City of Afton

# PLANNING COMMISSION AGENDA

## March 2, 2015
## 7:00 pm

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **OATHS OF OFFICE (for reappointed members)**

4. **ROLL CALL**
   - Barbara Ronningen (Chair)
   - Sally Doherty
   - Kitty Kilmer
   - Kris Kopitzke
   - Mark Nelson
   - Judy Seeberger
   - Lucia Wroblewski
   - Scott Patten

5. **APPROVAL OF AGENDA**

6. **APPROVAL OF MINUTES**
   a. February 2, 2014 Meeting Minutes

7. **ELECTION OF OFFICERS**

8. **REPORTS AND PRESENTATIONS**
   **None**

9. **PUBLIC HEARINGS**
   a. Ordinance Amendment Regarding Accessory Buildings

10. **NEW BUSINESS**
    a. Buildability of Substandard Lots in the Village Historic District (VHS)

11. **OLD BUSINESS**
    a. Residential Solar Array Draft Ordinance
    b. Manning Avenue Corridor Overlay District
    c. Draft City Council Minutes - Update on City Council Actions

12. **ADJOURN**

This agenda is not exclusive. Other business may be discussed as deemed necessary.

**A quorum of the City Council or Other Commissions may be present to receive information.**

# CITY OF AFTON
## DRAFT PLANNING COMMISSION MINUTES
## February 2, 2015, 7:00 PM

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

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

**3. ROLL CALL** - Present: Doherty, M.Nelson, Patten, Seeberger, Kopitzke, Wroblewski and Chair Ronningen. Excused Absence: Kilmer and Smerud. **Quorum present.**

**ALSO IN ATTENDANCE** – City Administrator Ron Moorse and Deputy Clerk Kim Swanson Linner.

**4. APPROVAL OF AGENDA** – Doherty asked if the lengthy agenda might be too long to get through. Ronningen thought some of the items will go rather quickly. The agenda remained as written.
**Motion/Second: Doherty/Patten. To approve the February 2, 2015 Planning Commission agenda as presented. Motion carried 7-0-0.**

**6. APPROVAL OF MINUTES –**
a. January 5, 2015 Planning Commission Meeting Minutes – Minor revision to Line 110: Chair Ronningen thought it would be more clear if "resided" had a hyphen, Deputy Clerk chose to make "resided and reroofed" consistent, so a hyphen was added to each, to become: "re-sided and re-roofed."
**Motion/Second: Wroblewski/Nelson. To approve the January 5, 2015 Planning Commission minutes as presented. Motion carried 7-0-0.**

**7. REPORTS AND PRESENTATIONS** – none.

**8. PUBLIC HEARINGS** – none.

**8. NEW BUSINESS** – none.

**9. OLD BUSINESS**
a. David Herreid Withdrawal of Variance Application at 16530 Swede Hill Drive – Administrator Moorse reported that Mr. Herreid withdrew his application due to the issue raised by Molly Shodeen of the DNR regarding the removal of the existing deck at the river's edge. Mr. Herreid wanted to table the application for an indefinite period of time. He was informed that the city must act within the 60 day review period requirement. He was informed that he could request that the initial variance fee be allowed to be applied to a new variance application to be submitted in the future. Mr. Herreid's letter of withdrawal was not received by the city in time to be included in the agenda packet, but Moorse provided the hardcopy at the Commission meeting.

**Motion/Second: Patten/Wroblewski. To recommend to the City Council that David Herreid's initial variance fee be allowed to be applied to a new variance application if he reapplies by December 31, 2015. Otherwise the variance fee will kept by the city, as fees are normally not refunded when work has been done on the application, as in this case. Motion carried 7-0-0.**

b. Residential Solar Array Ordinance – Chair Ronningen directed commissioners to the model ordinance previously provided by Solar Energy Consultant Brian Ross. Commissioners worked through the ordinance, deciding what to keep and what to eliminate or change based on what seems to fit Afton and the purposes to be accomplished by the ordinance. It was noted that key values to be reflected in the ordinance are:

- To protect the City's rural character.
- To protect neighboring properties from impacts of solar arrays.
- To protect solar access for properties.
- To promote residential solar energy generation.

Planning Commission Discussion:

**Definitions.** Even though Afton intends this ordinance to allow only "residential" solar arrays and to not allow "commercial" solar farms, Commissioners agreed that definitions will be important, to make distinctions between types and sizes of solar energy installations, therefore, definitions from the model ordinance should be included in the city's solar energy ordinance.

**Accessory Use.** Commissioners agreed that solar arrays shall be considered an "Accessory Use to the Primary Residential Use" of a property in all zoning classifications.

**Permit Required.** Commissioners had differing ideas on the allowable sizes solar arrays should be, how they should be measured and the permits that would be required. Council had previously indicated they are only interested in the size for energy production for a residence and do not wish to allow "commercial solar farms" in Afton. Nelson felt an array size up to 10 Kilowatts could be processed through an Administrative Permit. [Currently, the city requires a Building Permit for installation of a solar array, as it is considered a "structure" whether ground-mounted, building/roof-mounted, or pole-mounted.] It was suggested that larger arrays could require a Conditional Use Permit (CUP). Some Commissioners felt requiring a Conditional Use Permit (CUP) would be too cumbersome, as it would require a larger application fee, a public hearing, and yearly review by staff. Doherty suggested that the City may have need to separate large arrays from small arrays, or to allow the neighbors of a property to have input, which could be done by a CUP. Ronningen commented that the Commission can set a limit for the size, for instance, the same size as the wind ordinance, which she thought was 40 kilowatt hours. Nelson corrected that the measuring unit would be "kilowatts" and not "kilowatt hours." [A review of 12-229 C.2.a. identified the size of a Wind Energy Conversion System (WECS) as "no more than 40 kW (kilowatts) in total name plate generating capacity shall be permitted in Afton."] Some commissioners thought a square footage measurement of solar panels, rather than kilowatts, would be more understandable and useful to residents. As technologies improve, however, the energy produced would increase with the same square footage. For size comparisons, Commissioners were shown pictures of different types of arrays, one of which was a 100-panel ground-mounted array, which would most likely have been a 25 kilowatt array. A 27-panel roof-mounted solar array was thought to be an appropriate size most residences could accommodate.

**Height.** Afton has a maximum height limit of 35 feet for structures. Issues that might affect this height limit are if an array was placed on a roof in the Village area or in the scenic riverway, where mature tree growth may limit a ground installation. It was decided that the Department of Natural Resources (DNR) and Afton's Heritage Preservation Commission (HPC) may wish to have input on the possible impacts of allowing solar arrays in the Village, as residences are closer to each other. Pole-mounted installations are another consideration, and commissioners preferred a more restrictive maximum height of 15 feet for ground mounted installations. Administrator Moorse commented that the City may not want to allow a 20 foot high house to have an array that extends 15 feet above the roof. Patten stated that a property owner that has a need that would exceed height limits could apply for a variance.

**Setbacks.** Commissioners felt that active solar energy systems must meet the accessory structure setback regulations per the existing zoning regulations.

**Visibility.** Commissioners felt that blending the design of the solar array into the architecture of the building or color of the roof was not important in Afton, as most lots are over 5 acres and could accommodate screening. They indicated the city should develop visual impact standards to protect neighboring properties, to be consistent with heritage preservation and scenic riverway standards. While the city would allow vegetative cutting per its existing ordinances, commissioners preferred the ordinance "encouraging residents" not to cut trees down for the sole purpose of solar access. The Comprehensive Plan supports both natural vegetation and the development of renewal energy.

**Impervious Surface.** Solar Energy Consultant Brian Ross had presented information that a solar array could be considered similar in impervious surface to a deck and commissioners agreed, provided the ground cover is

vegetative rather than concrete. Commercial arrays are usually mounted on a concrete pad, so as not to need ground maintenance. The amount of impervious surface would be dependent on the angle of the array panels, nonetheless, they would be considered impervious surface.

**Staff was directed to draft ordinance language specific to Afton based on the Commission's discussion. The Planning Commission will review and discuss the draft ordinance at their March 2 meeting, at which time the draft ordinance will be sent to the Heritage Preservation Commission for their review and comments.**

c. Manning Avenue Corridor Overlay District – Administrator Moorse reported on the meeting he and Mayor Bend had with the Woodbury Mayor and City Administrator and that the information they provided was similar to that provided by the Planning Department staff in terms of not considering annexation of properties in Afton. The City Council at their January meeting indicated the Planning Commission should schedule the meeting with Woodbury Planning staff and a meeting notice should go out to Council for their attendance. Moorse reviewed that the Commission had previously agreed that it wants to keep momentum going in engaging and communicating with property owners adjacent to Manning Avenue.

Planning Commission Discussion:

Commissioners felt that obtaining additional information about Woodbury's plans would be more beneficial prior to the meeting with Manning Avenue property owners.

The Planning Commission felt the earliest date for a meeting with Manning Avenue property owners would be the May 4 PC meeting. It was indicated that 45 parcels abut Manning Avenue; those property owners will be invited by mail to attend the meeting in order to give input to the Planning Commission. Commissioners requested that property owners who cannot attend the scheduled meeting be given a way to provide their input to the city, which can be read into the record and considered as part of the city's plans for the area.

The Commission discussed that the meeting with the Woodbury staff and the Manning Avenue property owners will require careful planning similar to the September 8, 2014 Manning Avenue public meeting. Subcommittees could be designated to work on planning the meetings, as they were for the September meeting.

New commissioners asked for clarification stating they had the understanding that whatever is done for an overlay district, that the overarching principles of the Comprehensive Plan will be adhered to in keeping Afton "permanently rural and permanently agriculture."

Ronningen gave the background information from City Attorney Knaak who advised the Planning Commission over a year ago that the City have a "strategic plan for the Manning Avenue Corridor area" in order to mitigate the risk of litigation should Afton property owners wish to be annexed into Woodbury. She indicated that some Afton residents along Manning, seeing the economic benefits to landowners on the west side of Manning, would like to have more economic gains than is currently possible in Afton.

