

CITY OF AFTON
APPROVED PLANNING COMMISSION MINUTES
August 31, 2015, 6:30 PM

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5 1. **CALL TO ORDER** –Chair Barbara Ronningen called the meeting to order at 6:30 p.m.
6

7 2. **PLEDGE OF ALLEGIANCE** – was recited.
8

9 3. **ROLL CALL** – Present: Nelson, Patten, Kilmer, Seeberger, Kopitzke and Chair Ronningen. **Quorum**
10 **present.** Wrobleski arrived at 7:06 p.m. Excused Absence: Langan and Doherty.
11

12 **ALSO IN ATTENDANCE** – City Administrator Ron Moore, Deputy Clerk Kim Swanson Linner and Council
13 Member Liaison Stan Ross.
14

15 4. **APPROVAL OF AGENDA** – Item 7.c., a Public Hearing for Elaine Murphy application was removed
16 from the agenda as it was improperly noticed; it will be re-noticed for the October 5 meeting. Chair Ronningen
17 added two items: Item 8.a. Grading Permits and Item 9.b. Review of the 6:30 p.m. start time for PC meetings.
18

19 **Motion/Second: Kilmer/Patten. To approve the August 31, 2015 Planning Commission agenda as**
20 **amended. Motion carried 6-0-0.**
21

22 5. **APPROVAL OF MINUTES** –

23 a. August 3, 2015 Planning Commission Meeting Minutes –

24 **Motion/Second: Nelson/Kopitzke. To approve the August 3, 2015 Planning Commission Meeting minutes**
25 **as presented. Motion carried 4-0-2 (Abstain: Ronningen and Patten, as they were not in attendance.)**
26

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

29 7. **PUBLIC HEARINGS** –

30 a. Traditional Ventures, LLC Application for Conditional Use Permit for Grading at 1987 Manning Avenue
31 and the parcel to the south with PID 18.028.20.22.0002 – Chair Ronningen opened the Public Hearing at 6:35
32 p.m.

33 Administrator Moore summarized the application from Washington Conservation District initiating water
34 quality improvement projects utilizing grant funds to work with numerous property owners to address erosion
35 issues in order to reduce the amount of sediment that erodes into streams. The project with Traditional Ventures,
36 LLC is to construct a grassed waterway on the property at 1987 Manning Avenue and the parcel to the south to
37 reduce erosion on the farm field. A grass waterway will be planted and an erosion control mat placed over the
38 seed. The project will not change the route or volume of the water. The City Engineer has reviewed the grading
39 plans, and reported the proposed erosion control blanket is adequate. The report also indicates that, if a culvert is
40 installed in the future to provide access across the grassed waterway, the plans for the culvert will need to be
41 reviewed by the City Engineer.

42 Resident Anne Headrick, a neighbor at 12210 22nd St S, asked how the project will affect their property.

43 Kurt Rentschler, 1615 Manning, asked how this might affect the land to the north that is for sale.
44

45 **Motion/Second: Patten/Nelson. To close the public hearing at 6:43 p.m. Motion carried 6-0-0.**
46

47 **Motion/Second: Kopitzke/Ronningen. To recommend approval to the City Council for the Washington**
48 **Conservation District's Conditional Use Permit for an erosion control project for Traditional Ventures,**
49 **LLC at 1987 Manning Avenue and the parcel to the south with PID 18.028.20.22.0002, with findings and**
50 **conditions.**
51

52 **Findings**

53 1. WCD and WSB found the project withstands a 10-year precipitation event.

- 54 2. **The project will not increase water flow to any adjacent properties.**
55 3. **The project will improve overall water quality to Valley Creek and ultimately to the St. Croix**
56 **River.**
57

