



**City of Afton**  
**PLANNING COMMISSION AGENDA**

**December 4, 2023**

**7:00 pm**

**Afton City Council Chambers**  
**3033 St. Croix Trail**  
**Afton, MN 55001**

**Please Note: This meeting will be held in-person, as well as remotely using the Zoom video conference application.**

**Instructions for Participating in the Meeting Remotely Via Zoom**

Options for Joining the Zoom Meeting:

- **RECOMMENDED:** Use your computer, tablet or smart phone to join the meeting by logging on to <https://us02web.zoom.us/j/83846731517?pwd=ZHhOZCtiNWwzMitiR09wL2ZkditCdz09>
  - (Meeting ID: 838 4673 1517)  
Passcode: 790537
- Dial-in Number (to call in to the meeting) +1 312 626 6799  
When prompted, enter Meeting ID: 838 4673 1517

**AGENDA**

- 1. CALL TO ORDER –**
- 2. PLEDGE OF ALLEGIANCE –**
- 3. ROLL CALL -**
  - a) Sally Doherty
  - b) Kris Kopitzke (Chair)
  - c) Jim Langan
  - d) Justin Sykora
  - e) Christian Dawson
  - f) Doug Parker
  - g) Kuchen Hale
  - h) Marc Porupsky
  - i) Jacob Edwards
- 4. APPROVAL OF AGENDA –**
- 5. APPROVAL OF MINUTES –**
  - A. November 6, 2023 Meeting Minutes
- 6. REPORTS AND PRESENTATIONS – None**
- 7. PUBLIC HEARINGS –**
  - A. Updated and Recodified City Code
- 8. NEW BUSINESS –**
  - A. Draft Ordinance Prohibiting Cannabis Use Within Public Property and Public Places
  - B. 2024 Planning Commission Meeting Schedule
- 9. OLD BUSINESS -**
  - A. Update on City Council Actions – Council Highlights from the November 21, 2023 Council meeting - attached.
- 10. ADJOURN –**

**A quorum of the City Council or Other Commissions may be present to receive information.**

CITY OF AFTON  
**DRAFT** PLANNING COMMISSION MINUTES  
 November 6, 2023

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, Jacob Edwards, Doug Parker, James Langan, Christian Dawson, Sally Doherty, Kuchen Hale. A quorum was present. Absent were Justin Sykora & Marc Porupsky (excused).  
**ALSO IN ATTENDANCE** – City Administrator Ron Moorse, Planning Consultant Claire Michelson, City Council member Annie Perkins
4. **APPROVAL OF AGENDA** –  
**Motion/Second Hale/Parker To approve the agenda for the November 6, 2023 Planning Commission meeting. Passed 7-0.**
5. **APPROVAL OF MINUTES** –  
**Motion/Second Hale/Dawson to approve the minutes of the October 2, 2023 Planning Commission meeting. Passed 5-0-2. (Parker, Langan abstain due to absence)**
6. **REPORTS AND PRESENTATIONS** none
7. **PUBLIC HEARINGS**
  - A. **Chris Erdman application for a Variance for an accessory building at 12671 10<sup>th</sup> St S.**  
 Chair Kopitzke opened the public hearing at 7:04 pm.  
 Claire Michelson, City Planner, provided information on the application which is for a variance from the 100-foot side yard setback to build a 2,000 square foot (40x50) garage to store various recreational vehicle equipment indoors. This is a variance request from section 153.051 of the Afton City Code. The lot meets the requirement for a 2,000 square foot accessory building but Mr. Erdman would not need a variance if the proposed building were 1,500 square feet as the side setback requirement for that size is only 50 feet.  
 Chris Erdman, applicant, stated he had written notes from the three neighbors that are near his property stating that they are ok with the proposed garage.  
 Bonnie Sassor, neighbor, stated she has no issue with the application.  
 No other comments were received.  
**Motion/Second Parker/Hale to close public hearing. Passed 7-0.**  
 Hearing closed at 7:08 pm.  
 Parker asked if the structure was going to be connected to the house (no, several feet away)  
 Discussion was held on setback requirements, ways to reduce the variance by reducing the square footage, and building height in relation to the house.  
 Parker asked about this location being a potential spot for an alternative septic site.  
 Chris stated the septic was done in 2017 in the back yard.  
**Motion/Second Doherty/Hale to recommend approval of the variance application as written; provide comment to the council that there is potential alternative for the applicant.**  
 Chair Kopitzke noted that there may be fire code items to be aware of if it is located close to the house.  
**Passed 7-0.**
8. **NEW BUSINESS**
  - A. Updated City Code  
 Administrator Moorse stated that the hard copy presented is the reorganized land use code codified up to 2022. The online version is searchable via keyword. A public hearing will be held in December.