Kopitzke added that Afton is wise to consider options for what the city wants to look like in 20-30 years with a gradual turnover of property.

Ronningen explained that putting such planning into effect may cause zoning changes or create overlay districts which would require the Comprehensive Plan to be amended in the short term, or in the long term, to incorporate the plans into the next Comprehensive Plan in 2018.

**Planning Commission members were asked to come to the March 2 PC meeting with questions and concerns they would like to address with Woodbury Planning staff. Moorse will contact Woodbury to schedule the meeting for April 6 before the 7:00 p.m. start of the regular PC meeting.**

d. Regulations Regarding Contiguous Substandard Lots Under Common Ownership – Chair Ronningen commented that the zoning code, which states that an existing non-conforming lot that is under common ownership with an adjacent lot is not considered buildable as a separate lot and must be combined with the adjacent lot under the same ownership, seems to treat the parcel differently depending on if it is owned by a separate individual than if the lot is owned by the owner of an adjacent lot. Council and Planning Commission had previously thought that the language has a valid purpose of providing a mechanism to eliminate or reduce non-conformities. Moorse explained that some members of City Council believe that the nonconforming lots

under common ownership with adjacent lots should be proactively enforced to avoid surprises when parcels are being sold. Three scenarios were identified that make the language of common ownership of adjacent parcels appear to inconsistently apply the city's ordinances:

1. Parcels that were legally platted and were conforming at the time of platting. The City has a number of subdivisions that were platted with lots less than 5 acres. There are situations where the majority of the subdivision has been developed and one or two property owners have a house on one lot and own a vacant adjacent lot. The development of the adjacent lot would not change the character of the neighborhood. One concern may be the ability to have a primary and alternate septic system. However, this issue is already addressed by related language in this code section that requires a lot to have a minimum of 2.5 acres of buildable land to enable primary and secondary septic sites.
2. Parcels that exceed size and density requirements, but do not meet all of the minimum dimensional requirements. An example is a 20 acre lot that has an irregular shape with only 250 feet of frontage vs. the required 300 feet. This parcel would be considered buildable if it was not under common ownership. The parcel fits the character of development reflected in the City's Comprehensive Plan.
3. A parcel that was considered buildable before it was sold, but became unbuildable because it was purchased by the owner of an adjacent property.

Planning Commission Discussion:

Commissioners asked if anyone knew where this language came from.

Moorse thought perhaps it came with some Washington County language, of which many of the city's ordinances were derived. Moorse noted the same language that is in Sec. 12-132B.3 is also in the River and Bluffland ordinance. Moorse will contact Washington County Planner Dennis O'Donnell and the Department of Natural Resources (DNR) to inquire of its origins and/or raison d'etre (reason for being).

**Administrator Moorse preferred to inform City Council of the Planning Commission's intent to delete this language from the city ordinance. If City Council concurs, then staff will draft the ordinance for discussion at the March 2 PC meeting for a tentative public hearing to be scheduled for April 6. If the Council overturns the Planning Commission's recommendation to delete the language, then the Planning Commission will need to further review the impacts of the regulations related to contiguous substandard lots under common ownership.**

e. Regulations Regarding Accessory Buildings on Parcels Greater than 20 Acres – Chair Ronningen indicated that she tried to push the idea to Council to consider allowing one maximum size for an accessory building on parcels larger than 20 acres, but she reported that the City Council directed that the Planning Commission consider graduated size increases for parcels of increasing size as provided in the draft ordinance language before them.

Planning Commission Discussion:

Commissioners generally did not like the many categories of parcel and accessory building sizes. They suggested eliminating two of the categories, so that parcels of 20-40 acres could have a 3,000 sq.ft. accessory building; that parcels of 40-60 acres could have a 4,000 sq.ft. accessory building; and, parcels over 60 acres could have a maximum accessory building of 5,000 sq. ft.

It was noted that, for consistency, the existing language of "1 or 2" [accessory buildings] should be changed to "Up to 2" [accessory buildings].

After more discussion Commissioners decided to cut the categories out entirely and to just have "Up to 3 [accessory buildings], on parcels greater than 20 acres, not to exceed a total of 5,000 square feet."

Commissioners eliminated Item (4) of the Performance Standards Related to Accessory Structures. They accepted as written Item (5) for side and rear yard setbacks required for the larger accessory structures based on the graduated building sizes.

**Staff was directed to draft ordinance language per the discussion above and to correct other conflicting language in Sec. 12-187.**

f. Draft City Council Minutes - Update on City Council Actions – Chair Ronningen reported that Council approved the Preliminary Plat for Lakeview Investment #1, LLC at 50th Street and Trading Post Trail.

Ronningen reported that she, Seeberger and Moorse completed reviewing the seven (7) planning consultant proposals and narrowed it down to two (2) firms. References for both firms will be contacted, then both will be given a plat proposal and be asked to write up their review, conclusions and recommendations, which will serve to inform Council of their decision to hire a consultant planner for major subdivision applications.

Kopitzke reported on the Downtown Improvement Project Design Committee's (DIPDC) discussions on items including street alignments, parking in the Village, access, turnarounds and parking at Town Square Park, and street lighting. He felt the committee is being steered into accepting a more "sterile" Village atmosphere. The projects included in downtown improvements will likely run two construction seasons.

**10. ADJOURN–**

**Motion/Second: Doherty/Seeberger. To adjourn the meeting at 9:00 p.m. Motion carried 7-0-0.**

Respectfully submitted by:

_____

Kim Swanson Linner, Deputy Clerk

**To be approved on March 2, 2015 as (check one): Presented: _____ or Amended: _____**

DRAFT

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

# Planning Commission Memo

# Meeting: March 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 23, 2015

Re: Election of Officers

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**Background**

The ordinance setting out the purpose and operation of the Planning Commission calls for an annual election of officers. The officers and current incumbents are as follows:
Chair: Barbara Ronningen
Vice-Chair: Kris Kopitzke
Secretary: Mark Nelson

The election process includes the nomination of members, and a vote regarding those nominated, for each position.

**PLANNING COMMISSION ACTION REQUESTED:**

**Election of the following Officers:**
**Chair**
**Vice-Chair**
**Secretary**

**City of Afton**
**3033 St. Croix Trl, P.O. Box 219**
**Afton, MN 55001**

# Planning Commission Memo

# Meeting: March 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 23, 2015

Re: Ordinance Amendment Regarding Accessory Buildings on Parcels of 20 Acres or Greater – **Ordinance XX-2015**

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Background

At its February 2, 2015 meeting, the Planning Commission reviewed a draft ordinance amendment regarding accessory buildings on parcels 20 acres or greater that reflected direction from both the City Council and the Planning Commission. The Planning Commission provided additional direction to staff, and directed staff to finalize an ordinance amendment reflecting the Commission's direction, and to publish notice of a public hearing regarding the ordinance amendment for the March 2, 2015 Planning Commission meeting. The public hearing notice was published and the ordinance amendment is attached for the Commission's consideration.

Ordinance Amendment

While the ordinance amendment includes new language regarding accessory buildings on large parcels, it also includes several language updates to reflect current State Statutes regarding agricultural buildings. The ordinance amendment reflects the Planning Commission's direction regarding allowing accessory buildings up to 5,000 square feet on all parcels 20 acres or greater. Some members of the City Council have expressed a preference for the graduated increase in the allowed size as the size of parcels increases.

**PLANNING COMMISSION DIRECTION REQUESTED:**

**Provide a recommendation to the Council regarding the ordinance amendment concerning accessory buildings on parcels of 20 acres or greater.**

**ORDINANCE 01-2015**

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 12-55 AND 12-187 OF THE AFTON LAND USE CODE REGARDING ACCESSORY BUILDINGS**

**BE IT ORDAINED** by the City Council of the City of Afton that Section 12-55. Definitions and Section 12-187. Types of Accessory Buildings, of the Afton City Code be amended as shown below.

Add the underlined language. Delete the strike-through language.

**Sec. 12-55. Definitions.**

*Agricultural Building* means a structure on agricultural land that is: ~~defined in "agricultural rural" of this section~~,
(1) classified as "agricultural" by the Washington County Assessor for the City of Afton, under State Statute section 273.13. subdivision 23; and
(2) designed, constructed, and used to house farm implements, livestock, or agricultural ~~produce or~~ products under section 273.13. subdivision 23; and
(3) used by the owner, lessee or sublessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural ~~produce~~ or products.
**State law reference(s) – Definitions, M.S.A §326B.103, subd. 3.**

*Agriculture, rural* is ~~a commercial food producing use on~~ ten or more contiguous acres or a nursery or greenhouse, as ~~is~~ defined under a portion of Minnesota Agricultural Property Tax Law ~~(Green Acres Law)~~ M.S.A. § 273.111, subd. ~~6~~ 3, and qualifying for classification as class 2a under section 273.13, subd. 23. ~~Real property shall be~~ considered to be in agricultural use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, apiary products and activities incidental thereto.
**State law reference (s) – Agricultural Property Tax, M.S.A, § 273.111 Subd. 6. [Repealed, 2008 c 366 art 6 s 52].**

Sec. 12-187. Types of accessory buildings.[1]

A. Storage or tool sheds; detached residential accessory buildings; detached domesticated farm animal buildings on residential parcels; and agricultural buildings ~~on rural farms~~. Such accessory buildings are defined as follows:

1. *Storage or tool sheds:* A one-story accessory building of less than 160 square feet gross area ~~with a maximum roof height of 12 feet. No door or other access opening in a storage or tool shed shall exceed 28 square feet in area~~.
2. *Detached residential accessory building.* A one-story accessory building used or intended for the storage of motor-driven passenger vehicles, hobby tools, garden equipment, workshop equipment and so forth.
~~The total area of all accessory buildings shall not exceed 2,500~~ **5,000** ~~square feet, subject to the acreage requirements in Subsection (B) of this section. (Also see Paragraph (4) of this section.)~~[145]
3. *Detached domesticated farm animal building ~~on residential parcels~~.* A one-story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials on any nonagricultural parcel as defined in Section 12-55. ~~The total area of all accessory building shall not exceed 2,500 square feet, subject to the acreage requirements in Subsection (B) of this section. Such buildings shall be regulated by Subsections (B), (M), and (N) of this section.~~
4. *Agricultural buildings ~~on rural farms~~.* An accessory building used or intended for use on a parcel ~~on~~ which ~~rural~~ agriculture is the principal use and which meets the definition of

