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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. ROLL CALL** – Present: Langan, Wroblewski, Kopitzke, Seeberger, Bowman, Nelson, Doherty and Chair  
10 Ronningen. **Quorum present.** Absent: Patten.

11  
12 **ALSO IN ATTENDANCE** –City Administrator Ron Moore. [City Clerk Kim Swanson Linner prepared  
13 minutes from the video.]

14  
15 **4. APPROVAL OF AGENDA** – Added Item C under Old Business for Training of PC members who haven't  
16 had training.

17  
18 **Motion/Second: Doherty/ Nelson. To approve the November 7, 2016 Planning Commission agenda as**  
19 **amended. Motion carried 8-0-0.**

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21 **5. APPROVAL OF MINUTES** –

22 **A. October 3, 2016 Planning Commission Meeting Minutes** – One minor typo on Line 84: “by” should be  
23 “bye.”

24  
25 **Motion/Second: Bowman/Wroblewski. To approve the October 3, 2016 Planning Commission Meeting**  
26 **minutes as amended. Motion carried 5-0-3 (Abstain: Nelson, Langan, Kopitzke due to absence from the**  
27 **October meeting).**

28  
29 **6. REPORTS AND PRESENTATIONS** – none.

30  
31 **7. PUBLIC HEARINGS** –

32 **A. JoAnn Fox Conditional Use Permit application for a Private Kennel at 2855 Nybeck Avenue S** – Chair  
33 Ronningen indicated the Public Hearing was continued from last month, however, the application has been  
34 withdrawn.

35  
36 **Motion/Second: Nelson/Doherty. To close the Public Hearing for the JoAnn Fox application for a**  
37 **Conditional Use Permit (CUP) for a Private Kennel at 2855 Nybeck Avenue S due to the application being**  
38 **withdrawn, as the kennel was found to not be needed. Motion carried 8-0-0.**

39  
40 **B. Localized LLC Application for Conditional Use Permit for a Nature Center at 2167 Oakgreen Avenue**  
41 **and Two Adjacent Parcels with PID#s 16.028.20.23.0001 and 16.028.20.23.0002** – Chair Ronningen opened the  
42 Public Hearing at 7:04 p.m.

43 Administrator Moore summarized the application by Localized LLC, a non-profit organization, which has  
44 purchased 60 acres of property at 2167 Oakgreen Avenue and two adjacent parcels with PID #'s  
45 16.028.20.23.0001 and 16.028.20.23.0002 for a proposed Nature Center. The 2167 Oakgreen parcel is zoned  
46 Agricultural and the other two parcels are zoned Rural Residential. The property is generally wooded and has  
47 steep topography. The southerly portion of the property is adjacent to Valley Creek. The applicant is proposing to  
48 preserve the property as open space for use as a nature center, with activities including a community garden, and  
49 hiking and biking trails. The applicant is involved in discussions with Washington County and the Minnesota  
50 Land Trust regarding placing a conservation easement on the property. The survey of the property showed  
51 proposed locations of a community garden, a parking lot, a storage shed and the hiking and biking trails. Because  
52 of areas of steep topography, it would be important that the bike trails are designed and maintained in a way that  
53 protects the steep slopes and prevents erosion.

54 Moore indicated the Supplemental Packet detailed:

55 **Community Garden.** The applicant is considering hiring a volunteer to organize and manage the garden plots  
56 in exchange for the use of a garden plot. Some farmers who currently grow produce for the restaurant owned by  
57 the applicant may use garden plots to grow produce.

58        Conservation easement. The applicant is planning to place a conservation easement on the property. The  
59 applicant is working with the Minnesota Land Trust.

60        Mountain biking events. The first priority of the applicant is to protect the land. The use of the property for  
61 mountain biking would be implemented in phases, dependent upon the ability to protect the land. The first phase  
62 would be a recreation-level bike trail that would not be suitable for races. The next step could be a trail at a level  
63 that could be used as a mountain biking practice venue.

