

CITY OF AFTON
APPROVED PLANNING COMMISSION MINUTES
July 11, 2016, 7:00 PM

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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: Langan, Kopitzke, Bowman, Doherty and Chair Ronningen. Seeberger arrived at
10 7:03. Excused absences: Wroblewski, Patten, Nelson. **Quorum present.**

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

14
15 4. **APPROVAL OF AGENDA** –

16 **Motion/Second: Doherty/Bowman. To approve the July 11, 2016 Planning Commission agenda as**
17 **presented. Motion carried 5-0-0.**

18
19 5. **APPROVAL OF MINUTES** –

20 A. June 6, 2016 Planning Commission Meeting Minutes – Secretary Kopitzke commented that he preferred
21 more details of the discussions by commissioners, as he was not present at the meeting. Chair Ronningen noted
22 that she had passed that along to City Council and they will be taking up the discussion.

23 **Motion/Second: Bowman/Ronningen. To approve the June 6, 2016 Planning Commission Meeting**
24 **minutes as presented. Motion carried 3-1-1 (Nay: Kopitzke; Abstain: Langan).**

25
26 6. **REPORTS AND PRESENTATIONS** –

27 A. Mike Isensee of the Middle St. Croix Water Management Organization Presentation Regarding Minimal
28 Impact Design Standards (MIDS) – reported that the Minimal Impact Design Standards (MIDS) have been
29 adopted into the Middle St. Croix Water Management Organization (MSCWMO) water management plan and
30 that the MSCWMO has obtained grant funding from the Clean Water Legacy Fund to assist cities in
31 incorporating MIDS into their zoning regulations. Isensee reported that five of the cities have already adopted
32 MIDS into their ordinances and five, including Afton, have adopted similar MIDS guidelines. He commented
33 that the Valley Branch Watershed District and South Washington County Watershed District didn't come to the
34 city when they incorporated MIDS into their watershed plans. Watersheds across the Metro Area are adopting
35 MIDS so that consistent standards are being used across communities.

36 Commissioners' questions were addressed. No action was taken.

37
38 7. **PUBLIC HEARINGS** –

39 A. Meisner Variance Application at 1520 Stagecoach Trail for Handicap Accessible Restroom – Chair
40 Ronningen opened the Public Hearing at 7:22 p.m.

41 Administrator Moose summarized the application and conditions on the Meisner property at 1520
42 Stagecoach Trail S requiring variances to front yard and stream setbacks to enable a 13' X 13' addition to the
43 existing house for a handicap accessible bathroom. The current house is very small and does not have space for
44 a handicap accessible bathroom. Mr. Meisner is proposing to construct an addition to the south side of the
45 existing house for the bathroom. The existing house is legally non-conforming, in that it does not meet the front
46 yard setback to the east or the stream setback to the west; in fact, the two setbacks overlap each other. The
47 existing house has a 66 foot setback to the centerline of Stagecoach trail vs. the required 150 foot setback. The
48 house has a 75 foot setback to the stream vs. the required 200 foot setback. The proposed addition would have a
49 97 foot setback to the centerline of Stagecoach Trail and a 110 foot setback to the tributary. Moose explained
50 that the house is an existing non-conforming structure and city code allows nonconforming uses, buildings and
51 structures that are within 60 percent of the minimum required setback, and the proposed improvement to the
52 structure is extended laterally or parallel with the substandard setback, to be approved with an Administrative
53 Permit. The existing structure does not meet 60% of the required front yard or stream setbacks. While the

54 addition meets 60% of the required front yard setback, it does not meet 60% of the stream setback. A variance is
55 therefore necessary to allow the proposed handicap accessible bathroom addition.

56 The contractor for Meisner reviewed that this house was owned by Meisner's grandparents and that it was
57 built before there were any setbacks in Afton. He explained Meisner is designated by the Veteran's
58 Administration as totally disabled and there is no other way to design a handicapped bathroom but to put on an
59 addition.

