

CITY OF AFTON  
**APPROVED** PLANNING COMMISSION MINUTES  
September 12, 2016

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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, Wroblewski, Kopitzke, Seeberger, Bowman, Patten, Nelson, Doherty and  
10 Chair Ronningen. **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** – It was decided that if the public hearings cause the meeting to go long, the  
16 Commission may choose to continue Old Business to the next meeting.

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18 **Motion/Second: Doherty/Patten. To approve the September 12, 2016 Planning Commission agenda as**  
19 **presented. Motion carried 9-0-0.**

20  
21 **5. APPROVAL OF MINUTES** –

22 **A. August 1, 2016 Planning Commission Meeting Minutes** – Corrected a minor typo on Line 44: change  
23 ‘has’ to ‘have’.

24  
25 **Motion/Second: Nelson/Langan. To approve the August 1, 2016 Planning Commission Meeting minutes as**  
26 **amended. Motion carried 7-0-2 (Abstain: Doherty and Wroblewski).**

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

29  
30 **7. PUBLIC HEARINGS** –

31 **A. Solar Energy Ordinance Amendment, SEV MN1, LLC and Janice Schwitters & Steven Moll to allow a**  
32 **solar farm as a conditional use or interim use in the Agricultural District to enable a solar farm at 12351 15<sup>th</sup>**  
33 **Street – **Chair Ronningen opened the Public Hearing at 7:03 p.m.****

34 Administrator Moore explained that SEV MN1, LLC and Janice Switters and Steven Moll have made an  
35 application to amend relevant sections of the Zoning Code to allow “solar farm” as a conditional use or interim  
36 use in the Agricultural District, including a specific proposal to install a 5-megawatt array of photovoltaic panels  
37 that would take up approximately 40 acres of the property at 12351 15th Street. He noted Afton’s current  
38 definition of a solar farm in the City’s solar energy ordinance:

39 *“Solar Farm - A commercial facility that converts sunlight into electricity, whether by*  
40 *photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology,*  
41 *for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal*  
42 *land use for the parcel on which it is located.”*

43 Moore explained that the Planning Commission and City Council in 2015 completed a lengthy process in  
44 2015 to adopt the solar ordinance. The ordinance allows solar arrays of substantial size in the Agricultural and  
45 Rural Residential Zones, to a maximum of 2,000 square feet when they are fully screened. The ordinance  
46 prohibits solar farms from the Agricultural and Rural Residential zoning districts due to concerns regarding the  
47 impact of large areas of solar arrays on the rural character of the City. The City allows solar farms in the Industrial  
48 Districts.

49 Moore reviewed the accompanying proposal, should the ordinance amendment be adopted, for SEV MN1,  
50 LLC to install a solar farm at 12351 15<sup>th</sup> Street for a 5-megawatt array of photovoltaic panels requiring  
51 approximately 40 acres of photovoltaic panels; attached materials included a site plan showing the location of the  
52 proposed photovoltaic array and existing and proposed vegetative screening, as well as photos showing the  
53 appearance of typical solar panel arrays in a field. Moore noted the language in Afton’s Comprehensive Plan  
54 about the preservation of agricultural land and uses:

55 *“The residents of the City of Afton value the agricultural economy and rural character that an*  
56 *agricultural environment provides. This Plan intends to preserve agricultural land for permanent*

57 agricultural use, and does not accept the belief held by some that agricultural use is merely a  
58 temporary use or that agricultural lands are merely a holding area for future residential or other  
59 development. Moreover, the community values agricultural land as open space in an increasingly  
60 urban environment, a sanctuary for a rural lifestyle that Afton residents have consistently desired to  
61 maintain.”

62 Moose explained that by adopting the 2015 solar ordinance, the City considered that installations of large  
63 expanses of solar arrays in the agricultural zone would change the natural, open, rural countryside views that  
64 currently are characteristic of the Agricultural zone and the rural area of the City. Residents have continued to  
65 regard this character as what has drawn them to Afton.

66 The proposed ordinance amendment would allow solar farms to be installed on properties in the Agricultural  
67 zone. The proposed ordinance amendment does not require setbacks beyond those currently required for all  
68 structures. The proposed ordinance includes an exemption from maximum impervious surface requirements,  
69 which substantially affects open space and also affects stormwater management.

70 Moose also noted that land use regulations are concerned with potential impacts upon neighboring land uses.  
71 These issues were taken into account when considering the solar ordinance in 2015. He pointed out some of the  
72 likely concerns this installation would impact: the ground-mounted solar panels are proposed to rotate for sun  
73 angle and are proposed to be approximately 12 feet in height. These arrays would be visible to adjoining  
74 properties. While the proposed ordinance requires the solar array to be screened from adjacent houses and public  
75 roads, it does not require screening along the full perimeter of the property screening views from existing and  
76 future agricultural or residential uses. As part of the relatively recent public meeting regarding Manning Avenue  
77 development planning, those who lived and/or farmed in the Agricultural zone did not want to see the open, rural  
78 views changed due to land use changes. There is also a potential concern that a solar farm installation would cause  
79 visual glare reflecting from the solar panels, particularly in such a large array. Technology for anti-reflective  
80 coating on the panels to minimize glare; this could be addressed as part of a Conditional Use Permit or Interim  
81 Use Permit process.