[1] Code 1982, § 301.703

Agricultural Building in Section12-55, and shall be subject to the following restrictions: No retail use and no public events or activities may be held in the building. ~~No accessory building, except for agricultural buildings on rural farms, shall be more than 20 feet in height, nor have a roof pitch which exceeds that of the principal building. On any lot of less than five acres no accessory building shall exceed the square footage of the principal structure.~~[146]
[The strike-through language in subparagraph 4 has been moved to subparagraph 7]

5. *Existing agricultural buildings* at the time of a subdivision are exempt from the limits on the maximum square footage and on the total number of accessory buildings imposed by Subsection (B) of this section. Any additions to or expansions of accessory buildings shall thereafter be subject to requirements of this section with the existing agricultural buildings being included in both the square footage and building number calculations.
6. *Temporary Accessory Dwelling Unit.* A temporary dwelling unit that is accessory to a residential principal structure, and that can be easily removed. A temporary accessory dwelling unit requires an administrative permit. Such permit shall expire 180 days from the date of issuance, unless there is specific ordinance language setting out a longer timeframe, and may be renewed for one additional 180 day period.[147]
7. **No accessory building, except for agricultural buildings ~~on rural farms~~, shall be more than 20 feet in height, nor have a roof pitch which exceeds that of the principal building. On any lot of less than five acres no accessory building shall exceed the square footage of the principal structure.**

B. Permitted uses of accessory buildings.[148]

| **Zoning District** | **A** | **R** | **VHS** |
|---|---|---|---|
| **Storage or tool shed:** | | | |
| Permit required | ~~Building~~ None required | ~~Building~~ None required | ~~Building~~ None required |
| Maximum square footage | ~~160~~ 200 | ~~160~~ 200 | ~~160~~ 200 |
| Maximum roof height | 12 feet | 12 feet | 12 feet |
| Maximum door opening area | 28 sq. ft. | 28 sq. ft. | 28 sq. ft. |
| Maximum number of stories | One story~~*~~ | One story~~*~~ | One story~~*~~ |

| **Detached: Residential accessory building and Domesticated farm animal:** | **A** | **R** | **VHS** |
|---|---|---|---|
| Permit required | ~~Admin & Bldg.~~ Building | ~~Admin & Bldg.~~ Building | ~~Bldg.~~ Building |
| Max number of acc bldgs / max size: | | | |
| Less than 5 acres | 1 acc bldg / 1,000 s.f. * | 1 acc bldg / 1,000 s.f. * | N*** |
| 5 – Less than 10 acres | 2 acc bldgs / 2,000 s.f. | 2 acc bldg / 2,000 s.f. | 1 /720 s.f. |
| 10 – Less than 20 acres | 2 acc bldgs / 2,500 s.f. | 2 acc bldg / 2,500 s.f. | n/a |
| 20 acres – Less than 40 acres | 2 acc bldgs / 5,000 s.f. | 2 acc bldgs / 5,000 s.f. | n/a |
| 40 acres and greater | 3 acc bldgs / 5,000 s.f. | 3 acc bldgs / 5,000 s.f. | n/a |
| Total square footage of all accessory bldgs -- Not to exceed | 2,500 s.f. | 2,000 s.f. | 720 s.f. |
| Maximum number of stories | One story~~*~~ | One story~~*~~ | One story~~*~~ |

| ~~**Detached domesticated farm animal building on residential parcels:**~~ | ~~**A**~~ | ~~**R**~~ | ~~**VHS**~~ |
|---|---|---|---|
| ~~Permit required~~ | ~~Admin & Bldg.~~ Building | ~~Admin & Bldg.~~ Building | |
| ~~Maximum number of square footage~~ | ~~***~~ | ~~***~~ | - |
| ~~Maximum number of stories~~ | ~~One story*~~ | ~~One story*~~ | - |

| **Agricultural building ~~on rural farm of:~~** | **A** | **R** | **VHS** |
|---|---|---|---|
| ~~More than 10 but less than 20 acres:~~ | | | |

| | | | |
|---|---|---|---|
| Permit required | Admin & Farm Site Plan | Admin & Farm Site Plan | N |
| Maximum square footage | ** | ** | N |
| ~~20 acres or more~~ | | | |
| | ~~Admin/Farm Site Plan~~ | ~~Admin/Farm Site Plan~~ | |
| ~~Permit~~ Certificate of Compliance required | Upon completion | Upon completion | N |
| ~~* See Ch. 11, Sec. 1102 of the International Building Code (IBC)~~ | | | |
| ~~***Total number of accessory buildings possible:~~ | ~~1 or 2 on parcels of 10-20 acres not to exceed a total of 2,500 square feet; 2 on parcels less than 10 acres not to exceed 2,000 square feet. Residential parcels shall be regulated by the RR district. Permit shall be recorded. No Admin permit required on buildings 1,000 s.f. or less.~~ | ~~1 or 2 on parcels of 5 and more ac. Not to exceed a total of 2,000 square feet; 1 on parcels less than 5 acres not to exceed 1,000 square feet. Agricultural parcels shall be regulated by the A and AP districts. Permit shall be recorded. No Admin permit required on buildings 1,000 s.f. or less.~~ | ~~1 not to exceed 720 square feet.~~ |

* **Subject to not exceeding the square footage of the principal structure.**

****Accessory buildings meeting the definition of Agricultural Building are exempt from limitations on number and size if located on a parcel of 20 acres or greater.**

*** See Sec. 12-230 regulating the Keeping of Chickens on parcels less than 5 acres.

**Performance Standards Related to Accessory Buildings**

1. **No subdivision shall be allowed if it would make existing accessory structures non-conforming, with the exception of existing agriculture buildings.** .

2. **All detached accessory structures are to be used for personal use or agricultural use only. No commercial use or commercial related storage is allowed in these structures**

3. **All accessory structures over 2,500 sq. ft., require a Certificate of Compliance to ensure they meet, and continue to meet, conditions/restrictions placed on them. These conditions can include restrictions on uses and screening requirements.**

4. **The side and rear yard setbacks for large accessory structures increase with the size of the structure as follows:**

| Structure Size | Setback |
|---|---|
| 3,000 square feet | 120 feet |
| 3,500 square feet | 140 feet |
| 4,000 square feet | 160 feet |
| 4,500 square feet | 180 feet |
| 5,000 square feet | 200 feet |

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS XX DAY OF XX, 2015.**

**SIGNED:**

Richard Bend, Mayor

**ATTEST:**

_____

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Palmquist:
Richter:
Ross:
Nelson:
Bend:

***Total number of accessory buildings ~~possible~~ allowed and maximum size allowed:

In the Ag and RR districts:
~~1 or~~ Up to 2 on parcels of 10 to 20 acres, not to exceed a total of 2,500 square feet
~~1 or~~ Up to 2 on parcels of ~~less than~~ 5 to 10 acres, not to exceed 2,000 square feet
~~1 or 2 on parcels of 5 and more acres~~.
1 on parcels less than 5 acres, not to exceed 1,000 square feet, subject to not exceeding the square footage of the principal structure.

Up to ~~1 or~~ 2 on parcels of 20 to 40 acres, not to exceed a total of 5,000 square feet

Up to 3 on parcels of 40 acres or greater, not to exceed a total of 5,000 square feet

Accessory buildings meeting the definition of Agricultural Building are exempt from limitations on number and size if located on a parcel of 20 acres or greater.

Performance Standards Related to Accessory Buildings

1. No subdivision shall be allowed if it would make existing accessory structures non-conforming, with the exception of existing agriculture buildings. .

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3. All accessory structures over 2,500 sq. ft., require a certificate of compliance to ensure they meet, and continue to meet, conditions/restrictions placed on them. These conditions can include restrictions on uses and screening requirements

4. The side and rear yard setbacks for large accessory structures increase with the size of the structure as follows:

| Structure Size | Setback |
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| 3,000 square feet | 120 feet |
| 3,500 square feet | 140 feet |
| 4,000 square feet | 160 feet |
| 4,500 square feet | 180 feet |
| 5,000 square feet | 200 feet |

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS XX DAY OF XX, 2015.

SIGNED:

Richard Bend, Mayor

**ATTEST:**

_____

Ronald J. Moorse, City Administrator

Motion by:
Second by:
Palmquist:
Richter:
Ross:
Nelson:
Bend:

**City of Afton**
**3033 St. Croix Trl, P.O. Box 219**
**Afton, MN 55001**

# Planning Commission Memo

# Meeting: March 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 19, 2015

Re: Buildability of Substandard Lots in the VHS

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Section 12-581 of the zoning code, in the Lower St. Croix Bluffland and Shoreland Management District, requires that a pre-existing single parcel in the VHS district shall meet or exceed 22,500 square feet in area and shall meet or exceed all other dimensional requirements for a new lot in the VHS district in order to be considered buildable. Staff has identified 30 parcels in the VHS with less than 22,500 square feet, based on the parcels that are being assessed for the downtown improvement projects. Many of these are currently developed with a house or commercial building. The remainder are undeveloped. There are probably more substandard parcels beyond this list.

Several owners of undeveloped lots with less than 22,500 square feet would like the City to make a determination regarding the buildability of their lots in conjunction with the City's determinations regarding which properties will be provided with sewer service. Only buildable lots will be provided with sewer service. The lot sizes of the parcels currently being requested for consideration of buildability are as follows:

-19,384 sq. ft
-19,166 sq. ft.
-16,335 sq. ft.
-15,000 sq. ft..

