



City of Afton

PLANNING COMMISSION AGENDA

January 8, 2024

7:00 pm

Afton City Council Chambers
3033 St. Croix Trail
Afton, MN 55001

Please Note: This meeting will be held in-person, as well as remotely using the Zoom video conference application.

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/86979719391?pwd=ZXBjdjUrd3NUWkU1YlcwQllMa0VwUT09>

- (Meeting ID: 869 7971 9391)

Passcode: 832341

- Dial-in Number (to call in to the meeting) +1 312 626 6799

When prompted, enter Meeting ID: 869 7971 9391

AGENDA

1. **CALL TO ORDER –**

2. **PLEDGE OF ALLEGIANCE –**

3. **ROLL CALL -**

- a) Sally Doherty
- b) Kris Kopitzke (Chair)
- c) Jim Langan
- d) Justin Sykora
- e) Christian Dawson
- f) Doug Parker
- g) Kuchen Hale
- h) Marc Porupsky
- i) Jacob Edwards

4. **APPROVAL OF AGENDA –**

5. **APPROVAL OF MINUTES –**

A. November 6, 2023 Meeting Minutes (December 4, 2023 meeting was canceled due to lack of quorum)

6. **REPORTS AND PRESENTATIONS – None**

7. **PUBLIC HEARINGS – Updated and Recodified City Code**

8. **NEW BUSINESS – None**

9. **OLD BUSINESS -**

A. Update on City Council Actions – Council Highlights from the December 19, 2023 Council meeting - attached.

10. **ADJOURN –**

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

CITY OF AFTON
DRAFT PLANNING COMMISSION MINUTES
 November 6, 2023

The meeting was held in-person, with participation via Zoom also available.

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:00 pm.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Present: Kris Kopitzke, Jacob Edwards, Doug Parker, James Langan, Christian Dawson, Sally Doherty, Kuchen Hale. A quorum was present. Absent were Justin Sykora & Marc Porupsky (excused).
ALSO IN ATTENDANCE – City Administrator Ron Moore, Planning Consultant Claire Michelson, City Council member Annie Perkins
4. **APPROVAL OF AGENDA** –
Motion/Second Hale/Parker To approve the agenda for the November 6, 2023 Planning Commission meeting. Passed 7-0.
5. **APPROVAL OF MINUTES** –
Motion/Second Hale/Dawson to approve the minutes of the October 2, 2023 Planning Commission meeting. Passed 5-0-2. (Parker, Langan abstain due to absence)
6. **REPORTS AND PRESENTATIONS** none
7. **PUBLIC HEARINGS**
 - A. **Chris Erdman application for a Variance for an accessory building at 12671 10th St S.**
 Chair Kopitzke opened the public hearing at 7:04 pm.
 Claire Michelson, City Planner, provided information on the application which is for a variance from the 100-foot side yard setback to build a 2,000 square foot (40x50) garage to store various recreational vehicle equipment indoors. This is a variance request from section 153.051 of the Afton City Code. The lot meets the requirement for a 2,000 square foot accessory building but Mr. Erdman would not need a variance if the proposed building were 1,500 square feet as the side setback requirement for that size is only 50 feet.
 Chris Erdman, applicant, stated he had written notes from the three neighbors that are near his property stating that they are ok with the proposed garage.
 Bonnie Sassor, neighbor, stated she has no issue with the application.
 No other comments were received.
Motion/Second Parker/Hale to close public hearing. Passed 7-0.
 Hearing closed at 7:08 pm.
 Parker asked if the structure was going to be connected to the house (no, several feet away)
 Discussion was held on setback requirements, ways to reduce the variance by reducing the square footage, and building height in relation to the house.
 Parker asked about this location being a potential spot for an alternative septic site.
 Chris stated the septic was done in 2017 in the back yard.
Motion/Second Doherty/Hale to recommend approval of the variance application as written; provide comment to the council that there is potential alternative for the applicant.
 Chair Kopitzke noted that there may be fire code items to be aware of if it is located close to the house.
Passed 7-0.
8. **NEW BUSINESS**
 - A. Updated City Code
 Administrator Moore stated that the hard copy presented is the reorganized land use code codified up to 2022. The online version is searchable via keyword. A public hearing will be held in December.

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9. OLD BUSINESS -

- A. Update on City Council Actions – Council Highlights from the October 17, 2023 Council meeting. Council member Perkins provided a summary of the October council meeting.