82 A representative from Sunrise Energy Ventures gave a presentation on the merits of a solar installation of this  
83 magnitude, stating that solar farms are currently allowed in the Industrial District, but land there is too expensive  
84 for this use. He stated that this solar farm would maintain rural land use; is compatible with the rural landscape; is  
85 beneficial, as there would be no need for public services; and, maintained it is neutral or positive for nearby  
86 housing; that it would be an interim land use (for the next 25-30 years); would be environmentally beneficial as it  
87 would allow groundwater to be filtered and purified.

88 The owner of SEV MN1, LLC stated that they were able to be “grandfathered in” on this installation of a 5-  
89 megawatt solar installation, as they applied prior to September 2015. After that date the largest solar farm  
90 installations allowed in Minnesota are 1-megawatt. He stated that residents could subscribe to the energy  
91 produced with this solar farm and get a 10% reduction in their energy bills.

92  
93 Public Comments

94 1) Bill Rahn, 12426 15<sup>th</sup> Street S, lives across the street, stated this development would essentially be a 40  
95 acre industrial site; it will be visible from a lot of properties; they will lose a two-mile rolling-hill view; he felt the  
96 panels would be a vast amount of impervious surface and would increase runoff; he was not aware the Moll  
97 wetland needed restoring.

98 2) Kurt Rent, 12121 15<sup>th</sup> Street S, asked who was actually purchasing the land. Applicant replied, “a  
99 corporation.” He had concerns about a corporation owning the land; what if they get bought out? The city doesn’t  
100 know who the “corporation” is connected to or what they would do with the property next. He stated his property  
101 would look right on to the solar farm; he disagreed with the statement that water quality would be improved.

102 3) Steven Moll, son of Reuben Moll, owner of proposal property, Stearns County, stated this is a renewable  
103 resource and the land can be restored to farm land at any time in the future.

104 4) Roland Switters, husband of Jan Switters and son-in-law of Reuben Moll, Cottage Grove, stated that  
105 Reuben farmed this land since 1945 and it was in the family before that. He contended that farms can have lots of  
106 environmental impacts as well. He noted that Xcel Energy has a mandate to supply 20% renewable energy by  
107 2020 and 30% by 2030. He said family members feel they have a right to sell the farm for this use. He contended

108 there is no standing water this year, even with the heavy rains, and he feels that the solar farm will produce less  
109 runoff than a farm and will have purer, cleaner water.

110 5) Bill Strub, 12916 15<sup>th</sup> Street S, stated they moved from Woodbury to Afton because they didn't want  
111 industry near them; this use would be industrial.

112 6) Renee Kinney, 12041 15<sup>th</sup> Street S, wanted rural character maintained.

113 7) Bill Rahn, said the Moll property gets drainage from the hills surrounding the property. He calculated that  
114 if he subscribed to the solar farm with 10% reduction in his bills, his bill would go down \$9.00 per month; he  
115 believes the re-sale of his property in the future, if this solar farm is what the view is, would be significantly lower  
116 than the reduction of the energy bills.

117 8) Wendy Bertelsen, 12631 15<sup>th</sup> Street S, moved to Afton to be in a rural community; this will cause barriers  
118 to views, in winter the bare trees will not shield the glare from the panels; she sees 20 acres of this proposed solar  
119 farm from her back yard; they should look for a site in the Industrial zoning district; she approves of solar and  
120 wind energy, but not this size of installation in Afton's rural community.

121 9) Jan Switters, Reuben Moll's daughter, stated she inherited 20 acres of the family farm from her dad; she  
122 felt her dad would be okay with this use of the farm.

123 10) Anne Headrick, 12210 22<sup>nd</sup> Street S, lives to the southwest of the property; they will look out onto the  
124 proposed solar farm, and it will mar their view.

125 11) Wendy Bertelsen, 12631 15<sup>th</sup> Street S, is concerned about what the view will be; she feels Afton is about  
126 the idea of rural and farms.

127 12) Bill Rahn, the traffic that comes off of Manning Avenue east onto 15<sup>th</sup> Street are all going to see the solar  
128 farm.

129 13) Kurt Rent, residents on the west of the proposed solar farm are going to be impacted; he doesn't want his  
130 son to grow up looking at this instead of cows.

131 14) Roland Switters, has driven through the neighborhood and noticed lots of trucks parked in yards; that is  
132 not a pleasant view.

133  
134 **Motion/Second: Doherty/Wroblewski. To close the Public Hearing at 7:37 p.m. Motion carried 9-0-0.**

135  
136 Commission Discussion

137 Bowman asked the applicant why the state changed from 5-megawatt to 1-megawatt solar farms, if the site  
138 has a wetland that needs "restoration," why there is a 6 foot cyclone fence topped with 3 strands of barbed wire?

