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

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:02 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Present: Chair Kris Kopitzke, Roger Bowman, Doug Parker, Kuchen Hale, Justin Sykora, James Langan, Scott Patten, Sally Doherty, Christian Dawson. A quorum was present.
ALSO IN ATTENDANCE – City Administrator Ron Moore, City Clerk Julie Yoho (via Zoom), Council member Annie Perkins
4. **APPROVAL OF AGENDA** –
Motion/Second Parker/Bowman To approve the agenda for the June 6, 2022 Planning Commission meeting. Roll call: all aye, Passed 9-0.
5. **APPROVAL OF MINUTES** –
A. Motion/Second Parker/Kopitzke To approve the minutes of the May 2, 2022 Planning Commission meeting. Roll call: all aye, Passed 9-0.
6. **REPORTS AND PRESENTATIONS** – none
7. **PUBLIC HEARINGS** –
 - A. Chad Fredkove application for Short Term Renal License at 13288 10th St
Chair Kopitzke opened the public hearing at 7:05pm
Administrator Moore provided information on the application which is for a conditional use permit for a short term home rental license at 13288 10th St. South. The conditional use permit is required because the license application is for a Type D license (dedicated short term rental). Type D means a dwelling unit that is offered to transient guests for a period of less than 30 consecutive days, where the property does not serve as a person's primary residence and which involves a non-hosted short term rental on a non-homesteaded property. Chad Fredkove, owner of property, was present for questions.
No comments were received
Motion/Second Dougherty/Parker to close public hearing. Passed 9-0.
Hearing closed at 7:07pm
Parker asked about smoke detectors (all that are required are present)
Chair Kopitzke stated the application meets all of the requirements
Motion/Second Sykora/Dougherty to recommend approval of the short term rental license at 13288 10th St S. Passed 9-0
 - B. William Kaye application for Conditional Use Permit for an amendment to the Kaye Hill Farm PAUD at 1754 Neal Ave
Chair Kopitzke opened the public hearing at 7:10pm
Administrator Moore provided information on the application: William Kaye has submitted an application for a conditional use permit for an amendment to the Kaye Hill Farm Planned Agriculture Unit Development (PAUD) Subdivision that included the lot at 1754 Neal Avenue. The amendment is to enable an additional 5-acre lot to be created from the existing 13 acre lot at 1754 Neal Avenue. The existing 13 acre lot includes a vineyard in the northwest portion of the lot. The lot proposed to be created includes the existing vineyard on the property. The five acre lot is proposed to be an agricultural lot with an agricultural easement that requires the lot be used only for agricultural use and prohibits a dwelling unit from being constructed on the lot. The purpose of creating this agricultural lot is to enable the ownership of the vineyard to be transferred prior to the sale of the remainder of the lot that includes the existing house, so that the vineyard can be preserved.