64        Access Control. The applicant is not planning to fence the entire property, but rather is planning to create a  
65 distinct perimeter at the western boundary of the property with a gate at the driveway. The applicant is considering  
66 a gate with a lock with an access code. Trail users would need to register on-line to obtain the access code, and  
67 there would be a limit on the number per day who could obtain the access code.

68        Lighting. The only lighting would be solar-powered, motion-sensitive lighting at the storage shed.

69        Security. Sheriff's Deputies cannot go on to private property to enforce city ordinances. The applicant will  
70 give deputies permission to go on the private property. The city could request that deputies regularly patrol this  
71 area.

72  
73        Moose detailed the following general findings for consideration by the Planning Commission:

- 74        1. The applicant has submitted the necessary documents for a Conditional Use Permit.
- 75        2. The applicant is proposing to preserve the property as open space for use as a nature center with a  
76        community garden, hiking and biking trails, a parking lot and a storage shed.
- 77        3. The applicant has provided a site plan showing the conceptual location of the community garden, the  
78        parking lot, the storage shed and the trails. The applicant has not developed final plans for the parking lot,  
79        the shed or the bike trails.
- 80        4. The applicant has provided an outline of the activities planned for the property. The applicant has not  
81        developed a detailed plan for how those activities are to be managed.
- 82        5. Access into the site is proposed at one location off Oakgreen Avenue via a driveway which accesses the  
83        parking lot.
- 84        6. The proposed parking area meets setback requirements.
- 85        7. The proposal meets impervious coverage requirements.

86  
87        Moose listed the conditions recommended to be placed on the nature center use as follows:

- 88        1. The property must be used and maintained in a way that protects and preserves the land and particularly  
89        the natural features and sensitive areas such as steep slopes, woods and streams.
- 90        2. The property must be used and maintained in a way that maintains a natural and attractive appearance.
- 91        3. Sufficient off-street parking must be provided for all uses.
- 92        4. Off-street parking must be set back a minimum of 100 feet from adjacent properties, and must be  
93        screened from adjacent properties by vegetative screening.
- 94        5. No overnight accommodations are allowed.
- 95        6. Hours of operation shall be the same as those for City Parks.
- 96        7. The number and size of events are subject to review and approval by the City.
- 97        8. The applicant shall provide sanitation facilities and solid waste management sufficient to meet the needs  
98        generated by the proposed uses.
- 99        9. All appropriate provisions of the Afton Code of Ordinances shall be complied with for the duration of the  
100       permit.
- 101       10. Any Valley Branch Watershed District permit requirements shall be met for the duration of the permit.
- 102       11. City Engineer specifications and recommendations for all work including the driveway and the parking  
103       lot shall be met for the duration of the permit.
- 104       12. Any necessary grading and drainage plans, including ponding areas, shall be constructed according to  
105       plans approved by the VBWD and the City Engineer.
- 106       13. A storage shed is allowed to serve the nature center use, and must conform to all related regulations.
- 107       14. The design and location of the parking area shall conform to the approved site plan and shall meet the  
108       approval requirements of the City Engineer and the VBWD.

- 109 15. If any lighting is provided, it shall require an administrative permit. Any lighting shall be designed so that  
110 light is not directed toward the perimeter of the property. Lights shall not be allowed to adversely affect  
111 other properties in the area.
- 112 16. Design, location, and specifications of all signs shall conform to the Afton Sign Ordinance. All signs shall  
113 require a permit to be issued by the Zoning Administrator.
- 114 17. Non-compliance with the conditions of this permit shall be considered a violation and may result in  
115 revocation of this permit.
- 116 18. Compliance with conditions of this permit shall be monitored on a periodic basis. The conditions of this  
117 permit shall apply to the property described and shall not in any way, except as herein noted, be affected  
118 by any subsequent sale, lease, or other change in ownership.
- 119 19. Construction shall begin within one year of the date of issuance of this permit or the permit shall become  
120 null and void.

