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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: Kopitzke, Seeberger, Bowman, Patten, Nelson, Chair Ronningen, Doherty arrived
10 at 7:03 p.m. and Wroblewski arrived at 7:06 p.m. **Quorum present.** Excused Absence: Langan.

11
12 **ALSO IN ATTENDANCE** –City Administrator Ron Moorese.

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14 4. **APPROVAL OF AGENDA** –

15 Ronningen suggested that item 9.A.1 be moved up to be item 6.A.

16 **Motion/Second: Patten/Kopitzke. To approve the January 9, 2017 Planning Commission agenda as**
17 **amended. Motion carried 6-0-0.**

18
19 5. **APPROVAL OF MINUTES** –

20 A. December 5, 2016 Planning Commission Meeting Minutes –

21 **Motion/Second: Nelson/Patten. To approve the December 5, 2016 Planning Commission Meeting**
22 **minutes as presented. Motion carried 6-0-0.**

23
24 6. **REPORTS AND PRESENTATIONS** –

- 25 A. Chris Eng, Washington County Economic Development Director presentation regarding desired
26 uses in the Industrial Zones – Chris Eng provided information regarding the feasibility and
27 benefits of attracting data center and high-tech and medical uses to the Industrial Zones. These
28 uses do not generate large traffic volumes, create quality jobs and are clean and attractive uses.
29 He gave examples of data center uses in other cities and a data center use that is looking to locate
30 in the metro area.

31
32 The Planning Commission members asked Mr. Eng if the lack of municipal water and sewer
33 service would limit the types of uses that would work in Afton’s Industrial Zones.

34
35 Mr. Eng indicated it would not limit the ability of a data center to locate in Afton.

36
37 Ronningen expressed a concern about the lack of broadband service and its impact on a potential
38 data center use.

39
40 Mr. Eng indicated that, if a data center was planning to locate in Afton, the broadband providers
41 would be very interested in extending broadband service to the data center.

42
43 7. **PUBLIC HEARINGS** –

44 A. **Marcus and McLaurin Variance Application at 4270 River Road** –

45
46 Ronningen opened the public hearing at 7:24 p.m.

47
48 Moorese provided an outline of the application, indicating the property currently has a two-story house that is
49 substandard in terms of its setback from River Road and its setback from the Ordinary High Water Line of the St.
50 Croix River. The house backs up to a long steep slope. The house meets the setback from the St. Croix River
51 bluffline. The applicants are proposing to remodel and construct an addition to the existing house. The addition
52 is proposed to be constructed on the south side of the existing house, in the location of an existing deck above the

53 existing garage. The proposal does not require grading and does not change the setbacks of the house. The
54 house is connected to the “201” community septic system, so that a septic drainfield is not required. The addition
55 and remodel require a variance to front yard setback and a variance to ordinary High Water Line (OHW) setback.
56 Moose also indicated that, while the applicant’s surveyor used the 692.5 elevation as the OHW, the DNR’s
57 official OHW for structures is 675. It appears that the existing house may meet the OHW setback using the 675
58 elevation. Moose suggested the confirmation of the OHW setback be made an additional condition of approval.
59 The other recommended conditions of approval were as follows:

- 60 1. House color shall be earth tone
- 61 2. City review and approve retaining wall design if replacement is needed
- 62 3. The house shall be constructed according to the plans dated December 8, 2016, subject to revisions as
63 required or approved by the City.
- 64 4. Existing vegetative screening shall be maintained, with the exception of the removal of one arborvitae
65 immediately adjacent to the garage.
- 66 5. The two separate parcels that make up the property at 4270 River Road shall be combined.

67
68 Jan Woodfill, of 4242 River Road indicated she had no objections to the proposal.

69
70 John Barbour, the applicant’s architect, indicated he and the applicant had worked hard to fit the house into the
71 neighborhood.

72
73 Tom Gasser, owner of 4220 River Road, indicated he had no concerns regarding the proposal.