56
57 William Kay, applicant, was present for questions.
58 No comments were received
59 **Motion/Second Patten/Parker to close public hearing. Passed 9-0**
60 Hearing closed at 7:16 pm
61 Bowman asked if events would be held there (no)
62 Administrator Moose stated that this is subdivision application. If other uses occur, a CUP would be needed
63 Hale noted that this creates an ag unit that will stay an ag unit and that cannot be subdivided.
64 Chair Kopitzke stated that this creates a substandard lot.
65 Doherty stated that this is altering a planned unit development that was complicated to approve originally.
66 Perhaps we should not be changing that.
67 Bowman this takes it closer to the spirit of preservation.
68 Hale stated that this is a good thing, but need to be careful with language.
69 Parker asked if in the future, can lots be rejoined (with new PID)
70 Langan stated that we cannot an exception in this case if we rejected others in the past.
71 Sykora would prefer ordinance changes.
72 Doherty stated that with past requests we were concerned about future use.
73 Patten stated that in theory a person could buy this lot for other use.
74 William Kaye stated this creates a non-residential lot he intends to keep for 40 plus years.
75 Sykora stated that shared driveways require conservation easement.
76 Administrator Moose stated that this has an ag easement, could be held by the county.
77 **Motion/Second Hale/Sykora to recommend approval of the William Kaye application for a Conditional**
78 **Use Permit for an amendment to the Kaye Hill Farm Planned Agricultural Unit Development (PAUD)**
79 **at 1754 Neal Avenue, with condition there be an agricultural easement.**
80 Hale would like to check with original PAUD language be sure this is not in violation.
81 Doherty stated that this is revisiting a PAUD. There are private ways to solve this problem, and other land in
82 Afton. She cannot support.
83 Patten agrees with Doherty. In addition this creates a lot that we've tried to avoid in the past.
84 Bowman agrees, but will vote yes since the city wants to preserve ag long term.
85 Parker stated that based on precedence and rules, he will vote no.
86 Chair Kopitzke stated that the city cannot dictate ag use forever.
87 Langan stated this is disrespectful to others in the past that we voted against. Noting is in perpetuity. It is a
88 business that will be challenged. He will not support.
89 **Motion Vote: 4 aye, 5 nay, motion fails.**
90
91 C. Julie Kaemmer & Olivier Vrambout application for a Conditional Use permit for a nature center with a
92 hiking and mountain biking trail system at 1754 Neal Ave
93 Chair Kopitzke opened the public hearing at 7:49 pm
94 Moose provided a summary of the application which is for a Conditional Use Permit for a nature center with
95 a trail system for hiking and mountain biking at 2167 Oakgreen Avenue and Contiguous Parcels with PID#s
96 16.028.20.23.0001 and 16.028.20.23.0002, which is owned by their non-profit organization Localized LLC.
97 The total property size is approximately 60 acres.
98 A representative for applicants was present and provided a presentation of the project, showing trails, parking,
99 etc.
100 Julie Ziedel, Afton resident, stated she is in favor of this project.
101 Marea Clarke, neighbor on Oakgreen, stated she is concerned about traffic on Oakgreen, nuisance of groups
102 coming in, how would use limit be enforced, screening for property (lives across street) parking, cannot find
103 this company on nonprofit list or registered charity list.
104 Chad Brookes, Valley Creek Trail. Had concerns. Stated that conservationist don't chop trees for trails,
105 erosion concerns next to Valley Creek, a fence was installed along property edge and many trees were cut.
106 Steve & Maria Sanocki, Oakgreen, live across from this site. This is a quiet rural setting, did not expect this
107 coming in next door. Increase in traffic, who will police, has there been a study for the protected watershed

108 and erosion, who will patrol the site. This is residential area. Are dogs allowed? Horses? Meeting area could
109 be party area or short term rental.
110 Tom Burrell, Valley Creek Trail. The south border trail is close to the creek (236'). Walking trail that exists
111 there now only 10' away. Property crosses the creek which allows access up & down the creek. Topography
112 is large ravines and steep slope.
113 Al Anderson, 2170 Oakgreen. Concerned because an existing garden is there and 4-6 cars are parked half on
114 the road, hard to drive past. Increase traffic (property to north has multiple gardens also) cul de sac at night
115 has been area of concern for people hanging out and drug use. Don't need another hiking trail in Afton since
116 we have Belwin. What happens if someone gets hurt in there.
117 Mike Schneider, Valley Creek, concerned about noise, how site will be monitored, Valley Creek protection,
118 delicate. Hunts his property doesn't want this to impede that.
119 Annie Perkins, River Rd, feels this is an asset that aligns with Afton values. Connects people to nature. They
120 are approaching the right way, feels it won't affect the creek. There are good examples to look at and studies.
121 Maria Sanocki stated the Oak Park Heights trail has a lot of erosion.
122 Tom Burell stated that many parks in area offer trails. The property the city and Belwin are working on is next
123 to this, need details on that before anything else happens here.
124 **Motion/Second Bowman/Sykora to close public hearing. Passed 9-0**
125 Hearing closed at 8:32 pm
126
127 Sykora will abstain from discussion
128 Doherty asked if this is privately owned (yes). Do they have nature center status (applied but never
129 completed).
130 Bowman stated that there used to be trails at Afton Alps. Erosion was a constant issue, need maintenance.
131 Perkins stated the trails were not built correctly there.
132 Dawson stated if built correctly, there are ways to manage erosion. Bikers are responsible for their own
133 safety. The trails here are already partially built.
134 Chair Kopitzke stated that by having land be used, it can be protected. Need to be sure it will be maintained.
135 Chair Kopitzke asked if this is open to the general public? (yes, under umbrella of the foundation).
136 Julie Kaemmer stated the gardeners on the site are planting for non profit; was not aware they were parking
137 on the road.
138 Langan asked how permits will be issued (online reservation and gate code) how to police (staff for open hrs)
139 Julie Kaemmer stated the added activity may help with trespassing.
140 Doherty asked for clarification on the proximity to Valley Creek.
141 Julia stated the fencing was put up, no intention of trail being close to creek, no access to creek.
142 Patten asked if the park committee review this first? (no) Has the watershed reviewed (VBWD walked trails
143 and indicated potential for project there for slopes). Is there conservation overlay here (yes)
144 Hale asked about soil impact (trail designed with that in mind). Would want watershed involved for creek
145 protection.
146 Parker walked the property, many steep slopes. Asked about motorized use (no), bathroom facilities (portable
147 will be expanded) events (not planned limit capacity) not currently being policed but public will know about
148 it.
149 Chair Kopitzke stated that Belwin has staff during day.
150 Parker asked about alcohol (no) definition of additional traffic. Can we revoke CJUP if problems arise.
151 Langan is the designer a licensed engineer in MN for assessing soil substrate. Has the city engineer looked at
152 (not yet) access hours and will there be someone there. Neighbor comments are opposed, have to consider the
153 neighborhood. Streets are not designed for traffic in this area. Without soil information on the property
154 impossible to determine erosion potential.
155 Dawson stated this trail designer has experience, one of the best trial builders.
156 Hale suggested an annual review by watershed.
157 Langan stated the problem in the past is how to remedy if an issue occurs. What is the enforcement.
158 Doherty suggested a condition of a time limit for the CUP, renewable upon review by city after 3 yrs.