60
61 Public Comment

62 Scott Vlasko, 1420 Valley Creek Rd, spoke in support of granting the variance for Mr. Meisner.

63
64 **Motion/Second: Langan/Doherty. To close the Public Hearing at 7:26 p.m. Motion carried 6-0-0.**

65
66 Commission Discussion

67 Doherty commented that that property does not lend itself to meeting setbacks, so that no matter where the
68 addition would go, it couldn't meet the setbacks.

69 Langan asked about the stream elevation. It was reported that the house is at least five feet above the stream
70 level.

71 Kopitzke asked if there was a basement level. It was reported that it is only for access to mechanical and
72 plumbing; basically a crawl space with a higher ceiling.

73 Commissioners felt that the 120 year-old house that has had no impact to the stream should have no impact
74 from this bathroom addition.

75 Ronningen asked about the septic system to which it was reported that the new septic system is five years
76 old and was sized to accommodate the maximum capacity of the house, even though Meisner does not use the
77 upstairs at all.

78
79 **Motion/Second: Bowman/Doherty. To recommend APPROVAL to the City Council for the Roger
80 Meisner variance at 1520 Stagecoach Trail to allow an addition to the existing house for a handicap
81 accessible bathroom with a 97 foot front yard setback and a 110 foot stream setback, including:**

82
83 Findings of Fact

84 1. The application meets all of the criteria for grant a variance, including that the lot is sub-
85 standard.

86 2. There is no other buildable solution for the lot and structure.

87 3. The structure is over 100 years old and has had no adverse effects to the neighborhood or health
88 and safety.

89 4. There is vegetative screening on both sides of the reduced setbacks.

90 5. The addition does not make the structure more non-conforming.

91 6. The current 5-year old septic system was sized to meet the full capacity of the house.

92
93 **Motion carried 6-0-0.**

94
95 **B. Localized LLC Application for Zoning Code Amendment for a Non-Profit Park at 2167 Oakgreen
96 Avenue and Two Adjacent Parcels with PID #s 16.028.20.23.0001 and 16.028.20.23.0002 – Chair Ronningen
97 opened the Public Hearing at 7:36 p.m.**

98 Administrator Moorse summarized that Localized LLC is a non-profit organization that has a purchase
99 agreement on 60 acres of property at 2167 Oakgreen Avenue and two adjacent parcels with PID #'s
100 16.028.20.23.0001 and 16.028.20.23.0002. The 2167 Oakgreen parcel is zoned Agricultural and the other two
101 parcels are zoned Rural Residential. The property is generally wooded and has substantial sloped topography.
102 The southerly portion of the property is adjacent to Valley Creek. The applicants are proposing to use the
103 property as a non-profit park, with uses including a community garden, hiking trails and biking trails. The
104 current list of allowed uses in Sec. 12-134 of the zoning code does not include on-profit park use. The list of

105 uses does include a nature center as a conditional use, but the code does not include a definition of nature center.
106 The applicants are proposing to add “non-profit park” as a conditional use in the Agricultural and Rural
107 Residential zoning districts. Their proposed definition of non-profit park is:
108 “*Non-Profit Park* means land owned and managed by a non-profit organization and open to the public
109 in a controlled manner at no cost to provide for conservation as well as park and open space uses such
110 as community gardens, hiking trails and biking trails.”
111

112
113 Public Comment

114 Jeff Polachek, 1670 Stagecoach Trail S, is a neighboring property. He commented that this will be a good
115 spot for “keggers,” as it is at the end of the road. He asked how it would be policed and how it would keep
116 clean. [The existing property had many dump sites and indications of “parties.”]

117 Krista Anderson, 2170 Oakgreen Avenue S, the property at the end of the cul-de-sac, commented that
118 increased traffic will be a concern. This has already been and will continue to be a hotspot for teenagers. The
119 City already has a community garden and there are already many recreation areas, such as Belwin and Afton
120 State Park, within a couple miles of this property.
121

122 **Motion/Second: Langan/Bowman. To close the Public Hearing at 7:43 p.m. Motion carried 6-0-0.**
123

124 Commission Discussion

125 Kopitzke asked why there was a need for a “non-profit park” use classification in Afton’s ordinances.

126 Langan and Bowman questioned what the impact of a non-profit park would have to property taxes. The
127 owners’ real estate agent reported that the owners plan to grow food for their commercial venture.

