



COUNCIL WORK SESSION AGENDA

AFTON CITY COUNCIL CHAMBERS

3033 St. Croix Trail South

Wednesday, May 27, 2015

At 1:00 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA – May 27, 2015 Council Work Session**
- 4. CITY COUNCIL BUSINESS**
 - a) Downtown Improvement Projects (including but not limited to the following)
 - 1) Project Funding and Timing
 - 2) Sanitary Sewer Policy and Ordinance Revision Update
 - b) Scheduling Work Sessions
 - c) Land Use/Zoning Topics (including but not limited to the following)
 - 1) Ordinance amendment regarding accessory buildings
- 5. ADJOURN**

A quorum of the City Council or Other Commissions may be present to receive information at, but not limited to, any of the following meetings: Planning Commission; the Public Works Committee; Parks Committee; Design Review and Heritage Preservation Commission; Lower St. Croix Cable Commission; LSCWMO; MSCWMO; I-94 Corridor Coalition and the 5-City Mayor's Alliance.

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

Meeting Date May 27, 2015

Council Memo

To: Honorable Mayor Bend and Members of the City Council
From: Ron Moorse, City Administrator
Date: May 21, 2015
Re: Downtown Improvement Projects Timing and Funding

Updated information related to the timing and funding of the downtown improvement projects has been obtained in recent days. While the information is favorable regarding the amount of funding available, the information is pointing toward the need to delay portions of the downtown projects. While the construction of the wastewater treatment system, the force main and the sanitary sewer lift station can move forward in 2015, the remainder of the downtown projects, including the sanitary sewer collection system, the levee, the local roads and the storm sewer, may need to be delayed until 2016. WSB staff will attend the meeting to walk through the funding information and timing options, and the implications of the timing options.

Public Facilities Authority (PFA) and Department of Natural Resources (DNR) Funding

On May 19, Todd Hubmer, Jamie Wallerstedt and Diane Hankee of WSB and I met with the staff of the PFA, and the DNR which are the major funding sources for the downtown improvement projects, to discuss project timing as it relates to the PFA funding, and to confirm the cost shares on which the PFA funding and the DNR funding will be based. The PFA staff indicated that the delay of the MPCA Citizen Board meeting to June 23 would not enable the PFA to complete its certification process by the June 30 deadline for funding in the 2015 fiscal year funding cycle. However, the project would be eligible for fiscal year 2016 funding, which becomes available in July of 2015. There is also going to be Green Infrastructure funding available in the fiscal year 2016 funding cycle. We discussed the timing of funding and confirmed the cost shares with both the PFA and the DNR. The cost shares are in conformance with expectations.

The 2015 legislative session did not result in any additional funding becoming available for the DNR Flood Hazard Mitigation Grant. While there is some funding available that was approved in the most recent revision to the grant agreement, this funding amount is not sufficient for the expenditures related to the levee, stormwater ponds, and the stormwater lift station. It is expected that additional funding will be provided in the 2016 legislative session when a bonding bill is approved. Because the City cannot be reimbursed through the DNR grant for expenses incurred for which there are not DNR funds available, the City would not want to incur those costs at this time.

Washington County meeting regarding Project Timing

Staff is meeting with Washington County staff on Friday, May 22 to discuss the project timing, and particularly the timing of advertising for bids in relation to the timing of obtaining the

MPCA permit. The County's policy is that they do not advertise for bids until they have obtained the necessary permits. While the City could push to move forward with bid advertisement, the PFA has indicated the June 23 Citizens Board meeting date does not allow sufficient time to certify the bids prior to their June 30 deadline for the fiscal year 2015 funding cycle.

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Meeting Date May 27, 2015

Council Memo

To: Honorable Mayor Bend and Members of the City Council
From: Ron Moorse, City Administrator
Date: May 21, 2015
Re: Scheduling of Council Work Sessions

The method of scheduling Council work sessions could be improved to both make it more efficient and enable both staff and Council members to plan ahead for work sessions. While the Council determined that setting a specific day of each month for a work session would not provide sufficient flexibility to facilitate Council member participation, it may be helpful to establish an expectation that a work session will be held once per month and to agree on a general time during the month. Staff can then plan work session agendas and the preparation of necessary information.