139 The applicant responded that Xcel thought they'd have too much energy if the solar farms were unlimited, so  
140 instead of allowing a few 5-megawatt installations, after September 1, 2015, the state only allowed 1-megawatt  
141 installations. SEV MN1 applied for and received a permit for a 5-megawatt installation. They feel there is a  
142 wetland that needs "restoration" and ~~if~~ while the National Electrical Code ~~doesn't~~ currently requires the barbed  
143 wire, but if the requirement changes, they will not put it in.

144 Doherty reported that she owns a farm and she has been approached numerous times from solar companies to  
145 install a solar farm on her land. All of the leases that she has seen lack a "decommissioning plan." She asked  
146 about this proposed installation's lease in regards to a decommissioning plan.

147 The applicant said the decommissioning plan can be written into the conditions of approval.

148 Patten commented that most of the comments have been concerning an actual installation of a solar farm.

149 Ronningen reminded that the application is for an ordinance amendment to the solar ordinance, which means  
150 that if passed, these kinds of installations would be possible in all Agriculture zones in Afton.

151 Seeberger stated that the Planning Commission spent many months developing the solar ordinance and there  
152 was ample time for comment by companies interested in these types of installations.

153  
154 **Motion/Second: Seeberger/Wroblewski. To recommend DENIAL to the City Council for the SEV MN1,  
155 LLC and Janice Schwitters and Steven Moll application to amend relevant sections of the Zoning Code to  
156 allow "solar farm" as a conditional use or interim use in the Agricultural District, including a specific  
157 proposal for the property at 12351 15th Street South, as the City's Solar Ordinance was discussed at length  
158 and the City's decision was to allow "solar farms" in the Industrial zoning districts only.**

160 Commission Discussion on the Motion

161 Kopitzke commented that the city, through the process of developing and adopting the solar ordinance,  
162 decided that the way solar energy would be approached in Afton was through residential applications; he didn't  
163 hear any new information from this proposal for an amendment to allow anything different than the city's current  
164 solar ordinance. He felt that if other proposals for solar farms were heard, the faces making the public comments  
165 would change (neighbors of the property) but the comments would remain the same.

166 Patten stated that the Planning Commission had developed the solar ordinance and recommended it to City  
167 Council, who adopted it. He stated that the City, its Planning Commission, City Council, and residents are pro-  
168 solar energy; however, the city made their decision in 2015 to treat solar as residential.

169 Langan reiterated that the public hearing addressed the particular property's proposal; he reaffirmed that this  
170 was a proposal for an amendment to the ordinance to allow solar farms in all Agricultural zoning districts, not a  
171 particular application.

172  
173 **Motion carried 9-0-0.**

174  
175 **B. Comprehensive Plan Amendment, Will Carlson, Rezone four parcels from Agricultural to Rural**  
176 **Residential, located north of 60th Street and west of Trading Post Trail with PID'#s: 33.028.20.32.0001,**  
177 **33.028.20.33.0004, 33.028.20.33.0005 and 32.028.20.41.0002, to enable a subdivision creating 18 lots on 113 acres**  
178 **– Chair Ronningen opened the Public Hearing at 7:53 p.m.**

179 Administrator Moorse reviewed the application by Will Carlson to rezone property from Agricultural to Rural  
180 Residential via the Comprehensive Plan. The applicant plans to subdivide into eighteen 5-acre lots the eastern 103  
181 acres of four parcels containing 200 acres of property north of 60<sup>th</sup> Street and west of Trading Post Trail. The  
182 majority of the 200 acres of property is currently zoned Agricultural, but his desire is to rezone the property to  
183 Rural Residential to enable the subdivision. Because the Comprehensive Plan shows the property as Agricultural on  
184 the Future Land Use Map, a rezoning requires an amendment to the Comprehensive Plan. The Public Hearing is for  
185 a Comprehensive Plan amendment to revise the Future Land Use Map to show the easterly 100 acres of property as  
186 Rural Residential vs. Agricultural.

187 Moorse reviewed the Comprehensive Plan goals, policies and strategies related to the rezoning of property  
188 from Agricultural to Rural Residential. They were:

189 Housing and Land Use Goals

- 190 1. Maintain the City's overall low density
- 191 2. Preserve the rural character of Afton
- 192 3. Encourage agricultural uses
- 193 4. Maintain natural open spaces

194 Housing and Land Use Policies

- 195 1. The overall development density of the City shall not exceed one unit per ten acres
- 196 7. Prohibit rezoning of a parcel from Agricultural to Rural residential unless, in addition to  
197 meeting other criteria, the parcel is more than 50% contiguous to a rural residential zoning  
198 district and such rezoning would not result in development which is inconsistent with the  
199 generally rural character of the surrounding area.
- 200 8. Discourage residential development on lands suitable for agricultural use and adhere to  
201 planning practices that will allow farms to operate without external pressures

202 Land Use Strategies

- 203 9. Encourage the use of conservation and open space design subdivisions where the  
204 subdivision permanently preserves open space or agricultural land uses or creates transition  
205 zones with adjoining zones or jurisdictions.