128 Commissioners asked whether this could in fact qualify as a “non-profit; they asked if Localized LLC has
129 501(C)3 status. Some wondered if this was a cost-effective way to do “land holding” for future development.

130 Chair Ronningen reminded that this is a request to change the ordinances and not an application.

131 Kopitzke felt policing would be a concern. If it was a public park, the Sheriff’s deputies would have
132 jurisdiction, but this would be private land. It was questioned why this land could not be considered a
133 “recreational area” or a “nature center” which Afton ordinances allow.

134 Moose clarified that Afton’s ordinances do not define “nature center,” so that would need to be added if the
135 Commission felt that designation would fit.

136 Bowman stated that not having a definition for “nature center” is an identified weakness in the ordinances.

137 Langan asked if this application could be tabled until August.

138 Ronningen noted that Afton ordinances allow a request for Rezoning to come forward from the Planning
139 Commission or City Council or by petition by affected property owners. [Localized LLC is on record as having
140 a purchase agreement on the properties indicated.]
141

142 **Motion/Second: Ronningen/Kopitzke. To recommend DENIAL to City Council for the Localized LLC
143 application for an amendment to the zoning code to add the non-profit park use to the list of uses in Sec.
144 12-132. Uses, and to add a new Section: 12-232. Non-Profit Park describing the non-profit park use and
145 providing a set of performance standards, with the following:**
146

147 Findings of Fact

- 148 1. Similar uses are already covered in Afton ordinances and could be accomplished as a “recreation
149 area” or “nature center.”
- 150 2. All of the activities proposed for a “non-profit park,” such as community garden, hiking and
151 biking trails and conservation are all allowed under Afton’s existing ordinances.
- 152 3. Raising food for a restaurant is not a community garden.
- 153 4. Request that the City Council have the Parks Committee and the Natural Resources &
154 Groundwater Committee review such a use, as this topic may come up again. For instance,

155 churches have “park” areas, and they are not designated as “non-profit parks” in the use table;
156 Belwin has soccer and baseball fields on their land (but they are not in Afton).
157

158 Doherty offered a friendly amendment to refund the applicant’s fee if the application is denied at City
159 Council. The friendly amendment was accepted.
160

161 Motion carried 6-0-0.
162

163 8. NEW BUSINESS – 164

165 A. Drafting of an ordinance amendment to exclude man-made steep slopes from the regulations regarding
166 the disturbance of steep slopes – Administrator Moore explained that at its June 13, 2016 meeting, the Council
167 directed staff to work with the Planning Commission to develop an ordinance amendment to provide that the
168 protection of slopes 18% or greater does not include slopes that were less than 18% in their natural state, but
169 were made 18% or greater by grading, i.e. for the construction of a roadway, and also are not environmentally
170 sensitive or fragile. He explained further, the Zoning Code prohibits the disturbance of slopes of 18% or greater
171 and requires scenic easements to be placed on these slopes to protect them. The language prohibiting grading on
172 steep slopes and requiring scenic easements to protect steep slopes references the protection of environmentally
173 sensitive lands and lands judged to be fragile, as well as the preservation and management of areas unsuitable
174 for development in their natural state. He reported that, while the disturbance of any steep slope requires proper
175 erosion control measures to protect the slope, the question has been raised as to whether the 18% slope
176 restriction was meant to protect man-made steep slopes as well as natural slopes, Council agreed that the 18%
177 slope restriction was not meant for areas that were not 18% slopes in their natural state but were created by
178 grading, i.e. for roadway construction, and has referred to the Planning Commission the task of developing an
179 ordinance amendment that excludes man-made steep slopes from the 18% slope restrictions.
180

181 Commission Discussion

182 Bowman indicated that, as in the case of Brown Trout LLC, erosion and runoff are still appropriate for 18%
183 slope protection, whether natural or man-made.

