homes are not eligible.

## What types of injuries are ineligible for compensation?

Injuries that are not eligible for compensation include:

- Injuries that result from workplace exposures and for which an award is made under worker's compensation.
- Injuries caused by use of consumer products.

The person responsible for the release of the harmful substance cannot file a claim.

## How are injuries compensated?

For eligible injuries, compensation includes:

- Reimbursement for medical expenses.
- Reimbursement for lost wages or income and for lost household labor.
- Payment of death benefits to dependents.

Compensation for lost wages, lost household labor, and death benefits is limited to \$24,000 each per year. There is no limit on medical expenses, but the maximum award to any one person cannot exceed \$250,000.

## Is there a time limit on filing a claim?

A personal injury claim must be filed within two years after the injury and its connection to exposure to a harmful substance was discovered.

A property damage claim must be filed within two years after the total amount of compensable losses can be determined.

## Are there restrictions on filing a claim?

- A claim cannot be filed by a person who has received compensation for the injury or damage from the party responsible for the release of the harmful substance.
- A person cannot bring an action in court and before the MPCA Commissioner for the same injury or damage at the same time.
- Double recovery is prohibited. If a person accepts an award from the MPCA Commissioner, the person cannot bring an action in court for that same injury or damage.
- If a person has received a favorable court judgment, the person cannot file a claim with the MPCA Commissioner unless the judgment was not paid.

A person does not need an attorney to file a claim. If the person chooses to be represented by an attorney, the attorney's fee for a property damage claim is limited to 15% of the amount awarded. No limit exists for fees on injury awards.

## How are claims decided by the MPCA Commissioner?

After an investigation of a claim, the MPCA Commissioner or Commissioner's delegate drafts a preliminary decision to grant or deny compensation with an explanation. This preliminary decision is provided to the claimant for review. If the decision is accepted by the claimant, it becomes final. If the claimant is not satisfied with the preliminary decision, the claimant can challenge the preliminary decision. A notice of the challenge must be received by the MPCA Commissioner within 30 days of receiving the preliminary decision. This challenge consists of an informal hearing before the Commissioner, in which more evidence can be introduced or witnesses can be heard. After this informal hearing, the MPCA Commissioner's decision is finalized. There is no right to judicial review.

For personal injury claims, the MPCA Commissioner must grant compensation when information provided by the claimant and the Commissioner's investigation show it to be likely that:

- The claimant has an eligible injury and eligible losses.
- The claimant has been exposed to an identifiable harmful substance.
- The claimant's exposure was due to the release of the harmful substance from a facility in Minnesota.
- The claimant's injury can be caused or significantly contributed to by exposure to the harmful substance in the amount and duration of the claimant's exposure.

For property damage claims, the MPCA Commissioner must grant compensation when information provided by the claimant and the Commissioner's investigation show it to be likely that:

- The claimant has eligible damage and eligible losses under the law governing the HSCP.
- A release from a facility in Minnesota could have caused the presence of the harmful substance on the property.
- The MPCA determines that drinking water or soil vapor corrective measures taken are comparable to actions the agency would implement to protect public health.

## **For more information**

For more information or to obtain a claim application form, call Gary Krueger, MPCA Superfund Program, at 651-757-2509.

For an authoritative description of the rights and procedures that govern the Harmful Substance Compensation Program, please refer to [Minn. Stat. §§ 115B.25-36](#) and [Minn. R. ch. 7190](#).

MPCA website: <http://www.pca.state.mn.us>.



# Granular Activated Carbon Filters

**U**ncontaminated well water is usually considered to be a safe source of drinking water. When a well becomes contaminated, a water treatment system (a filter with granular activated carbon, or GAC) is a proven method for removing organic chemicals like trichloroethylene and perfluorochemicals from the water. When contaminant levels in a well exceed health-based limits, the Minnesota Pollution Control Agency (MPCA) may install a whole-house GAC filter. This filter traps the contaminants so that your drinking water meets health-based limits. This fact sheet is intended to provide you with information about the filter and steps you can take to ensure it operates properly.

## What is GAC?

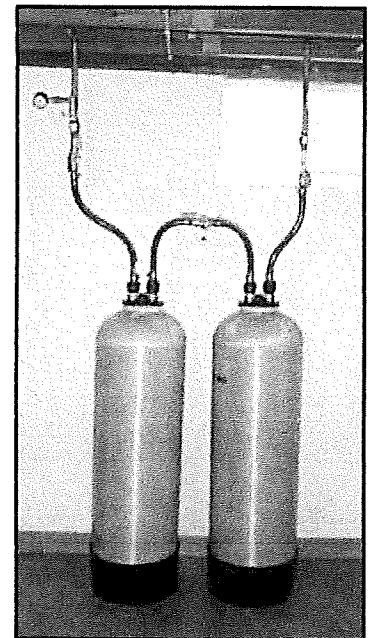
Granular activated carbon is made from raw organic materials, such as coconut shells or coal, which are high in carbon. Heat is used to activate the surface area of the carbon. The activated carbon removes certain chemicals from the water passing through a GAC filter by trapping the chemical in the GAC. However, other chemicals, like iron and nitrate, are not attracted to the carbon and therefore are not effectively removed.

It is important to know the level of contaminants and the volume of water used in order to determine the correct size and components of the filtration system. All treatment systems require proper installation, periodic monitoring, and maintenance. Eventually, the GAC loses its ability to trap and remove chemicals and it needs to be changed. The MPCA determines when MPCA-installed filters need to be changed. In some cases, the GAC can last several years depending on contaminant levels and water use.