206 He explained that a determination needs to be made as to whether the proposed rezoning of the property is in  
207 harmony with the goals, policies and strategies of the Comprehensive Plan related to the overall land use of the  
208 City and the preservation of agricultural uses and the rural character of the City. In the Metropolitan Council's  
209 2040 development plan, Afton is designated as "Diversified Rural." This designation supports Afton's goals of

210 preserving agricultural land and uses and preserving its rural character. The City's role in relation to the  
211 Diversified Rural designation is as follows:

- 212 1) Plan for growth not to exceed forecasts and in patterns that do not exceed 4 units per 40 acres;
- 213 2) Identify and protect locally important agricultural areas, in addition to prime agricultural lands, to provide  
214 a range of economic opportunities;
- 215 3) Support existing agricultural uses as primary long-term land uses and consider allowing agricultural-  
216 supportive land uses in local comprehensive plans;
- 217 4) Plan development patterns that incorporate the protection of natural resources; and,
- 218 5) Consider implementing conservation subdivision ordinances, cluster development ordinances, or  
219 environmental protection provisions in local land use ordinances.

220 Moose explained that the Planning Commission must consider both the specific parcel proposed in the rezoning  
221 application and the broader implications for other Agricultural parcels adjacent to Rural Residential property and  
222 the effects on Agricultural property and in general ~~and~~ how that affects the overall density of Afton. Further,  
223 Moose explained, Land Use Strategy #9 in the Comprehensive Plan encourages the use of conservation design  
224 and open space subdivisions where the subdivision permanently preserves open space or agricultural uses. A  
225 subdivision similar to the one reflected in the attached concept plan could be accomplished through a Preservation  
226 and Land Conservation Development that would preserve the western 100 acres of the Carlson property and  
227 would not require a rezoning.

#### 228 Public Input

- 230 1) James Rickard, 5650 Odell Avenue S, felt the ordinance amendment for rezoning was invalid and  
231 incomplete, as there was no record of ownership from the Dan Reynolds parcel. With a development of over 80  
232 acres, he felt an Environmental Assessment Worksheet should be required. The roads indicate extension and that  
233 further development of the west 100 acres will be forthcoming. There is no setback shown to the parcel to the  
234 south; he believes the development proposal could not go forward with no setback. [Rickard provided copies of  
235 his research to the city.]
- 236 2) Patti Wallen, 14099 50<sup>th</sup> Street S, felt Afton does not need this density of housing; Odell, shown as one of  
237 the access points, cannot handle that amount of increased traffic as it is already in disrepair; the heavy  
238 construction traffic on Odell will cause irreparable damage to a road that is already compromised.
- 239 3) Kathy Graham, 5912 Trading Post Trail S, it would be a safety hazard to have a dense subdivision access  
240 road so close to the sharp turn in Trading Post Trail S to 60<sup>th</sup> Street S.
- 241 4) Kevin Slaikeu, 14233 60<sup>th</sup> Street S, the access road to this development will cause accidents with being so  
242 close to the Trading Post turn; he felt the west 100 acres will become developed at sometime in the future if this is  
243 approved.
- 244 5) Christian Dawson, 5888 Trading Post Trail S, the concept plan says "extension" to the west 100 acres,  
245 meaning they plan to develop that as well. He felt this area of Afton should remain permanently rural and the city  
246 should deny "land prospectors" from developing subdivisions in Afton. He wants to raise his family in a rural  
247 community; he felt Afton needs to keep preserving the rural landscape and not allow denser housing development.
- 248 6) Nancy Turner, 13926 60<sup>th</sup> Street S, referred to Afton's Comprehensive Plan which states that agriculture  
249 and open space is the "highest and best use of land" in Afton. They researched communities, read Comprehensive  
250 Plans, looked at Afton's Land Use Map and picked here to live because of the ideas on land use. They are against  
251 the city allowing such a subdivision in this area of Afton on agricultural land.
- 252 7) Doug Forbes, 5460 Odell Avenue S, he was concerned about the requirement of "being 50% surrounded  
253 by Rural Residential" zoning to be able to rezone Agriculture to Rural Residential in order to subdivide to the  
254 density proposed. He developed the Odell Avenue area and it took two years ago of working with the city to get  
255 approvals. He chose to be in Afton and so subdivided the lots into 7 acre parcels, not the minimum lot size that he  
256 could, because he wanted Afton's rural character to be preserved. He felt this proposed subdivision was not what  
257 the Schusters' plan for their land would have been. He is against this rezoning and the subdivision density.
- 258 8) Sandra Carlson, wife of Will Carlson (the applicant), 2534 Stagecoach Trail S, they are residents of Afton  
259 and not outside land prospectors. She stated they just want to give others the opportunity to live in Afton.
- 260 9) Ryan Bluhm, Westwood Consultants (the applicants planning representative), wished to respond to some  
261 of the statements: he reported that the Carlsons have closed on both parcels that are still shown on Washington

262 County records under different ownership. The west 100 acres is currently being leased and farmed by another; he  
263 claimed the farming runoff exceeds what will runoff from the impervious surface for the development. The access  
264 off of 60<sup>th</sup> Street is conceptual and can be moved to the west. The extension that is shown to the west acreage is  
265 required, as a development cannot leave a land-locked parcel. This proposed subdivision will develop into  
266 residential, if the rezoning is successful or whether it will be a Preservation and Land Conservation Development  
267 (PLCD).