184 Kopitzke commented that he believes the 18% slope for conservation easement should be for longer
185 distances of slopes, such as 50 or 100 feet. He felt erosion control and protection of slopes greater than 18% is
186 appropriate whether natural or man-made.

187 Ronningen questioned what kind of evidence the City would allow that the slope was not “natural.”

188 Moore suggested the burden would be on the property owner to prove and that the City would have
189 enforcement for erosion.

190 City Clerk Swanson Linner indicated that the City has not had good success in enforcing reparations to
191 recent and on-going erosion issues.

192 Doherty asked if a variance application could handle this on a case-by-case basis.

193 Ronningen asked if this exemption would be for driveways only, or would apply to any man-made slopes.
194 She felt there was a lack of specificity that would be problematic. Would it allow anyone to build on 18%
195 slopes? What about a 2,000 year-old archeological area built by native peoples such as Bissel Mounds?

196 Bowman wondered if the City Engineer could offer some direction as to a definition for a ditch or a
197 driveway would be appropriate to consider.
198

199 B. Discussion Regarding the Addition of Vegetative Screening Requirements to the Subdivision Ordinance

200 – Administrator Moore presented a viewpoint that a significant element of Afton’s rural character are
201 characterized by long views of farm fields and houses dotting the landscape, as well as wooded areas, some with
202 homes hidden on large wooded lots. Over time, as open land is subdivided and large homes are built, the long
203 views of farm fields could be replaced with shorter views of large homes, which could begin to appear more
204 suburban than rural. The mayor, at the June meeting, wondered if one way to mitigate this possible change in
205 character is to require substantial vegetative screening to create a natural buffer zone, particularly along public

206 roadways, as part of new subdivision approvals. The vegetation could provide a long-term natural, wooded view
207 and natural, rural character. The Council requested that the Planning Commission explore adding vegetative
208 screening requirements to the subdivision ordinance.

209 Council Liaison Ross gave an example of a concept that the image of Afton is a perception of low density
210 because you “don’t see houses.” And what separates Afton from Woodbury, and if you see trees instead of a sea
211 of homes, that this is a nice place to live. When you see Cedar Bluffs, you see a cluster of homes on large
212 acreages and it feels like it’s a part of the culture of Afton.

213
214 Commission Discussion

215 Langan commented that this type of requirement reminded him of an HOA [Homeowner’s Association]. He
216 felt that Afton’s rural character has more to do with large lot sizes, not the amount of trees.

217 Ronningen agreed. She commented that subdivisions are required to keep and protect established trees.
218 Also, the perception of Afton could be totally different depending on where you live: the eastern portion is
219 wooded and hilly; the western portion is flat and agricultural.

220 Kopitzke commented that some people want their house to be plopped on the land with no trees and others
221 plant trees for their own screening. He didn’t like the idea of treading on private property rights. What if the
222 property owner cuts down the screening that was required at the time of development. It should be their right.

223 Doherty wholeheartedly agreed with Kopitzke.

224 Ronningen agreed that vegetative screening requirements, especially as conditions to commercial uses such
225 as the trailer parking on Hudson Road, are important. She said the problem is in the enforcement of ensuring
226 adequate screening. She felt additional requirements for vegetative screening was not needed.

227
228 **9. OLD BUSINESS -**

229 A. Comprehensive Plan Update Process – Chair Ronningen offered an executive decision to skip this agenda
230 item for this meeting. There were no objections.

231
232 B. Draft City Council Minutes – were provided in the packet.

233
234 C. Update on City Council Actions – Council Liaison Ross reported that the applicants from both items that
235 had been recommended to the Council from the Planning Commission requested and were granted a continuation
236 to the next Council meeting.

237
238 **10. ADJOURN –**

239
240 **Motion/Second: Doherty/Langan. To adjourn the meeting at 8:32 p.m. Motion carried 6-0-0.**

241
242 Respectfully submitted by:

243
244
245 _____
246 Kim Swanson Linner, City Clerk

247
248 **To be approved on August 1, 2016 as (check one): Presented: _____ or Amended: X**