## About your GAC filter system

A whole-house filter is installed at a point on the home's water supply plumbing which will result in treatment of all water that travels to any faucet or fixture in the home. Typically, the MPCA will exclude outside faucets and sprinkler systems. It removes the chemicals before they are ingested, inhaled, or absorbed through the skin during washing or bathing. This is important for some chemicals that readily evaporate from water or easily pass through the skin.

The filters are usually cylindrical in shape and about four feet tall and 15 inches in diameter. These filters are usually installed as a pair, although more may be required in some situations. Two filters arranged in sequence ensure that any organic chemical that might get past the first filter is trapped by the second. When the MPCA recommends a filter be changed out, the second filter is moved to the first position and a new filter is



placed in the second position. Often MPCA contractors will perform the change-outs. Sample ports located before, between and after the filters allow for testing of the water at each location (see diagram).

Systematic monitoring and a maintenance schedule based on contaminant levels and water use are essential to ensure that the GAC filters function properly and that a change-out occurs before the system loses its ability to trap chemicals.

Typically, a simple water meter is installed with the GAC filter to monitor water use. The MPCA will contact you periodically for a meter reading. This is critical to properly monitor the performance of the GAC filter system.

### What can I do to ensure that my drinking water remains safe?

The GAC filter system is designed to remove the contaminants detected in your well water. However, there are some important steps you need to take to ensure that the filter continues to operate properly:

- Consider testing your unfiltered well water once a year for nitrate and coliform bacteria. These are common contaminants in private wells, often resulting from septic systems or fertilizer use. Your county public health department may be able to provide you with a simple test kit. Please provide a copy of the results to your MPCA staff contact.
- If a test detects coliform bacteria and you need to chlorinate (“shock”) the well to kill the bacteria, you may need to temporarily bypass the filter system to prevent the chlorine from quickly using up filter capacity. Talk to your MPCA staff contact for guidance before doing this.
- Allow the MPCA or its contractor to collect a sample or conduct maintenance on the system when the MPCA deems it necessary, and provide the MPCA with meter readings when asked. This is very important to monitor and ensure continued filter system performance.
- If you are away from home for a week or more, thoroughly flush the system by completely opening a filtered tap or faucet for at least 30 minutes before using any water for drinking or cooking purposes. This will help remove any bacteria or other contaminants that may have built up while the GAC filter system was not in use. Although rare, bacteria

in the system can convert nitrate to nitrite, which can be especially toxic for infants and young children.

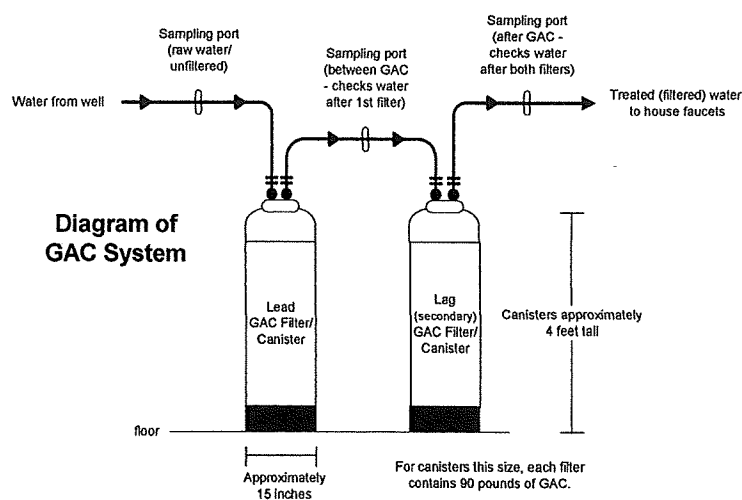
- Check your system on a monthly basis to ensure that there are no leaks, or that the system has not been accidentally bypassed (allowing untreated water to reach the taps). Report any problems, changes in water pressure, or unusual taste, odor or appearance to your MPCA staff contact.
- If you are installing other types of water treatment units, such as a water softener or reverse osmosis unit, please work with the MPCA to ensure that the additional systems do not compromise the operation of the GAC filter system.

Properly maintained, the GAC filter system will provide drinking water for you and your family that meets health-based limits for the contaminants found in your well.

### Contact information

If you have questions or concerns regarding the installation or operation of the GAC filter system, contact the MPCA staff person who is assigned to your project. The MPCA general telephone number is 651-296-6300 or 800-657-3864.

If you have questions regarding health concerns associated with contaminants in drinking water, please contact the Minnesota Department of Health’s Site Assessment and Consultation Unit at 651-201-4897 or [health.hazard@state.mn.us](mailto:health.hazard@state.mn.us).





February 20, 2023

David Husebye  
 City of Afton  
 Sent via email: [dhusebye@gmail.com](mailto:dhusebye@gmail.com)  
**Subject: Afton NRI Update**

Dear Mr. Husebye:

Thank you for contacting EOR with your interest in updating the City of Afton Natural Resources Inventory. As you know, EOR completed the original work in the early 2000's. As nearly two decades have past, an update to the past work is recommended. From our previous conversations, EOR has compiled a list of tasks and estimated fees.

