

CITY OF AFTON  
**APPROVED PLANNING COMMISSION MINUTES**  
**August 1, 2016**

---

1  
2  
3  
4  
5 **1. CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 7:00 p.m.

6  
7 **2. PLEDGE OF ALLEGIANCE** – was recited.

8  
9 **3. ROLL CALL** – Present: Langan, Kopitzke, Seeberger, Bowman, Patten, Nelson and Chair Ronningen.  
10 Excused absences: Wroblewski, Doherty. **Quorum present.**

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** – Chair Ronningen announced that the Brockman Trucking and Solar Farm  
16 amendment applications had Public Notices published, however, the applications were deemed incomplete, and  
17 therefore, they had to be moved to the September 12 Planning Commission agenda.

18  
19 **Motion/Second: Patten/Kopitzke. To approve the August 1, 2016 Planning Commission agenda as**  
20 **presented. Motion carried 7-0-0.**

21  
22 **5. APPROVAL OF MINUTES** –

23 A. July 11, 2016 Planning Commission Meeting Minutes – Lines 42 and 226, corrected minor typos.

24  
25 **Motion/Second: Kopitzke/Bowman. To approve the July 11, 2016 Planning Commission Meeting minutes**  
26 **as amended. Motion carried 5-0-2 (Abstain: Patten and Nelson).**

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

29  
30 **7. PUBLIC HEARINGS** –

31 A. Nelson Estates, Guy Reithmeyer and Cheryl Frenette, Preliminary Plat – Chair Ronningen opened the  
32 Public Hearing at 7:05 p.m.

33 Administrator Moore called on consultant planner, Bob Kirmis, from Northwest Associated Consultants,  
34 Inc., to present the Preliminary Plat report.

35 Kirmis reviewed that the Nelson Estates sketch plan was heard in September, 2014, for informal feedback,  
36 at which time the Planning Commission had no comments for changes to the proposed subdivision. The subject  
37 property, 1093 Indian Trail Path S, is located north of Indian Trail S between Lake Edith Lane and Lake Edith,  
38 consists of 30.1 acres of land, 20.7 acres of which lies above the ordinary high water level (OHWL) of Lake  
39 Edith. The only change from the sketch plan to the Preliminary Plat is that the narrow, 12,150 square foot parcel  
40 of land located south of Proposed Lot 4, Block 1 and east of Lake Edith Lane cul-de-sac was officially  
41 transferred to the Riethmeyer parcel at 1093 Lake Edith Lane, and is no longer part of the subdivision. The  
42 subdivision proposes a dedication of a 60 foot right-of-way to the city, as there was no previous right-of-way.  
43 Each of the lots consists of over 5 acres and has more than the minimum buildable acreage. Soils for septic  
44 systems ~~has~~ have been tested. All requirements for subdivision have been met. It was, however, noted that all  
45 permits for individual homes must meet Valley Branch Watershed District (VBWD) requirements. Because all  
46 of the parcels are in the Conservancy Overlay District, proposed home sites are also required to have an  
47 Administrative Permit from the City. It was determined at the time of the sketch plan that the City's  
48 Comprehensive Plan and its Parks Plan does not indicate any park land dedication in this area, therefore, a cash  
49 park dedication fee will be required, subject to a minimum of \$5,000 and a maximum of \$10,000 per dwelling  
50 unit.

51 There were no public comments.

52  
53 **Motion/Second: Nelson/Patten. To close the Public Hearing at 7:18 p.m. Motion carried 7-0-0.**  
54

55 Commission Discussion

56 Bowman inquired about the kinds of grasses that are on the ridge and wooded area. [*Brome, rye, oats*]

57 Nelson asked about the OHWL. [*There is an outlet on the southeast corner of the lake; but in recent years*  
58 *the OHWL is more stable than it has been in the past.*]

59 Commissioners requested to strike Condition #4, as the VBWD permit will indicate the OHWL and required  
60 elevations of floor levels, which is covered in Condition #6.

61 Kopitzke commented that he didn't see a public access to the lake and felt it was in the public interest to  
62 provide such access.

63 Kirmis commented that imposing public access on landowners needs to be shown on the city maps, so that  
64 landowners are aware of the possibility of access.

65 Ronningen reminded that a public access was discussed at the time of the sketch plan, but it was determined  
66 that there is not good access from any part of this subdivision, because of the steep slopes down to the lake.  
67 Also, residents with properties on Lake Edith have reported the problems with ice fishers leaving debris,  
68 trespassing, using alcohol, causing noise and disturbances to the area.

