

CITY OF AFTON
APPROVED PLANNING COMMISSION MINUTES
October 3, 2016

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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: Wroblewski, Seeberger, Bowman, Doherty and Chair Ronningen. **Quorum**
10 **present.** Excused Absences: Langan, Kopitzke, Patten, Nelson.

11
12 **ALSO IN ATTENDANCE** – Council Liaison Stan Ross, City Administrator Ron Moore and City Clerk Kim
13 Swanson Linner.

14
15 4. **APPROVAL OF AGENDA** – Item 9A was deleted from the agenda, as several members of the Commission
16 would be absent for the discussion.

17
18 **Motion/Second: Wroblewski/Doherty. To approve the October 3, 2016 Planning Commission agenda as**
19 **amended. Motion carried 5-0-0.**

20
21 5. **APPROVAL OF MINUTES** –

22 A. September 12, 2016 Planning Commission Meeting Minutes – Corrected several minor typos on Lines
23 62, 142, 143 and 222.

24
25 **Motion/Second: Bowman/Wroblewski. To approve the September 12, 2016 Planning Commission Meeting**
26 **minutes as amended. Motion carried 5-0-0.**

27
28 6. **REPORTS AND PRESENTATIONS** – none.

29
30 7. **PUBLIC HEARINGS** –

31 A. JoAnn Fox Conditional Use Permit application for a Private Kennel at 2855 Nybeck Avenue S – Chair
32 Ronningen opened the Public Hearing at 7:07 p.m.

33 Chair Ronningen announced that the application was found to need additional information. Therefore the
34 Public Hearing will be continued to the November 7, 2016 Planning Commission meeting.

35
36 **Motion/Second: Doherty Wroblewski. To continue the Public Hearing for the JoAnn Fox application for a**
37 **Conditional Use Permit (CUP) for a Private Kennel at 2855 Nybeck Avenue S to the November 7, 2016**
38 **Planning Commission meeting. Motion carried 5-0-0.**

39
40 B. Ordinance Amendment to Provide an Exception to Steep Slope Restrictions for Areas of Man-Made
41 Ditches – Chair Ronningen opened the Public Hearing at 7:09 p.m.

42 Administrator Moore reviewed that at its September 12, 2016 meeting, the Planning Commission continued
43 the public hearing regarding the steep slopes ordinance amendment to its October 3, 2016 meeting. Previous to
44 that Council had directed, at its June 13, 2016 meeting, that staff work with the Planning Commission to develop
45 an ordinance amendment providing protection of slopes 18% or greater which were less than 18% in their natural
46 state, but were made 18% or greater by grading, i.e. for the construction of a roadway, and also are not
47 environmentally sensitive or fragile. The Planning Commission, at its July 11 meeting, recommended against a
48 general exception for man-made steep slopes. The Commission pointed to the difficulty of demonstrating a slope
49 was man-made and to the possibility that a man-made steep slope may still be environmentally fragile and/or in
50 an environmentally sensitive area. Instead, the Commission recommended a narrower exception, for example,
51 specifically related to a driveway crossing a ditch area that has steep slopes. The Commission also recommended
52 that there be a process, such as a variance process, related to making this exception, through which the property
53 owner would demonstrate that the slope was man-made, that it was not environmentally fragile, that it would be
54 protected from erosion, and that the inability to disturb the steep slope was causing a practical difficulty.
55

56 Subsequently, at its July 19 and August 16, 2016 meetings, the Council discussed a narrower exception related to
57 man-made steep slopes, specifically related to steep slopes that were created by the construction of a road and/or
58 related drainage ditches or a driveway. The specific language agreed to by the Council was that steep slopes
59 created by the construction of a public road and/or related ditches that do not exceed 30 feet in length
60 perpendicular to the road, should not be subject to restrictions on the disturbance of steep slopes. When these
61 steep slopes are proposed to be disturbed, either a driveway permit and/or a grading permit will be required to
62 ensure review by the City Engineer related to drainage and erosion control measures.

63 There were no public comments.
64

65 **Motion/Second: Bowman/Wroblewski. To close the Public Hearing at 7:10 p.m. Motion carried 5-0-0.**
66

67 Commission Discussion

68 Doherty asked how the distance would be measured and wondered if this amendment would give residents the
69 flexibility to “take away” a steep slope.

70 Moose replied that the distance is perpendicular to the road. He indicated the amendment is meant to allow a
71 property owner to build a driveway with a culvert to access their property from a road. The intent is not to be able
72 to get away from protecting steep slopes on properties; the 30 foot distance allows a driveway to be constructed
73 without impacting sensitive areas of steep slopes.