- A. Evaluation of data from prior work, most current GIS data, and the City of Afton's priority areas, followed by a kickoff meeting to help guide efficient and meaningful inventory efforts. (24 hours). Estimated Fee= \$3,200
- B. Create Natural Resources Inventory (104 hours). Estimated Fee = \$13,500
  - a. Field inventory of notable/priority areas (i.e. changes in development, high quality natural areas).
  - b. Assess trends in landuse changes, invasive species trends/changes, etc.
  - c. Establish priority resource management objectives throughout identified priority areas.
- C. Analyses of field data and report development (40 hours). Estimated Fee = \$5,100
  - a. Analysis of field data.
  - b. Use of GIS mapping to summarize field data.
  - c. Provide report on land use changes, trends and areas/resources of interest.
- D. Editing, finalization, and submittal of NRI report for the most efficient utilization of the City of Afton (26 hours). Estimated Fee = \$3,400
  - a. Address any comments the city may have on the report draft.
  - b. Ensure that the edited/submitted NRI report will be helpful in future grant applications and studies undertaken by the City of Afton.

Task	Cost
A- Evaluate Existing Data	\$3,200
B- Natural Resources Inventory	\$13,500
C- Report Development	\$5,100
D- Finalization & Submittal	\$3,400
Total:	\$25,200

We look forward to continuing conversations with you about this natural resources work. As your conversations progress at the city level, please let us know what additional information you need to develop a refined scope of work and fee.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. R. Naber'.

Jason R. Naber  
 Sr. Partner- Ecology Team Lead

To: Afton City Council and Community Members  
From: Spencer J Peck, Emmons & Olivier Resources  
Date: May 5, 2016  
Re: Summary of Updates to Chapter 12

### Memorandum

This memorandum briefly summarizes the changes made to Chapter 12 – Zoning, of the City of Afton Code of Ordinances. These changes were required as part of the City's efforts to adopt a new ordinance regulating stormwater management and erosion and sediment control. The new ordinance is contained in a new Chapter 13 – Stormwater Management and Erosion and Sediment Control.

The changes to Chapter 12 are very small in scope and serve to ensure consistency within and among the various City ordinances. Modified Chapter 12 provisions are also designed to alert community members and developers that new stormwater management and erosion control provisions are codified in Chapter 13. The changes are listed in the bullet points below.

- **Sec. 12-55. Definitions.**
  - Several new definitions were added to ensure new terms are clear and understandable. Some of the new terms are not necessarily contained in Chapter 12, but are included in Chapter 13.
- **Sec. 12-132(C)(1). Minimum requirements.**
  - This section lists and describes “additional engineering and design guidelines” for use within the “agricultural zone.”
  - This provision might have been unintentionally overlooked in previous conversations regarding adopting Chapter 13. It might be useful for City Staff to review this provision and decide if anything needs to happen. In its current state, this may be duplicative of the plans and documents required for the SWPP/ESCP permitting process.
- **Sec. 12-215. Land reclamation and land grading.**
  - Updated terms for consistency with new Chapter 13. Specifically, replaced old terms, such as “drainage” with “stormwater management.”
  - Added new criteria for the Zoning Administrator to consider when determining whether to require a stormwater pollution prevention plan or erosion and sediment control plan. The old list was outdated, and inadequate to protect water resources from the full range of causes of pollution.
  - Added language ensuring SWPPs and ESCPs meet the standards of Chapter 13.
- **Sec. 12-217. Drainage.**
  - Updated language to apply provisions to sites “with the potential to cause unreasonable flooding” as a result of stormwater runoff.
  - Modified language to direct stormwater run-off to “stormwater management facilities that are consistent” with Chapter 13. Removed conflicting, outdated stormwater management practices.
  - Added a clause requiring any increases in stormwater runoff rates or volumes to comply with Chapter 13
- **Sec. 12-409. Stormwater Management.**
  - This section formerly contained general and specific goals for stormwater management.

- Deleted all old provisions, and replaced with new provisions requiring all building permits and land disturbing activity to obtain a SWPP or ESCP as required by Chapter 13.
- **Sec. 12-1474. Financial Guarantee**
  - Updated language and terms for financial guarantees for Grading and ESCP plans.
  - Added a clause requiring financial guarantees for SWPPs.

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**\*Cross references** – Environmental assessment worksheets and environmental impact statements, § 12-89; radiation and electrical interference, § 12-202; storage of hazardous materials, § 12-203; explosives, § 12-204; environmental pollution, § 12-205; environmental nuisances, § 12-206; miscellaneous nuisances, § 12-207; noise § 12-208.

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ARTICLE I. IN GENERAL

Secs. 10-1--10-25. Reserved.

ARTICLE II. NUISANCES\*

Sec. 10-26. Prohibition.

No person shall cause or permit any nuisance to exist or to be maintained upon property situated in the whole or in part within the limits of the city.  
(Code 1982, § 1101.101)

Sec. 10-27. Enumeration.

Nuisances prohibited by this article include the following:

- (1) Obstructions and excavations affecting the ordinary use of or rendering dangerous a public street, alley, sidewalk, or other public property.
- (2) The maintenance of any tree or shrub, which causes damage to any public sewer, street, alley, sidewalk or other public property.
- (3) The allowing of rain, water, ice or snow to fall from any building onto, or to flow across any public street, alley, sidewalk or other public property.
- (4) To pump a cesspool so as to allow the contents thereof to flow onto another's private property or any street, alley, sidewalk or other public property.
- (5) The doing of any act which may alter or affect the drainage on, onto, or from public streets, alleys, sidewalks, or other public property, including but not limited to the placing of driveways, driveway entrances, or culverts.