74
75 Motion/Second: Patten/Doherty. To close the public hearing at 7:30 p.m. Motion carried 8-0-0.

76
77 Bowman questioned why the one tree was being removed.

78
79 Barbour responded that the tree overhangs the proposed addition.

80
81 **Motion/Second: Wroblewski/Doherty to recommend approval of the variance application with the staff’s**
82 **recommended conditions.**

83
84 Moose indicated the Commission needs to include the findings on which the recommendation is based.

85
86 The following findings were added to the motion:

- 87 1. The proposal would not make the property or house more substandard than it currently is.
- 88 2. There is no change to the existing setbacks
- 89 3. The special conditions that are causing the need for the variance were not caused by the property owner
- 90 4. The proposal does not disrupt the natural vegetation
- 91 5. The DNR is supportive of the proposal
- 92 6. The site is a unique and difficult one, with a step bluff directly to the rear of the house.

93
94 **The motion carried 8-0-0.**

95
96 **B. Ordinance Amendment Eliminating “Storage Enclosed or Screened Principal Use” from the list of**
97 **allowed uses in the IIA and IIB Zoning Districts –**

98
99 Ronningen opened the public hearing at 7:37 p.m.

100 Moose provided background information regarding the ordinance amendment. The Council, at its November 15,
101 2016 meeting, referred to the Planning Commission the review of the allowed uses in the Industrial zones,

102 including the elimination of Storage Enclosed or Screened Principal Use as an allowed use in the Industrial zones.
103 The proposed ordinance amendment reflects the elimination of this use.

104 There were no public comments.

105 **Motion/Second: Nelson/Wroblewski. To close the public hearing at 7:39 p.m. Motion carried 8-0-0.**

106 Bowman questioned the language of the ordinance amendment, as it would eliminate both storage enclosed and
107 storage screened. It was his understanding that only storage screened was to be eliminated.

108
109 Moose indicated he would review the ordinance language and the zoning code and revise the language to reflect
110 the Council's direction.

111
112 **Motion/Second: Ronningen/Bowman. To continue the ordinance amendment to the February 6, 2017**
113 **Planning Commission meeting to enable the ordinance language to be clarified to eliminate only storage**
114 **screened and not storage enclosed. Motion carried 8-0-0.**

115
116 C. Ordinance Amendment Regarding Sec. 12-132. B.3. Contiguous Parcels under Common
117 ownership-

118
119 Ronningen opened the public hearing at 7:43 p.m.

120
121 Moose provided background regarding the ordinance amendment. He indicated the Zoning Code includes
122 regulations requiring that when two or more contiguous parcels are under common ownership and any individual
123 parcel does not meet the full lot width and area requirements the parcel needs to be combined with the adjacent
124 parcels to create a lot that meets the lot width and area requirements. The purpose of the language in Subsection
125 (B) (3) is to prevent parcels that do not meet the minimal requirements for lot width and area from being individually
126 buildable or saleable when they are under common ownership with contiguous lot(s).

127
128 At its November 15, 2016 regular meeting, the Council agreed that the area and frontage requirements for
129 contiguous lots under common ownership should be the same as for all other lots, which are set out in Subsection
130 (B) (2). In addition, the Council agreed that contiguous lots under common ownership that do not meet these
131 requirements should be required to be combined.

132 At its December 5, 2016 meeting, the Planning Commission expressed concern regarding how the ordinance
133 language is applied to a parcel with an existing house. In response, the Council added language to the ordinance
134 amendment as shown below in bold to clarify this.

135 3. If in a group of two or more contiguous lots or parcels of land owned or controlled by the
136 same person, any individual lot or parcel does not meet the full width or area requirements of
137 ~~this Article~~ Subsection (B) (2) of this Section, such individual lot or parcel cannot be considered
138 as a separate parcel of land for purposes of sale or development, but must be combined with
139 adjacent lots or parcels under the same ownership so that the combination of lots or parcels will
140 equal one or more parcels of land each meeting the full lot width and area requirements of ~~this~~
141 ~~Article~~ Subsection (B) (2) of this Section, with the exception of a pre-existing legally non-
142 conforming lot containing an existing residence, as long as the residence continues to
143 qualify as an existing legally non-conforming structure.

