

CITY OF AFTON
APPROVED PLANNING COMMISSION MINUTES
August 3, 2015, 6:30 PM

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5 **1. CALL TO ORDER** – Vice Chair Judy Seeberger called the meeting to order at 6:35 p.m.

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7 **2. PLEDGE OF ALLEGIANCE** – was recited.

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9 **3. ROLL CALL** – Present: Doherty, Nelson, Kilmer, Kopitzke, Wroblewski and Vice Chair Seeberger.
10 **Quorum present.** Excused Absence: Ronningen, Patten and Langan.

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

14
15 **4. APPROVAL OF AGENDA** –

16
17 **Motion/Second: Wroblewski/Nelson. To approve the August 3, 2015 Planning Commission agenda as**
18 **presented. Motion carried 6-0-0.**

19
20 **5. APPROVAL OF MINUTES** –

21 a. July 6, 2015 Planning Commission Meeting Minutes –

22
23 **Motion/Second: Nelson/Kopitzke. To approve the July 3, 2015 Planning Commission Meeting minutes as**
24 **presented. Motion carried 5-0-1 (Abstained: Kilmer, as she was not in attendance.)**

25
26 **6. REPORTS AND PRESENTATIONS** – none.

27
28 **7. PUBLIC HEARINGS** – [The order of Public Hearing items 7.a. and 7.b. were switched in order to
29 accommodate the WSB Planner who was arriving later for the Sewer Ordinance Amendment.]

30 a. Residential Solar Array Ordinance – Vice Chair Seeberger opened the Public Hearing at 6:38 p.m.

31 Administrator Moose explained that the Model Solar Ordinance was updated with commissioner comments
32 and formatted consistent with city ordinances. There were no public comments.

33
34 **Motion/Second: Doherty/Kopitzke. To close the Public Hearing at 6:39 p.m.**

35
36 Commissioners wanted to clarify Sec. 12-230 D.4. to state, “Electrical Permits are obtained through the State
37 of Minnesota...” Deputy Clerk informed that the next statement will be changed to be consistent, stating:
38 “Building and Plumbing Permits applications are obtained through the City and shall include:...”

39 The item being moved from the existing code Sec. 12-132.F.2. regarding solar access on a vacant lot was
40 brought up as not being feasible in the VHS district. It was noted that the Comprehensive Plan protects solar
41 access to all parcels in Afton and changing this statement would require a Comp Plan amendment. It was decided
42 that protection of solar access must remain as is, and the issue can be addressed within discussions of the next
43 Comprehensive Plan update.

44
45 **Motion/Second: Doherty/Wroblewski. To recommend adoption to City Council for the Solar Energy**
46 **Systems Ordinance 03-2015 as amended. Motion carried 6-0-0.**

47
48 b. Sewer Ordinance Amendment – [The public hearing for the ordinance amendment at the July 6 Planning
49 Commission meeting was opened but continued to the August 3 Planning Commission meeting.] Vice Chair
50 Seeberger opened the Public Hearing at 6:55 p.m.

51 Administrator Moose reviewed that the Planning Commission at their June 1, 2015 meeting reviewed a
52 draft sewer ordinance amendment and provided substantial feedback. Breanne Rothstein, WSB Planner, updated

53 the sewer ordinance amendment to reflect that feedback and was in attendance to answer any questions or
54 concerns about the ordinance.

55 Commissioners decided to walk through the document a page at a time. It was noted that typos and section
56 numbers would be adjusted in the final copy. Changes were requested as follows:

57 Page 2, Sec. 12-1952. BOD, Biological Oxygen Demand, needed a definition added.

58 Page 4, Sec. 12-1952. Connection to Septic Treatment Systems, dealt with Individual Sewage Treatment
59 Systems (ISTS), but Commissioners felt that “Community Sewage Treatment Systems” should also be listed.

60 Page 6, Sec. 12-1957. Violations and Penalties, should be deleted (except for purple item B) and insert a
61 reference to the City Code General Provisions in Chapter 1, Sec. 1-13, which includes state statute allowed
62 violations and penalties. This is to reduce duplications and conflicts in language in subsequent sections. Item B
63 was retained with the deletion of the phrase “at that time.”

64 Page 14, Subdivision IV. The title term “Enforcement” was requested to be changed, as Sec. 12-2236 deals
65 with payment of bills and “violations and penalties” if not paid.

66 Page 15, Sec. 12-2238, delete “delinquent” at the end of the sentence and insert “unacceptable or negatively
67 impact the system.” The Planner noted that such unacceptable items that should not be disposed of in a septic
68 system are diapers, mop heads, dental floss and flushable wipes.