268 10) Randy Graham, 5912 Trading Post Trail S, the development road shown accesses onto 60<sup>th</sup> Street S,  
269 which is a gravel road. He knew of no plan by Afton or Denmark Township to pave the road.

270 11) Mary McConnell, 5680 Odell Avenue S, opposed the development as it doesn't meet the Comprehensive  
271 Plan; she believed the city should discourage changing farmland to housing. She felt the Carlsons need to show a  
272 burden of proof that this subdivision works and will have no adverse impacts. Trout Brook runs through this land  
273 and it is a DNR protected waterway. If approved, the construction will cause sediment to run into Trout Brook.  
274 The road access onto 60<sup>th</sup> Street S has safety issues. If this rezoning is allowed, she felt nothing stands in the way  
275 of developing all the other areas in Afton. It was reported that last year a 16 foot wide field road adjacent to their  
276 property was clear cut of trees and made into a 24 foot wide road, which cut trees on their property without their  
277 permission. [McConnell provided the city with copies of her full statement

278 12) Christian Dawson, 5888 Trading Post Trail S, was approached by Will Carlson who said he wanted to put  
279 10 lots on the property, he questioned the math on the proposal, as it shows 18 lots, not 10. He felt Will Carlson is  
280 a land "prospector" looking to profit from the development, not "share" Afton with others.

281 13) Mark Patin, 13653 60<sup>th</sup> Street S, stated he used to live on Tower Drive in Woodbury when that was  
282 basically rural; he later moved to Cottage Grove on 70<sup>th</sup> Street. He doesn't believe 60<sup>th</sup> Street S is capable of  
283 supporting this density. He believes this is just the first step in a strategic move to eradicate rural Afton. This area  
284 is the most beautiful view of farm land in Afton. It is actively being farmed and has a seasonal beauty for  
285 neighbors. He felt that the rezoning of Agricultural to Rural Residential zoning the rural feel and character of  
286 Afton is being eradicated. He has seen it happen in Woodbury, Cottage Grove and he hopes Afton will not allow  
287 it.

288 14) Franz Hall, 5730 Trading Post Trail S, felt that a rezoning to Rural Residential will impact the area  
289 watershed; runoff from all of the land on the east portion, shown to be the high density residential, will go into  
290 Trout Brook. The impervious surface created by this many homes will affect the quality of water; it's a bad idea.

291 15) James Rickard, stated he offered Carlson property for an easement, but it was not accepted.

292 16) Susan Winsor, 15269 42nd Street S, commented that every time a portion of Afton is developed, we lose  
293 Afton's rural character. She stated that uses like housing developments cause algae growth in our surface waters;  
294 the Planning Commission and City Council are here to protect Afton's natural resources and environment.

295 17) Chair Ronningen read into the record comments she had received via email.

296 a. Ray Lehman, 5118 Trading Post Trail, felt the city should not change the Comprehensive Plan  
297 anytime someone wants development.

298 b. Peg Nolz, former City Council member, stated some of the PID numbers were incorrect on the  
299 application; she asked what is Will Carlson's standing in Afton [to be able to ask for a Comp Plan  
300 change]. The Comp Plan shows soils in this area are unsuitable for septic systems; this portion of  
301 Afton is identified in the Comp Plan as "prime agricultural land" and is important to Afton's  
302 designation as Diversified Rural; she believed the parcels in question land squarely in the Shoreland  
303 Management area and would need to comply with all that entails. She added that in her 20 years'  
304 experience in working with the City [on the Planning Commission and the City Council], there was  
305 never a rezoning of property from Ag to RR, as it would compromise the build out (thereby  
306 jeopardizing Afton's classification with the Met Council and inviting the MUSA in) or, if approved  
307 and the city holds tough to buildout, it would deprive owners of tracts of Rural Residential land that  
308 has a right to be sub-dividable. RR land costs more to acquire and pays higher taxes.

309  
310 **Motion/Second: Patten/Kopitzke. To close the Public Hearing at 8:35 p.m. Motion carried 9-0-0.**

313 Commission Discussion

314 Kopitzke stated he didn't see what needs changing in the Comprehensive Plan, as a rezoning ordinance  
315 amendment doesn't require a Comprehensive Plan change.

316 Moore explained that the Land Use Map shows these parcels as being in the Agricultural zoning district and  
317 the applicant wants to develop it as Rural Residential density. Since a rezoning ordinance amendment would  
318 require a Comp Plan change, the application could have come forward contingent on a Comp Plan change. It was  
319 felt that putting the Comp Plan change would cut the timelines shorter.