69 [The City Attorney had determined in 2011 that there is no public access from Indian Trail to Lake Edith, so  
70 any unauthorized access to the lake would be across private land and would therefore be considered trespassing.]

71 The applicant commented that since the "no public access" has been determined, it has brought tranquility  
72 back to the lake, like it was 50 years ago. Ronningen explained that, after the sketch plan discussion, the Parks  
73 Committee needed to provide a recommendation for public access to the Planning Commission if they wanted it  
74 to be considered.

75 Commissioners discussed that the least sloped area was located on the north side of the subdivision, which  
76 would be the only viable site for public access. Commissioners discussed limitation s on the landowner's private  
77 lake access and proposed that a 10 foot cleared path width be included as Condition #15.

78  
79 **Motion/Second: Ronningen/Bowman. To recommend APPROVAL to the City Council for the Nelson**  
80 **Estates Preliminary Plat at 1093 Indian Trail Path, subject to the following:**

81  
82 Conditions

- 83 1. Both the Indian Trail Pass and Lake Edith Lane roadways shall be located within public right of-  
84 way and shall be provided 15 foot setbacks from property lines (to accommodate private utilities  
85 and snow storage). This issue shall be subject to further comment by the City Engineer.
- 86 2. The adequacy of the streets serving the property shall be subject to comment and  
87 recommendation by the City Engineer.
- 88 3. Driveway placement for Lot 3, Block 1 shall be setback a minimum of 60 feet from the  
89 intersection of Indian Trail Path and Lake Edith Lane.
- 90 4. [Deleted:] Basement floor elevation of site structures shall be at least two feet above the adjacent  
91 water/wetland/stream/lowland 100-year flood level.
- 92 5. Except as otherwise allowed by the Valley Branch Watershed District for lake access, vegetation  
93 clearing within the shore and bluff impact zones and on steep slopes shall be prohibited.
- 94 6. All requirements imposed by the Valley Branch Watershed District in the attached letter dated  
95 June 3, 2016 shall be satisfied.
- 96 7. The City Engineer provide comment and recommendation in regard to the establishment of  
97 easements upon the property.
- 98 8. Primary and secondary septic sites shall be illustrated on the preliminary plat in compliance with  
99 Section 12-413 of the Zoning Ordinance (Sewage Treatment) and Section 12-1328.C.9 of the  
100 Subdivision Ordinance (Preliminary Plat Data Requirements).
- 101 9. Review and approval of proposed septic designs and final septic permits by the Washington  
102 County Department of Public Health shall take place prior to building permit issuance.
- 103 10. Consistent with Conservancy Overlay District requirements, permitted and accessory uses shall  
104 be subject to administrative permit.

11. **Current land value information be provided to the City (by the applicants) such that an exact cash contribution amount can be calculated and potentially applied as a condition of final plat approval.**
12. **Park dedication requirements of the City (land, cash or a combination of both), as determined appropriate by City Officials, shall be satisfied (dedicated and/or paid) prior to City signing the final plat.**
13. **As part of final plat approval, the applicants shall enter into a development agreement with the City and post any financial securities required by it. This issue should be subject to further comment by the City Attorney.**
14. **All requirements of the City Engineer, as outlined in the memo from Jesse Carlson of WSB dated July 18, 2016, shall be satisfied.**
15. **The width of any cleared path from the bluff line to the lake shall not be more than 10 feet in width, or any greater width as superseded by state statute.**

**Motion carried 7-0-0.**

**B. Interim Use Permit for an Accessory Building, Robert Demaster, 15376 Afton Boulevard** – Chair Ronningen opened the Public Hearing at 7:42 p.m.

Administrator Moose described that Robert Demaster owns the small parcel at 15376 Afton Boulevard South, as well as three adjacent parcels: the parcel at 15252 Afton Hills Drive includes his home; the large parcel to the south with PID # 15.028.20.34.0001 has a vineyard; the third is a long narrow parcel with PID# 15.028.20.43.0005 southeast of the 15376 parcel. The parcel at 15376 Afton Boulevard South had an older house and storage building. The storage building has been removed. The top story of the existing older house has been removed, as part of the plan to remodel the first floor of the house to create an accessory building/workshop. Section 12-187 of the city code requires a principal structure on a parcel in order to have an accessory building. Mr. Demaster is in the process of working on a title registration process that needs to be completed before he can re-plate the property so that the parcel at 15376 Afton Boulevard South, on which the accessory building is located, is combined with the adjacent parcels, including the parcel on which the house is located. Mr. Demaster would like to use the accessory building in the interim as a workshop and for winemaking. The City Attorney suggested that an interim use permit, per state statute, would be a good fit for this situation, because only an interim solution is needed. The interim use permit would allow the accessory building without a principal structure on a temporary basis until the title work and the re-platting process are complete.