121 Applicant Localized LLC owners, Julia Emmer and Olivier Vrambout, bought the land for conservation of the  
122 land and providing recreation and community uses. They have hired a trail engineer, but he needed leaves to be  
123 down in order to assess the heavily treed areas and has much experience planning trails with conservation  
124 easement. The applicant indicated there would be no trail access to Valley Creek from the property.  
125

#### 126 Public comments

- 127 1. Scott Blasko, 14020 Valley Creek Trail, whose property is at the end of the Oakgreen cul-de-sac of the  
128 applicants' property. Recommended that each commission member walk the land. He reported that the  
129 entire property is sandy and would be prone to erosion. He would like a fence put up around the property  
130 if it is approved.
- 131 2. Deborah Doyle, (Joe Meissner property) 14186 Valley Creek Trail, spent 3 years planning for horses on  
132 her property, putting fences around the trees, so that animals and wildlife co-habitate. The ravines form  
133 the natural watershed; she made sure they were not impacted. She believes if trails are put in on the steep  
134 slopes that the natural watershed will be impacted causing erosion to run into Valley Creek. If the public  
135 is there, they will come down the hills and will want to see the horses. She would like a fence to be put in,  
136 so the public will know of and abide by the property boundaries.
- 137 3. Scott Blasko spoke again, noting that the applicant proposes to "restore" the natural site. He urged all  
138 members to go see all the dump sites on the property, which had to be cleaned up prior to sale. He asked  
139 if the property was to be tax-exempt and taken off the tax rolls.

140 Chair Ronningen indicated there was no information in the packet the applicant's status as a non-profit, tax-  
141 exempt organization.

- 142 4. Mary Ruglowski, 14775 Valley Creek Trail, spoke that if the public has access to Valley Creek, they will  
143 be able to go anywhere along the creek. The homeowners now protect the creek by not allowing public  
144 access from their private property. During fishing season people come in off the bridges and then can go  
145 along the creek to fish for trout. She feels that there should be a fence so that the public cannot gain  
146 access to Valley Creek from the proposed nature center property.
- 147 5. Debra Hall, spoke in agreement and briefly described an incident where two people in the creek became  
148 extremely abusive to the property owner. She called the Sheriff and were told there is nothing they could  
149 do as long as the people are in the water. The creek runs through the middle of her property. She is  
150 concerned about what would happen if someone hurts themselves in the section of creek that runs through  
151 her property.
- 152 6. Scott Blasko, has had similar incidents of people in the creek. There is no easement, so people have to  
153 enter directly from a bridge. He was in favor of "no approval."
- 154 7. John Doyle, 14378 Valley Creek Trail, indicated that Valley Branch Watershed District had just  
155 completed a ravine restoration project very close to this property.
- 156 8. Mike Snyder, 14668 Valley Creek Trail, regarding the Valley Branch Watershed District ravine  
157 restoration, asked if the VBWD would need to review this proposal.

158 Chair Ronningen indicated that perhaps the Valley Branch Watershed District should review and comment on the  
159 proposal if they have not and that is something the Commission can request be done.  
160

**Motion/Second: Wroblewski/Langan. To close the Public Hearing at 7:26 p.m. Motion carried 8-0-0.**

Commission Discussion

Mark Nelson indicated that according to the topography map, if the bike trail crosses nine contour lines ~~then the slope is~~ within a 100 foot distance would be an 18% slope, which in Afton is not allowed to be disturbed. He noted it appears that the trail crosses nine contour lines in several places, which based on the scaling, would exceed an 18% slope. --*The applicant spoke that the drawing was just to show something on paper and not a calculated proposal for the bike trails. The trails were placed on the topographic map to get a sense of the "size" of the trail and have not been located or calculated by their consultant.*

Ronningen noted that it is expected that in this type of application, the city requires an accurate map of the proposed locations of trails and uses and the trails would have to have accurate slopes indicated on the topography map. She indicated that if this map is not accurate, this is not a complete application and there is a problem with that.