The City Council has referred this issue to the Planning Commission for review and recommendation. The key question is whether the City should strictly enforce the ordinance regarding the minimum requirements for buildability in the VHS, or provide flexibility regarding the buildability of parcels that do not meet the minimum size requirement.

The minimum parcel size requirement of 22,500 square feet is based on a number of factors. These include providing sufficient area for a private septic system and a sufficient setback from the septic system to a private well, providing sufficient area to meet structure setback requirements, managing the density of lots and structures, and providing sufficient area for a usable yard on residential properties and for off-street parking on commercial properties. Because the VHS will now be served by a sewer system, the area for a septic system is no longer a limiting factor. However, the other factors are still relevant.

The consideration of flexibility regarding the buildability of parcels of substandard size could include specific parameters that would need to continue to be met. These could include the following:

-The principal structure, including a garage for a residential parcel, must be able to meet all required setbacks, including creek and bluff setbacks.
-A commercial property must have sufficient area for off-street parking.
--If two contiguous substandard parcels could be combined and not meet the 22,500 size requirement, they are not separately buildable.

- A minimal parcel size, below which flexibility would not be allowed regarding buildability, could be established.

Options for the Planning Commission to consider include the following

- Retain the existing ordinance and strictly apply it
- Change the existing ordinance regarding the minimum requirements for buildability in the VHS to enable smaller lots to be buildable
- Retain the existing ordinance and apply it with flexibility, within a set of established parameters, through the variance process

**PLANNING COMMISSION DIRECTION REQUESTED:**

**Provide a recommendation to the City Council regarding the buildability of substandard lots in the VHS.**

**City of Afton**
**3033 St. Croix Trl, P.O. Box 219**
**Afton, MN 55001**

# Planning Commission Memo

# Meeting: March 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 26, 2015

Re: Solar Energy Ordinance

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At its February 2, 2015 meeting, the Planning Commission directed staff to draft an ordinance regarding solar energy based partially on the model solar energy ordinance provided by Brian Ross, a partially on the direction provided by the Planning Commission. A draft solar energy ordinance is attached for the Commission's review. An outline of key elements of the ordinance the Planning Commission may want to discuss is as follows:

A. Size Limitations. Neither the model ordinance nor the draft ordinance include limitations on the size of a solar array. The City Council has directed that commercial solar arrays not be allowed in the Ag or RR districts. The Planning Commission has had some discussion regarding the generating capacity of residential vs. commercial solar arrays, but has not come to a conclusion about a cut-off point between the two. Also, the Commission has discussed whether regulations regarding the size of an array should be based on generating capacity of the array or the square footage of the array. The wind generator ordinance limits the capacity of a wind turbine to 40 kilowatts.

B. Solar Farms in the Industrial Zone. While the Council has directed that commercial solar arrays not be allowed in the Ag or RR districts, commercial solar arrays could be allowed in the Industrial districts. The draft ordinance includes language regarding solar farms and community solar and limits them to the Industrial districts.

C. Height. The draft ordinance limits the height of a ground-mounted solar array to 20 feet. It also limits the height of a roof-mounted solar array to the maximum height allowed for structures or 12 inches above the roof, whichever is less.

D. Impervious Coverage. The ordinance provides that solar arrays must meet impervious requirements and that impervious coverage will be calculated based on the footprint of the system at average tilt. For residential installations, if the land on which the system is placed is kept in a pervious condition, the impervious coverage of the system shall be deemed to be nominal.

E. Setbacks. The ordinance provides that solar arrays must meet the same setbacks as accessory structures.

F. Variance or Conditional Use Permit. The model ordinance allows exceptions to requirements through an administrative variance or through a conditional use permit (CUP). Afton's zoning code does not allow administrative variances. Exceptions to requirements generally require a variance. The CUP alternative involves building exceptions into the ordinance with a set of performance standards that require a CUP. The difference between the variance and the CUP is that a variance may only be approved if practical difficulty is demonstrated. A CUP can be approved if the proposal meets the performance standards.

**PLANNING COMMISSION DIRECTION REQUESTED:**

**Provide direction regarding the draft solar energy ordinance.**

**Ordinance XX-2015**

CITY OF AFTON
WASHINGTON COUNTY, MINNESOTA

**AN ORDINANCE AMENDING CHAPTER 12 OF THE AFTON LAND USE CODE TO ADD REGULATIONS REGARDING SOLAR ENERGY INSTALLATIONS**

**I.** **Scope** - This article applies to all solar energy installations in the City of Afton.

**II.** **Purpose** - Consistent with the City Comprehensive Plan, the intent of this Section is to allow reasonable capture and use, by households, businesses, and property owners, of their solar energy resource, and encourage the development of renewable energy businesses, consistent with community development standards. The City of Afton has adopted this ordinance for the following purposes:

A. **Comprehensive Plan Goals** - To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the City's citizens by promoting the safe, effective and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy. The following solar energy standards specifically implement the following goals:

1. **Goal** – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
2. **Goal** – Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
3. **Goal** – Assist local businesses to lower financial and regulatory risks and improve their economic, City and environmental sustainability.
4. **Goal** – Efficiently invest in and manage public infrastructure systems to support development and growth.

B. **GHG Reduction** - Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat will reduce our dependence on nonrenewable energy resources and decrease the GHG emissions and other air and water pollution that results from the use of conventional energy sources.

C. **Local Resource** - Solar energy is an under used local energy resource and encouraging the use of solar energy will diversify the community's energy supply portfolio and exposure to fiscal risks associated with fossil fuels.

D. **Improve Competitive Markets** - Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

**III.** **Definitions**

**Building-integrated Solar Energy Systems** - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

**Community Solar** - A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar system may be either an accessory or a principal use.

**Grid-intertie Solar Energy System** - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

**Off-grid Solar Energy System** - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**Passive Solar Energy System** - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**Photovoltaic System** - A solar energy system that converts solar energy directly into electricity.

**Renewable Energy Easement, Solar Energy Easement** - An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, as defined in Minn Stat. 500.30 Subd. 3 or most recent version.

**Renewable Energy System** - A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

**Roof Pitch** - The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

**Solar Access** - Unobstructed access to the solar resource (see definition below) on a lot or building, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**Solar Resource** - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

**Solar Collector** - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

**Solar Collector Surface** - Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

**Solar Daylighting** - A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

**Solar Energy** - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy Device** - A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems are designed as a solar

energy device, such as a trombe wall, and not merely a part of a normal structure such as a window.

**Solar Energy System** - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating, or providing daylight for interior lighting.

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

**Solar Heat Exchanger** - A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

**Solar Hot Air System** - An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

**Solar Hot Water System** (also referred to as Solar Thermal) - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

**Solar Mounting Devices** - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

**Solar Storage Unit** - A component of a solar energy device that is used to store solar generated electricity or heat for later use.

IV. **Permitted Accessory Use** - Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Active solar energy systems that do not meet the visibility standards in C. below will require a conditional use permit, except as provided in Section V. (Administrative Variances).

A. **Height** - Active solar energy systems must meet the following height requirements:

1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof-mount systems shall be no higher than twelve (12) inches above the roof. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
2. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

B. **Set-back** - Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. **Roof-mounted Solar energy systems** - In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
2. **Ground-mounted Solar energy systems** - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

C. **Visibility** - Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

1. **Building Integrated Photovoltaic Systems** - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. **Solar Energy Systems with Mounting Devices** - Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.

3. **Impervious Coverage.** The surface area of pole or ground mount systems must comply with the City's overall impervious coverage requirements. Impervious coverage will be calculated based on the footprint of the system at average tilt. For residential installations, if the land on which the system is placed is kept in a pervious condition, the impervious coverage of the system shall be deemed to be nominal. ~~shall not exceed half the building footprint of the principal structure~~. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted.

4. **Historic Buildings** - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require an administrative permit and a review by the Design Review/Heritage Preservation Commission.

D. **Approved Solar Components** - Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

E. **Plan Approval Required** - All solar energy systems shall require administrative plan approval by the City zoning official.

1. **Plan Applications** - Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

   a. **Pitched Roof Mounted Solar Energy Systems** - For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

   b. **Flat Roof Mounted Solar Energy Systems** - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

2. **Plan Approvals** - Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

IV. **General standards** - All solar energy systems shall comply with the following standards.

A. **Interconnection agreement** - All electric solar energy systems that are connected to the electric distribution or transmission system through the existing service of the primary use on the site shall obtain an interconnection agreement with the electric utility in whose service territory the system is located. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. Off-grid systems are exempt from this requirement.

B. **UL listing** - Electric solar system components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.

C. **Electric code** - All solar installations must comply with the Minnesota and National Electric Code.

D. **Building code** - All rooftop solar systems shall comply with the Minnesota Building Code.

E. **Plumbing Code** - Solar thermal hot water systems shall comply with applicable Minnesota State Plumbing Code requirements.

F. **Reflectors** - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

G. **Height limit** - Building- or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district. Roof-mount systems shall be no higher than twelve (12) inches above the roof. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.

H. **Visibility, commercial installations** - Commercial rooftop systems shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.

V. **Standards for specific solar uses.** The following standards apply to specific types of solar uses:

A. **Rooftop solar energy systems** - accessory to the primary land use, designed to supply energy for the primary use.

(1) These systems are permitted accessory uses in all districts in which buildings are permitted.

(2) No land use permit is required.

B. **Ground-mount solar energy systems** - accessory to the primary land use, designed to supply energy for the primary use.

(1) Ground-mount systems are permitted accessory uses in all districts where buildings are permitted.

(2) Ground-mount systems require a land use permit and are subject to the accessory use standards for the district in which it is located, including setback, height, and coverage limits.

(3) The collector surface of a ground-mount system and any foundation, compacted soil, or other component of the solar installation that rests on the ground is considered impervious

surface. Vegetated ground under the collector surface can be used to mitigate stormwater runoff.

C. **Community solar energy systems** - Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid, consistent with Minn. Statutes 216B.1641 or successor statute.

(1) Rooftop community systems are permitted only in the Industrial districts.

(2) Ground-mount community solar energy systems are allowed only in the Industrial districts and are allowed as conditional uses.