159 **Motion/Second Doherty / Hale to recommend approval of the Conditional Use Permit for a nature**
160 **center with a hiking and mountain biking trail system at 1754 Neal Ave with and conditions listed plus**
161 **additional eight as discussed.**

- 162 1. The number of people allowed on the property at one time shall be limited to 25
- 163 2. The hours of operation shall be from sunrise to sunset, which are the same hours as for city
- 164 parks.
- 165 3. The parking lot shall have sufficient spaces to accommodate the expected users.
- 166 4. Additional activities that would generate additional traffic and parking needs shall require
- 167 an amended conditional use permit.
- 168 5. The trail system shall be monitored and maintained to minimize and repair erosion.

169 Additional Conditions of Approval

- 170 • Adopt an ordinance amendment to add a definition of Nature Center
- 171 • Prohibit the use of the trails by mountain bikes after a rainfall until the trails are dry
- 172 • Ensure adequate erosion control measures are in place, including a buffer area, to protect
- 173 Valley Creek
- 174 • Provide a plan for managing the use of the property, including staffing during operating
- 175 hours
- 176 • Require the conditional use permit to be renewed every three years
- 177 • Provide adequate off-street parking with a gravel surface, no lights, and screening of the
- 178 vehicles from the road
- 179 • Portable restrooms shall be screened
- 180 • Hunting shall be prohibited
- 181 • Alcohol shall be prohibited
- 182 • Motorized vehicles shall be prohibited
- 183 • Overnight usage shall be prohibited
- 184 • The conditional use permit may be revoked due to lack of compliance with the conditions of
- 185 approval

186 **Motion Vote: 5 aye, 3 nay, 1 abstain (Sykora) Passed**

187
188 D. Julie Kaemmer and Oliver Vrambout application for an ordinance amendment

189 Chair Kopitzke opened the public hearing at 9:54pm.

190 Administrator Moorse provided a summary of the application. The zoning code does not currently include
191 “Park” as an allowed use, even though there are several city parks and one regional park in Afton. The code
192 also does not include a definition of “Park”. When it was determined that the zoning code does not include
193 the park use or a park definition, Julia and Olivier requested an ordinance amendment to add the park use.

194 No public comments

195 **Motion/Second Patten/Hale to close public hearing. Passed 9-0.**

196 Hearing closed at 9:57 pm

197 Chair Kopitzke noted that Belwin is an example of a private park.

198 **Motion/Second Sykora /Kopitzke to recommend approval of the proposed ordinance amendment**
199 **providing the definition of “park” passed 9-0.**

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202 **8. NEW BUSINESS – None**

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204
205 **9. OLD BUSINESS –**

206 **A. Groundwater protection**

207 **Bowman develop list of issues and work on it next month**
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