Bowman asked if the applicant had a background in trail maintenance. He noted his experience in a 24-hour mountain bike race at Afton Alps, where he had to repair a section of trail multiple times all night long, and the trail had similar soil to what is on this property. He asked how important is the bike trail portion of the overall proposal. *The applicant indicated that each portion of the proposal is a part of the whole, which is conservation and recreational use, to be offered to the community.*

Bowman asked how many parking places they have in mind. --*The applicant said they do not have the information to say how many they need. They do not know how many would access the site a day.*

Wroblewski asked if there is a home on the site. *The applicant indicated the home had been previously demolished.* It was asked if MN Land Trust is interested. *The applicant indicated said that the Land Trust is waiting for a decision by the city.*

Kopitzke commented that the ordinances don't have any standards for trails or nature centers. So in terms of those non-conditions, the application meets standards. If the property is under conservation easement and under watershed district jurisdiction, the slopes will need to be protected as part of the conservation agreements. The comments from the public indicated two main issues: a desire to protect the creek and possible fencing to eliminate access to the creek, contain the public on the site, and protect the neighbors. However, fencing runs contrary to preserving it as a wild space, by hindering wildlife movement.

Doherty noted that nature centers are permitted, hiking and biking trails are not "not permitted" and they would be following the natural contours of the land the city could address their impact. When the shed, parking lots and trails come to the city as permits, the city can review those. As to the question of whether they can have a nature center, the ordinance allows that use.

Ronningen stated she had a lot of problems with the application. She felt there were no defined plans included in the application. For the record, she indicated that Belwin does not allow bicycles on their trails. The trails on Belwin are old access roads, not newly created hiking trails. She was very concerned about the nature of the soil. The maps don't show the soil makeup; most of the land is thick with trees and part of it is buckthorn, so if the buckthorn is taken out, what does that do to erosion? She indicated that the application did not have any information supporting Localized LLC's status as a not-for-profit. If the community garden is raising food for a restaurant, that would be a for-profit activity. She felt that the application needed a more detailed and thought-out plan for the property for the city to be able to make an informed decision.

Moorse indicated that the proposed parking is to be 100 feet from property lines instead of the normal 50 foot setback from property boundaries.

Ronningen asked if it was anticipated this property would be having a septic system or porta-potties. *Moorse indicated porta-potties.* Ronningen indicated that if porta-potties, they need to be screened, as that is what was required at Woodbury Lutheran at Manning and Bailey Road and this should be defined in the conditions.

Bowman wondered if, because of the issues raised, the commission should table the application to give the applicants time to consider answers to the questions, allowing the commission to have more comfort in the decisions.

Doherty cautioned commission to not put extra constraints on the application, such as access to the Valley Creek.

212 Kopitzke said it would be good to know what the erosion control plan would be on the bike trails. *The*  
213 *applicant indicated that their trail consultant has 46 years' experience in planning bike trails, so they are*  
214 *confident the trails will be maintained in concert with the integrity with the landscape. There are a lot of*  
215 *stakeholders involved in the mixed use for this land.*

216 Ronningen stated that it is very difficult to respond to the application unless they have in front of them  
217 concrete, detailed plans of what the applicants envision. Without that, the commission has no information on  
218 which to base their decision to protect the city, for the protection of topography, water and animals. If the  
219 application does not define it, they cannot judge it.

220 Kopitzke stated that the Planning Commission has only one shot at approving a Conditional Use Permit for a  
221 nature center. If the city does not have the details of what is planned prior to the approval, then conditions cannot  
222 be put on the use for protections, and then in theory, the owners could bulldoze, etc. because the city was not  
223 given details of the use on which to place conditions. The city can't really do that later; it has to be done now.

224 Doherty spoke again about approving the Conditional Use Permit for the nature center now and then in the  
225 future, when the applicants get ready to construct a parking lot, or building, etc. then the city can put on the  
226 conditions. So that all items on the property could be administrative by the ordinances, as they would not change  
227 the land.

228 Ronningen disagreed, noting that trails would change the land. She indicated that most of the property has  
229 steep slopes.

230 Nelson noted that the slopes are shown and they are showing steep slopes on the trails.

231 Ronningen noted that the parking lot is shown conceptually; the application does not indicate whether parking  
232 would be for 5 spaces or 100 spaces. The parking lot would be in the findings, #'s 5, 6 and 7.