(3) An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

(4) All structures must comply with setback, height, and coverage limitations for the district in which the system is located.

(5) Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

**D. Solar farms** - Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market.

(1) **Conditional use permit** - Solar farms require a conditional use permit. Solar farms are allowed only in the Industrial districts

(2) **Stormwater and NPDES -** Solar farms are subject to the County's stormwater management and erosion and sediment control provisions and NPDES permit requirements.

(3) **Foundations** - A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

(4) **Other standards and codes** - All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.

(5) **Power and communication lines** - Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

(6) **Site Plan Required** - A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County. The site plan should also show all zoning districts, and overlay districts.

(7) **Aviation Protection** - For solar farms located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

(7) **Agricultural Protection** - Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.

(8) **Decommissioning** - A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the

event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the County Solid Waste Ordinance. The County may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

V. **Administrative Variance/Variance (or conditional use)** – The City of Afton encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the standards in Section IV. A., B., or C. cannot be met without diminishing, as defined below, the minimum reasonable performance of the solar energy system, a variance (or CUP) may be sought. An administrative variance(or CUP) may be granted if the following standards are met.

A. **Minimum Performance Design Standards** - The following design thresholds are necessary for efficient operation of a solar energy system:

1. **Fixed-Mount Active Solar Energy Systems** - Solar energy systems must be mounted to face within 45 degrees of south (180 degrees azimuth).
2. **Solar Electric (photovoltaic) Systems** - Solar collectors must have a pitch of between 20 and 65 degrees.
3. **Solar Hot Water Systems** - Solar collectors need to be mounted at a pitch between 40 and 60 degrees.
4. **System Location** - The system is located where the lot or building has a solar resource.

B. **Standards for a Variance** (CUP) - A variance may be granted if the applicant meets the following safety, performance and aesthetic conditions:

1. **Aesthetic Conditions** - The solar energy system must be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys to the maximum extent possible while still allowing the system to be mounted for efficient performance.
2. **Safety Conditions** - All applicable health and safety standards are met.
3. **Non-Tracking Ground-Mounted Systems** - Pole-mounted or ground-mounted active solar energy systems must be set back from the property line the same distance as required for other accessory structures.

VI. **Restrictions on Solar Energy Systems Limited** - No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of the City of Afton shall forbid installation of solar energy systems or create design standards that effectively preclude solar energy installations.

VII. **Solar Access** – The City encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes.

A. **Easements Allowed** – The City has elected to allow solar easements to be filed, consistent with Minnesota Stat. Chapter 500 Section 30. Any building owner can purchase an easement across neighboring properties to protect access to sunlight. The easement is purchased from or granted by owners of neighboring properties and can apply to buildings, trees, or other structures that would diminish solar access.

B. **Subdivision Solar Easements** – The City may require new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit, as specified in Section 8 of this ordinance.

## VIII. Renewable Energy Condition for Certain Permits

A. **Condition for Rezoning or Conditional Use Permit** – The City may, in an area where the local electric distribution system was installed more than twenty years ago, or where the local electric utility has documented a near-term need for additional distribution substation or conductor capacity, require on-site renewable energy systems as a condition for a rezoning or a conditional use permit.

1. The renewable energy condition may only be exercised for new construction or major reconstruction projects.
2. The renewable energy condition may only be exercised for sites that have 90% unimpeded solar or wind energy access, and for which the renewable energy system can reasonably meet all performance standards and building code requirements.

B. **Condition for Planned Unit Development (PUD) Approval** – The City may require on-site renewable energy systems as a condition for approval of a PUD permit, in order to mitigate for:

1. Risk to the performance of the local electric distribution system,
2. Increased emissions of greenhouse gases,
3. Other risks or effects inconsistent with the City's Comprehensive Plan.

## IX. Solar Roof Incentives – The City has identified the following incentives for development applications or subdivisions that will include buildings using active solar energy systems.

A. **Solar-Ready Buildings** – The City encourages builders to use solar-ready design in buildings. Buildings that submit a completed U.S. EPA's Renewable Energy Ready Home Solar Photovoltaic Checklist and associated documentation will be certified as a Model County solar ready home, a designation that will be included in the permit home's permit history.

City of Afton
3033 St. Croix Trl, P.O. Box 219
Afton, MN 55001

# Planning Commission Memo

# Meeting: March 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 23, 2015

Re: Manning Avenue Corridor Overlay District

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**Dialogue with the City of Woodbury**

At its February 2, 2015 meeting, the Planning Commission directed staff to contact the City of Woodbury's Community Development Director to schedule a meeting with him and his planning staff at 6:00 p.m. on Monday, April 6 to obtain additional detail regarding Woodbury's land use plans along Manning Avenue. The Commission also agreed that Commission members should bring questions for the Woodbury Planning staff to the March 2 Commission meeting, so that a set of questions could be prepared for the April 6 meeting.

**Meeting with Property Owners Directly Adjacent to Manning Avenue**

The Commission has agreed that it wants to keep momentum going in engaging and communicating with property owners adjacent to Manning Avenue. The next step in this process is to meet with the owners of properties directly adjacent to Manning Avenue. This meeting is planned for May. At its February meeting, the Commission discussed having a questionnaire for the property owners. Should these questionnaires be similar to the attached questionnaire used in the initial public meeting? Should they be sent out with the notices of the meeting? The Planning Commission may want to discuss the process for planning the meeting and the location of the meeting.

**PLANNING COMMISSION DIRECTION REQUESTED:**

**Provide direction regarding questions for the Woodbury Planning Staff, and regarding preparations for the meeting with property owners abutting Manning Avenue.**

Stantec

# Manning Avenue Corridor Development Options Questionnaire

| | Positive | Negative |
|---|---|---|
| **1. <u>No Change</u>**<br><br>• Most of the land along Manning Avenue is zoned Agricultural.<br>• The Agricultural zone allows development at a density of <u>3 lots</u> per quarter/quarter section (40 acres).<br>• The Ag zone does not allow subdivisions that require the construction of a new public street, so all new lots must have access from existing public roads.<br>• Each lot must have a minimum of 300 feet of frontage on a public road.<br>• The Ag zone requires a minimum of 300 feet between driveways on a public road. | | |
| **2. <u>Preservation and Land Conservation Development (PLCD)</u>**<br><br>• The PLCD is an overlay for the Ag zone that allows a density of <u>four units</u> per quarter/quarter section (40 acres).<br>• Allows subdivisions that require the construction of a new public street.<br>• Requires a tract of land that is a minimum of 80 contiguous acres.<br>• At least 50% of the total tract is required to be preserved as an undeveloped parcel (and placed into a conservation easement – a perpetual easement, involving an organization such as the Minnesota Land Trust - that preserves the land as open space in its current character. | | |

| | Positive | Negative |
|---|---|---|
| **3. <u>Rezone from Agriculture to Rural Residential</u>**<br><br>• The Rural Residential zone allows development at a density of <u>one lot per five acres</u>, with a minimum lot size of 5 acres.<br>• The Rural Residential zone allows new public roads to serve new subdivisions.<br>• Each lot must have a minimum of 300 feet of frontage on a public road.<br>• The Rural Residential zone does not require a minimum distance between driveways. | | |
| **4. <u>2.5 acre lots with 50% of the land placed in a conservation easement (similar to Cedar Bluff)</u>**<br><br>• Allows development at a density similar to the Cedar Bluff development, with a minimum lot size of 2.5 acres.<br>• Requires a planned unit development using Limited Impact Design principles.<br>• Requires placing 50% of the land being subdivided into a conservation easement.<br>• Requires a tract of land that is a minimum of 80 acres.<br>• Lots are clustered in a portion of the land to preserve natural features and reduce visual and environmental impacts. | | |

| | Positive | Negative |
|---|---|---|
| **5. Public Recreational Trail Corridor**<br><br>• Involves the establishment of a continuous public trail corridor, 30 to 100 feet wide, along the full length of Manning Avenue for a recreational trail separated from Manning Avenue.<br>• The public trail corridor would be a barrier to the extension of utilities from the west.<br>• Existing zoning regulations would remain unchanged. | | |
| **6. Other Options**<br><br>• Please describe. | | |

# PROCEEDINGS OF THE AFTON CITY COUNCIL
# CITY OF AFTON
# WASHINGTON COUNTY, MINNESOTA

**DRAFT Regular City Council Meeting Minutes**
**February 17, 2015**
**Afton City Hall**
**3033 St. Croix Trail**
**Afton, MN 55001**
**7:00 p.m.**

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1. **THE MEETING WAS CALLED TO ORDER** at 7:00 p.m. by Mayor Bend.

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

3. **ROLL CALL:** Council Members Palmquist, Richter, Ross, Nelson, and Mayor Bend. **Quorum present.**

   **OTHERS PRESENT:** City Attorney Fritz Knaak, City Engineer Diane Hankee, Planning Commission Chair Barbara Ronningen, City Administrator Ron Moorse and Deputy Clerk Kim Swanson Linner.

4. **APPROVAL OF AGENDA**

   A. Approval of the Agenda for the Regular City Council meeting of February 17, 2015 – Item 8D, Lower St. Croix Valley Community Foundation was removed; Items 8B, Lower St. Croix Fire District and 8C, Yellow Ribbon Alliance St. Croix Valley were delayed until they arrived after a training session at the Fire Station.

**Motion/Second: Richter/Nelson. To approve the February 17, 2015 Regular City Council Meeting agenda as amended. Motion carried 5-0-0.**

It was noted that the Sheriff's Deputy was in attendance; Council decided to move the Sheriff's Report up on the Agenda to Item 5. **The amendment was accepted by Richter and Nelson.**

5. Sheriff's Report (from Item 8A) – Deputy Nick Sullivan reminded residents to make clear the address to their property, especially on long driveways, so that emergency services aren't slowed down by trying to find an address.

6. **APPROVAL OF MINUTES**

   A. Minutes of the January 20, 2015 Regular City Council meeting – A minor typo to change 2014 to 2015 on the front page was noted.

