
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: Justin Sykora, Kris Kopitzke, Marc Porupsky, Christian Dawson, Sally Doherty, Kuchen Hale. A quorum was present. Absent were Jacob Edwards, Doug Parker, James Langan (all excused).
ALSO IN ATTENDANCE – City Administrator Ron Moorese, Mayor Palmquist, Planning Consultant Claire Michelson
4. **APPROVAL OF AGENDA** –
Motion/Second Hale/Porupsky To approve the agenda for the October 2, 2023 Planning Commission meeting. Passed 6-0.
5. **APPROVAL OF MINUTES** –
Motion/Second Porupsky/Hale to approve the minutes of the August 28, 2023 Planning Commission meeting. Passed 4-0-2.
6. **REPORTS AND PRESENTATIONS** none
7. **PUBLIC HEARINGS**
 - A. Andrea Setsvold Application for a Conditional Use Permit for a Roadside Sales Stand at 4433 Pateley Bridge Avenue South
Chair Kopitzke opened the public hearing at 7:06 pm.
Claire Michelson, City Planner, provided information on the application which is for a Conditional Use Permit to install a 24”x17”x17” roadside sales stand on the property for the sale of honey (honor system). Neighbor across the street asked about signage (currently non is in the application but will have to conform to regulations if used)
No other comments were received.
Motion/Second Hale/Sykora to close public hearing. Passed 6-0
Hearing closed at 7:09 pm.
Doughtery asked if the roadside parking area is safe.
Porupsky stated he had no concerns after driving past site.
Motion/Second Hale/Porupsky move to recommend approval of the Conditional Use Permit for a Roadside Sales Stand at 4433 Pateley Bridge Avenue South with staff findings and conditions. Passed 6-0.
 - B. Xcel Energy Conditional Use Permit to Replace an Existing Security Fence at the Property at 12511 Hudson Road South with PID# 06-028-20-21-0002
Chair Kopitzke opened the public hearing at 7:10 pm.
Claire Michelson, City Planner, provided information on the application which is for an amendment to the property’s Conditional Use Permit in order to replace the substation’s existing 8-foot fence with a 10-foot fence. The Conditional Use Permit was previously approved in May 2023 to document the existing substation as well as a new paved laydown yard area for staging materials on the east side of the site.
No public comments were received.
Motion/Second Sykora/Porupsky to close public hearing. Passed 6-0.
Hearing closed at 7:14 pm.
Motion/Second Sykora/Porupsky move to recommend approval of the Xcel Energy Conditional Use Permit to Replace an Existing Security Fence at the Property at 12511 Hudson Road South with staff findings and conditions. Passed 6-0.

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106

- C. David Herried Variance Application for a Garage at 16530 Swede Hill Drive South and a Minor Subdivision and Variance for a Lot Line Rearrangement at 16530 Swede Hill Drive South and PID# 35.028.20.12.0003
- Chair Kopitzke opened the public hearing at 7:17 pm.
- Claire Michelson, City Planner, provided information on the request which is two applications. One is a minor subdivision/ lot line rearrangement application to add 1.41 acres to his current 3.7-acre parcel at 16530 Swede Hill Drive from the adjacent 2.93-acre parcel with PID# 35.028.20.12.0003 which would make the adjacent parcel 1.14 acres which is 3.86 acres smaller than the 5 acre minimum requirement in the Rural Residential District, Section 12-401 of the Afton City Code. The lot line rearrangement and variance request is necessary for PID 35.028.20.12.0009 to install a septic system for the property and bring it further into compliance with zoning requirements. The other variance is a request to allow a 1300 square foot detached garage at approximately 100.7 feet from the ordinary high-water mark and 50 feet from the bluff.
- Dave Herried, applicant, stated the lot line rearrangement is needed to install a new septic system at the 60 yr old residence.
- No other comments were received.
- Motion/Second Porupsky/Dawson to close public hearing. Passed 6-0.**
- Hearing closed at 7:35 pm.
- Porupsky noted that the lot line rearrangement makes a conforming lot.
- Hale agreed this creates one conforming lot and fixes the septic issue.
- Dawson stated concern that this is creating a small lot that could change ownership in the future and cause need for a future variance.
- Dave Herried stated that the other lot is unbuildable and used recreationally.
- Porupsky asked about the property located to the north (it is in a conservation easement).
- Sykora suggested the applicant consider a conservation easement for the small parcel for long term protection.
- Doherty stated this is a simple lot line rearrangement for a compliant septic system.
- Hale stated the applicants need to understand the option of a conservation easement, but this simple arrangement is acceptable.
- Doherty stated that a conservation easement could be considered in the future but would not include in the recommendations.
- Motion/Second Hale/Kopitzke move to recommend approval of the Minor Subdivision and Variance for a Lot Line Rearrangement at 16530 Swede Hill Drive South including staff findings and conditions; with addition of finding that the variance creates one conforming lot, one less conforming, resulting in overall more conforming. Passed 6-0**
- Variance for the garage location
- Kopitzke asked about the location. (due to topography, this is the only feasible location)
- Doughty stated that a lot of information just arrived in the supplemental packet which they haven't had time to look at thoroughly. She would like to have more time to review.
- Chair Kopitzke suggested tabling the request for a month to request additional information.
- Hale stated she would like to see the final garage design.
- Doughty asked if the city engineer will review drainage plan.
- Administrator Moore stated that typically after approval we will receive and review specifics on grading and drainage.
- Motion/Second Hale/Porupsky to recommend approval of the variance for the garage at 16530 Swede Hill Drive South with added conditions: ensure there are plans to manage runoff, city**