(Code 1982, § 1101.102)

Sec. 10-28. Abatement.

Upon any nuisance being found in the city, the City Council may by majority vote, order the owner, lessee or occupant or any person having care or control of any such lot or land to abate the nuisance and shall issue a written notice to such person allowing five days after the service of notice for such person to comply.

(Code 1982, § 1101.103)

Cross reference(s)--Abatement of nuisance dogs, § 6-5.

Sec. 10-29. Assessment of cost.

If the nuisance is not abated within five days in compliance with the notice, the City Council shall cause the nuisance to be abated and shall recover the actual cost thereof, plus an additional 25 percent of such expenditure, by civil action against the person or persons served; or, if service of notice of assessment of such cost has been made upon the record owner, as shown on the records of the county auditor, by ordering the clerk to extend such sum, plus 25 percent thereof as a special tax against the property upon which the nuisance existed and to certify the same to the county auditor for collection in the same manner as taxes and special assessments are certified and collected.

(Code 1982, § 1101.104)

Secs. 10-30--10-65. Reserved.

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\*Cross references—Determination of dogs as a public nuisance, § 6-4; abatement of nuisances caused by individual sewage treatment systems, § 12-2087; abatement of nuisance mining, § 12-2303.

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**State law references**—Authority to define and abate nuisances, M.S.A. § 412.221, subd. 31; nuisances generally, M.S.A. § 561.01 et seq.

**ARTICLE III. PROTECTING GROUND WATER AND SURFACE WATERS  
FROM FERTILIZER, PESTICIDE OR OTHER HERBICIDES**

**DIVISION 1. GENERALLY**

**Sec. 10-66. Intent and purpose.**

This article is adopted for the purpose of:

(a) Regulating permitted uses in the city, and; regulating the use of certain lawn care practices. The use of certain lawn care practices within the city will be regulated to preserve and enhance the water quality of the lakes, ponds, wetlands, creeks, and St. Croix River, prevent erosion into these water bodies, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, protect fish and wildlife habitat, and preserve the economic and natural environmental values of the surface waters and underground waters of the city to the best of its ability.

(b) Conserving and developing natural resources, and maintaining a high standard of environmental quality.

**Sec. 10-67. Statutory authorization and policy.**

(a) Statutory authorization. This article is adopted pursuant to the authorization and policies contained in Minn. Stat. Ch. 103A-1, Minnesota Regulations, Parts 6120.2500-6120.3900, and the planning and zoning enabling legislation in Minn. Stat. Ch 462.

(b) Policy. The uncontrolled use of the waters and shorelands within the city, affects the public health, safety and general welfare by contributing to pollution of public waters and degradation of the environmental and aesthetic values and by impairing the local tax base. Also, the inability of local land use controls on areas where there is sensitivity to pollution of the bedrock aquifers and water table aquifers can greatly lead to the degradation of the ground water. Therefore, it is in the best interest in the public health, safety and general welfare to provide for the wise development, use, and conservation of the land and waters with the city. Furthermore, the Minnesota legislature has delegated responsibility to local governments of the state to regulate the subdivision, development and use of shorelands of public waters and thus to preserve and enhance the quality of surface waters, to manage the effects of shoreland crowding, to conserve the economic, historic and natural environmental values of shorelands, and to provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the city.

**Sec. 10-68. General provisions and definitions.**

(a) Jurisdiction. The provisions of this article apply to the entire city due to the fact that all lands drain runoff or surface water directly or indirectly into the lakes, streams, and tributaries of the St. Croix River.

(b) Correlation with other political units of government. In addition, to the following provisions as set forth in this ordinance all property owners shall also abide by Minnesota State Statute 18C, as well as any related WMO and Watershed District's rules and regulations in respect to ground water and surface water protection.

(c) Interpretation. In their interpretation and application, the provisions of this article shall be held as minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(d) Severability. If any section, clause, provision or portion of this article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected thereby.

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(e) Abrogation and greater restrictions. The restrictions set forth in this chapter do not apply to flower or vegetable gardens less than 1,000 in square feet, except if they are within the buffer zone. In addition, all agriculture, rural or suburban, uses shall be exempt from this chapter.

§ 10-70

### Sec. 10-69. Definitions.

*Commissioner.* "Commissioner" means the commissioner of agriculture.

*Buffer zone.* Buffer zone means the two hundred (200) foot wide strip of land, measured at a right angle to the shoreline or the ordinary high water level, adjacent to every lake, pond, wetland, creek, river or standing water surface.

*Fertilizer.* Fertilizer means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by rule by the commissioner.

*Flower or vegetable gardens.* The use of land for growing or showing plants and vegetables for private use or consumption.

*Half-life.* The period of time it takes for one-half of the amount of pesticide in the soil to degrade.

*Lot.* Lot means a parcel of land designed by plat, metes and bounds, registered land survey, auditor's plat, or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

*Pesticide.* Pesticide means insecticides, herbicides and fungicides.

*Quick-release nitrogen.* Quick-release nitrogen means ammonium nitrate, ammonium sulfate, creek or river within the city.

*Slow-release nitrogen.* Slow-release nitrogen means IBDU (isobutylidene diurea), sulfur-coated or resin-coated urea, ureaformaldehyde, bio-sludge from a WWTP, and natural organics such as milorganite, ringer, sustane, manure, grass clippings, phosphate rock, potash, and sewage sludge from the wastewater treatment plant.