58 **Conditions**

- 59 1. **All appropriate provisions of the Afton Code of Ordinances shall be complied with for the**
60 **duration of the permit.**
61 2. **Grading plans shall be reviewed and approved by the City Engineer**
62 3. **City Engineer specifications and recommendations for all work shall be met for the duration of**
63 **the permit.**
64 4. **The grading plan shall be constructed according to plans approved by the City Engineer. Silt**
65 **fences or other types of erosion control shall be properly installed prior to construction; and shall**
66 **be maintained in good condition until the construction is complete.**
67 5. **Non-compliance with the conditions of this permit shall be considered a violation, and may result**
68 **in revocation of this permit.**
69 6. **Compliance with conditions of this permit shall be monitored on a periodic basis.**
70 7. **Construction shall begin within one year of the date of issuance of this permit or the permit shall**
71 **become null and void.**
72 8. **If a culvert is installed in the future to provide access across the grassed waterway, the plans for**
73 **the culvert will need to be reviewed and approved by the City Engineer.**
74 9. **The applicant and property owner will adhere to the operation and maintenance plan dated**
75 **2/2015, and the grassway shall be maintained as such semi-annually for 10 years.**
76 10. **All VBWD conditions shall be met.**
77 11. **Any changes to the project shall be approved by the City of Afton.**
78

79 **Motion carried 5-1-0 (Nay-Ronningen).**

80
81 b. Grant Weissner and Peter Hill Application for Conditional Use Permit for Grading at 3750 Paradox End
82 Avenue S. and the parcel to the east with PID 22.028.20.31.0005 – Chair Ronningen opened the Public Hearing
83 at 7:05 p.m.

84 Administrator Moorse described the project by the Washington Conservation District proposed for 3750
85 Paradox End Avenue S and the property to the east to catch the large volume of surface water that flows off of
86 the Paradox End cul de sac and onto the property to the east, as well as to manage groundwater that flows
87 through the soil but hits bedrock and comes out into a gully, and to provide a stable flow path downhill for both
88 of these water sources to reduce erosion. Two rock french drain structures are proposed to capture and direct the
89 ground water, check dams to slow the water as it flows downhill, and a turf reinforcement mat to reinforce the
90 vegetation along the waterway. There will be no change in the volume of the water flowing down the waterway.
91 The City Engineer has reviewed the grading plans, and recommended approval with a number of revisions.
92 WCD representative, James Landini, who prepared the grading plan, has reviewed and responded to the City
93 Engineer’s comments. Mr. Landini will discuss these items with the City Engineer and make necessary
94 revisions.

95 There were no public comments.

96
97 **Motion/Second: Patten/Nelson. To close the public hearing at 7:12 p.m. Motion carried 7-0-0.**

98
99 **Motion/Second: Nelson/Seeberger. To recommend approval to the City Council of the Washington**
100 **Conservation District Conditional Use Permit application with Grant Weissner and Peter Hill for grading**
101 **at 3750 Paradox End Avenue S and the parcel to the east with PID 22.028.20.31.0005, with findings and**
102 **conditions.**
103
104

105 **Findings**

- 106 1. **Project improves water quality.**
107 2. **WCD and WSB found the project withstands a 10-year precipitation event.**
108

109 **Conditions**

- 110 1. **All appropriate provisions of the Afton Code of Ordinances shall be complied with for the**
111 **duration of the permit.**
112 2. **Grading plans shall be reviewed and approved by the City Engineer**
113 3. **City Engineer specifications and recommendations for all work shall be met for the duration of**
114 **the permit.**
115 4. **The grading plan shall be constructed according to plans approved by the City Engineer. Silt**
116 **fences or other types of erosion control shall be properly installed prior to construction; and shall**
117 **be maintained in good condition until the construction is complete.**
118 5. **Non-compliance with the conditions of this permit shall be considered a violation, and may result**
119 **in revocation of this permit.**
120 6. **Compliance with conditions of this permit shall be monitored on a periodic basis.**
121 7. **Construction shall begin within one year of the date of issuance of this permit or the permit shall**
122 **become null and void.**
123 8. **Installation shall be by design as approved by WCD and the WSB, the City Engineer.**
124 9. **Property owner will comply with Operation & Maintenance items 1-8 prepared by WCD, as may**
125 **be modified by WSB.**
126

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

128
129 c. Elaine Murphy Application for Conditional Use Permit for Grading at the Parcel west of 15824 50th Street
130 with PID 27.028.20.43.0001 – [Deleted from agenda.]
131

132 d. Dan Dickinson Variance Application at 15876 Afton Boulevard S. – Chair Ronningen opened the Public
133 Hearing at 7:22 p.m.