233 Kopitzke stated when dealing with a Conditional Use Permit, they are dealing with conditions that may be  
234 needed to protect the neighborhood and meet the ordinances.

235 Wroblewski felt that the big concern is protecting the creek and having fencing, but to protect the private  
236 property rights of neighbors who have Valley Creek running through their land.

237 Nelson felt the city should organize a time where all can go out to the property.

238 *The applicant stated they did submit a soil map.*

239 Ronningen indicated that the soils show loamy sand and flaggy loam. She wondered what Valley Branch  
240 Watershed District (VBWD) had to say about those very erodible soils. She didn't think the VBWD had been  
241 given the application to review.

242 *The applicant asked about items that Moorse had indicated that the proposal "doesn't do this" and wondered*  
243 *if all the items needing to be addressed have been addressed.*

244 Wroblewski commented that Afton values open space and this application seems like something that would  
245 be welcomed here. However, she felt she needed more detailed information on how the concerns were going to be  
246 addressed.

247  
248 **Motion/Second: Doherty/Kopitzke. To recommend that City Council APPROVE the application for a**  
249 **nature center with the 19 conditions listed on pages 2 and 3 of the memo with the addition requiring porta-**  
250 **potty screening on condition #8.**

251  
252 Nelson noted that condition #1 states that the steep slopes will be protected and the trails are shown crossing  
253 slopes of 18%; he noted he could not vote for the motion.

254 Bowman asked who would enforce and inspect the uses proposed.

255 Ronningen indicated that the city engineer would be involved in inspecting the construction of trails;  
256 indicated in conditions #11 and 12.

257 Doherty asked Nelson if he could vote on the motion if the application required trails not to be constructed on  
258 slopes of 18% or greater.

259 Nelson felt he could not, as the soils indicate sand.

260  
261 **Motion failed 3-5-0 (Aye: Doherty, Kopitzke, Wroblewski).**  
262

263 **Motion/Second: Langan/Nelson. To recommend that City Council DENY the application by Localized LLC**  
264 **for a Conditional Use Permit for a nature center use at 2167 Oakgreen Avenue and two adjacent parcels**  
265 **with PID #s 16.028.20.23.0001 and 16.028.20.23.0002, based on the findings: the biking and hiking trails are**  
266 **shown to be on steep slopes and would violate the city ordinances for protection of steep slopes from**  
267 **erosion, and the application does not have a definitive plan for public access. Motion carried 5-3-0 (Nay:**  
268 **Doherty, Kopitzke, Wroblewski).**

269  
270 **8. NEW BUSINESS –**

271 A. 2017 Planning Commission Meeting Schedule – Chair Ronningen suggested that the January meeting be  
272 moved to the 9<sup>th</sup> and the September meeting be moved to the 11<sup>th</sup>, to keep the meetings on Monday, rather than to  
273 move them to a different day of the week.

274  
275 **Motion/Second: Ronningen/Doherty. To move the January meeting to Monday the 9<sup>th</sup> and the September**  
276 **meeting be moved to the 11<sup>th</sup>. Motion carried 8-0-0.**

277  
278 **9. OLD BUSINESS -**

279 A. Comprehensive Plan Update Process – Chair Ronningen called on Commissioner Seeberger for an update  
280 on the housing section of the Comprehensive Plan.  
281 Seeberger indicated she was immersed in it several months ago, but it has been fading from her mind.

282  
283 Environmental

284 Langan commented that he thought the language was loose.

285 Ronningen stated that is how the Comprehensive Plan is written. It goes from overview, then to policies, and  
286 then to goals and strategies. She pointed out the Appendix has soil types.

287 Langan felt some language could be added; such as external encroachment of wells, and other items seemed  
288 not to have any information, such as what will be done to protect well-water from going dry.

289 Kopitzke commented that perhaps a listing of the soils that need protecting is appropriate to add.

290 Ronningen suggested adding strategies to protect the supply of ground water and area aquifers, and maintain  
291 aquifers at levels of existing wells.

292 Langan commented that those issues are connected to density and that use cannot exceed supply. He felt it  
293 could be written in more of an engineering manner and not so much as a planner.

