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

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 6:35 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Present: Chair Kris Kopitzke, Roger Bowman (via Zoom), Doug Parker, Kuchen Hale, Justin Sykora. Absent were James Langan, Scott Patten, Sally Doherty, Christian Dawson (excused). A quorum was present.
ALSO IN ATTENDANCE – City Administrator Ron Moore, City Clerk Julie Yoho (via Zoom), Council member Stan Ross
4. **APPROVAL OF AGENDA** –
Motion/Second Parker/Hale To approve the agenda for the May 2, 2022 Planning Commission meeting. Roll call: all aye, Passed 5-0.
5. **APPROVAL OF MINUTES** –
A. Motion/Second Sykora/Parker To approve the minutes of the April 4, 2022 Planning Commission meeting. Roll call: all aye, Passed 5-0.
6. **REPORTS AND PRESENTATIONS** –
A. Angie Hong Workshop - Groundwater Protection Overview and Goal Setting
Angie Hong, East Metro Water Resource Education Specialist with the Washington County Conservation District. Angie Hong explained what the WCD does and provided a presentation on groundwater with an overview of known groundwater issues in Washington county and Afton.
7. **PUBLIC HEARINGS** –
A. Thomas and Joalyce O’Connor Variance Application for a New House on the River Road Property with the Property ID numbers 22.028.20.22.0012 and 22.028.20.44.0013, Located Directly South of 3786 River Road
Chair Kopitzke opened the public hearing at 7:40 p.m.
Administrator Moore provided a summary of the application which is to enable the construction of a new house on the River Road property with PID numbers 22.028.20.22.0012 and 22.028.20.44.0013 located directly south of 3786 River Road. The two lots that make up the property are a total of 1.806 acres, vs the required minimum lot size of 5-acres. The property has substantial areas of slopes greater than 12 %, including substantial areas with slopes greater than 18%. Due to substantial areas of slopes 18% or greater in the western portion of the lot, the initially proposed house site was relocated to the east approximately 10 feet to avoid disturbing the steep slopes. The trade-off is a proposed setback of 93 feet from the centerline of River Road vs. the required setback of 105 feet. The setback to the Ordinary High Water line (OHW) of the river is 196 feet vs the required 200 feet. This substandard setback occurs only at the far southeastern corner of the garage, because the OHW angles substantially to the northeast in the area where the bulk of the house is located. There are four variances requested for the proposed house.

Tom O’Connor, applicant, was present for questions. The house was moved 20’ to the north.
Elaine Muccicciaro neighbor, asked how close the house is proposed to be to her property line? (120’ from property line).
No other comments
Motion/Second Hale/Parker to close public hearing. Roll call: all aye, passed 5-0.
Hearing closed at 7:48 p.m.
Chair Kopitzke stated he would like a better map showing the 12-18% slopes.
Parker stated the lot is undulating in many areas
Kopitzke asked if DNR has reviewed