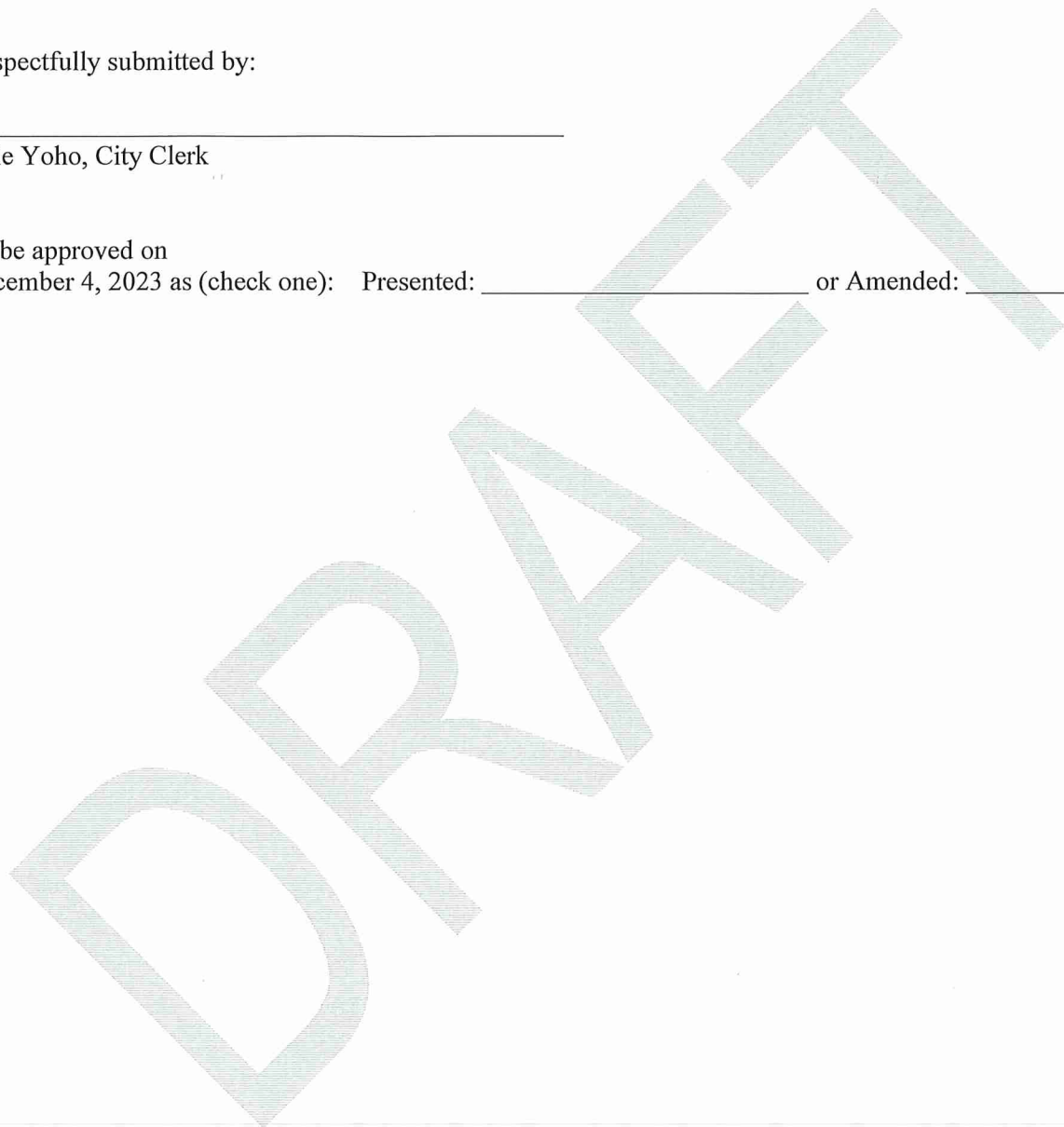
10. ADJOURN

Motion/Second Doherty/Parker To adjourn. Passed 7-0.
Meeting adjourned at 7:45pm.

Respectfully submitted by:

Julie Yoho, City Clerk

To be approved on
December 4, 2023 as (check one): Presented: _____ or Amended: _____



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

Planning Commission Memo

Meeting: January 8, 2024

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: January 3, 2024

Re: Updated/Recodified City Code

Background

The City hired American Legal Services, a municipal code codifier, to update the City Code with ordinances that were adopted but had not been codified into the City Code, to reorganize the City Code to better group similar topics, and to provide an online version of the City Code that has much more effective search capabilities. The updated City Code does not include any new land use /zoning ordinances that have not already been adopted.