320 Seeberger commented that the Planning Commission members were tasked with reviewing Afton's  
321 Comprehensive Plan sections. Her section was the Housing and Land Use section, so she felt she was steeped in  
322 this subject. She stated that the Comp Plan echoes what the public commented. She felt this particular pocket of  
323 land in Afton is the most gorgeous land and making this rezoning change would not be in compliance with the  
324 Comprehensive Plan.

325  
326 **Motion/Second: Seeberger/Wroblewski. To recommend DENIAL to City Council for the Will Carlson**  
327 **application for a Comprehensive Plan Amendment to enable a rezoning of the easterly portion of the**  
328 **property north of 60th Street and west of Trading Post Trail with the following four PID's:**  
329 **33.028.20.32.0001, 33.028.20.33.0004, 33.028.20.33.0005 and 33.028.20.41.0002, from Agricultural to Rural**  
330 **Residential to enable a subdivision of the property to create 18 lots on 113 acres, with the following:**  
331

332 Findings of Fact

- 333 1. **This ordinance amendment is not compatible with the surrounding neighborhood.**  
334 2. **This amendment is not compatible with the Goals and Policies of Afton's Comprehensive Plan.**  
335

336 **Patten offered a friendly amendment to the Findings.**

- 337 3. **The citizen can still subdivide in compliance with the Agricultural regulations.**  
338 4. **This ordinance amendment violates the tenets of the Comprehensive Plan, especially protections for**  
339 **Afton's water resources.**  
340 5. **There is a protected waterway in this area that would be at risk without more information.**  
341

342 **The friendly amendment was accepted by the motion and second. Motion carried 8-1-0. (Nay: Kopitzke.)**  
343

344 C. Conditional Use Permit for a Trailer Parking Facility, Anchor Bank, FSB and Brockman Investments,  
345 located on Hudson Road with PID# 05.028.20.11.0007 – **Chair Ronningen opened the Public Hearing at 8:43**  
346 **p.m.**

347 Administrator Moore reviewed the application from Anchor Bank and Brockman Investments for a  
348 Conditional Use Permit for a trailer parking lot on the property on Hudson Road with PID# 05.028.20.11.0007,  
349 located east of the Chandler, Inc. property at 13526 Hudson Road. Brockman Trucking currently has two similar  
350 trailer parking lots along Hudson Road S. The trailer parking lot falls within the "storage enclosed or screened"  
351 use, which requires a Conditional Use Permit. He reported the City Engineer reviewed the grading and drainage  
352 plan with the applicant and revisions were made. The City Engineer has indicated the Preliminary Plans and  
353 Stormwater Management Plan meet the stormwater and grading requirements, and overall he recommends  
354 approval of the proposed project subject to the items in his September 7 memo being addressed prior to final  
355 permit issuance by the City. Moore indicated that the proposed driveway serving the parking area meets the  
356 grading requirements, but does involve disturbance of a small area 18% or greater slope adjacent to Hudson  
357 Road. This area was not shown on the survey. Staff has requested this area be added to the survey. Valley Branch  
358 Watershed District (VBWD) reviewed the grading and drainage plan; their permit review report indicates the  
359 plan meets the rate, volume and water quality requirements of the VBWD. Moore explained that the proposed  
360 use must be enclosed or fully screened. The intent of this requirement is that this use would not be visible to the  
361 public. The trailer parking lot constructed by Brockman in 2014 was to be fully screened by vegetation. While  
362 the vegetation to screen the trailers was installed according to the approved landscape plan, the vegetation does  
363 not provide sufficient screening, either from Hudson Road or from I-94. For the current application, because the

364 land slopes down substantially from Hudson Road, and a portion of the slope is in the Hudson Road right-of-way,  
365 the trees need to be planted at the bottom of the slope. This may not enable the trailers to be screened from view  
366 by traffic on Hudson Road. Moose also indicated that in the I-1C Zone, there are architectural standards  
367 regarding landscaping that require screening that provides 95% opacity year round. The standards also require a  
368 landscape guarantee, which is an agreement between the City and the owner which states that, in exchange for  
369 issuance of a building permit, the owner will construct, install, and maintain all items shown on the approved  
370 plan and that the owner will replace and/or correct any deficiencies or defaults that occur in the plan for a period  
371 of two complete growing seasons subsequent to the installation of the landscaping plan. The landscape guarantee  
372 agreement includes a performance bond. If after two growing seasons all the commitments are met, then the bond  
373 and contract agreement are released to the applicant or property owner. Moose reported that the applicant has  
374 indicated this use is planned to be a replacement for the existing trailer parking area at the corner of Manning and  
375 Hudson Road should that site be developed for a higher value use. Although they do not need the currently  
376 proposed parking lot at this time, they have made this CUP application and plan to construct the parking area so  
377 that it is available when needed in the future. While the approval of the trailer parking CUP in 2014 included a  
378 condition that construction would begin within one year of the date of issuance of the permit or the permit would  
379 become null and void, this is not a requirement in the zoning code. There is flexibility in the length of time  
380 allowed for construction to begin.

381 Tim Freeman, from Folz, Freeman, Erickson, Inc., commented that the truck parking will not be the final or  
382 best use of the land. If the other parking lots are developed into a higher use, Brockman wants to be ready with  
383 another parking lot.