### Sec. 10-70. Restrictions.

#### (a) Fertilizers.

- (1) Fertilizing is prohibited between November 15<sup>th</sup> and April 1<sup>st</sup> due to frozen soil conditions.
- (2) Lot owners who fertilize should have their soil tested at least once every three years by a soil test laboratory such as the University of Minnesota to determine the proper amounts of nitrogen and potassium to be applied.
- (3) Fertilizer, yard waste or grass clippings must not be cast up or applied to an impervious surface such as a driveway, sidewalk, or street. If this material is inadvertently spilled upon such a surface it should be swept and cleaned from the surface or piled in drainage ways.
- (4) Whenever possible property owners shall use fertilizers with a half life of seven days. A listing of fertilizers which meet this requirement of the ordinance will be available at the City Hall.
- (5) The use of fertilizer on vegetable or flower gardens is prohibited in the buffer zone.

#### (b) Compost Sites.

- (1) Compost sites shall not be permitted within any buffer zone.

#### (c) Phosphorus.

- (1) General. Fertilizers containing phosphorus are prohibited on lawns unless the soil is demonstrably phosphorus deficient. Phosphorus may be applied if the following conditions apply or are met:

## AFTON CODE

- A. A tissue, soil or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth;
  - B. The property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or
  - C. The fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.
  - D. Applications of phosphorus fertilizer authorized under paragraph (b) must not exceed rates recommended by the University of Minnesota and approved by the commissioner.
- (2) Flower and vegetable gardens. Fertilizer containing no more than three (3) percent phosphorus is permitted on flower and vegetable gardens not located within the designated buffer zone.
- (d) Nitrogen.
- (1) Application of more than 2 pounds actual nitrogen per 1,000 square feet of lawn per year on "low maintenance" lawns applied at 1 pound in the spring and 1 pound in the fall and of more than 4 pounds actual nitrogen per 1,000 square feet of lawn per year on "high maintenance" lawns applied at 2 pounds in the spring and 2 pounds in the fall is prohibited unless the lot owner has a written recommendation from a competent professional based upon a reliable soil test for higher nitrogen applications.
  - (2) Only 50 percent controlled slow-release nitrogen organic fertilizer may be used. The use of quick-release nitrogen is prohibited.
  - (3) If nitrogen is applied at rates greater than those specified in subsection (1) above, the lot owner must provide copies of the written recommendation required therein to the city forester.
- (e) Pesticides (insecticides, herbicides, and fungicides).
- (1) The use of chemical pesticides shall be in accordance with their label.
  - (2) Before using chemical pesticides, the lot owner must consult the Minnesota Extension Services, the Washington Conservation District or other competent professional to diagnose properly the pests, disease or other vegetative problems, and to determine if pesticide use is justified or if there are other control options.
  - (3) When consultation as provided under subparagraph (b) has determined that pesticide use is warranted, a pesticide program may be implemented, provided that:
    - A. When choosing a pesticide, the lot owner must consider toxicity, effectiveness, and availability. The city discourages stockpiling of supplies.
    - B. The pesticide must be applied only and exactly as directed on the label.
    - C. Pesticide applications must be properly timed to maximize their overall effectiveness.
    - D. Pouring of excess pesticide on the ground or into the lakes or other surface waters is prohibited.
    - E. Pesticide treatment of aquatic organisms is limited to licensed professionals and may not be performed by landowners.

### DIVISION 2. COMMERCIAL LAWN FERTILIZER REGULATIONS

#### **Sec. 10-71. Regulations for commercial lawn fertilizer applicators.**

- (a) License required. No person, firm, corporation or franchise shall engage in the business of commercial lawn fertilizer application within the City of Afton, unless a license has been obtained from the city clerk as provided herein.
- (b) License application procedure. Applications for a commercial lawn fertilizer license shall be submitted to the city clerk. The application shall consist of the following:
  - (1) Name, address and telephone number of applicant and any individuals authorized to represent the applicant.
  - (2) Description of lawn fertilizer formula proposed to be applied on lawns within the city

## ENVIRONMENT

- (3) A time schedule for application of lawn fertilizer and identification of weather conditions acceptable for lawn fertilizer application.
- (4) Fertilizer sample. A sample of lawn fertilizer must be submitted to the city along with the initial application for a license, and, thereafter, at least 30 days before fertilizer composition changes are implemented. A sample submittal can be replaced by a chemical analysis certified by an independent testing laboratory.
- (5) License fee. The license fee will be as designed, from time to time, by city council resolution. The license will expire on the 31<sup>st</sup> day of December. The license fee will not be prorated.
- (6) Performance bond. A bond will also be submitted with the application form in an amount to be determined at the discretion of the council. The bond will be conditioned upon compliance with the city's regulations. Actions to collect bond proceeds may not prevent the city from filing criminal complaints for ordinance violations.

(c) Conditions of license. A commercial lawn fertilizer applicator license shall be issued subject to the following conditions which shall be specified on the license form:

- (1) Random sampling. Commercial lawn fertilizer applicators shall permit the city to sample any commercial lawn fertilizer to be applied at any time after issuance of the initial license.
- (2) Possession of license. The commercial lawn fertilizer applicator license or a copy thereof shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the City.
- (3) State regulations. Licensee shall comply with the provisions of the Minnesota Fertilizer and Soil Conditioner Law as contained in Minn. Stat 17.11 through and including 17.729 and amendments thereto.
- (4) Compliance with city regulations. The licensee must abide by the restrictions on the use of fertilizers and pesticides that are contained in this article.