107 **engineer and building inspector review all plans to ensure no negative impact to the bluff line,**
108 **ensure minimum amount of trees will be removed.**
109 **Passed 3-2-1 (Doherty abstain, not enough time to review)**
110

111 D. Ordinance Amendments to Sections 12-405, 12-406, 12-703 and 12-704 Regarding the Preservation and
112 Replacement of Shoreland Vegetation
113 Chair Kopitzke opened the public hearing at 8:27 pm.
114 Administrator Moose provided information on key elements of the ordinance amendment.
115 No public comments were received.

116 **Motion/Second Hale/Dawson to close public hearing. Passed 6-0.**
117 Hearing closed at 8:29 pm.

118 **Motion/Second Sykora/Dawson to recommend approval of the shoreland ordinance amendments**
119 **related to tree protection and replacement (Ordinances 09-2023 and 10-2023).**

120 Porupsky stated he will be voting no because of the 40 year maintenance requirement.
121 Hale agreed the maintenance time is too long.

122 **Motion vote: Failed 3 aye- 3 nay (Porupsky, Hale, Doherty due to maintenance time requirement)**
123

124 E. Ordinance Amendment to Section 12-194 Regarding Exterior Storage and Section 12-55 Regarding
125 Definitions

126 Chair Kopitzke opened the public hearing at 8:44 pm

127 Administrator Moose stated the exterior storage ordinance amendment involves several elements
128 including regulations for parking recreational vehicles, the definition of an unoccupied trailer, the parking
129 of trailers in the VHS District, the use of shipping containers for storage and a definition of shipping
130 container.

131 Marea Clarke asked about the use of shipping containers for storage - is it for all areas or just VHS? She
132 requests shipping containers be allowed for storage on agricultural properties.

133 No other comments were received.

134 **Motion/Second Dawson/Porupsky to close public hearing. Passed 6-0**

135 Hearing closed at 8:50pm.

136 Hale stated she would prefer to see a shipping container rather than random stuff being stored outside.

137 Screen if needed, they are better than many other structures.

138 Chair Kopitzke noted the exemption for public works; these qualities (water tight, secure) are what other
139 people need for storage too.

140 Sykora stated that if it meets requirements of an accessory buildings, treat as such. It is a good use of
141 material.

142 Porupsky asked if the council looked at the use of portable/tent material structures.

143 Chair Kopitzke doesn't like the language proposed.

144 Doherty stated she doesn't not like the amendment.

145 Sykora suggesting adding shipping containers to existing ordinance so that setback requirements apply.

146 Chair Kopitzke stated the restrictions feel like a HOA.

147 **Motion/Second Sykora/Doherty move to recommend denial of the exterior storage ordinance**
148 **amendment.**

149 Doherty stated the Afton encourages a reuse mentality, need ordinances that encourage that. This doesn't
150 fit character.

151 Hale stated we need to respect property rights.

152 **Motion vote, Passed 6-0**
153

154 **8. NEW BUSINESS** none

155
156 **9. OLD BUSINESS -**

157 A. Groundwater protection

158 No action

159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182

- B. Update on City Council Actions – Council Highlights from the September 19, 2023 Council meeting.
Mayor Palmquist provided a summary of the September council meeting.

10. ADJOURN
Motion/Second Hale/Sykora To adjourn. Passed 6-0.
Meeting adjourned at 9:10pm.

Respectfully submitted by:

JY
Julie Yoho, City Clerk

To be approved on
November 6, 2023 as (check one): Presented: X or Amended: _____