74 Bowman stated that a recent variance was brought forward which had a driveway over a large distance; this
75 limited distance is more appropriate for the kind of exception that is being considered. Would property owners
76 that needed more than 30 feet still have a variance process available to them?

77 Moose indicated that a longer distance probably means that a natural slope is now being affected, not a man-
78 made slope. This ordinance amendment is only to grant a narrow parameter of man-made slopes due to
79 construction of a road or related ditches.

80 Bowman wondered if the intent is to force a more pragmatic use of the land by having a restricted distance.

81 Ronningen doesn't like any part of this proposed ordinance amendment, including the possibility that fill may
82 be allowed to be hauled in to construct a driveway over steep slopes. She felt the variance process allows these
83 types of issues to be reviewed and considered by the Planning Commission, to be dealt with in a consistent
84 manner across the city, and not simply give an automatic “bye” for a steep slope and for this exception to be just
85 an administrative allowance. She felt this exception is just not needed.

86 Seeberger wondered if this is coming forward because of the subdivision proposal on 30th Street S.

87 Moose replied it was more for the mosque driveway application.

88 Bowman offered that perhaps if the distance is 30 feet it would be allowed, but if the distance is more than 30
89 feet, it would require a variance application.

90 Wroblewski asked if 30 feet is the right distance. Has that been determined?

91 Doherty indicated many ditches on the county and state roads have wider ditches now. Does the 30 feet
92 accommodate those? She felt the city should maintain an avenue for properties to get a driveway put in; she felt a
93 variance already can do that.
94

95 **Motion/Second: Bowman/Ronningen. To recommend that Council approve the ordinance amendment, as
96 amended, to provide an exception for driveways crossing man-made steep slopes that were created by the
97 construction of public roads and/or related ditches, and that extend only perpendicular to the road for a
98 horizontal distance of 30 feet or less, and, where no other option is available to the landowner. Motion
99 carried 3-2-0 (Nay: Ronningen and Doherty).**
100

101 C. Amendment to the Zoning Code to add Sec. 12-2041. Septic System Compliance and Inspection, which
102 includes additional requirements for septic system compliance inspections – Chair Ronningen opened the Public
103 Hearing at 7:35 p.m.

104 Administrator Moose reviewed that Council referred to the Planning Commission for a public hearing and
105 recommendation the attached proposed ordinance reflecting two additional triggers for septic system compliance
106 inspections. The additional triggers are to accelerate the timing of identifying and replacing non-compliant septic
107 systems to protect groundwater, which is essential to continued use of private wells and private septic systems.

108 The Washington County Septic Ordinance, which the City has adopted by reference, includes three septic
109 compliance inspection triggers; they are:

- 110 A. Prior to the issuance of a permit for the addition of a bedroom.
- 111 B. For all new construction and replacement.
- 112 C. Prior to the transfer of any real property.

113 Moose explained that the City Council proposed the following additional septic system compliance
114 inspection triggers when any building permit application is made for work:

- 115 A. That has a permit valuation of over \$75,000; or
- 116 B. That has a value that is more than 40% of the assessed value of the principal structure on the
117 property.

118 There were no public comments.

119
120 **Motion/Second: Wroblewski/Doherty. To close the Public Hearing at 7:36 p.m.**

121
122 Commission Discussion

123 Doherty felt that any regulation that protects groundwater is good for Afton, and protecting our water
124 resources are in almost every section of our Comprehensive Plan.

125 Commissioners discussed each of the proposed parameters likely to trigger septic inspections.

126 Ronningen calculated that 40% of a home value of \$187,000 would meet trigger B. She felt very few, if any,
127 homes in Afton of that value would be getting a \$75,000 valuation for a building permit.

128 Doherty offered that perhaps whenever any square footage is added to the footprint of the principal structure
129 would be an appropriate trigger and could be listed as “C.”

130 Commissioners wondered about the ease of obtaining each of the trigger’s information.

131 Staff concurred that trigger “A” is readily available on each building permit as would information about
132 trigger “C.” Trigger “B” would require the Building Inspector to access each County property record and do
133 additional math to calculate 40% of the assessed value. It was noted that that additional work would increase the
134 Building Inspector’s review responsibility, which may change his contract.