294 Kopitzke wanted a discussion of invasive species and clear cutting.

295 Seeberger commented that the septic sewer section was amended in 2015. Page 25, first full paragraph, has  
296 the language “Old Village residents and businesses...the Old Village has a small margin for error...” New  
297 language: “To mitigate these concerns the City is constructing a large septic treatment and sanitary collection  
298 system to serve the Old Village area...” Do we want to tweak this now or later?

299 Ronningen asked about the timetable.

300 Moore indicated that the project expects to start in Spring 2017. Moore stated that at the initial meeting it  
301 appeared that native tribe representatives were amenable to the project, but later raised concerns that the city is in  
302 the process of addressing.

303 Bowman asked if the city conducted testing of the mound for artifacts or burial evidence

304 Moore indicated that testing was conducted but nothing was found.

305  
306 Housing

307 Seeberger read a part that indicates “the Village has blighted structures...” and asked if that was true?

308 Ronningen stated that the language was meant to indicate the state of structures without offending.

309 Seeberger asked what, if anything, has been done to the levee at this point. Does the language need to be  
310 updated now? Can it wait until just before the Comprehensive Plan is due, or will it need to go in the next  
311 Comprehensive Plan?

312 Moore stated the levee will be upgraded during the Downtown Improvements Project which will begin in  
313 Spring 2017. The language will need to be revised when the project is done.

314 Seeberger asked of the Strategies on Page 28, #1-9, how many are done? Does the city have new ones? And  
315 can those items being completed be crossed off during the project in the Old Village.

316 Moose said it appears most of the strategies have or will be completed with the downtown improvements  
317 project.

318 Seeberger asked if the City has planned conservation areas in the overlay district?

319 Commissioners thought the remarks were heavily oriented towards the Old Village. Seeberger stated that she  
320 could read through the section again with a concentration to the rural portions of Afton.

321

322 Transportation

323 Kopitzke commented that it seemed the policies were old in terms of what the city might need to do. For  
324 instance, the plan includes a goal of providing access through Afton to other areas. He didn't feel that is consistent  
325 with current practices. He feels that cul-de-sacs are now used and preferred in subdivisions; Afton is not trying to  
326 create a flow of traffic through the city.

327 Ronningen asked if the Bus Rapid Transit needs to be added.

328 Nelson indicated the Comp Plan now states Light Rail Transit.

329 Moose stated the BRT is now only going to come to the first exit in Woodbury, Radio Drive, and will have a  
330 big transit station on Bielenberg Road.

331 Kopitzke wondered if Afton needs to state whether it is in favor of rapid transit. He also asked if the city has  
332 an update to the minor collector streets. Some roads' status may have changed, therefore changing how they are  
333 defined and categorized.

334 Ronningen mentioned that Traffic Analysis Zones may not have been included in the 2010 Census; she will  
335 check on the data. The other sections will be reviewed at the next meeting.

336

337 **B. Draft City Council Minutes** – Administrator Moose reported that the solar farm application was  
338 withdrawn; the Brockman application was approved with changes to the screening and landscape plan. The City  
339 Council approved the triggers for the septic inspections in accordance with their original proposal; they did not  
340 like the Commission's changes to Item B. They approved the steep slope ordinance amendment and approved the  
341 installation of cluster mailboxes for security of mail.

342

343 **C. Training for new PC members** – It was requested that new Planning Commission members be registered  
344 for training. [New members Langan, Wroblewski and Patten were registered and given access to the online Land  
345 Use Planning Basics training in 2015. 2016 new member Roger Bowman has been registered for the same online  
346 training. He will receive an email directing him to the training by the League of Minnesota Cities.]

347

348 **10. ADJOURN –**

349

350 **Motion/Second: Doherty/Wroblewski. To adjourn the meeting at 8:40 p.m. Motion carried 8-0-0.**

351

352 Respectfully submitted by:

353

354

355

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

357

358 **To be approved on December 5, 2016 as (check one): Presented: \_\_\_\_\_ or Amended:  X**