Organization of Updated City Code

The current City Code is organized into 12 Chapters, which are organized into articles and sections. The updated City Code is organized into 15 titles which are organized into chapters. All land use and zoning items are organized into Title 15 Land Usage, which includes all items currently in Chapter 12, plus additional topics such as building regulations, streets and sidewalks, trees, aircraft and right-to-farm.

Link to Updated City Code and Current City Code

Hard copies of Title 15 Land Usage were provided at the November 6 Planning Commission meeting. The Planning Commission can also review the updated City Code online using the following link:
<https://codelibrary.amlegal.com/codes/aftonmn/latest/overview> The current City Code can also be found at the same website page as the updated City Code.

Public Hearing

A public hearing was to be held at the December 4, 2024 Planning Commission meeting to receive feedback from the public. The public hearing was not held, due to a lack of a quorum for the meeting. The hearing will be held at the January 8, 2024 Planning Commission meeting.

Planning Commission Review of Updated City Code

Planning Commission Chair Kris Kopitzke has requested that each member of the Planning Commission select a portion of Title 15 Land Usage of the updated City Code to review. Although the ordinances themselves have not been changed, commission members should focus on whether the re-organization of the code makes sense and remains logically consistent, and should also look for any unintended consequences that arise from the re-organization.

Planning Commission Member Review Comments

The following is a summary of review comments provided by four Planning Commission members regarding the updated City Code during an informal discussion on December 4, 2023 when the regular Planning Commission meeting was not held due to the lack of a quorum.

- The tables of contents should include page numbers, rather than just the chapter and section numbers.
- The definition of “Institutional Housing” which is referenced to “Facilities for Institutionalized Persons” means housing for students, mentally ill, infirm, elderly, nurses, physically retarded, and similar housing of a specialized nature. This definition, and the specific name that is used for this use needs to be changed so that it reflects the types of uses that are actually allowed.

- Chapter 164. Aircraft, which was moved into the Land Usage Title from the Traffic and Vehicles chapter of the current City Code by the codifier, should be removed from the Land Usage title.
 - (Staff note: The Land Usage Title references the prohibition of airports, airstrips and helipads in its list of allowed and prohibited uses, but does not provide any further information, including definitions of these uses. Chapter 164 clarifies that the landing and takeoffs of all aircraft are prohibited in all districts of the city, with the exception of powered and unpowered ultralights and provides definitions of both. Chapter 164 could be expanded to include definitions of airport, airstrip and helipad.)
- The wastewater charge system, which is in the Land Use Chapter of the current City Code under Article IX Sewage, should be removed from the Land Usage Title of the updated City Code because it is not a land use topic.
 - (Staff note: If this topic is moved, it could be moved to Chapter 33 Fee Schedule of Title III Administration.)
- In both the current City Code and the updated City Code, there is a general section of definitions. In addition, multiple sections or chapters also have definitions specific to the section or chapter. If the multiple sets of definitions are going to be retained, they need to be reviewed to ensure the definitions are consistent throughout the code. Another option is to consolidate all definitions into one area of the code and eliminate definitions in multiple sections and chapters.
 - (Staff Note: In reviewing the various sets of definitions in various chapters of the code, the definitions are most often only applicable to the chapter in which they are located. However, there are some instances where similar chapters have similar definitions e.g. the Shoreland Management Chapter and the Lower St. Croix Bluffland and Shoreland Chapter. Also, the definitions in the individual chapters should be compared with those in the Definitions section of the Zoning Chapter to ensure there are no inconsistencies.)
- The language in the code uses the words “will”, “shall”, and “should” in similar contexts. The word that best reflects the intent of these contexts should be selected and used consistently throughout the Code.
- It was questioned whether several technical requirements should continue to be included under the Subdivision chapter, including 160.84 regarding the installation of street signs by the City at the expense of the developer and 160.085 regarding the inspection of required improvements by the City Engineer at the expense of the developer.
- It was suggested that Sec. 161.01 related to the public policy and purpose of Heritage Preservation, be reviewed to ensure it accurately reflects the purpose of heritage preservation, particularly 161.01 (B) (1) Safeguard the rural landscape and heritage of the city outside the VHS District by preserving sites and structures which reflect elements of the community’s cultural, social, economic, political, visual or architectural history; (Underlining added by staff). The language should be revised to also safeguard the heritage of the city inside the VHS District.