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**9. OLD BUSINESS -**

- A. Update on City Council Actions – Council Highlights from the October 17, 2023 Council meeting.  
Council member Perkins provided a summary of the October council meeting.

**10. ADJOURN**

**Motion/Second Doherty/Parker To adjourn. Passed 7-0.**  
Meeting adjourned at 7:45pm.

Respectfully submitted by:

\_\_\_\_\_  
Julie Yoho, City Clerk

To be approved on  
December 4, 2023 as (check one): Presented: \_\_\_\_\_ or Amended: \_\_\_\_\_



**City of Afton**  
**3033 St. Croix Trl, P.O. Box 219**  
**Afton, MN 55001**

# Planning Commission Memo

## Meeting: December 4, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: November 29, 2023

Re: Updated/Recodified City Code

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The City hired American Legal Services, a municipal code codifier, to update the City Code with ordinances that were adopted but had not been codified into the City Code, to reorganize the City Code to better group similar topics, and to provide an online version of the City Code that has much more effective search capabilities. The updated City Code does not include any new land use /zoning ordinances that have not already been adopted.

### Organization of Updated City Code

The current City Code is organized into 12 Chapters, which are organized into articles and sections. The updated City Code is organized into 15 titles which are organized into chapters. All land use and zoning items are organized into Title 15 Land Usage, which includes all items currently in Chapter 12, plus additional topics such as building regulations, streets and sidewalks, trees, aircraft and right-to-farm.

### Link to Updated City Code and Current City Code

Hard copies of Title 15 Land Usage were provided at the November 6 Planning Commission meeting. The Planning Commission can also review the updated City Code online using the following link:

<https://codelibrary.amlegal.com/codes/aftonmn/latest/overview> The current City Code can also be found at the same website page as the updated City Code.

### Planning Commission Review of Updated City Code

Planning Commission Chair Kris Kopitzke has requested that each member of the Planning Commission select a portion of Title 15 Land Usage of the updated City Code to review. Although the ordinances themselves have not been changed, commission members should focus on whether the re-organization of the code makes sense and remains logically consistent, and should also look for any unintended consequences that arise from the re-organization.

### Public Hearing

A public hearing will be held to receive feedback from the public. Because the updated City Code is a lot to review for both the Planning Commission and the public, Chair Kopitzke has suggested that rather than closing the public hearing it could be continued to at least the January 8, 2024 Planning Commission meeting.

**City of Afton**  
**3033 St. Croix Trl, P.O. Box 219**  
**Afton, MN 55001**

# Planning Commission Memo

## Meeting: December 4, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moorese, City Administrator

Date: November 29, 2023

Re: Draft Ordinance Prohibiting Cannabis Use Within Public Property and Public Places

The legalization of the adult use of Cannabis has caused cities and other public entities to consider prohibitions on the use of cannabis in public places and spaces. Attached is a draft ordinance prohibiting the use of cannabis within public property and public spaces. Please see below for definitions of “public place”, “public property” and cannabis products. The draft ordinance is based on a similar ordinance in the City of Stillwater. The draft ordinance provides that no person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products within public property and public places. The penalty for a violation of the ordinance is a petty misdemeanor.