There were no public comments.

**Motion/Second: Patten/Nelson. To close the Public Hearing at 7:47 p.m. Motion carried 7-0-0.**

Commission Discussion

Commissioners asked if Afton allows Interim Use Permits in the city code.

Moose explained that while the Use Table 12-134 lists an Interim Use Permit as allowable, there is no definition, nor language about what specifically that means in Afton.

Commissioners questioned where the old house was located in relation to the parcels.

Staff noted that the building appears to be located over the south property boundary on 15376 Afton Boulevard S, so combining the parcels would be required for the building to meet setback requirements.

**Motion/Second: Kopitzke/Seeberger. To recommend approval of the Robert Demaster application for an Interim Use Permit to allow the lower floor of an existing house to be used as an accessory building at 15376 Afton Hills Drive, with the following:**

Conditions

1. **The Interim Use Permit would be allowed for a period of 12 months, to allow time for the owner to complete title registration and re-platting to combine the three subject parcels.**

- 157           **2. The Interim Use Permit would have the option to extend for up to 12 months, with Administrative**  
158           **review and approval.**

159  
160 **Motion carried 5-2-0 (Nay: Patten and Ronningen).**  
161

162 **8. NEW BUSINESS – none.**

163  
164 **9. OLD BUSINESS -**

165 **A. Comprehensive Plan Update Process –**

- 166           1. Land Use Classification - Administrator Moore explained that the Supplemental Packet contained  
167           definitions from municipalities for Commercial uses, which is something the Planning Commission  
168           had agreed to work on: Melrose, Cannon Falls, Taylors Falls and Hawley.  
169           The commission briefly discussed their initial responses to definitions.  
170           Chair Ronningen suggested that commissioners review the definitions and come to the next meeting  
171           with suggestions of what may work for Afton.  
172           2. Identification of Issues for Review – Chair Ronningen suggested that each commission member be  
173           assigned to review a section of the Comprehensive Plan and look at the city ordinances to bring to  
174           the September 12, 2016 meeting issues that may need tweaking in both the Comprehensive Plan and  
175           the ordinances. Assignment of sections was as follows:  
176           a. Langan – Environmental Resources Plan  
177           b. Nelson – Energy and Groundwater  
178           c. Seeberger - Housing  
179           d. Kopitzke - Transportation  
180           e. Bowman - Parks and Open Space  
181           f. Patten - City Governance  
182           g. Ronningen - Solid Waste

183  
184 **B. Draft City Council Minutes – Highlights of the July 19 meeting were provided in the packet.**  
185

186 **C. Update on City Council Actions – Council Liaison Ross reported that the Chaim Teitelbaum minor**  
187 **subdivision was approved without the provision for a shared driveway. It was found that shared driveways are in**  
188 **the city code under “private streets” and are not allowed. The application for Brown Trout LLC for a minor**  
189 **subdivision of properties on Putnam Boulevard and Stagecoach Trail was denied due to the increasing non-**  
190 **conformities created by the proposed subdivision and that the Putnam property would not have road access. The**  
191 **variance from setbacks for Roger Meisner to construct a handicapped accessible bathroom addition was**  
192 **approved. The application for Localized LLC for an ordinance amendment was denied, as Afton’s ordinances**  
193 **allow such uses under “nature center,” which is allowed under current city code. Ross reported that the Council**  
194 **also decided to look at the requirements for existing contiguous lots under the same ownership to combine, per**  
195 **city ordinance.**

196  
197 **10. ADJOURN –**  
198

199 **Motion/Second: Patten/Bowman. To adjourn the meeting at 8:34 p.m. Motion carried 7-0-0.**  
200

201 Respectfully submitted by:

202  
203  
204  
205 \_\_\_\_\_  
206 Kim Swanson Linner, City Clerk

207 **To be approved on September 12, 2016 as (check one): Presented: \_\_\_\_\_ or Amended:   X**