**Motion/Second: Richter/Palmquist. To approve the minutes of the January 20, 2015 Regular City Council Meeting as presented. Motion carried 5-0-0.**

7. **PUBLIC INPUT –**

   David Eastwood, 16033 Putnam Blvd, Afton, felt the slopes and drainage shown on drawings from the Minnesota Pollution Control Agengy (MPCA) are problematic.

8. **REPORTS/PRESENTATIONS**

   A. Sheriff's Monthly Report – was moved to Item 5.
   B. Lower St. Croix Fire District – will give report when they arrive after their training.
   C. Yellow Robbon Alliance St. Croix Valley – Judy Seeberger was attending the Fire District training.
   D. Lower St. Croix Valley Community Foundation – was removed from the agenda.
   E. Jim Bougie, Finance Committee Report – reported that he will need to wait for the 2014 Year End Financials and the 2014 Audit Report to make a year end report. He has compared the refinancing amortization schedule with the original and it appears the city has saved $110,000 due to refinancing the 2005 Road Bonds. It was noted that Mr. Bougie should be sent agendas and invited to all city meetings involving finances.

**F.** Natural Resource and Groundwater Committee Applicant Introductions – Committee applicant Keith Hoffmann was unable to attend the meeting; applicant Jack Kollmer spoke about his longevity in Afton, his past service on the Planning Commission and the original Natural Resources and Groundwater Commission, and his continued passion for assisting the city in its environmental stewardship through this committee.

## 9. CONSENT AGENDA –

**A.** Just and Correct Claims

**B.** The agenda noted there was no 4M Fund Transfer; a transfer for January and February will be made in March.

**Motion/Second: Richter/Palmquist. To approve the consent agenda as presented. Motion carried 5-0-0.**

## 10. CITY COUNCIL BUSINESS

**A.** Planning Commission Report –

1. David Herreid Withdrawal of Variance Application at 16530 Swede Hill Drive – Chair Ronningen reported that Dave Herreid withdrew his application for a variance to enable the construction of a garage on the property at 16530 Swede Hill Drive due to an issue raised by Molly Shodeen of the DNR regarding the removal of the existing substandard deck. Mr. Herreid indicated to the Planning Commission he needs additional time to address the deck issue, and requested the Planning Commission's action regarding the application be tabled for an indefinite time. Staff indicated it is not workable to table the application for an indefinite time because of the 60-day review period requirement, and suggested he withdraw the application with a request that the initial variance fee be allowed to be applied to a new variance application to be submitted by December 31, 2015.

**Motion/Second: Palmquist/Nelson. To apply Dave Herreid's fee from the withdrawn variance to a new variance application if it is submitted in the next twelve months.**

Council Discussion:

Several council members felt that twelve months would be too long to apply the fee. And that the city does not normally refund the fee as work has already been done on the application.

**The motion was amended by Nelson and accepted by Palmquist. To apply the fee to a new variance application if it is submitted in the next six months [before August 17, 2015].**

2. Regulations Regarding Contiguous Non-conforming Parcels under Common Ownership – Chair Ronningen reported that the Planning Commission reviewed the current code language and, after much consideration, determined that this language treats contiguous non-conforming parcels under common ownership differently than other non-conforming parcels in some instances. Non-conforming parcels in the Ag or RR zoning districts are considered buildable if they have 2.5 acres of buildable land and meet 60% of the required frontage on a public road. However, if a non-conforming parcel is contiguous to another parcel under common ownership, the parcel needs to meet 100% of the lot area and lot width requirements in order to be considered as a separately buildable lot. Planning Commissioners agreed that the more restrictive requirements for contiguous non-conforming parcels under common ownership are not needed, because the general requirements for the buildability of non-conforming parcels adequately controls the use of all non-conforming parcels. Therefore, the Planning Commission recommended eliminating the language in Section 12-132.B. regarding contiguous non-conforming parcels under common ownership.

Moorse indicated there is similar language regarding contiguous substandard parcels under common ownership in the Lower St. Croix River Bluffland and Shoreland Management ordinance. He spoke with Molly Shodeen, of the DNR, who indicated that language that allows a lot with 2.5 acres of buildable area to be considered buildable would meet the State's lot size standard. However, language that allows a lot width less than 200 feet would not meet the State's standard. By the language in Sec. 12-132.B. a non-conforming parcel meeting 60% of the required 300 foot frontage on a public road would be 180 feet. Moorse noted, in order to meet the State's 200 foot width standard for the St. Croix Bluffland area, any amended ordinance language would need to include the 200 foot minimum width standard.

Moorse also noted that Section 12-132.B. does not clearly address the buildability of non-conforming lots in the VHS-C and VHS-R zoning districts. However, Section 12-581 of the Lower St. Croix Bluffland and Shoreland Management ordinance does clearly address the requirements for buildability through the following language: "...in the VHS District, the preexisting single parcel shall meet or exceed 22,500 square feet in area and shall meet or exceed all other dimensional requirements for a new lot in the VHS district." He noted that this language should be added to Section 12-132.B.

Moorse indicated that much of the City's zoning code was taken from the Washington County development code and, in fact, the Washington County development code has similar language regarding contiguous non-conforming lots under common ownership. Moorse talked with Dennis O'Donnell, Washington County Senior Planner, who indicated this language is commonly used in shoreland areas along streams, lakes and rivers, where sub-standard parcels under common ownership are required to be combined.

Council Discussion:

Council members felt that if a conforming lot was next to a non-conforming lot and the non-conforming lot meets 60% of the required public road frontage and the 2-1/2 acres of buildable land, then both would be buildable. If both are below the 60% frontage and 2-1/2 acres of buildable land, then the lots would need to be combined.

Bend thought that the ordinance language should only include the width and area requirements; and that the factor of ownership seems unfair.

Palmquist felt this was a difficult issue, because those who would like less dense parcels would like to make the non-conforming lots combined. He felt the more troublesome issue was residents not knowing the requirements to combine non-conforming parcels.

Ronningen reiterated that the ordinances seem to take care of other reasons for lots being non-buildable, but "ownership" didn't seem to be a fair condition.

Richter felt he needed more time to analyze the conditions.

Bend commended the Planning Commission for their careful review and recommendation.

**Motion/Second: Richter/Palmquist. To table the regulations concerning contiguous non-conforming parcels under common ownership to the next Council meeting, in order to give more time for analysis. Motion carried 5-0-0.**

**B.** Engineering Report

1. Staff Report/Council Update – City Engineer Diane Hankee reported:
   a. **Washington County has split out the 2015 County Road 21 (CR21) construction projects:** Due to the City Engineer's request that the County do the rehab work before the Village section of CR21, the sections north and south of the Village, involving full depth reclamation and culvert replacement, will be a separate project from the Village section of CR 21.

Palmquist wondered if Council wanted to weigh-in on the Downtown Improvement Projects Design Committee (DIPDC) request for 11 foot lanes with a one foot shoulder for bicycles along County Road 21.

Ross asked if the County is aware of the speeding and motorcycle traffic that currently makes CR21 a dangerous place to ride a bicycle.

**It was suggested that a letter "on behalf of the City Council" be sent by the mayor to the County requesting consideration of the design elements that would make bicycling safer on County Road 21.**

   b. **Downtown Village Project:** The Agency review timeline and project bidding timeline was updated. Engineers will go into more depth at tomorrow's City Council Work Session.
   c. **The Downtown Improvement Projects Design Committee's** latest agenda and meeting summary was provided to Council.
   d. **The easement acquisition process** has resulted in 4 of the 14 offers signed. These easements are required as part of the levee project in order to remain in the Corps of Engineers Levee Program. WSB continues to answer questions and provide details to the property owners. For parcels that are unsettled, eminent domain would be filed on March 30, 2015.

e. **At the MPCA meeting** on Jan. 27, 2015, the city was informed that the 30-day comment period for the EAW and MPCA permit will commence on March 2 or 16, 2015. The project will likely go to the Board at their May 19, 2015 meeting where the City will have the opportunity to present the alternative analysis and environmental data.

f. **The following Downtown Village Project meetings were attended or scheduled:**
   1. VBWD Board meeting – Feb. 12, 2015; the City Engineer attended and provided a project update.
   2. County Road Design Review Committee (DRC) – Feb. 17, 2015 at 3:00 pm.
   3. Downtown Improvement Projects Design Committee (DIPDC) - Feb. 17, 2015 at 5:00 pm.
   4. DIP Public Hearing - Feb. 24, 2015 at 6:30 pm at Memorial Lutheran Church.
   5. Washington County Project Management Team – March 11, 2015 at 2:00 pm.

**C.** Administration –

1. Interim Financing for Downtown Improvement Projects – Administrator Moorse reviewed that Council had directed staff and Springsted to move forward with a limited competitive bond sale Request for Proposals (RFP) and to schedule an improvement hearing regarding the Downtown Improvement Projects, subject to determining that the City is able to order the improvements while the MPCA permit review process is on-going. Staff reviewed the issue with MPCA staff, who indicated that the City is able to move forward to order the improvements and obtain temporary financing while the MPCA permit review process is on-going.

Doug Green, of Springsted, Inc., has been working with WSB on the interim financing and presented additional information and options regarding the temporary financing. The options were broken down into:

Option 1: Would be temporary financing of a portion needed, an amount of $2.5 million, which would get the City through 2016; additional financing would then need to be put in place for completion of construction and permanent financing.

Option 2: Would be the entire cost of $3.7 million through construction; the permanent financing would be put in place as long-term financing at the end of construction.

Council Discussion:

Palmquist preferred to finance once for the $3.7 million.

Richter asked if there is a real threat that all the proposed projects would not go forward?

Bend said all indications are that all the proposed projects will be going forward; that attempts to derail some parts of the project by uninformed residents may delay construction, but will not cause the projects to be cancelled.

Ross was concerned about the timeline, noting that several of the critical path elements seem to be contingent on the MPCA permit approvals.