69 Overall, commissioners felt the ordinance was very comprehensive and fit Afton’s needs.

70
71 **Motion/Second: Doherty/Kopitzke. To recommend adoption to City Council for the Sewer Ordinance**
72 **amendment as edited and amended. Motion carried 6-0-0.**

73
74 **8. NEW BUSINESS –**

75 a. Lower St. Croix River Bluffland and Shoreland Management Ordinance Amendment – Administrator
76 Moose described several conflicts in language between sections in the city code, particularly with the St. Croix
77 Bluffland and Shoreland Ordinance and the Floodplain Ordinance. He explained that the inconsistencies,
78 outdated language, and conflicts should be corrected to provide clarification and avoid future conflicts. Council,
79 at their July 21 meeting, referred the ordinance to the Planning Commission for correction and clarification.

80
81 Corrections

82 Section 12-132, allows up to 20% or 4,350 s.f. of impervious coverage in the VHS. However, Section 12.637, in
83 the St. Croix Bluffland District, states impervious coverage as: “10% of (*typo, should say: “or”*) 4,350 s.f.

84 **The 10% should be changed to be consistent with the 20% allowed in the VHS districts.**

85
86 Sec. 12-832. Contains language requiring that “before any zoning district or ordinance amendment or variance
87 becomes final, the Council shall forward the decision to the commissioner. The commissioner of natural
88 resources shall certify in writing that the proposed action complies with the intent of the Wild and Scenic Rivers
89 Acts and the master plan for the Lower St. Croix River in the manner specified in department of natural
90 resources (DNR) regulations, including Mn Rules, § 6105.0540.”

91 **The DNR no longer has the authority to certify City variance actions. The variance certification language**
92 **should be deleted from the ordinance.**

93
94 Sec. 12-578 indicates that “Any provisions of the zoning ordinance, article II of this chapter, relating
95 to the Lower St. Croix Riverway shall remain in full force and effect except as they may be contrary to the
96 provisions of this article.” However, Sec. 12-707. F. indicates “All uses not authorized in the local zoning
97 ordinances” are prohibited. Sec. 12-578 includes a number of uses allowed with a conditional use permit that
98 are prohibited in the VHS districts by the zoning ordinance, article II. These include the following:

- 99 - Institutional and medical housing
100 - Multiple family dwellings with central sewer
101 - Planned unit developments
102 - Townhouses with central sewer

103 **These uses should be deleted from Sec. 12-578 to eliminate the inconsistency and conflict.**

104 Sec. 12-706. Conditionally Permitted Uses.
105 In the VHS district, the Conditionally Permitted Uses listed in Section 12-578© may be permitted as special
106 uses, in accordance with Section 12-578(B).

107 **The term “special uses” should be changed to “conditional uses” because the term “special use” is no**
108 **longer used in the zoning ordinance article II.**

109
110 Sec. 12-831. Administrative Procedure

111 This section requires that application materials related to variances and CUP’s be sent to the
112 Minnesota/Wisconsin Boundary Area Commission. It also requires that notices of applications be sent to the
113 City Council of any City within two miles of the affected property.

114 **These requirements are beyond statutory requirements for land use applications and should be deleted.**

115
116 Sec. 12-707. Prohibited uses.

117 Item E reads as follows: “Downstream from Stillwater in rural districts.”

118 **Staff will try to determine what specifically this sentence refers to.**

119
120 Section 12-1001, Permitted uses (in the Floodway District). The list includes shooting preserves, target ranges
121 and trap and skeet ranges. These uses are specifically prohibited in Sec. 12-134 Uses.

122 **These uses should be deleted from Section 12-1001.**

123
124 Moore noted that if Planning Commissioners notice additional elements of the ordinance language that need to
125 be revised, they should send them to him and they will be added to the ordinance amendment.

126
127 **Staff was directed to draft an ordinance amendment for the inconsistencies and outdated language in the**
128 **Lower St. Croix Bluffland and Shoreland Management ordinance and the Floodway District ordinance**
129 **and to publish notice for a public hearing at the August 31, 2015 Planning Commission meeting.**

130
131 b. PC Training Opportunities – It was noted that the Council at their July 21 meeting approved
132 expenditures for the following trainings and workshops.

133 1. St. Croix Workshop-on-the-Water – August 6, 2015 - \$20 per person was approved.

134 2. GTS Land Use Planning-“Comprehensive Planning” Workshop – October 28 - \$110 per person,
135 approved three attendees. Those able and interested in attending, if more than three members, will be placed into
136 a lottery to determine who will attend.

137 3. LMC On-line Training – two sessions at \$30 per session, \$60 per person for three new PC members.

138
139 c. It was noted that the next Planning Commission meeting will be held on Monday, August 31, at 6:30 p.m.

140
141 **9. OLD BUSINESS –**

142 a. Draft City Council Minutes – Update on City Council Actions – Vice Chair Seeberger reported on the
143 actions by Council from the draft minutes of their July 21, 2015 meeting.

144
145 **10. ADJOURN –**

146 **Motion/Second: Nelson/Doherty. To adjourn the meeting at 8:20 p.m. Motion carried 6-0-0.**

147
148 Respectfully submitted by:

149
150
151 _____
152 Kim Swanson Linner, Deputy Clerk

153
154 **To be approved on August 31, 2015 as (check one): Presented: X or Amended: _____**