

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

1. **CALL TO ORDER** – Chair Kopitzke called the meeting to order at 7:04 PM. Pledge of allegiance was stated.
2. **ROLL CALL** – Present: Chair Kris Kopitzke, Sally Doherty, Doug Parker, Justin Sykora, Roger Bowman, Absent was Kuchen Hale (excused) , James Langan (excused), Christian Dawson, Scott Patten. A quorum was present.
ALSO IN ATTENDANCE – Council member Annie Perkins, City Administrator Ron Moorse
3. **APPROVAL OF AGENDA** –
Motion/Second Parker/Bowman To approve the agenda for the August 2, 2021 Planning Commission meeting. Roll call: all aye, Passed 5-0.
4. **APPROVAL OF MINUTES** –
A. Motion/Second Parker/Sykora to approve the minutes of the June 28, 2021 Planning Commission meeting with addition noted. Passed 4-0-1 (Doherty abstain).
5. **REPORTS AND PRESENTATIONS** - None
6. **PUBLIC HEARINGS** –
 - A. Gary Anderson Minor Subdivision Application at 623 Neal Avenue and the Adjacent Parcel with PID# 05.028.20.32.0011
Chair Kopitzke opened the public hearing at 7:07 pm.
Administrator Moorse provided a summary. This is an application for a minor subdivision for a lot line rearrangement at 623 Neal Avenue and the adjacent parcel with PID# 05.028.20.32.0011. The minor subdivision does not create any additional lots. The subdivision divides off the southern portion of a very irregularly shaped parcel directly adjacent to the Anderson property and combines it with the Anderson property.
Applicant is present for questions.
No other comments were received.
Motion/Second Bowman/Parker to close public hearing. All aye passed 5-0.
Public hearing closed at 7:10 pm.
Parker and Kopitzke stated this makes the lot less non-conforming, don't see any issues with the application.
Motion/Second Doherty/Bowman to recommend the approval of the Gary Anderson minor subdivision application at 623 Neal Ave with findings listed:
Findings
 1. The proposed subdivision includes two parcels zoned Rural Residential.
 2. The surrounding land is zoned Rural Residential.
 3. The proposed minor subdivision does not create any additional lots.
 4. The proposed subdivision does not affect any driveway serving any property, other than the Anderson property.
 5. The Anderson property is nonconforming both before and after the subdivision.**All aye, Passed 5-0.**
 - B. Mike Osborn Minor Subdivision Application at 14441 30th Street
Chair Kopitzke opened the public hearing at 7:12 pm.
Administrator Moorse provided a summary. The application is for a minor subdivision to divide the existing approximately 40 acre parcel at 14441 30th Street into two approximately 20 acre parcels. In the case of this property, the City has public right-of-way easements for only a small portion of 30th Street adjacent to this property. Just to the west of this property, the City has a full 60 foot wide right-of-way easement. Then at the western portion of this property the City has no easement. Farther to the east, the City has a 30 foot wide right-of-way easement that was acquired from the property to the north at the time

59 of a subdivision. Yet farther to the east, the City does not have an easement along the remainder of the
60 property to Trading Post Trail. Based on the lack of public right-of-way, the City needs to obtain a right-
61 of-way easement as part of the subdivision to provide one half of the necessary total 60 foot wide right-
62 of-way. This requires the dedication of a 30 foot wide right-of-way easement along the length of 30th
63 Street adjacent to the parcel.

64 Mike Osborn, applicant, asked about the road easement.
65 Earl, neighbor to south, has been using farm access to south to access farmland. Would like to continue
66 using.

67 (unable to hear discussion between neighbors)

68 Bowman asked if there is access on the western line. (no)

69 No other comments were received.

70 **Motion/Second Kopitzke/Bowman to close public hearing. Passed 5-0.**

71 Public hearing closed at 7:20pm.

72 Chair Kopitzke stated the field road access should be determined between the neighbors.

73 Doherty asked about the topography of the house site. (level)

74 **Motion/Second Sykora/Kopitzke to recommend approval of the Mike Osborn Minor Subdivision**
75 **Application at 14441 30th Street with findings and conditions listed.**

76 **Findings**

77 **1. The subject property is located in the Rural Residential zone, as are the**
78 **surrounding properties.**

79 **2. The parcel is approximately 40 acres in size.**

80 **3. The two proposed lots are each approximately 20 acres in size.**

81 **4. Each of the two proposed lots meets the minimum lot requirements.**

82 **Conditions**

83 **1. Easements as required by the City Engineer shall be granted and shall be reflected on the**
84 **subdivision survey.**

85 **2. All drainage and utility easements shall be subject to the review and approval of**
86 **the City Engineer.**

87 **3. All grading, drainage and erosion control issues shall be subject to review and approval by**
88 **the City Engineer, and by the Valley Branch Watershed District if they meet permit**
89 **thresholds.**

90 **4. A 30 foot wide public right-of-way easement shall be dedicated along the length of 30th**
91 **Street over the northerly portion of the property.**

92 **5. Park dedication requirements shall be satisfied prior to recording of the subdivision, in**
93 **accordance with Section 12-1270 of the Subdivision Ordinance**

94 **6. A permit for individual septic system to serve any new homes shall be obtained**
95 **from the Washington County Public Health Department at the time of application**
96 **for building permit for the home, and all requirements of the septic permit shall be**
97 **met.**

98 **7. Driveways shall comply with Section 12-84 of the Zoning Ordinance and be subject to**
99 **review and approval by the City Engineer.**

100 **All aye, Passed 5-0.**

101
102 C. Krista and Dan Dorgan Conditional Use Permit and Variance Application at 3185 St. Croix Trail
103 Chair Kopitzke opened the public hearing at 7:31 pm.

104 Administrator Moorse provided a summary. The application conditional use permit and variance
105 application to enable them to replace the existing house at 3185 St. Croix Trail with a new commercial
106 building. The commercial building is proposed to have offices for practitioners in the fields of mind,
107 body and spirit healing and personal and professional growth. In addition, there will be a space for small
108 groups to practice arts and crafts activities, as well as activities related to health and healing. There will
109 also be a small space for retail sales accessory to the other uses. Lastly, there are 5 bedrooms proposed to
110 be located on the second floor for short term rentals associated with small group gatherings to use the
111 space designed for arts and crafts activities as well as activities related to health and healing. The office,

112 arts and crafts studio, and retail sales uses require a conditional use permit. The proposal includes two
113 variances. One variance is to enable the proposed building to be setback 50 feet from the centerline of St.
114 Croix Trail and 45 feet from the centerline of 32nd Street vs. the required 65 foot setback, in order to
115 match the general setback of commercial properties along St. Croix Trail. The second variance is to allow
116 46%, or 10,320 sq. ft, of impervious coverage vs. the allowed 20% or 4,532 sq. ft. of impervious
117 coverage. The parcel is 22,584 square feet in area, which is just above the minimum lot size of 22,500
118 square feet.

119 Krista Dorgan, applicant, was present to answer questions. The revised parking plan is 6,742 sq. feet.
120 No other comments were received.

121 **Motion/Second Bowman/Doherty to close public hearing. All aye, Passed 5-0.**

122 Public hearing closed at 7:41 pm.

123 Parker asked about the parking lot – is it shared with the museum? (yes)

124 Administrator Moorse stated the watershed district will review the runoff and have recommendations for
125 the pond.

126 Parker asked if the parking could be relocated.

127 Krista stated they have discussed with the museum and this location was the best for parking area.

128 Parker stated the hardship for the variance is created by this plan.

129 Bowman asked who will determine the use of the shared parking.

130 Administrator Moorse stated there should be an agreement between the two as a condition of the CUP.

131 Chair Kopitzke stated this seems like a lot of parking spaces.

132 Administrator Moorse stated the number is based on number of clients and office space.

133 Krista stated it was designed with maximum use in mind.

134 Chair Kopitzke stated the setback should be in line with the other commercial properties.

135 Bowman stated this proposal brings professional level jobs to the village.

136 Sykora would like to see less impervious surface.

137 Doherty asked if the existing commercial buildings are in violation of the setbacks. Is there a different
138 ordinance for that section of street. (no) Include in findings that this is consistent with other commercial
139 buildings on street.

140 Kopitzke would like to see less parking.

141 Parker parking is driven by the design.

142 Doherty asked if the parking is driven by the city ordinance, or would the applicant prefer less.

143 Krista stated she would like to have this number if sharing with the museum.

144 **Motion/Second Sykora/Doherty to recommend approval of the variance request for the setbacks
145 with findings 1-4, with additional finding #5 that there is setback non-conformance from St Croix
146 Trail in the commercial area.**

147 **Findings**

148 **1. The subject property and surrounding properties are zoned VHS-Commercial**

149 **2. The subject property is 22,584 sq. ft. in size**

150 **3. The building is proposed to be setback 10 feet from the sidewalk along St.**

151 **Croix Trail, which would result in a setback of 50 feet from the centerline of**

152 **St. Croix Trail vs. the required setback of 65 feet. This setback would place**

153 **the building in line with the commercial buildings along St. Croix Trail to the**

154 **south and with the Afton Historical Museum building to the north.**

155 **4. The building is proposed to be setback 45 feet from the centerline of 32nd**

156 **Street vs. the required 65 feet.**

157 **4 aye, 1 nay (Parker) Passed 4-1.**

158

159 **Motion/Second Sykora/Bowman to recommend approval the variance request for the increased
160 impervious surface.**

161 Bowman asked what the final numbers are for the impervious surface.

162 Krista stated it has not been through final engineering yet, requesting 7,000 sq ft with revised parking
163 plan.

164 Bowman asked about large trees on the property, will they all be removed?

165 Krista stated there is a large tree toward back of property that they will try to save, along with several
166 others.
167 Doherty recommended changing the impervious to no more than 40%. (accepted)
168 Chair Kopitzke noted this will be a shared area between this and the museum.
169 Sykora add 3rd finding that there will be an agreement with the museum for shared parking.
170 Doherty add finding #4 that this creates jobs in the commercial district. this building matches long term
171 goal for providing higher level employment and increasing tax base.

172 Findings

- 173 **1. Recommend approval of a variance to allow up to 40% impervious coverage,**
- 174 **2. The proposal matches the City's goal of economic development to provide**
175 **increased tax base and quality jobs.**

176 Conditions

- 177 **1. The number of trees to be removed shall be minimized and quality trees that**
178 **are removed shall be replaced.**
- 179 **2. A cooperative agreement with the Afton Historical Society regarding the shared**
180 **driveway and shared parking shall be provided that addresses the construction,**
181 **maintenance, and cooperative use of the driveway and parking area, and shall be**
182 **subject to review and approval by the City.**

183 **4 aye, 1 nay (Parker), Passed 4-1.**
184
185

186 **Motion/Second Kopitzke/Bowman to recommend approval of the CUP with findings listed.**

187 Findings

- 188 **1. The subject property and surrounding properties are zoned VHS-Commercial**
- 189 **2. The subject property is 22,584 sq. ft. in size**
- 190 **3. The proposed office, arts and crafts studio, and retail sales uses are allowed**
191 **with a conditional use permit.**
- 192 **4. The short term rental use requires a license.**

193 Conditions

- 194 **1. If one or more of the requested variances are not approved, the plan shall be revised to**
195 **comply with the relevant ordinance requirements.**
- 196 **2. Site access and off-street parking-related issues shall be subject to comment and**
197 **recommendation by the City Engineer.**
- 198 **3. Any exterior trash enclosure shall compliment the materials and color of the principal**
199 **building.**
- 200 **4. Any light fixture intended to illuminate the site shall contain a cutoff which directs the**
201 **light at an angle of ninety (90) degrees or less. Exposure of the light source shall not be**
202 **permitted in view of adjacent property or public right-of-way.**
- 203 **5. All signs erected upon the site shall be subject to sign permit processing.**
- 204 **6. Issues related to grading, drainage and utilities shall be subject to comment and**
205 **recommendation by the City Engineer.**
- 206 **7. The new building shall be connected to the municipal sanitary sewer system.**
- 207 **8. A license shall be obtained for the short term rental use.**
- 208 **9. No space in the proposed building shall be used as a dwelling unit without an amended**
209 **conditional use permit.**

210 **Add conditions:**

- 211 **10. A cooperative agreement with the Afton Historical Society regarding the shared**
212 **driveway and shared parking shall be provided that addresses the construction,**
213 **maintenance, and cooperative use of the driveway and parking area, and shall be**
214 **subject to review and approval by the City.**
- 215 **11. An amended conditional use permit shall be required if the proposed mix of uses**
216 **changes by more than 25%.**

217 **4 aye, 1 nay (Parker) passed 4-1.**

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D. Cody Kaye Zoning Code Amendment Application Regarding Viticultural Areas

Chair Kopitzke opened the public hearing at 8:34 pm.

Administrator Moorse provided a summary. The application is ordinance amendment with the following purpose: “to provide for the orderly development of viticultural areas and Farm Wineries within the “A” and “AP” Agricultural Districts, to encourage the economic development of the local agricultural industry, provide for the sampling and sales of value-added products, to protect the agricultural character and long-term agricultural production of agricultural lands, and to ensure compatibility with adjacent land uses. There are two main obstacles to creating separate parcels for the vineyards. These are the density restrictions in the Ag and AP zones and the required frontage on a public road.

Cody, applicant, was present. He explained his background and plans for the vineyards.

Bob DeMaster, Afton Hills Dr, has a vineyard. Stated the proposed ordinance would not directly benefit him, but he is supportive of the preservation of vineyards.

Ron Cabral, Afton resident, stated that the industry is growing in the area and is supportive of preservation.

Kevin, friend of applicant, is supportive of the application.

No other comments were received

Motion/Second Parker/Sykora to close the public hearing. All aye, passed 5-0.

Public hearing closed at 8:55 pm.

Bowman stated this is an opportunity to look at the bigger picture to support a variety of ag businesses in Afton.

Chair Kopitzke stated this could be a pilot project. The time involved to develop a vineyard makes it different than some of the other ag crops.

Parker this language states the land will go back to the original owner if not in production any more.

Sykora is supportive of preserving ag, but not one specific entity.

Parker does not see the value in creating this.

Doherty stated the risk is that there is a vineyard today, if property is sold it could be destroyed.

Kopitzke suggested an easement that would limit development rights.

Several members expressed concern about spot zoning, and wanting to create a long-term benefit for more than just vineyards.

Sykora suggested requesting time to work on language.

Motion/Second Bowman to table this application and request time from city council to work on language and come back with recommendations. (no second)

Administrator Moorse stated this is an ordinance amendment proposed by the applicant, so it is subject to a 60 day timeline. The applicant would have to grant a waiver to extend the timeline.

Motion/Second Doherty/Parker to deny application as written with findings that the language is narrow; the proposal creates too many parcels in a quarter-quarter section; and it doesn't have perpetuity plan. Also note there is interest in finding a solution for vineyard land preservation.

Kopitzke stated the issue of reversion back to the original land owner is problematic.

Cody, applicant, asked about allowing sales of wine from the grapes produced.

Kopitzke offered friendly amendment “to allow sales of wine produced” (accepted)

Doherty clarified language for the motion, adding friendly amendment “The applicant is looking for farm winery sales – city council should clarify if that is currently allowed and if not, the planning commission recommends council include it in the definition.”

All aye, passed 5-0.

266 The following is a summary of the Planning Commission’s discussion regarding the proposed ordinance
267 amendment.

- 268 • The ordinance should have a broader scope than just viticulture. It should support other
- 269 agricultural activities
- 270 • If a parcel is to be created to preserve an agricultural activity, the parcel should be created in
- 271 perpetuity vs. being recombined with the original larger parcel if the agricultural use is
- 272 abandoned. This could mean that it is used for another agricultural use or it becomes green
- 273 space.
- 274 • To ensure perpetuity, a conservation easement or similar would be needed, along with an
- 275 independent party with the motivation to ensure perpetuity as the holder of the easement.
- 276 • A term or condition of the conservation easement, or other tool, could be that the
- 277 development rights are removed (i.e. the right to build a house or to develop the property for
- 278 something other than an ag use).
- 279 • The viticultural ordinance, with necessary revisions, could be used as a pilot effort to learn if
- 280 it is effective and to help determine how best to assist other ag-related businesses.
- 281 • In relation to supporting a broader scope of ag activities, two questions that could assist in
- 282 determining how best to provide support are: What is the real business need and what are the
- 283 obstacles to entry?
- 284 • It was suggested that a long term lease may provide a sufficient solution for preserving a
- 285 viticultural area vs. creating a separate new parcel.
- 286 • The Planning Commission agreed that the ordinance amendment is too narrow and would
- 287 have an effect similar to spot zoning.
- 288 • Although the Planning Commission has a strong interest in developing solutions, the process
- 289 of transitioning a parcel if a vineyard is no longer being maintained is a significant unknown.
- 290 • It was suggested that the questions and issues raised regarding the proposed ordinance
- 291 amendment require a longer process to identify solutions and may be best addressed by the
- 292 planned Ag Preservation Committee.
- 293 • In response to a question from the applicant regarding whether the production of wine is an
- 294 allowed use, the Planning Commission agreed that it should be an allowed use and that the
- 295 zoning code should be amended to confirm that.
- 296

297 **7. NEW BUSINESS –**

- 298 A. Reminder that the September 6, 2021 Planning Commission Meeting Has Been Rescheduled to August
- 299 30th.

301 **8. OLD BUSINESS –**

- 302 A. Update on City Council actions
- 303 Council member Perkins provided a summary of the July 20, 2021 City Council meeting.
- 304

305 **9. ADJOURN**

306 **Motion/Second Parker/Doherty To adjourn. Roll call: all aye, Passed 5-0.**

307 Meeting adjourned at 9:50pm.

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310 Respectfully submitted by:

311
312
313 JY

314 Julie Yoho, City Clerk

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317 To be approved on August 30, 2021 as (check one): Presented: X or Amended: _____