384 Renee Kinney, 12041 15<sup>th</sup> Street S, commented on the lighting in the truck parking lots, so that it does not  
385 cause glare or light pollution to nearby neighbors.

386 Chair Ronningen asked Moose if he had received an email from Elaine Santore, Tomahawk Trail, who is  
387 against this use.

388 Moose indicated he had not.

389  
390 **Motion/Second: Nelson/Bowman. To close the Public Hearing at 8:55 p.m. Motion carried 9-0-0.**

391  
392 Commission Discussion

393 Ronningen asked why the city would grant a Conditional Use Permit without a time limit or plan to have the  
394 use constructed; that is not good public policy. It was noted that Anchor Bank is on the application, as Brockman  
395 Trucking has to have city approval to proceed in order to purchase the property.

396 Bowman asked about the property line; if the contours were from the DNR LIDAR data; and, are they using  
397 fill to raise the lot?

398 Patten asked if the Comprehensive Plan speaks to diversification in the Industrial Zone, as he felt Afton is  
399 getting a lot of truck parking facilities that aren't very attractive to other uses.

400 Wroblewski asked about the vegetative screening and how it can be better than the last parking lot.

401 Ronningen suggested adding the condition to keep the trees alive for 5 years or replace them, and to have the  
402 trees maintained and watered; she felt this should be added to the city's ordinance so that it is a requirement, and  
403 not part of application conditions.

404 Langan felt the screening on the other two lots is inadequate and has noticed that Hudson Road has sunk from  
405 all the traffic.

406 Ronningen reminded that Hudson Road is a state road, and not a priority, so it gets plowed last.

407  
408 **Motion/Second: Doherty/Kopitzke. To recommend APPROVAL concerning the Anchor Bank, FSB and**  
409 **Brockman Investments application for a conditional use permit for a trailer parking facility on the**  
410 **property on Hudson Road with PID# 05.028.20.11.0007, including findings and conditions.**

411  
412 Findings of Fact:

- 413 1. The applicant has submitted all necessary documents needed for a Conditional Use Permit.  
414 2. The applicant is proposing a 4.51 acre gravel-surfaced trailer parking facility with 209 parking  
415 stalls.

- 416 3. The applicant has submitted a landscape plan, illustrating 50 coniferous trees, including two rows  
417 of trees along the south boundary of the parking area. A similar landscaping plan did not provide  
418 sufficient screening for a similar facility at Neal and Hudson Road.
- 419 4. The proposal does not include any lighting.
- 420 5. Access into the site is proposed at one location off Hudson Road via a driveway which accesses the  
421 parking lot.
- 422 6. The proposed parking area meets setback requirements.
- 423 7. The proposal meets impervious coverage requirements
- 424 8. The proposal meets the Valley Branch Watershed District's stormwater management requirements
- 425 9. The proposal includes grading of a small area of steep slopes adjacent to Hudson Road for the  
426 driveway access to the property.

427  
428 **Conditions:** The following is the list of conditions that were placed on the trailer parking CUP in 2014; the  
429 Planning Commission added #23.

- 430 1. All appropriate provisions of the Afton Code of Ordinances shall be complied with for the duration  
431 of the permit.
- 432 2. Valley Branch Watershed District provisions and recommendations shall be met for the duration of  
433 the permit.
- 434 3. City Engineer specifications and recommendations for all work including the driveway shall be met  
435 for the duration of the permit.
- 436 4. Mn/DOT requirements and recommendations regarding site access shall be met.
- 437 5. The grading and drainage plan, including ponding areas and the infiltration area, shall be  
438 constructed according to plans approved by the VBWD and the City Engineer and in conformity  
439 with Valley Branch Watershed District requirements, and two rows of trees shall be planted south  
440 of the parking area and at the southwest corner of the parking area as indicated on an approved  
441 landscaping plan and maintained for screening. The developer shall post an irrevocable letter of  
442 credit in the amount of 125% of the estimated cost of construction of the stormwater facilities and  
443 the plantings; such letter of credit shall extend for three years beyond the date of approval of this  
444 permit by the City Council, and shall be used as a guarantee that the grading will be completed, the  
445 drainage facilities will be built and the vegetation planted will survive.
- 446 6. There shall be no fueling of vehicles on site.
- 447 7. There shall be no maintenance of vehicles on site.
- 448 8. Design and location of trailer parking shall conform to the approved site and construction plans.
- 449 9. Storage of anything other than the trailers used by the applicant shall not be allowed, nor shall the  
450 applicant use the site for storage of personal property or other vehicles, campers, boats,  
451 automobiles, etc.
- 452 10. Parking areas shall have a durable and dustless surface, as approved by the City Engineer
- 453 11. The proposal does not include lighting. If any lighting is added, it shall require an administrative  
454 permit. Any lighting shall be designed so that light is directed from the perimeter of the facility  
455 towards the center. Lights shall not be directed towards the residential area to the south of the  
456 facility, nor shall they adversely affect other property in the area.
- 457 12. Design, location, and specifications of all signs shall conform to the Afton Sign Ordinance. All signs  
458 shall require a permit to be issued by the Zoning Administrator.
- 459 13. Silt fences or other types of erosion control shall be properly installed prior to construction; and,  
460 shall maintained in good condition until the construction is complete.
- 461 14. No trucks or trailers shall be parked in areas other than those indicated on the plan.
- 462 15. Primary hours of operation shall be between the hours of 6:00 a.m. and 8:00 p.m. No more than an  
463 average of 10 trucks per day shall be operated in or out of the property between the hours of 6:00  
464 a.m. and 8:00 p.m. The average shall be calculated on a monthly basis.
- 465 16. All trucks shall use the Manning Avenue exit/entry on Interstate Highway 94 for the purpose of  
466 entering and exiting the site.
- 467 17. The used of guard dogs on the premises is prohibited.