### Definitions

The ordinance includes the following definitions

- Public place means property that is generally open to or accessible by the public, and includes public property, but does not include those premises licensed by the State of Minnesota to permit on-site consumption.
- Public property means property, real and personal, that is owned, managed, or controlled by the City, including, but not limited to: City buildings and all the land thereon, parking lots, parks, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like.
- Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp derived consumer products shall have the meanings as defined in Minn. Stat. § 342.01.

Based on feedback from the Planning Commission and from the City Council, the draft ordinance will be finalized for a public hearing and a Planning Commission recommendation at the January 8, 2024 Planning Commission meeting.

### Planning Commission Feedback Requested

**Motion regarding feedback concerning the draft ordinance prohibiting cannabis use within public property and public places.**

ORDINANCE XX-2024

CITY OF AFTON

WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING THE CITY CODE TO PROHIBIT CANNABIS USE WITHIN PUBLIC PROPERTY AND PUBLIC PLACES**

THE CITY COUNCIL OF THE CITY OF AFTON, MINNESOTA HEREBY ORDAINS:

**SECTION 1 ENACTMENT.** An amendment to the Afton City Code is hereby enacted as follows:

**Sec. XX- PROHIBITION OF CANNABIS USE WITHIN PUBLIC PROPERTY AND PUBLIC PLACES**

*Subd. 1. Definitions*

*Public place* means property that is generally open to or accessible by the public, and includes public property, but does not include those premises licensed by the State of Minnesota to permit on-site consumption.

*Public property* means property, real and personal, that is owned, managed, or controlled by the City, including, but not limited to: City buildings and all the land thereon, parking lots, parks, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment, and the like.

*Cannabis flower, cannabis products, lower-potency hemp edibles, and hemp derived consumer products* shall have the meanings as defined in Minn. Stat. §342.01.

*Subd. 2. Prohibition.* No person shall use cannabis flower, cannabis products, lower potency-hemp edibles, or hemp-derived consumer products within public property or public places.

*Subd. 3. Penalty.* A violation of this Section is a petty misdemeanor.

**SECTION 2 SUMMARY PUBLICATION.** Pursuant to Minn. Stat § 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance: The City is prohibiting the use of cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products within public property or in a public place.

**SECTION 3 EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS XXTH DAY OF \_\_\_\_\_,  
2024

**SIGNED:**

\_\_\_\_\_  
Bill Palmquist, Mayor

**ATTEST:**

\_\_\_\_\_  
Ronald J. Moore, City Administrator

Motion by:

Second by:

Perkins:

Wroblewski:

Ross:

Nelson:

Palmquist:

City of Afton  
3033 St. Croix Trl, P.O. Box 219  
Afton, MN 55001

# Planning Commission Memo

## Meeting: December 4, 2023

To: Chair Kopitzke and members of the Planning Commission

From: Ron Moore, City Administrator

Date: November 29, 2023

Re: 2024 Planning Commission Meeting Schedule

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Each year, the schedule for the regular City Council and Planning Commission meetings is adopted, and each year the meeting schedule reflects changes to two or three of the Planning Commission's regular meeting dates due to conflicts with holidays. For 2024, there are two changes from the Planning Commission's regular meeting schedule as follows:

- January Planning Commission Meeting rescheduled from January 1<sup>st</sup> (New Year's Day) to January 8<sup>th</sup>
- September Planning Commission Meeting rescheduled from September 2<sup>nd</sup> (Labor Day) to August 26<sup>th</sup>.

**Planning Commission Action Requested:**

**Motion to confirm the changes to the January and September meeting dates as listed above.**



## November 21, 2023 City Council Meeting Highlights

### *The Council:*

- Approved the 2024 meeting schedule for the City Council and the Planning Commission.
- Approved hiring Eckberg Lammers as new prosecution attorney.
- Approved liquor license renewals for Afton House and the Lumberyard Pub.
- Approved adoption of the Washington County All-Hazard Mitigation plan.
- Passed resolution of support for flashing pedestrian crosswalk signs at the roundabout intersection at Afton-Lakeland school.