### **Sec. 10-72. Enforcement.**

(a) Enforcement. The city council is responsible for the administration and enforcement of this article.

(b) Violations and penalties. Any violation of the provisions of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both, plus the cost of prosecution in any case. Violations of this article can occur regardless of whether or not a permit is required for a regulated activity pursuant to this article.

(c) Civil remedies. This article may also be enforced by injunction, action for abatement, or other appropriate civil remedy, or by citation written and processed as an administrative proceeding in city court.  
(Ord 7-2005, § 25-1 –25-7, 5/17/2005; Ord 10-2005, § 25-1 – 25-7, 6/21/2005)

### **Secs. 10-73 – 10-90. Reserved.**

(Ord 06-2013, § 10-66 – 10-72, 3/19/2013)

## ARTICLE IV. TREE DISEASES

### **Sec. 10-91. Adoption of county model regulations.**

The September 5, 1972, resolution of the board of county commissioners of the county, setting forth regulations to prevent, control and eliminate epidemic diseases of shade trees, is hereby adopted by reference in its entirety except as modified in section 10-92. Not less than three copies of such resolution are on file in the office of the city clerk.

(Code 1982, § 1102.101; Res. No. 1997-16, § 4, 6-17-97)

### **Sec. 10-92. Modifications to county regulations.**

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Wherever used in the model regulations adopted in section 10-91, the words "county" or "County of Washington" shall mean the city, and the words "county board" shall mean the City Council, insofar as may be necessary to effectuate the policy of this article, which is hereby declared to be to cooperate with and participate in the program of the county to prevent, control and eliminate epidemic diseases of shade trees.  
(Code 1982, § 1102.102; Res. No. 1997-16, § 4, 6-17-97)

**Secs. 10-93—10-110. Reserved.**

### ARTICLE V. RIGHT TO FARM

**Sec. 10-111. Short title.**

This chapter shall be known and may be cited as the Right-to-Farm Ordinance.

**Sec. 10-112. Definitions.**

For the purpose of this section, the following terms have the meanings given them:

- (a) "Agricultural operation" means a facility and its appurtenances for the production of crops, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products.
- (b) "Established date of operation" means the date on which the agricultural operation commenced. If the agricultural operation is subsequently expanded or significantly altered, the established date of operation for each expansion or alteration is deemed to be the date of commencement of the expanded or altered operation. As used in this paragraph, "expanded or significantly altered" means:
  - (1) An expansion by at least 25 percent in the amount of a particular crop grown or the number of a particular kind of animal or livestock located on an agricultural operation; or
  - (2) A distinct change in the kind of agricultural operation, as in changing from one kind of crop, livestock, animal or product to another, but not merely a change from one generally accepted agricultural practice to another in producing the same crop or product.

**Sec. 10-113. Nuisance.**

- (a) An agricultural operation is not and shall not become a private or public nuisance after two years from its established date of operation if the operation was not a nuisance at its established date of operation.
- (b) An agricultural operation is operating according to generally accepted agricultural practices if it is located in an agriculturally zoned area and complies with the provisions of all applicable federal and state statutes and rules or any issued permits for the operation.
- (c) The provisions of this Section do not apply:
  - (1) to a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices or to applicable state or local laws, ordinances, rules, or permits;
  - (2) when an agricultural operation causes injury or direct threat of injury to the health or safety of any person;
  - (3) to an animal feedlot facility with a swine capacity of 1,000 or more animal units as defined in the rules of the pollution control agency for control of pollution from animal feedlots, or a cattle capacity of 2,500 animals or more; or
  - (4) to any prosecution for the crime of public nuisance as provided in section 609.74 or to an action by a public authority to abate a particular condition which is a public nuisance.

**Sec. 10-114. Disclosure in development permits.**

Prior to the issuance of any development permit for a use on agricultural land, the owner of the property shall be required to sign a statement of acknowledgment containing a Right-to-Farm disclosure, as set forth in Sec. 10-115.

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The acknowledgment shall be on a form provided by the Zoning Administrator and made available to the public. The Zoning Administrator shall file development permit disclosure forms with the Washington County Recorder.

### **Sec. 10-115. Disclosure to buyers.**

Upon any transfer of real property, subject to the acknowledgement required in Sec. 10-114, by sale, exchange, installment and sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, the transferor shall deliver to the prospective transferee a Right-to-Farm disclosure statement signed by the transferee to be filed with the Washington County Recorder in conjunction with the transfer instrument.

### **Sec. 10-116. Repeal of Laws in Conflict.**

All City Ordinances applying in conflict with any provisions of this Ordinance are hereby repealed.  
(Ord 1997-24, 6/15/99)

### **Secs. 10-117 – 10-118. Reserved.**

\*Cross references – Wind Energy Systems, § 12-229 C.3.a. Performance standards, noise; agricultural operations, § 12-189;

## ARTICLE VI. TREE PRESERVATION AND REFORESTATION

### **Sec. 10-119. Purpose.**

The intent of this ordinance is to preserve, protect, maintain, and manage the community's existing forest resource and the planting of trees to aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce storm water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide protection against severe weather; aid in the control of drainage and restoration of denuded soil subsequent to construction of grading; provide a haven for birds which in turn assist in the control of insects; protect and increase property values; conserve and enhance the City's physical and aesthetic environment and generally protect and enhance the quality of life and the general welfare of the city.