Updated City Code Reflects Ordinances Adopted Through Late 2022

In reviewing the updated City Code, the Planning Commission may have noticed that the updated City Code does not include recently adopted ordinances. The list of ordinances not included is attached. The codifier set a cut-off date of late 2022 for including new ordinances, so that it could have a baseline for moving forward to finalize the City Code. The ordinances that were adopted in the interim will be codified into the updated City Code in 2024. This will not result in a new City Code, but rather will update the necessary pages and provide tracking of the changes made.

When some of the recently adopted ordinances are codified into the updated City Code, some reconciliation may be needed to avoid conflicts and minimize inconsistencies. One example is that the updated City Code has moved the topic of Trees from the previous Environment Chapter into the Land Usage Title, which was requested by staff because these tree protection and replacement regulations pertain to subdivisions, which are included under the Land Usage Title. In the meantime, the City has recently adopted new tree preservation and replacement regulations for the Shoreland Management District and the Lower St. Croix Bluffland and Shoreland District. The tree regulations will be reconciled

when the shoreland tree regulations are codified into the code in 2024 to avoid conflicts and minimize inconsistencies between the subdivision tree regulations and the shoreland tree regulations.

A second example is that the updated City Code includes supplemental administrative penalties for code violations. In late 2023, the Council adopted ordinances authorizing specific administrative fees for specific code violations. The administrative penalties/administrative fees will be reconciled when the 2023 administrative fee ordinances are codified into the updated City Code.

Additional Staff Note and Recommendation

In the Subdivision Chapter, Section 160.102 Lower St. Croix Shoreland Management, paragraph (B) sets out requirements for cluster development that, among other reduced requirements, allow higher density in the VHS zone than would normally be allowed. Staff recommends that this section be deleted from the Code.

Planning Commission Feedback Requested

Additional feedback is requested with a focus on whether the re-organization of the code makes sense and remains logically consistent, and whether there are any unintended consequences that arise from the re-organization.

List of recently adopted ordinances not included in the updated City Code

[14-2023](#) Ordinance amending Chpt. 10 Prohibiting the Hauling and Disposal of Snow from Another Property Onto Any Property Within City Limits

[13-2023](#) Ordinance amending Chpt. 14 to Add Article III Cannabis Use and Prohibiting Cannabis Use Within Public Property and Public Places

[12-2023](#) Extension of the Moratorium Prohibiting the Sale, Testing, Manufacturing and Distribution of Products Containing THC

[11-2023](#) Ordinance Amending Sections 12-55 and 12-194 Regarding Exterior Storage

[10-2023](#) Ordinance Amending Sections 12-405 and 12-406 Regarding the Preservation and Replacement of Shoreland Vegetation

[09-2023](#) Ordinance Amending Section 12-703 and 12-704 Regarding Preservation and Replacement of Shoreland Vegetation in Lower St. Croix Bluffland and Shoreland Overlay District

[08-2023](#) Ordinance establishing the schedule of fees for administrative citations

[07-2023](#) Interim Ordinance Prohibiting New Short Term Home Rental and CUP Applications

[06-2023](#) Amending the Schedule for Fees, Charges and Expenses

[05-2023](#) Ordinance Authorizing Administrative Citations for Violation of City Code

[04-2023](#) Ordinance Amending Sec.12-230 of the Afton City Code relating to solar energy systems

[03-2023](#) Amending Schedule for Fees, Charges and Expenses

[02-2023](#) Amending Sections 12-55 and 12-201 Definition of Dwelling Unit to Add Performance Standards in VHS-C District

[01-2023](#) Amending Section 12-232 Short Term Home Rentals

[05-2022](#) THC Moratorium Ordinance

[04-2022](#) Ord. Amend. Section 12-230 Relating to Solar Energy Systems

[03-2022](#) Ord. Amend. Section 12-55 Definitions to Add Definition of a Nature Center

December 19, 2023 City Council Meeting

The Council:

- Held a public hearing for the 2024 Budget and Tax Levy.
- Approved the 2024 Budget and Tax Levy.
- Held a public hearing and extended the moratorium regarding sales, testing, manufacturing and distribution of products containing THC.
- Approved the renewal of the police services contract with the Washington County Sheriff's Department.
- Approved an ordinance prohibiting the use of cannabis in public places and spaces.
- Approved an ordinance prohibiting the hauling and disposal of snow onto land in Afton.