- 468       **18. No hazardous substances, pollutants, (including petroleum and petroleum products) contaminants**  
469       **or harmful substances shall be located or handled or stored on site**  
470       **19. Non-compliance with the conditions of this permit shall be considered a violation; and, may result**  
471       **in revocation of this permit.**  
472       **20. Compliance with conditions of this permit shall be monitored on a periodic basis. The conditions of**  
473       **this permit shall apply to the property described and shall not in any way, except as herein noted,**  
474       **be affected by any subsequent sale, lease, or other change in ownership.**  
475       **21. Construction shall begin within one year of the date of issuance of this permit or the permit shall**  
476       **become null and void.**  
477       **22. An amended conditional use permit shall be required for any future expansions or alterations.**  
478       **23. The screening plan shall be approved by the City Engineer. Trees that become diseased or die will**  
479       **be replaced for 5 years.**

480 **Motion carried 8-1-0. (Nay: Langan)**  
481

482       D. Ordinance Amendment Opting Out of the Temporary Health Care Dwelling Statute – Chair Ronningen  
483 **opened the Public Hearing at 9:19 p.m.**

484       Administrator Moorse reported that in May 2016, a new statutory requirement regarding temporary health  
485 care dwellings was signed into law. The statute includes a complex set of requirements related to allowing  
486 temporary health care dwellings on residential lots in addition to the principal dwelling. Cities have the right to  
487 opt out of the statutory requirements. Afton currently has ordinance language that allows the use of a  
488 manufactured home as a temporary dwelling unit for an infirm family member. The City also allows non-rental  
489 guest apartments within certain parameters, which could be used as a temporary healthcare dwelling unit for a  
490 family member.

491       There was no public comment.  
492

493 Commission Discussion

494       Kopitzke felt the city shouldn't opt out as the care units are consistent with current ordinances.

495       Doherty felt it might be risky using the state regulations, as we would be bound by that if the state decided to  
496 change its parameters.  
497

498 **Motion/Second: Wroblewski/Langan. To close the Public Hearing at 9:20 p.m.**  
499

500 **Motion/Second: Patten/Wroblewski. To recommend to City Council approval of the ordinance opting out**  
501 **of the statutory requirements for temporary health care dwellings as written. Motion carried 9-0-0.**  
502

503       E. Ordinance Amendment for Steep Slope Exception to Restrictions for areas of existing Man-Made Slopes  
504 that were created by the construction of roads and related ditches – Chair Ronningen opened the Public  
505 **Hearing at 9:23 p.m.**  
506

507 **Motion/Second: Ronningen/Kopitzke. To continue the Steep Slope public hearing to the October Planning**  
508 **Commission meeting. Motion carried 9-0-0.**  
509

510       F. Ordinance Amendment to Adopt the Washington County Septic Ordinance by Reference – Chair  
511 **Ronningen opened the Public Hearing at 9:25 p.m.**

512       Administrator Moorse summarized that in April of 2015, Washington County adopted an updated Subsurface  
513 Sewage Treatment Systems Ordinance. The Planning Commission and City Council reviewed the ordinance and  
514 the City Council directed that the ordinance be adopted by reference.

515       There were no public comments.  
516

517 **Motion/Second: Ronningen/Wroblewski. To recommend approval to the City Council to adopt the**  
518 **Washington County Septic Ordinance by reference. Motion carried 9-0-0.**

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**8. NEW BUSINESS** – none.

**9. OLD BUSINESS -**

A. Comprehensive Plan Update Process – Chair Ronningen indicated that due to the late hour, this discussion will be delayed to the October 3 meeting.

B. Draft City Council Minutes – Council Member Ross reported on highlights of the August 16 Council meeting: Reithmeyer’s Nelson Estates Preliminary Plat was approved; the DeMaster Interim Use Permit application was withdrawn and fees refunded.

**10. ADJOURN –**

**Motion/Second: Wroblewski/Seeberger. To adjourn the meeting at 9:26 p.m. Motion carried 9-0-0.**

Respectfully submitted by:

\_\_\_\_\_  
Kim Swanson Linner, City Clerk

**To be approved on October 3, 2016 as (check one): Presented: \_\_\_\_\_ or Amended:  X**