134 Administrator Moorse summarized the request from Dan Dickinson for a variance to the minimum lot size
135 requirement to enable the property at 15876 Afton Boulevard to be approved as a buildable lot so that it can be
136 added to the properties that will be included in the Village sewer system. The minimum lot size requirement is
137 22,500 square feet, which is commonly three historically platted 50 foot by 150 foot parcels (7,500 sq. ft. each)
138 combined to create one parcel. The Dickinson property is two historically platted parcels of 7,500 square feet
139 each, for a total of 15,000 square feet. This property contained a church and parsonage in the past. After the
140 church was decommissioned, the buildings were used at various times as City offices, a County library and a
141 single family dwelling/art studio. The house was moved in 1984 and the church was completely destroyed by a
142 fire in June of 1998. Mr. Dickinson purchased the property in 1999, and applied for a variance to the minimum
143 lot size requirements in 2002. At that time, Molly Shodeen of the DNR indicated that the DNR would not need
144 to certify the lot size variance, as the lots were existing lots of record. While the variance was approved, the
145 variance expired before Mr. Dickinson moved forward with the construction of a house on the property.
146 The site plan shows that a proposed house can meet the setback requirements and topography shows the
147 property does not have steep slopes. The two substandard parcels are proposed to be combined to create one
148 buildable lot. The planned wastewater treatment system has capacity to serve the property. Mr. Dickinson also
149 requested an extension of the expiration period for the variance, so that the timing of construction of a house can
150 be planned to coincide with the availability of sewer service to the property.

151 There were no public comments.
152

153 **Motion/Second: Nelson/Patten. To close the public hearing at 7:25 p.m. Motion carried 7-0-0.**
154

155 It was noted that individual septic systems can account for 3,000 s.f. of site, but even with that consideration,
156 some commissioners felt this lot is very sub-standard in size and wanted further direction from City Council.

157
158 **Motion/Second: Seeberger/Kopitzke. To recommend approval to the City Council for the Dan Dickinson**
159 **variance request to accept the two combined historically platted parcels at 15876 Afton Boulevard South**
160 **as a buildable lot with access to the Village sewer system, with findings and conditions.**

161
162 **Findings**

- 163 1. The property can't be put to a reasonable use without a variance.
- 164 2. The parcel was a pre-existing non-conforming lot.
- 165 3. A variance was previously recommended by the Planning Commission and approved by City
166 Council.
- 167 4. The parcel has an existing well and septic system.
- 168 5. The conditions ~~are~~ were not created by the actions of the owner.
- 169 6. Granting the variance will not give special privilege to the owner.
- 170 7. Granting the variance will not change the essential character of the neighborhood.
- 171 8. It is recognized that this is a very small parcel.

172
173 **Conditions**

- 174 1. The two parcels must be combined into one parcel
- 175 2. The house must meet all setback requirements.
- 176 3. The house must meet impervious coverage requirements
- 177 4. The house plan must comply with the Design Review Committee review and recommendations
- 178 5. The applicant must provide a grading and erosion control plan, and the plan must be approved by
179 the City Engineer
- 180 6. The variance shall extend until one year after the Village sewer system is available to the
181 property.
- 182 7. No building permit shall be issued for the parcel until the city septic is available.

183
184 **Motion carried 7-0-0.**

185
186 e. Lower St. Croix River Bluffland and Shoreland Management Ordinance and Floodway District Ordinance
187 Amendment – Chair Ronningen opened the Public Hearing at 7:56 p.m.

188 Administrator Moose reviewed the changes as discussed at the August 3 Planning Commission meeting
189 and detailed in the memo on the inconsistencies between the Lower St. Croix Bluffland and Shoreland
190 Management Ordinance and the Floodway District Ordinance with the City's regular zoning requirements. It
191 was noted that these items should be corrected to provide clarification and avoid future conflicts.

192
193 Section 12.637. Minimum district dimensional requirements in the St. Croix Bluffland District needs to
194 match Section 12-132. Minimum requirements of impervious coverage in the VHS zoning districts. It will be
195 changed to reflect the "20% or 4,350 s.f., whichever is greater" language.