Green indicated that the financing would be firmed up in the next few months, either by the bank loan with a higher interest rate but shorter timeline for cash in hand versus an underwriter for the sale of bonds with a lower interest rate but a lengthier process for cash in hand is still a consideration. However, the financing would not be final until the Council approved the sale of bonds or a bank loan.

**Motion/Second: Palmquist/Nelson. To authorize Springsted, Inc. to move forward with temporary financing of Option 2 for the total of $3.7 million. Motion carried 5-0-0.**

2. Animal Control Service Agreement Renewal-Kathi Pelnar – **Resolution 2015-13** – Administrator Moorse indicated that the City currently has a two-year contract with Kathi Pelnar for animal control services, with an term ending on February 15, 2015. The City had League of Minnesota Cities' contract attorney review the contract and he recommended the contract be updated to include required insurance coverage amounts. The contract has been updated to include minimum coverage of $500,000 for both commercial general liability coverage and vehicle liability coverage. Ms. Pelnar currently has these coverage amounts in place. The new two-year contract also retains the same fee schedule as the current contract.

**Motion/Second: Palmquist/Richter. To adopt Resolution 2015-13 renewing the Animal Control Services contract with Kathi Pelnar for a two-year period with a term ending in February 2017. ROLL CALL: ALL Ayes. Motion carried 5-0-0.**

3. Lower St. Croix Valley Fire Relief Association Pension Benefit Increase Request – **Resolution 2015-18** – [This item was moved up to accommodate LSCV Firefighters in attendance.] Jim Stanley, Chief Kris Peterson and Kevin Wall, of the Lower St. Croix Valley Fire Department (LSCVFD), arrived after their training to give their report regarding the pension benefit request. Jim Stanley explained that the Lower St. Croix Valley Firefighters Relief Association approved an increase in its maximum pension benefit from $3,100 per year of service to $3,250 per year of service. The Association is now requesting the member cities of the Lower St. Croix Valley Fire Department Joint Powers Agreement to approve the pension increase. He explained there is no cost to the member cities related to the pension benefit increase, unless the pension fund experiences a funding deficit. While the Relief Association has only had one funding deficit in its history, which occurred during the recent economic downturn, there is always the possibility of a similar occurrence. When there is a funding deficit, the member cities are required to provide sufficient funding to eliminate the deficit over a ten year period. The recent funding deficit was eliminated in four years through city funding and improved investment earnings. The cost to Afton was $30,398 over four years.

Council Discussion:

Council asked for additional information related to the pension benefit increase request. The Fire District representatives provided the following details:

- The calculation of the 24% surplus in the pension fund is based on the $3,250 pension benefit and the 2013 audited financial results for the pension fund.
- The State Auditor uses a 5% rate of return when determining whether a pension fund is fully funded. The LSCVFD pension fund was targeted for a 10.5% rate of return in 2013, and had a 13.3% actual rate of return.
- The calculation of full funding of the pension fund is based on paying every firefighter 100% of the maximum benefit amount for their years of service, regardless of when members may retire, and including those who are not yet vested.

**MotionSecond: Richter/Palmquist. To adopt Resolution 2015-18 approving a pension benefit increase from $3,100 to $3,250 per year of service for the Lower St. Croix Valley Fire Relief Association. ROLL CALL: All Ayes. Motion carried 5-0-0.**

4. Support for CLG grant application – **Resolution 2015-17** – Administrator Moorse reported that the Afton Heritage Preservation Commission (HPC) has identified thirteen properties as meriting local designation as historic landmarks. The list of the properties was provided to Council in the packet. Moorse explained the local designation process involves the nomination of properties for review by the State Historic Preservation Office. The nomination will require considerable historic research to enable the completion of a nomination form for each property. He explained that the HPC would like to hire a consultant to conduct the historic research and complete the nomination forms. The cost of the consultant work for thirteen properties is estimated at $20,000. The HPC has applied for a Legacy Grant in the amount of $10,000, and has also applied for a Certified Local Government (CLG) Grant in the amount of $10,000 to provide the remainder of the required funding and to provide the required cash match for the Legacy Grant. The historic research work is contingent on obtaining the grant funding. The consultant would be selected through an RFP process, and the Council would need to approve the hiring. He informed that the CLG grant application requires an indication of the Council's support of the grant application.

**Motion/Second: Palmquist/Nelson. To adopt Resolution 2015-17 indicating the Council's support of an application for a Certified Local Government Grant to fund the local designation process for thirteen Afton properties. ROLL CALL: All Ayes. Motion carried 5-0-0.**

5. MIDS Grant Application – **Resolution 2015-19** – Administrator Moorse indicated the Middle St. Croix Watershed Management Organization (MSCWMO) has secured a Clean Water Fund Grant to assist communities in integrating Minimal Impact Design Standards (MIDS) into their local ordinances. The purpose of MIDS is to better protect local water resources. MIDS is a set of performance goals, design standards, and policy development guidance provisions developed by the MPCA. The Council needs to indicate Afton wishes to participate in the grant that will assist the City in integrating the MIDS standards into its policies and ordinances.

Council Discussion:

It was noted that the grant will fund a review of our ordinances to make sure our they are in support of the MIDS and to make sure nothing is inconsistent with MIDS.

Moorse indicated that the attorney who reviews the City's ordinances is provided by the watershed and is paid by a grant from the MN Pollution Control Agency (MPCA).

Bend indicated that even if the review finds some of the City's ordinances conflict, the city has the right to consider to make any changes, as the City may have more reasons to have particular ordinance language other than just supporting MIDS; in other words, the City may have added constraints in ordinance language that it wishes to keep.

Council amended the second "whereas" statement in the resolution to say "Whereas, The City of afton will follow the MIDS standards and provisions in the development of proposed policy or ordinance changes…"

**Motion/Second: Palmquist/Richter. To adopt Resolution 2015-19 indicating the Council's support of participating in the Clean Water Fund Grant that will assist the City in integrating the MIDS standards into its policies and ordinances. ROLL CALL: All Ayes. Motion carried 5-0-0.**

6. Technology and High Speed Internet Access Committee – Administrator Moorse reviewed that Council, at its January 20, 2015 meeting, approved the creation of a Technology and High Speed Internet Access Committee, and directed staff to prepare a description of the Committee, including the purpose, membership, meeting schedule, etc. Council Member Ross provided a draft scope of work to the description and staff added the operating language for the committee.

Council Discussion:

Council deleted #10 from the scope of work, to eliminate the formality of reporting findings to the City Council every three months.

Council amended under "Regular Meetings" (a) …Committee shall determine a regular monthly meeting schedule or as otherwise scheduled and/or as determined by the committee members."

Ross thoughts on the committee was that he prefers to have the volunteers on the committee work in a creative environment, able to achieve the desired goals or determine that they are not attainable, and to disband when the objectives of the committee are met.

**Motion/Second: Palmquist/Richter. To adopt the organizing and operating language for the Technology and High Speed Internet Access Committee as amended. Motion carried 5-0-0.**

7. 4th of July Parade Committee Agreement – **Resolution 2015-20** – Administrator Moorse reviewed that the Afton Parade Committee (APC) cooperative agreement between the city and the APC had been revised for the January 20 Council meeting; it was noted that another revision to the agreement was included in this meeting's (February 17) Council Supplemental Packet. The new revisions regarded how the City will pay the APC in two equal installments in the amount of $1,750 on March 1st (in 2015) and on February 1st and May 1st in years thereafter. An additional restriction was placed on any balance of cash or cash equivalent. The APC may have one Dedicated Account, the "Street Banner Fund" in which it may accumulate up to $4,000 in funds for the periodic replacement of equipment and supplies, funds which may only be used for their dedicated purpose.

**Motion/Second: Nelson/Richter. To adopt Resolution 2015-20 approving a Cooperative Agreement with the Afton Parade Committee (APF), a non-profit organization, and the City of Afton which sets out the responsibilities of the Committee and the City related to the 4th of July's parade and celebration events. ROLL CALL: Ayes: Nelson, Richter, Bend. Abstain: Palmquist, Ross.) Motion carried 3-0-2.**

8. Schedule Special City Council meeting – Administrator Moorse explained that there are three requirements to be met in order to obtain temporary financing for the downtown improvement projects. One is the completion of a feasibility report. This has been done. The second is the holding of an improvement hearing. This will be completed on February 24. The third is the ordering of the improvements. This can be done on February 24 upon the completion of the improvement hearing. To enable the Council to take this action, the meeting needs to be noticed as a Special Council meeting. On the agenda will be a presentation by Doug Green, of Springsted, Inc. regarding moving forward with temporary financing. If the proposals for a limited competitive RFP for bond sales can be obtained in time for Council action at the February 24 Special Council meeting, the Council could award the sale of the bonds at that meeting. If the proposals cannot be obtained by then, a Special Council meeting could be scheduled for early March to award the sale of the bonds.

**Motion/Second: Palmquist/Nelson. To schedule a Special City Council meeting to be held at 6:30 p.m. on Tuesday, February 24, 2015 at Memorial Lutheran Church for the purpose of ordering the improvements and the possible award of the sale of bonds for temporary financing of the improvements. Motion carried 5-0-0.**

9. Planning Commission Reappointments – Administrator Moorse indicated that the Planning Commission terms of Barbara Ronningen and Judy Seeberger are expiring this month. Both have applied for reappointment to an additional three year term. The new terms will expire on February 15, 2018.

Council Discussion:

Bend commended the work of both Ronningen and Seeberger. Ronningen for her ability to give all members on the Commission a chance to speak their opinions, without the rancor of some past commissions. Seeberger for her ability to take in the discussions and to add her succinct and wise comments.

**Motion/Second: Richter/Bend. To reappoint Barbara Ronningen and Judy Seeberger to additional three year terms on the Planning Commission expiring on February 15, 2018. Motion carried 5-0-0.**

10. Natural Resources and Groundwater Committee Appointments – Administrator Moorse indicated that Council will act on the two applications for the Natural Resources and Groundwater Committee, Jack Kollmer, who was introduced earlier in the meeting, and Keith Hoffmann, who was not able to attend tonight's meeting. Moorse indicated if the Council decides to appoint one or both, the term would be three-years, expiring on December 31, 2017.