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145 Ronningen asked for comments from the public. There were none.

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Motion/Second: Patten/Kopitzke. To close the public hearing at 7:48 p.m. Motion carried 8-0-0.

Nelson suggested that the language in subparagraph 2 that refers to a lot that contains at least “2 1/2 acres” should be clarified by revising it to “2-1/2 acres”.

Bowman asked what the ordinance amendment is supposed to accomplish. He indicated the City should not be taking away property rights.

Moorse responded that the current ordinance language already restricts property rights. The purpose of the proposed ordinance amendment is to provide less restrictive language than the current ordinance language.

Kopitzke expressed concern that, in a neighborhood of nonconforming lots, a property owner who happened to own two of the lots would be treated differently than all of the other property owners in the neighborhood.

Doherty indicated that since the proposed ordinance makes the existing ordinance less restrictive, the Commission should move forward with the proposed language now and address the broader ordinance at a future time.

Motion/Second: Doherty/Nelson. To recommend approval of the ordinance amendment as written. (Nelson seconded the motion for discussion.)

Nelson questioned whether the proposed ordinance does exactly what the Council wants it to do – does the exception for a nonconforming lot with an existing house accomplish what the Council is intending? He questioned whether the Council actually wanted to provide an exception for a nonconforming lot with a residence adjacent to a vacant nonconforming lot under the same ownership.

Moorse indicated that a parcel containing a house is a legally buildable lot.

The Commission discussed that the City does have the authority to require a nonconforming lot with a house to be combined with an adjacent vacant parcel under the same ownership. This would make the nonconforming lot with the house a conforming lot or at least more conforming.

Doherty indicated she believed the Council’s intent was to make an exception where two adjacent nonconforming lots, each with an existing house, are under the same ownership, because requiring two lots, each with a house, to be combined would cause other zoning problems.

Ronningen called for a vote on the motion.

The motion was defeated 8-0-0.

Doherty suggested tweaking the exception language so that no two lots, each with a house, would be required to be combined.

Motion/Second: Doherty/Nelson. To recommend approval of the ordinance amendment with the following revised exception language: “In the case of two contiguous existing nonconforming lots under common ownership, each containing an existing residence, these lots will be excepted from this subparagraph, as long as the residences continue to qualify as existing legally nonconforming structures.” Motion carried 7-1-0. (Ronningen)

196 **8. NEW BUSINESS –**

197 A. Ordinance Integrating Minimal Impact Design Standards into the Zoning Code. – Administrator Moose
198 provided background regarding the integration of Minimal Impact Design Standards into the Zoning Code, and
199 outlined responses to questions and concerns that had been raised by the Planning Commission.
200

201 Mike Isensee, Middle St. Croix Water Management Organization (MSCWMO) Administrator, who was involved
202 in the review of the City’s Zoning Code and the integration of the MIDS into the Zoning code, outlined the
203 background of MIDS and its value.
204

205 Ronningen asked how many development projects in Afton the MSCWMO has reviewed in the last five years,
206 why the MSCWMO is promoting this and why it is needed when the Valley Branch Watershed District already
207 uses the MIDS requirements.
208

209 Isensee responded that the MSCWMO does not have the authority to have its own standards so it is important that
210 its cities have strong stormwater management standards. The updated ordinance would provide clear standards at
211 the point where a developer is beginning to develop a proposed plan. Because the ordinance would be consistent
212 with the Valley Branch Watershed District (VBWD) standards, the developer would be able to take the
213 stormwater requirements into account at the earliest point of the development planning process. Isensee also
214 indicated that the MSCWMO has not reviewed any development projects in Afton in the past five years.
215