196 Sec. 12-832. Certification by the commissioner for variances is no longer required; the language will be
197 deleted from the ordinance.

198 Sec. 12-707. Requires updating to reflect uses prohibited in the VHS districts. These uses from the St. Croix
199 Bluffland ordinance will be deleted to eliminate the inconsistency/conflict:

- 200 - Student Housing
- 201 - Institutional and medical housing
- 202 - Multiple family dwellings with central sewer
- 203 - Planned unit developments
- 204 - Townhouses with central sewer

205 Sec. 12-706. Conditionally Permitted Uses. The term “special uses” has been changed to “conditional
206 uses” because the term “special use” is no longer used in the City’s zoning ordinances.

207 Sec. 12-831. Administrative Procedure. Requirements to send variances and CUP applications to the
208 Minnesota/Wisconsin Boundary Area Commission and to city councils within two miles of the affected property
209 are no longer needed. The Minnesota/Wisconsin Boundary Area Commission has been eliminated. Also, the
210 statutory rules regarding administrative procedure do not include notification to neighboring cities. The
211 requirements will therefore be deleted from the ordinance.

212 Sec. 12-707. Item E was amended by Ordinance 02-2012, but the word “Marinas” should have been
213 retained while the portion “upstream from the Boomsite Highway wayside and” was deleted. This language will
214 be corrected.

215 Section 12-1001. A list of permitted uses in the Floodway District included “shooting preserves, target
216 ranges and trap and skeet ranges.” These uses are specifically prohibited in Sec. 12-134 Uses of the City’s
217 zoning code. These uses will be deleted from Section 12-1001.

218 There were no public comments.

219
220 **Motion/Second: Patten/Kopitzke. To close the public hearing at 8:02 p.m. Motion carried 7-0-0.**

221
222 Nelson raised the issue of having a single Ordinary High Water level for the St. Croix River and objected to
223 a recent communication from the DNR which provided 679.5 for permit jurisdiction and 675.0 for setback
224 purposes.

225 Moose agreed and will confirm that with the Department of Natural Resources and WSB engineers.

226 Section 12-831. A. 2. b. “The Planning Commission” was deleted.

227 Minor typos were corrected.

228
229 **Motion/Second: Kopitzke/Wroblewski. To recommend the approval to the City Council of the Lower St.
230 Croix Bluffland and Shoreland Management and Floodway District ordinance amendments as
231 recommended. Motion carried 7-0-0.**

232
233 **8. NEW BUSINESS –**

234 a. Grading Permits [was added to the agenda] – Chair Ronningen noted that Sec. 12-215 on grading says a
235 Conditional Use Permit (CUP) is required. She believed it was an Administrative Permit. Deputy Clerk
236 Swanson Linner confirmed that the CUP was indeed changed and reads “Administrative Permit” in the official
237 Code of Ordinances. The chart in Sec. 1-76 however will have “City Engineer” added to the “Application
238 Approved or Denied By” area for Land Reclamation and Land Grading. The website will be updated when the
239 2015 ordinance amendments have been codified.

240
241 **9. OLD BUSINESS –**

242 a. Draft City Council Minutes - Update on City Council Actions –Chair Ronningen reported that Council
243 adopted the Solar Ordinance and approved the Draft Sewer Ordinance to enable a final ordinance be provided.

244 b. Review 6:30 p.m. meeting start time [was added to the agenda] – Chair Ronningen called for
245 commissioners’ opinions on how the early start time is working, however, Doherty was not in attendance, so the
246 discussion will be placed on the next agenda for discussion.

247
248 **10. ADJOURN –**

249
250 **Motion/Second: Nelson/Patten. To adjourn the meeting at 8:18 p.m. Motion carried 7-0-0.**

251
252 Respectfully submitted by:

253
254
255 _____

Afton Planning Commission
Meeting Minutes **APPROVED**
August 31, 2015

256 Kim Swanson Linner, Deputy Clerk

257

258 To be approved on October 5, 2015 as (check one): Presented: _____ or Amended: X