Council Discussion:

Mayor Bend chose to highlight, in Mr. Hoffmann's absence, his strong background in water resources and his interest in serving on the Committee.

It was noted that both of the new Committees are looking to have more volunteers and requested another item be placed into the March newsletter for interested persons.

Nelson reiterated that these committee members be tapped to attend the regional and local watershed and water consortium meetings.

Staff was directed to place these and future appointees on the email lists for the Northeast Goundwater meetings, the Middle St. Croix Watershed Management Organization (MSCWMO) and the Washington County Water Consortium, so that they can begin attending.

**Motion/Second: Palmquist/Richter. Toappoint Jack Kollmer and Keith Hoffmann to the Natural Resources and Groundwater Committee for three-year terms expiring on December 31, 2017. Motion carried 5-0-0.**

**D. Committee Reports –**

1. Public Works – none.
2. Personnel – none.
3. Parks – none.
4. HPC/DR – meets tomorrow, Wednesday, February 18, at 5:00 p.m.

## 10. COUNCIL, CONSULTANT AND STAFF REPORTS, ANNOUNCEMENTS AND UPDATES

**A.** Ward 1 Council Member Palmquist – wants the ordinance language for the accessory building on larger parcel sizes to have graduated steps.

**B.** Ward 2 Council Member Richter – none.

**C.** Ward 3 Council Member Ross – none.

**D.** Ward 4 Council Member Nelson – none.

**E.** Mayor Richard Bend – attended Gateway Corridor PAC; nothing pertaining to Afton, but he was interested in West Lakeland's questioning Met Council's targeting higher density near transit stations. Met Council replied that they were, but that representatives will work with cities for a collaborative process. The Fire District Board meeting was attended; noted nothing of great interest was discussed.

**F.** City Attorney Knaak – noted the prosecution report was not included in the packet, but it is on file. He noted that the uptick in DWI is due to state patrol enforcement along and adjacent to I-94.

**G.** City Administrator Moorse – none.

## 11. ADJOURN

**Motion/Second: Bend/Palmquist. To adjourn the meeting at 10:20 p.m. Motion carried 5-0-0.**

Respectfully submitted by:

_____

Kim Swanson Linner, Deputy Clerk

**Approved by Council (at the 3/17/2015 meeting) as: Presented: _____ or Amended: _____**

**Signed by Mayor Richard Bend: _____ Date: _____**

# SUPPLEMENTAL PACKET

10. a.

**City of Afton**
**3033 St. Croix Trl, P.O. Box 219**
**Afton, MN 55001**

# Planning Commission Memo

# Meeting: March 2, 2015

To: Chair Ronningen and members of the Planning Commission

From: Ron Moorse, City Administrator

Date: February 19, 2015

Re: Buildability of Substandard Lots in the VHS **Supplemental**

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Section 12-637. Minimum District Dimensional Requirements, requires a minimum lot size of 1 acre in the VHS districts. While Section 12-581. Substandard lots requires an existing parcel in the rural area to meet or exceed 60% of the minimum requirements for a new lot in order to be considered buildable, substandard lots in the VHS districts are required to have a minimum of 22,500 sq. ft., or one-half acre. This is 50% of the one-acre minimum lot size vs. 60% of the minimum lot area required in the rural area. Molly Shodeen, of the DNR, has indicated that, because the 22,500 sq. ft. minimum requirement for buildability is already less than 60% of the one-acre minimum lot size, the ordinance should not be amended to reduce the 22,500 sq. ft. minimum size required for buildability. Rather, the variance process should be used to address the buildability of smaller existing lots based on findings related to practical difficulty and impacts to the St. Croix River.

Variance Expiration. The zoning code provides that a variance expires after one year if the proposal for which the variance was granted has not moved forward. While the determination regarding buildability is needed at this time to enable decisions regarding the extension of sewer service to those lots considered to be buildable, there are no current plans to build on the lots. To address this timing issue, an option is to provide an extended expiration timeline in the case of a variance approval.

**PLANNING COMMISSION DIRECTION REQUESTED:**

**Provide a recommendation to the City Council regarding the buildability of substandard lots in the VHS.**

B. The boundaries of the Lower St. Croix Riverway and the urban and rural zoning districts within the Riverway include all of the land riverward of the legally described boundary line in the official copy of the Lower St. Croix National Scenic Riverway Master Plan and as shown on the map designated as the City of Afton, Lower St. Croix Riverway zoning district map.

C. The boundaries of the Lower St. Croix Riverway zoning district map designated as the City of Afton, Lower St. Croix Riverway District zoning map published herewith is made a part of this article and is on file with the Zoning Administrator.

**Sec. 12-637. Minimum district dimensional requirements.**[306]

A. The following chart sets forth the minimum area, setbacks, and other requirements of each district:

| | **Rural** | **VHS** |
|---|---|---|
| **Minimum lot size above ordinary high-water mark** | **5 acres** | **1 acre** |
| Lot width at building setback line | 200 feet | 150 feet |
| Lot width at waterline | 200 feet | 150 feet |
| Building setback from ordinary high-water mark | 200 feet | 100 feet |
| Building setback from bluffline | 100 feet | 40 feet |
| On-site sewage treatment system setback from ordinary high-water mark | 200 feet | 100 feet |
| On-site sewage treatment system setback from bluffline | 40 feet | 40 feet |
| Maximum structure height | 35 feet | 35 feet |
| Maximum total lot area covered by impervious surface | 10% (1-1/2 acres) | 10% of 4,350 s.f., whichever is greater[307] |
| **On slopes less than 12 percent, the controlled vegetative cutting areas setback are from:** | | |
| Ordinary high water mark | 200 feet | 100 feet |
| Blufflines | 40 feet | 40 feet |

B. No structures shall be placed or grading done on any slopes greater than 12 percent (12 feet vertical rise in 100 feet horizontal distance).

C. No structures shall be placed in any floodway. Structures proposed within a floodplain shall be consistent with city floodplain ordinance, article V of this chapter, and state floodplain ordinances.

D. Exceptions to the minimal dimensional requirements include the following:

1. In rural districts, structure setbacks from a bluffline may be reduced up to a minimum of 40 feet when can be demonstrated that no change in the natural appearance of the shoreline, slope, and bluffline will occur and the structure will be visually inconspicuous in summer months as viewed from the river. In reviewing the proposed building site, the City Council, after input from the Zoning Administrator, and in cooperation with an agent of the commissioner of natural resources, and upon recommendation from the Planning Commission after public hearing, may determine that the structure setback can be varied to within the 40 to 100 foot range from a bluffline if the natural appearance of the shoreline, slope, and bluffline is preserved, and the applicant shall agree to donate a scenic easement to the state and maintain the scenic easement in an undisturbed condition and appearance. Such scenic easement shall specify that on all land lying from the proposed building line closest to the river, or property line closest to the river, or such lesser area subject to the easement as may be accepted by the commissioner, no destruction, cutting, trimming, or removal of trees, shrubs, bushes, or plants, and no topographic changes of the

[306] Code 1982, § 302.104, Ord. 97-46, 1/15/02, Ord. 46-2004, 8/17/04
[307] Ordinance 02-2008, 1/9/2008

**Sec. 12-581. Substandard lots.**[296]

A. A lot or parcel of land for which a deed has been recorded in the office of the county recorder on or prior to May 1, 1974, shall be deemed a buildable lot provided:

1. It has frontage on a maintained public right-of-way, maintained by the community or other unit of government, or frontage on a private road which was established prior to May 1, 1974;
2. It is of record in the office of the county recorder prior to May 1, 1974;
3. It can be demonstrated that a proper and adequate sewage disposal system can be installed;
4. The proposed structure can meet the side yard setbacks of the zoning ordinance, article II of this chapter;
5. The preexisting single lot or parcel area dimensions in the rural district shall meet or exceed 60 percent of all of the requirements for a new lot; or in the VHS district, the preexisting single parcel shall meet or exceed 22,500 square feet in area and shall meet or exceed all other dimensional requirements for a new lot in the VHS district.

B. If in a group of contiguous platted lots under a single ownership, any individual lot does not meet the minimum requirements of this article, such lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will:

1. In the rural district equal one or more parcels of land each meeting the full requirements of this ordinance; or
2. In the village historic site (VHS) district, equal a platted area of 22,500 square feet (three old village platted lots) or more, and all other new lot requirements as listed in Section 12-637.

**Sec. 12-582. Color of structures.**[297]

A. The exterior color of new or renovated structures, including roofs, in the rural district, shall be of earth or summer vegetation tones, unless completely screened from the river by topography.

B. The exterior color of new or renovated structures in the village historic site (VHS) district shall be consistent with the architectural standards for an historic village center as expressed in the City comprehensive plan and ordinances, provided the structure is screened by vegetation or topography, making it inconspicuous as viewed from the river during the summer months.

**Sec. 12-583. Marinas.**[298]

A. New and or expanded marinas may only be allowed downstream from the northern city limits of Stillwater in urban districts.

B. New marinas shall meet the design standards of natural resources regulations including Mn Rules, § 6105.0410, subp. z.

C. No construction or development associated with a marina shall begin until all of the following authorizations have been obtained by the applicant.

1. Marinas shall be a Conditionally Permitted Use in this article.
2. For uses and structures above the ordinary high water mark associated with a marina, a public hearing shall be held by the Council to consider a marina as a Conditionally Permitted Use in accordance with Department of Natural Resources regulations including Mn Rules, § 6105.0530. The Council may approve or deny the marina on such standards of the Department of Natural Resources. If the Council approves the marina, final issuance of the local permit shall be conditioned upon granting of all state and federal permits required in department of natural resources regulations including Mn Rules, § 6105.0410.

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[296] Code 1982, § 602.02; Res. No. 1997-16, § 18, 6-17-97
[297] Code 1982, § 604.02
[298] Res. No. 1997-16, § 18, 6-17-97; Ord 1997-15, 1/19/99; Ord 02-2012, 2/21/2012