135 Commissioners felt that trigger “B” is not as helpful as proposed “A” and “C” as added.

136
137 **Motion/Second: Doherty/Wroblewski. To recommend to City Council to approve the amended ordinance
138 making additional septic system compliance inspection triggers by DELETING proposed trigger “B” for
139 40% of the assessed value of the principal structure and ADDING trigger “C” whenever any square
140 footage is added to the footprint of the principal structure. Motion carried 5-0-0.**

141
142 **8. NEW BUSINESS –**

143 A. Ordinance Amendment to Add Minimal Impact Design Standards (MIDS) to the City Code – Packet
144 material included an ordinance amendment proposal by Middle St. Croix Water Management Organization
145 (MSCWMO) about Minimal Impact Design Standards (MIDS) which are standards and processes used to guide
146 construction projects and development plans in a way that minimizes impacts to surface water and protects water
147 quality, which Mike Isensee presented to the Planning Commission at their July 11, 2016 meeting. The consultant
148 on the MIDS proposal suggested that rather than making substantial changes throughout the existing zoning code
149 to reflect the various elements of MIDS, it would be more straightforward and user-friendly to make minor
150 changes to the zoning code that refer to a new code chapter devoted to MIDS proposed changes to the zoning
151 code and a new Chapter 13 titled Stormwater Management and Erosion Control.

152 Chair Ronningen felt that the MSCWMO was perhaps over-reaching their authority in wanting cities to adopt
153 the MIDS standards into city code. She reminded that the Commission had discussed that Afton has more
154 restrictive regulations than the MIDS standards and does not need to adopt MIDS. She took exception to the fact
155 that the consultant and MSCWMO did not mark up the Afton City Code to show all areas they would change, but
156 just proposed a separate chapter. She felt that MSCWMO should have used their grant to review the Afton
157 ordinances specifically and mark up where our regulations might be deficient with a “delete and replace”
158 document.

159 Administrator Ron Moore noted that in fact they had done that but he didn't include it in the packet because
160 of the length of the document.

161 Bowman commented that it appeared the MIDS are in the spirit to "affect change." He noted Afton's mission
162 is to protect the rural environment. MIDS includes items to "get around" the protections Afton has in place.

163 Ronningen commented that the MSCWMO only covers 87 acres of Afton. South Washington Watershed
164 District (SWWD) and Valley Branch Watershed District (VBWD) have not asked Afton to change our city code.
165 She maintained that SWWD and VBWD are required to review and permit applications according to our city code
166 and they do so. She contended that if Afton adopts this proposal, the city regulations would be less restrictive than
167 what Afton has now. She didn't believe this was desirable.

168 It was noted that there was nothing included in the MSCWMO proposed ordinance that had requirements for
169 a Public Hearing. It was also noted that the proposal contained a 15% impervious maximum, but Afton regulates
170 impervious surface to 10%.

171 Doherty liked that the whole MIDS regulations were proposed to be in one chapter. She found Afton's
172 ordinances to have references to requirements in several places, making it cumbersome to look up all information.

173 Seeberger noted that if we adopted the Chapter 13 as recommended by MSCWMO our ordinances would be
174 inconsistent.

175
176 **Motion/Second: Doherty/Ronningen. To strongly recommend to City Council that the draft**
177 **ordinance integrating MIDS into the City Code be DENIED due to the following:**

178
179 **Findings of Fact:**

- 180 1. **Afton ordinances sufficiently cover the topic.**
- 181 2. **The workload to staff to take on the MSCWMO approach to changing the Afton City**
182 **Code is a heavy burden.**
- 183 3. **In several areas the proposed regulations are less restrictive than Afton's, which Afton**
184 **does not want.**

185
186 **Motion carried 5-0-0.**

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188 **9. OLD BUSINESS -**

189 A. Comprehensive Plan Update Process – [Item was deleted from agenda.]

190
191 B. Draft City Council Minutes – Council Member Ross reported that City Council denied the
192 Comprehensive Plan amendment application for rezoning from Ag to RR at Trading Post Trail and 60th Street S;
193 they continued the Brockman Trucking application to the November CC meeting and the engineer was asked for a
194 review and suggestions for the screening.

195
196 **10. ADJOURN –**

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198 **Motion/Second: Doherty/Wroblewski. To adjourn the meeting at 8:07 p.m. Motion carried 5-0-0.**

199
200 Respectfully submitted by:

201
202
203 _____
204 Kim Swanson Linner, City Clerk

205
206 **To be approved on November 7, 2016 as (check one): Presented: _____ or Amended: X**