At the May 19 Council meeting, a number of options for scheduling the specific date for a work session were proposed. These included using a shared calendar through Outlook and using a meeting scheduling application called Doodle. The Council can discuss available options and select an option that will work best.

Council Direction Requested

Direction regarding the method for scheduling work sessions.

City of Afton
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Afton, MN 55001

Meeting Date May 27, 2015

Council Action Memo

To: Mayor Bend and Members of the City Council
From: Ron Moorse, City Administrator
Date: May 21, 2015
Re: Ordinance Amendment Regarding Accessory Buildings

Attached is an ordinance amendment regarding accessory buildings that was recommended to the Council by the Planning Commission. 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 amendment also includes reformatting of the information in the ordinance to provide greater consistency and clarity. 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, and also requires larger setbacks as the building size increases.

Maximum Size

When the Council considered the ordinance amendment, the Council members had a number of questions and concerns, and directed that the ordinance amendment be reviewed at a work session. One of the concerns was whether the maximum size of 5,000 square feet may be too large. The Council may want to consider the following options related to the maximum size.

1. Allow up to 5,000 square feet for a hobby farm on property that is not classified as Ag property by the County Assessor.
2. Allow a total of 5,000 square feet of accessory buildings, but allow a smaller maximum for any one building, i.e. 3,500 square feet.

Large Accessory Buildings and Subdivisions

In addition to Council concerns, there is a significant element of existing ordinance language regarding subdivisions and existing agricultural buildings that is of concern to the Planning Commission and staff. Paragraph 5 has existing language that indicates an "existing agricultural building at the time of a subdivision would be exempt from the limits on the maximum square footage and number of accessory buildings...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." The Planning Commission's new language relating to "Performance Standards Related to Accessory Buildings" originally stated that "no subdivision shall be allowed if it would make existing accessory structures non-conforming. This language was revised to include the phrase "with the exception of existing agricultural buildings." in order to not conflict with the Paragraph 5 language. However, there is a concern that any new accessory buildings allowed under this ordinance should not be allowed to remain if they would be made nonconforming by a subdivision.

Council Direction Requested:

Direction regarding the ordinance amendment regarding accessory buildings.

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~~ 200 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

¹ Code 1982, § 301.703

on which rural agriculture is the principal use and which meets the definition of Agricultural Building in Section 12-55, 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

* 5. [The strike-through language in subparagraph 4 has been moved to subparagraph 7] 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 building:	A	R	VHS
Permit required	Admin & Bldg. Building	Admin & Bldg. Building	Bldg. Building
Max number of acc bldgs / total s.f. of all accessory bldgs not to exceed			
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
Max number of acc bldgs / max bldg size:			
20 acres – Less than 40 acres	<u>2 acc bldgs / 5,000 s.f.</u>	<u>2 acc bldgs / 5,000 s.f.</u>	n/a
40 acres and greater	<u>3 acc bldgs / 5,000 s.f.</u>	<u>3 acc bldgs / 5,000 s.f.</u>	n/a
Total square footage of all accessory bldgs Not to exceed	2,500 s.f.	2,000 s.f.	720 s.f.
Certificate of Compliance required	Acc bldgs > 2,500 s.f.	Acc bldgs > 2,500 s.f.	N
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	<u>Admin & Farm Site Plan</u>	<u>Admin & Farm Site Plan</u>	N
Maximum square footage	**	**	<u>N</u>
20 acres or more			
Permit <u>Certificate of Compliance</u> required	<u>Admin/Farm Site Plan</u> <u>Upon completion</u>	<u>Admin/Farm Site Plan</u> <u>Upon completion</u>	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.
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* 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 [This section needs to be integrated into the remainder of Section 12-187. Also, other sections in 12-187 need revisions.]

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