57 Administrator Moorse stated the information has been sent to the DNR, no comments yet. Survey topo lines
58 show house in the area of 15% slope, driveway in 17%.
59 Kopitzke stated these are both substandard lots. How much buildable area does it have to have?
60 Administrator Moorse stated in the rural area, 2.5 acres buildable are required for primary and secondary
61 septic sites. Here they have city sewer.
62 Hale noted the steep driveway slope (will require retaining walls).
63 Parker didn't see old foundation for previous structure. Asked about Riverway rules.
64 Administrator Moorse stated the foundation rule is for changing a substandard structure. This case does not
65 have an existing structure. Question is should a house be allowed on this lot.
66 Scott Johnson, neighbor, joined the meeting
67 Parker asked what is the hardship. The size of home and where they want to put it is created by the owner.
68 Sykora stated that River Road is case by case. In the past grading has happened there.
69 Administrator Moorse agreed there appears grading occurred where the old foundation is, and next to the
70 road.
71 Sykora stated he would like to have more input from the River Road community.
72 Bowman asked if one lot being retained (no)
73 Parker stated the house could be smaller, concessions could be made.
74 Kopitzke would like to see more data/information. Slopes detailed, info from DNR.
75 Discussion was held on other options for location of house and how to minimize impact.
76 Jim Gasparini, assisting homeowner, stated the city engineer recommended moving house to this location.
77 Hale would rather have house closer to River Road to avoid more slope issue. Also concerned about
78 impervious surface and slope for driveway.
79 Jim Gasparini noted the current drainage plan has two rain gardens to control runoff.
80 Sykora suggested tabling the item with list of concerns.
81 Jim Gasparini stated these variances are among the least invasive of what's been approved on River Road.
82 Parker stated he would like to see what DNR comes back with.
83 **Motion/Second Sykora/Hale to recommend approval of variances requested with findings and**
84 **conditions with additional conditions: plan to deal with lot line issue; provide improved understanding**
85 **of how drainage and erosion control will be dealt with; review and approval from the DNR; look at**
86 **second building site that would not infringe as much on slopes.**
87 Bowman noted that there are four variances along with other concerns; there is no hardship; the soil is very
88 soft there. Too many variables.
89 Parker stated he shares the same concerns. Applicant could mitigate some of these.
90 **Roll call vote: 2-3, motion fails (Sykora, Hale Aye; Parker, Bowman, Kopitzke Nay)**
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93 B. Five Oaks Farm Amendment to Resolution Approving Subdivision at 120 and 502 Stagecoach Trail
94 Commissioner Sykora abstained from discussion on this item.
95 Chair Kopitzke opened the public hearing at 8:28 p.m.
96 Administrator Moorse provided a summary of the amendment to the resolution, which would allow the owner
97 of Parcel 1 (73 acres in size) to have the opportunity to apply for a minor subdivision to subdivide Parcel 1
98 into no more than 2 lots with the smaller parcel being no less than 20 acres, and would allow the conservation
99 easement placed on the property to allow for this option, so that the construction of a smaller residence on the
100 new parcel, as an accessory residence to the larger parcel, could be allowed. The smaller parcel would be
101 served by the same driveway that currently serves Parcel 1.
102 Tom Radio, representative for the applicant was present.
103 No public comments
104 **Motion/Second Hale/Parker to close public hearing. Roll call: all aye, passed 5-0-1 (Sykora abstain).**
105 Hearing closed at 8:36 p.m.
106 Parker stated that this requires a shared driveway. This is zoned RR, is shared driveway allowed.
107 Chair Kopitzke stated the market value of land is driving this request which is not a valid reason to approve
108 the amendment.
109 Parker stated that the change seems to maximize profit.

110 Hale asked about shared driveway
111 Parker asked if we are saying the lot would be buildable.
112 Hale stated this is protected land by Belwin.
113 Bowman stated that we are being asked to approve something that may happen.
114 Hale stated this would be different if not for the conservation easement.
115 Parker stated the protection is being reduced, this was approved to provide protection from subdivision.
116 Tom Radio stated the original subdivision has not been recorded yet due to delays in meeting the conditions
117 for recording.

118
119 **Motion/Second Kopitzke/Hale to recommend denial of the Five Oaks Family Farm request for**
120 **amendment to Resolution 2020-13, that approved a subdivision at 120 and 502 Stagecoach Trail. Roll**
121 **call: Parker, Hale, Bowman, Kopitzke aye, Sykora abstain. Passed 4-0-1.**
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124 C. Ordinance Amendment to Clarify Timeline for Implementation of a Variance

125 Chair Kopitzke opened the public hearing at 8:53 p.m.

126 Administrator Moorse provided stated that the draft ordinance amendment is to clarify the one year
127 requirement for implementation of an approved variance, including clarifying the definition of
128 “implementation”.

129 No public comments

130 **Motion/Second Hale/Sykora to close public hearing. Roll call: All aye, passed 5-0.**

131 Hearing closed at 8:55 p.m.

132 Parker suggested language regarding a timeframe for having documents recorded.

133 Kopitzke stated the existing ordinance covers that.

134 Sykora stated that the process should be flexible for each case. At what point are things not subject to
135 expiration?

136 Discussion was held on how to determine the end point, the definition of complete. Kopitzke suggested once
137 permits are approved and work has begun. Hale suggested once conditions have been fulfilled. Bowman
138 suggested using the term “enclosed”.

139 Administrator Moorse suggested adding language regarding completion as being “verified in writing by the
140 building inspector and zoning administrator”. Applicants can ask if they have they made substantial progress
141 according to building inspector and/or engineer.

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143 **Motion/Second Sykora/Kopitzke to recommend approval of the draft ordinance amendment as written**
144 **with addition of text regarding verification by the building inspector and zoning administrator. Roll**
145 **call: all aye, passed 5-0.**
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148 **8. NEW BUSINESS – None**
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151 **9. OLD BUSINESS –**
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153 **A. Update on City Council actions**

154 Council member Ross provided a summary of the April 17, 2022 City Council meeting.

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156 **10. ADJOURN**

157 **Motion/Second Sykora/Parker To adjourn. Passed 5-0.**

158 Meeting adjourned at 9:32 pm.
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Afton Planning Commission
Meeting Minutes **APPROVED**
May 2, 2022

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Respectfully submitted by:

 JY
Julie Yoho, City Clerk

To be approved on June 6, 2022 as (check one): Presented: x or Amended: