
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, Justin Sykora, Marc Porupsky, Jacob Edwards, Christian Dawson, Doug Parker, Sally Doherty. A quorum was present. Absent were Kuchen Hale & James Langan, (both excused).
ALSO IN ATTENDANCE – City Administrator Ron Moorse, City Planner Claire Stickler.
4. **APPROVAL OF AGENDA** –
Motion/Second Doherty/Parker to approve the agenda for the August 5, 2024 Planning Commission meeting. Passed 7-0.
5. **APPROVAL OF MINUTES** –
Motion/Second Sykora/Porupsky to approve the minutes of the June 3, 2024 Planning Commission meeting. Passed 5-0-2 (Doherty, Parker abstain)
6. **REPORTS AND PRESENTATIONS** none
7. **PUBLIC HEARINGS**
 - A. Rusty Bucket Acres Conditional Use Permit application for a Nature Center Use at 15237 Afton Blvd S
Chair Kopitzke opened the public hearing at 7:03 PM.
Claire Stickler, City Planner, provided a summary of the application which is for a Conditional Use Permit to operate a nature center at 15237 Afton Blvd.
 - This 5.5-acre lot is zoned RR- Rural Residential
 - There is an existing single-family home and accessory buildings and fencing/pen dedicated to the care of numerous livestock.
 - The property owner/applicant has stated that only poultry products (eggs) are sold occasionally from the property.
 - Access to Rusty Bucket Acres is along the eastern property line of 15169 Afton Blvd through an easement agreement as 15237 does not have frontage on Afton Blvd.
 - The property owners have been operating Rusty Bucket Acres, in the manner proposed in their CUP application, prior to this CUP request without an approved CUP in violation of City Code.The property owner/applicant operations have included online advertising and taking reservations from the public for scheduled interactive educational and therapeutic barnyard visits with numerous farm animals.
Proposed Operations
The property owner/applicant has proposed the following operations for the Nature Center at Rusty Bucket Acres:
 1. Hours of Operation will be 7 Days a Week 9AM-12PM and 2:00 PM-6:00 PM and a maximum of 3 visiting sessions per day.
 2. Visiting sessions will be a maximum of two hours and will be booked online or by phone – no drop-in sessions will be allowed.
 3. Visiting sessions include guest(s) interacting with the livestock on the property.
 4. Visiting sessions would include groups of no more than 6 (six) scheduled guests plus volunteers and donors.
 5. Volunteers will have the ability to come and go as fits in their schedule.
 6. There will be a portable restroom onsite for guests that is maintained weekly by LRS Portables of Minnesota
 7. Trash will be picked up bi-monthly by Highland Sanitation.

- 56 8. All livestock care will be completed off-site at a Veterinary clinic.
57 9. A farrier will come every 8 weeks to attend to horse hoof care.

58
59 Shelly Daniel, Rusty Bucket Acres, Discussed aspects of the operation. Stated that they allow farm encounters
60 on site which are life changing. Feels they don't operate as a business but as a non-profit non commercial
61 providing education and outreach. Reservations are required to visit.

62
63 Diane Miller-Lee, 15169 Afton Blvd,S, neighbor. Stated she owns property that the driveway easement is on
64 which was intended to service a single family home in Rural Residential (RR) area. There have been issues of
65 a business being run there including traffic, the number of animals on site, runoff and proximity to ravines,
66 signs and cameras have been placed on their property. Visits are via the easement driveway, the number of
67 vehicles has expanded and grown and includes visitors, deliveries, volunteers. The business has expanded and
68 has numerous violations. This is not a nature center.

69
70 Shelly Daniel, RBA, stated they have had the MN PCA onsite and said they are in compliance and do not
71 have runoff issues. Previously had more visits, willing to modify for the future. They now have few deliveries
72 outside of hay, garbage, toilet service. Trying to reduce vehicle trips. Have addressed some issues with food
73 and have offered to pay taxes on easement. Neighbor is unwilling to discuss.

74
75 Mike Pepin 345 Sherry Lane, Does delivery in area and now visits monthly. Does not see that it is a busy
76 place, they don't overschedule, enjoys being with the animals.

77
78 Laura Foster 14195 Upper 54th St N, Oak Park Heights. Stated she is a cancer survivor who enjoys the farm
79 and feels it is a healing place. She feels it is a gift to be able to visit.

80
81 EJ Johnson 2728 Liberty Place, Woodbury. Has worked as a volunteer at the farm and enjoyed working with
82 the animals. Doesn't understand why it's a problem as it is not hurting anyone. Feels it is helpful for mental
83 health and well-being for all the people who come there.

84
85 Kathy Vadnais 880 Vadnais Drive, Vadnais Heights. She is the director of the North St Paul food shelf that
86 partners with the farm and sends extra food to farm instead of wasting. They provide educational
87 opportunities and a great experience being with the animals.

88
89 Annie Foster 14195 Upper 54th St N, Stillwater, has known the owners over 10 years. Has worked there,
90 assisted with volunteer events there and has seen the benefit and healing that people have found from visiting
91 the farm. Also has seen some of the false claims made by the neighbors.

92
93 Jeremy Lubeck 14166 East Oakgreen Circle, Stated he is a longtime Afton resident. His business provides
94 produce scraps to animals at RBA and he has found it to be a great place to spend time. Likes living in Afton
95 on land where people can have animals. RBA is not taking away from anyone else. Allow them to use their
96 land.

97
98 Kelly Moore 7441 Hidden Valley Trail S, Cottage Grove. Has been bringing her family to the farm for 3
99 years. It has been extremely beneficial for her family and the community.

100
101 Danielle Gathje 15222 Afton Blvd S, directly across from RBA. Has lived there for 10 years, been Afton
102 residents for 15 yrs. Appreciates the ability to live in Afton. Has had to abide by local ordinances on their
103 property by removing a building. Loves to hear the stories about the farm, but it is not the right place as it is
104 zoned rural residential not ag. Heard tonight they have livestock and agriculture. She would like to have
105 livestock on her property, and has learned their limit is 4 animals on 9 acres. RBA has more animals on less
106 acreage. A nature center is not pet therapy. What they do is important, but this is the wrong place, can't do
107 this in a residential area. The non profit designation is still a business, its just a tax designation. She also has

108 an easement for their neighbors single family home and it generates a lot of traffic going in and out just for
109 the family use. The traffic does impact the neighbors.

110
111 Peg Nolz 15339 Afton Blvd S., adjacent property to RBA. Stated that the application has many holes in it –
112 only 1 owner is listed, drawing doesn't show setback, unknown size of the dry lot. 4. Septic and drainfield
113 not identified. Question about landscape feasibility on easement, not a farm by definition as they don't sell
114 farm products, doesn't fit definition of nature center, property is in shoreland overlay district – the south end
115 at bluff is Kelles Creek which is contaminated with e coli, too many animals on small acreage.

116
117 Shelly Daniel, RBA stated that according to ordinance ag operations may occur in rr. The nature center
118 definition has to do community outreach and public education.

119
120 Jeremy Lubeck 14166 East Oakgreen Circle. Stated he has people visit their home all the time. What RBA is
121 doing shouldn't require a permit to have people over to enjoy their property. Supports them and the farm.

122
123 Lorna Glassman, RBA owner, stated they fit with Afton's comprehensive plan and are not operating a
124 business and feels it it a farm.

125
126 **Motion/Second Parker/Porupsky to close public hearing. Passed 7-0.**

127 Hearing closed at 8:00 pm

128 Parker asked about the Mn PCA visit to the property.

129 Shelly Daniel replied that the PCA looked at animal units and manure management. Found in compliance
130 with 1 recommendation for planting to help slow runoff.

131 Chair Kopitzke asked that Diane Miller-Lee's written comments be added to the record and included in the
132 city council packet.

133 Dawson asked about the general process.

134 Chair Kopitzke stated the commission can provide a recommendation to the city council on the CUP
135 application.

136 Doherty thanked participants for their comments. This use does not fit the definition of a nature center at all.
137 Would like to know if the landowners are in compliance in animal units.

138 Porupsky stated the documentation and application was well done, the mission is great, but this not a nature
139 center.

140 Chair Kopitzke stated he agrees. There are two uses here: a farm (allowed with limits) and a home
141 business/charity (also allowed with limits) but the combination raises it to something not allowed.

142 Parker stated he agrees with all of the above.

143 Dawson stated it does not fit nature center definition, how best is it regulated. Therapy being practiced by non
144 therapists.

145 Owners stated they are not offering therapy, but experience.

146 Doherty asked what violations are.

147 Administrator Moorse stated the issues are the number of animal units and pasture land; and the level of
148 activity.

149 Doherty stated that the number of animal units need to be resolved. What about visits from family.

150 Administrator Moorse stated they operate a website with sign up slots 7 days a week. If a family has relatives
151 visiting, they are typically not scheduling like this.

152 Doherty stated the council could ask for an ordinance revision to make it fit. Short term rental language could
153 be utilized. This is almost agri-tourism.

154 Sykora asked if the property was purchased with this intention for use. (no)

155 Sykora stated this is not a nature center and he dislikes spot zoning. Unsure how to proceed.

156 Parker stated that the best classification for this use needs to be determined.

157 Edwards asked about the legal use of a driveway easement for this purpose.

158 Doherty stated the applicants need to fix any ordinances being violated. She noted that driveway easements
159 commonly lead to conflict. Another question is how much is too much for visits.

160

161 Claire, City Planner, stated that from a zoning perspective this is Rural Residential which is single family
162 residential, allows for accessory barns and you can have animals. But when your adding the additional traffic
163 and visitors that goes beyond that use. At this time your code doesn't specifically have a use where that is
164 allowed therefore it is not allowed. That's how the code is written. That's where a lot of this spot uses have
165 been created in the past. It is a pretty stringent use based zoning code. She also checked the home occupancy
166 code also as there are regulations about outward facing business but this doesn't fit.

167 **Motion/Second Doherty/Porupsky to recommend the city council deny the CUP Conditional Use Permit**
168 **application for a Nature Center Use at 15237 Afton Blvd S based on the findings of fact in the staff**
169 **report.**

170 Parker would like to add that its not necessarily that they can't be allowed to do it, but that we don't think this
171 use fits for this CUP.

172 Doherty recommends the council ask staff to work with the applicant to be sure they are up to code.

173 Chair Kopitzke noted the two violations which are the number of animal units and the improper use of the
174 property in Rural Residential.

175 Porupsky stated that 5.5 acres not suitable for this use.

176 Doherty would like feedback from council to create some boundaries for what is ok. There is a grey zone
177 between friends and family and number of visitors.

178 Sykora stated that they have had violations and they stopped, now they are asking what can they do. Would
179 like to add a friendly amendment to add a finding (#11) that we recommend denial because it doesn't fit the
180 nature center definition but we've identified an area in the code that needs work.

181 **Finding #11 the zoning code does not allow for a clear use for the proposed operations on this property,**
182 **there is some ambiguity as to the line between personal use and commercial use. The commission seeks**
183 **the council's guidance and direction on clarifying that. (accepted)**

184 Edwards asked how the easement factors in

185 Neighbor at 15222 Afton Blvd also has an easement on her property and stated that this could set a precedent
186 for other properties across Afton as the easement is a right to cross for specific use. This is zoned residential.

187 Additional discussion was held on easements

188 **Motion vote: Passed 7-0**

189

190 B. Ordinance Amending the Definition and Performance Standards for Farm Wineries - Ordinance 09-2024

191 Chair Kopitzke opened the public hearing at 8:45 pm

192 Administrator Moorse provided the following summary of the ordinance amendment: Afton currently has a
193 Farm Winery ordinance that allows farm wineries, but is more restrictive than the state Farm Winery statute.

194 Cody Kaye, who has a vineyard in Afton, has presented a proposal to the Council to broaden the allowed farm
195 winery uses to allow wine tastings three days per week by appointment only, and to limit the number of
196 customers per appointment to approximately ten. He would also like to be able to sell wine by the bottle on
197 an off-sale basis during the wine tastings. These activities are allowed by the Farm Winery License statute,
198 but require an amendment to Afton's Farm Winery Ordinance. They would also require a conditional use
199 permit, which would enable conditions to be placed on the use to mitigate impacts.

200 No public comments

201 **Motion/Second Paker/Edwards to close public hearing. Passed 7-0.**

202 Hearing Closed at 8:50 pm.

203 Parker asked about the ownership of the property (parents own)

204 Doherty noted that this is an ag parcel with a house, vineyard is approximately 3 acres. Access would have to
205 be determined prior to applying for CUP. Ordinance has to be discussed first.

206 Chair Kopitzke recommended allowing retail sales at other times not just during wine tastings.

207 Parker noted that the state requires a farm winery license to operate.

208 Sykora recommended changing language to allow sales 3 days per week rather than listing specific days, also
209 change item g to "off street parking" and clarify what that is.

210 Chair Kopitzke recommended removing items c, g, and others that would be determined through the CUP
211 process.

212 Discussion was held on time – if wine tastings should be allowed until 8:00 p.m. rather than the 9:00 p.m. and
213 also consider flexibility for holidays.
214 **Motion/Second Sykora/Dawson to recommend approval of the ordinance amendment concerning farm**
215 **wineries with the following changes:**
216 - Allow off-sale sales of wine at times other than the wine tastings.
217 - Allow wine tastings to be held on any three days of the week as determined through the
218 Conditional Use Permit process.
219 - Clarify the off-street parking requirement
220 **All aye, Passed 7-0.**

221
222
223 **8. NEW BUSINESS – none**

224
225 **9. OLD BUSINESS -**
226 A. Update on City Council Actions
227 Mayor Bill Palmquist provided a summary of the July 16, 2024 Council meeting.
228

229 **10. ADJOURN –**
230 **Motion/Second Parker/Doherty to adjourn. Passed 7-0.**
231 Meeting adjourned at 9:20 pm.
232

233
234
235 Respectfully submitted by:

236
237 JY
238 Julie Yoho, City Clerk

239
240
241 To be approved on
242 October 7, 2024 as (check one): Presented: X or Amended: _____
243
244