### **Sec. 10-120. Affected Areas.**

This Ordinance shall apply to the following areas or applications to the City:

- (a) Any subdivision, regardless of the particular zoning district.
- (b) Any planned unit development.

### **Sec. 10-121. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Diameter.* The measurement of a tree's trunk measured at 4.5 feet above the ground.

*Drip line.* The farthest distance away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or branches of the tree.

*Forestry Specialist.* A landscape architect or forester who has been retained by the applicant.

*Lost significant trees* within subdivisions, planned unit developments, new construction permits, excavation and fill permits, or other land alteration permits, which were not identified to be lost within a tree preservation plan, shall be considered lost as a result of:

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- (a) Grade change or land alteration, whether temporary or permanent, of greater than one (1) foot; or
  - (b) measured vertically affecting sixty (60) percent of the tree's root zone; or
  - (c) Primary construction (i.e. sewer, water, storm sewer, gas, electric, telephone and cable television and trenching) resulting in the cutting of sixty (60) percent of the tree's roots at or within the root zone; or
  - (d) Mechanical injury to the trunk of a significant tree causing the loss of forty (40) percent of the circumference of the bark; or
  - (e) Compaction to ninety (90) percent of proctor to a depth of six (6) inches, or more, of sixty (60) percent or more of the surface of the soil within the tree's root zone.
- (Ord 1997-33, 5/16/00)

*Primary construction zones* within Subdivision or Planned Unit Development applications. All areas disturbed by construction of streets, sanitary sewer, water, storm sewer, gas, electric, telephone and cable television and trenching.

*Replacement Trees* must be at least two (2) caliper inches as defined by the American Standard for nursery stock (ANS 1-2-60) current edition for deciduous trees and at least six (6) feet high for coniferous trees. Replacement trees shall be of the following genus: maple, linden, honey locust, oak, ash, bass wood, birch, fir, spruce, pine and other trees native to Minnesota, or the City.

*Secondary construction zones* within Subdivision or Planned Unit Development applications. All area that is occupied by a structure, driveways, parking areas, areas above utility lines (including sanitary sewer, water, storm sewer, electric, cable television, natural gas, telephone and other similar utilities), Plus an additional portion of the lot which extends from the furthest projection of the structure thirty (30) feet surrounding the proposed building area. This shall also include areas extending ten (10) feet beyond all edges of the driveway and paved areas and five (5) feet beyond the edge of the utility line trench.

*Significant trees.* A healthy deciduous tree measuring six (6) inches in diameter or greater or a healthy coniferous tree measuring four (4) inches greater in diameter.

*Tree.* Means a woody plant which at maturity is thirteen (13) to twenty (20) feet or more in height and having a more or less definite crown.

*Tree preservation plan within Subdivision and Planned Unit Developments.* A plan certified by a forester or landscape architect, indicating all of the significant trees in the proposed development or subdivision. The tree preservation plan shall include the size, species and surveyed location of all significant trees within the area of development, primary or secondary construction zones. A tree replacement plan must also be submitted if the proposed tree loss exceeds the allowable percentage of tree loss.

*Tree preservation plan within Subdivisions and Planned Unit Developments for new home construction.* The applicant for new home construction must provide a site plan on a certified survey indicating the tree preservation plan originally submitted and approved during the subdivision or planned unit development process. Any additional tree loss not approved during the subdivision and planned unit development process must follow the replacement guidelines. Furthermore, security of \$1,000 will be held until the replacement trees have been planted and successfully survived for a period of one year from the date of planting. If no replacement trees are anticipated, the security will be reduced to \$500 and be remitted to the applicant upon successful completion of the final occupancy inspection which has verified the tree preservation plan has been followed. No deposit is required when there are no significant trees on the lot.

*Tree preservation plan within indicated "Wooded Areas" for new construction, excavation and fill permits or any other land alteration permits.* This applicant must provide a tree preservation plan certified by a forester, landscape architect indicating all of the significant trees in the proposed construction area. (For purposes of

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applying this definition, construction area shall include all areas to be disturbed by grading for excavation and fill permits and 30 feet surrounding the building pad area, 10 feet along driveways). The tree preservation plan shall include the size, species and location of all significant trees within the area and identify trees which would be removed. Replacement of the trees must adhere to the tree replacement guidelines set forth below. Single or individual lot development would not be required to submit this plan.

*Tree protection.* Snow fencing or erosion control fencing placed at the drip line of significant trees to be preserved. The tree protection measures shall remain in place until all primary grading activity is terminated and the forestry specialist has certified to the city that the tree preservation plan has been followed. Fencing must be placed on a lot by lot basis, as new structures are constructed. A tree survey will be submitted by a registered landscape architect, licensed forester or other professional approved by the City, to determine existing baseline canopy coverage. In addition, two trees will be planted in the boulevard per 100 feet of front footage on any subdivision. (Ord 1997-33, 5/16/00)

*Tree root zone.* The area under a significant tree which is at and within the drip line of the tree.

### **Sec. 10-122. Replacement Guidelines.**

*Tree replacement within Subdivisions and Planned Unit Developments.* Tree replacement shall be required if primary and secondary construction remove more than 30% of the significant trees. Every tree lost beyond 30%, shall require replacement at a rate of ½ inch for every 1 inch of tree loss. The applicant must supply a tree replacement plan which has been certified by a forestry specialist.