216 Ronningen indicated developers have planners who would be familiar with the City’s standards as well as the
217 VBWD standards. She also indicated that the Minnesota Pollution Control Agency (MPCA) information
218 indicates the adoption of MIDS is voluntary, but the City is getting pressure to adopt MIDS.
219

220 Isensee indicated Afton was offered the opportunity to participate in the grant program to assist cities in
221 integrating MIDS into its zoning code, and the Afton City Council adopted a resolution to participate in the
222 program.
223

224 Bowman indicated his fear is that if the City adopts MIDS it will be a foot in the door to change Afton’s rural
225 character. He indicated it is incredulous that the City would want its stormwater regulations to be the same as in
226 Woodury, which has a totally different type of development.
227

228 Isensee indicated that MIDS is only related to stormwater management and does not change other areas of zoning
229 regulations such as impervious coverage, density, etc.
230

231 Patten asked Mr. Isensee how many of the 13 cities who had the opportunity to adopt MIDS through the
232 MSCWMO grant program have adopted MIDS.
233

234 Isensee indicated that 8 of the 13 cities have adopted MIDS. He also explained the reasons why the other cities
235 have not adopted MIDS. The City of Stillwater is split between the Brown’s Creek Watershed District and the
236 Middle St. Croix Water Management Organization, and Brown’s Creek has not adopted MIDS. Brown’s Creek is
237 doing a rule revision in 2017 and is looking at using Cold Stream Fisheries stormwater standards for those areas
238 that drain directly to a trout stream and MIDS for all other areas. In the City of Forest Lake, the Watershed
239 District’s standards did not mesh well with MIDS, but they are looking at rule revisions to enable the MIDS
240 standards to work. Washington County was going to adopt MIDS for the Townships in which the County had
241 land use authority, but the County is transitioning the land use authority to the Townships and recommending that
242 the Townships adopt MIDS.
243

244 Patten indicated he has a concern that, while the City currently relies on its engineering consultant to keep up to
245 date on stormwater management requirements and standards, if the City adopted the specific performance
246 standards in MIDS, the City would need to keep these standards up to date with changing requirements.
247

248 Ronningen indicated she had concerns about a number of definitions in the MIDS ordinance language. For
249 example, while the definition of stabilization indicates that grass is not a stabilization method, prairie grass does
250 provide soil stabilization. Also, the definition of Permittee indicates an application needs to be submitted to the
251 “town”. Afton is a city and not a town or township. Ronningen indicated that these errors suggest to her that the
252 MIDS ordinance is sloppy. She indicated she is also afraid that there may be a lot of inconsistencies and conflicts
253 between the MIDS ordinance and the zoning code, which could cause problems, and that it would require a
254 substantial effort to review the zoning code in relation the MIDS to identify conflicts and inconsistencies.
255

256 **Motion/Second: Ronningen/Patten. To recommend the Council disregard adding the additional MIDS**
257 **requirements to the existing Zoning Code, due to the Valley Branch Watershed District already using these**
258 **standards and the City Engineer already providing adequate stormwater management standards based on**
259 **their expertise in this area, and because the planning Commission saw no downside to not adopting the**
260 **MIDS ordinance amendment. Motion carried 7-1-0. (Wroblewski)**
261

262
263 **9. OLD BUSINESS -**

264 A. Comprehensive Plan Update Process – Chair Ronningen indicated the Commission members should
265 continue to review the Comprehensive Plan and provide their comments to Moore, so that he can include them in
266 the February 6, 2017 Planning Commission meeting agenda packet.
267

268 B. Update on City Council Actions. – Ronningen indicated the Council actions from its December 20, 2016
269 regular meeting were provided in the packet, and none were directly related to land use.
270

271 **10. ADJOURN –**

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273 **Motion/Second: Patten/Wroblewski. To adjourn the meeting at 8:53 p.m. Motion carried 8-0-0.**
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275 Respectfully submitted by:

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277
278 _____
279 Ronald J. Moore, City Administrator

280
281 **Approved on April 3, 2017 as (check one): Presented: _____ or Amended: X**