*Tree replacement within Subdivisions and Planned Unit Developments for new home construction.* Significant tree loss occurring beyond the indicated tree preservation plan as submitted during the Subdivision or Planned Unit Development process shall require tree replacement at a rate of one (1) inch for every inch of tree lost. If during construction, a tree is lost (unplanned), as described in the definition section, the replacement rate increases to two (2) inches for every inch of tree lost.

### **Sec. 10-123. Reforestation Guidelines.**

*Reforestation.* In the event of a subdivision or PUD in an area where there are less than 15 trees per acre, reforestation will occur to achieve this ratio. The following criteria will be used to determine reforestation:

- (a) Trees must be from the approved list of desirable species,
- (b) No more than 1/3 of the trees may be from any one tree genus,
- (c) Not less than 20% of the trees shall be conifers,
- (d) Tree replacement sizes will be followed and
- (e) Trees shall be used that are appropriate to the soil conditions found on site.
- (f) Two trees (consistent with tree replacement standards and included as part of the overall calculation for reforestation) will be planted in the boulevard per 100 feet of frontage in any subdivision.

### **Sec. 10-124. Security for Tree Replacement and Reforestation.**

*Security within Subdivisions or Planned Unit Developments.* A letter of credit, cash, or escrow will be provided by the applicant, in favor of the City, in an amount of 150% of the tree replacement estimate. If the project requires

securities for other improvements, this amount will be held in the same security. If a Subdivision or Planned Unit Development does not require replacement, a \$10,000 security will be held until certification of the forestry specialist has been submitted indicating the tree preservation plans have been followed.

*Security within Subdivisions or Planned Unit Developments for new home construction.* Security, in the form of

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a letter of credit, cash, or escrow will be provided by the applicant, in favor of the City, in the amount of \$1,000 (charged with the building permit fees) will be held until the replacement trees have been planted and successfully survived for a period of one year from the date of planting. If no replacement trees are anticipated, the security will be reduced to \$500 and be remitted to the applicant upon successful completion of the final occupancy inspection which has verified the tree preservation plan has been followed. (The deposits are not deemed to be in lieu of tree replacement.)

*Security for new construction, excavation and fill permits, or other land alteration activities, not within a Subdivision or Planned Unit Development.* Security, in the form of a letter of credit, cash, or escrow will be provided by the applicant, in favor of the City, in the amount of \$1,000 (charged with the building permit fees) will be held until the replacement trees have been planted. If no trees are planned to be replaced, but significant trees are located on the construction area, the security will be reduced to \$300. At the point of final inspection for new construction or an inspection after the permit work has been completed, and has complied with the tree preservation plans, the deposits will be returned to the applicant.

### **Sec. 10-125. Remedies for issues with the Tree Preservation Ordinance.**

If disputes arise as a result of this applying this ordinance, the City Council may gather information regarding the situation and determine the best remedy for the dispute.  
(Ord 1997-33, 5/16/00)

### **Sec. 10-126 – 10-129. Reserved.**

## **ARTICLE VII. OPEN BURNING PROHIBITED**

### **Sec. 10-130. Purpose.**

It shall be unlawful for any person to start or allow to burn, any open fire on any property within the city without first having obtained a "burn permit" from the Lower St. Croix Valley Fire Protection District, except for supervised recreational or cooking fires contained within approved fire rings, pits or barbecue grills.

### **Sec. 10-131. Definitions.**

"Recreational fires" are defined as being three feet in diameter at the base with flame height not exceeding 3 feet and is fueled only by natural wood with logs 3 inches in diameter or larger. Fires fueled by other materials, including but not limited to treated or painted wood, plastic, rubber, leaves, grass, trimmings or any garden or yard vegetation, regardless of size, are not recreational fires.

### **Sec. 10-132. Recreational fires.**

- (a) Recreational fires must be:
  - (1) Constantly attended by a person until the fire is totally extinguished.
  - (2) Shall not be conducted within 15 feet of a structure or combustible material.
  - (3) Take place on the owner's property and shall be a minimum of 5 feet from property lines.
  
- (b) A means of quickly extinguishing the fire must be readily available for immediate use. Acceptable on-site fire extinguishing means include at least one of the following:
  - (1) Portable fire extinguisher with a minimum 4-A rating.
  - (2) A shovel with readily available dirt or sand.
  - (3) A hooked up and operational garden hose, or a water barrel.

### **Sec. 10-133. Burning Ban.**

When a burning ban has been issued by the Commissioner of the Minnesota Department of Natural Resources or other authorized unit of government, the city reserves the right to suspend all recreational fires for the duration of the ban.

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### **Sec. 10-134. Extinguishing fires.**

A fire must be extinguished if it is smoldering or becomes a nuisance (i.e., annoys, causes injuries, or endangers health, safety, comfort, or repose of the public) to others or if not under supervision.

### **Sec. 10-135. Responsibility.**

Recreational fires on property of multi-family residences or on rental property are the responsibility of property management or association. When applicable residents must adhere to property management/association rules/regulations and these guidelines.

### **Sec. 10-136. Public Nuisance.**

Failure to comply with this ordinance constitutes a public nuisance and, in addition, is subject to a fine equal to the costs of Fire Department actions needed to ensure compliance and safeguard life and property.  
(Ord. 01-2010, 2/16/10)