

**Discussion re: 6230 167th Ave NW
January 17, 2019**

AGENDA

1. Agricultural Designation/Building Permit Exemption
2. Outside Storage Of Equipment/Home Occupation
3. Number Of Animals/Keeping Of Animals/Feedlot
4. Schedule for Conditional Use Permit

AGRICULTURAL DESIGNATION/BUILDING PERMIT EXEMPTION

The Owner has proposed a 7,200 square foot accessory structure. The stated purpose is to house cattle. Previous experience with this Property indicates that 75% of the building would be used as a shop, and 25% used for animals. The Owner has requested an exemption to Building Permit, which may be partially warranted.

[Minnesota Statute §326B.103 Subd. 3](#) - An Agricultural Building means a structure that is:

- 1) On agricultural land as determined by the governing assessor for the municipality or county
- 2) Design, constructed, and used to house farm implements, livestock, or agricultural products
- 3) Used by the Owner, Lessee, and Sub-Lessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or deliver of agricultural products

[Minnesota Rules §1300.0030 Subp. 2A](#)

The State Building Code is the standard that applies statewide for the construction, reconstruction, alteration, and repair of buildings and other structures of the type governed by the code, except as provided in Minnesota Statutes, section 326B.121. The State Building Code supersedes the building code of any municipality. The State Building Code does not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by Minnesota Statutes, sections 103F.141, 326B.36, and 326B.121, subdivision 1, paragraph (c), clause (2).

The County Assessor may classify this is agriculture for tax purposes. However, the Owner has not provided sufficient information to the County Assessor to classify this property as agriculture. As such, the City does not have the authority to waive the building permit. If the tax classification is revised to agriculture, Staff can waive the Building Permit; however, Zoning Code and Fire Code regulations still apply and a Zoning Permit shall be required.

The City is aware that the Property Owner owns and operates Alpha Services. If the structure ultimately receives the agricultural exemption, it may not be used for any activity related to Alpha Services. See below for more approval process related to home occupations/home-based businesses.

Zoning Code Applies

The agricultural exemption only applies to the State Building Code. The City can still enforce Zoning Code (size, design).

The Owner has submitted a Zoning Permit Application. However, this Application is incomplete, missing several key details needed for Staff to approve. This Application was submitted in November, 2018, and Staff has been unsuccessful in aiding the Owner in providing a complete application.

Additionally, the proposed building exceeds the size that Staff is authorized to approve (6,000 square feet based on 15 acres minus any other accessory buildings on the site) – [City Code §117-349](#). Additionally, structures less than 200 square feet still require issuance of a Zoning Permit and still must comply with Zoning Code (size, number of structures). Staff would recommend reducing the request to 5,000 square feet so that the request could be processed administratively.

The Owner can apply for a Conditional Use Permit for a larger building (Planning Commission and City Council). The City Council is not obligated to approve.

OUTSIDE STORAGE OF EQUIPMENT/HOME OCCUPATION

There are a number of pieces of equipment that could be related to an excavation business known as Alpha Services. Alpha Services is registered to 6230 167th Ave NW through the Secretary of State. A number of online sources list Alpha Services at this address.

A Contractor License lists Alpha Services address in Fridley. This is the same address listed for another previous Ramsey Home Occupation Case. Earlier Certificate of Insurance listed 6230 167th Ave NW as an address for Alpha Services.

Staff is not authorized to approve a Home Occupation with this much outside storage and commercial vehicles/equipment. [City Code §117-351](#).

The Owner can apply for a Home Occupation Permit (Planning Commission and City Council). The City Council is not obligated to approve.

The Owner has noted that all equipment on site is related to agricultural use. Staff will not issue a Notice of Violation for this issue. However, if evidence does present itself contrary to the testimony of the Owner, Staff will restart this case.

NUMBER OF ANIMALS/KEEPING OF ANIMALS/FEEDLOT

The number of existing and proposed cattle is more than what Staff is authorized to approve (7 based on 15 acres) – [City Code §10-1](#). In any case, the Owner must abide by State Feedlot Rules – [Minnesota Rules Chapter 7020](#). If 50 or more animal units are maintained on the Property, The Owner must register with the State of Minnesota Pollution Control Agency for feedlot. Note – there is approximately 10 acres of upland/non-wetland area.

The Owner can apply for a Conditional Use Permit for additional animals. The City Council is not obligated to approve.

The Owner originally noted to Staff that the plan was for 50-70 cattle. However, upon learning of the need to register as a Feedlot, this was verbally revised to approximately 40. Feedlot Rules still apply in this case, but may not require registration. These rules are administered by the Minnesota Pollution Control Agency. This request would still require the issuance of a Conditional Use Permit.

SCHEDULE FOR CONDITIONAL USE PERMIT (originally submitted to Owner on 1/8/19)

Deadline to Apply (Complete Application)*	Friday, January 18
Planning Commission Meeting	Thursday, February 7
City Council Meeting**	Tuesday, February 12

*Waived standard Application Deadline

**Would require a waiver of schedule by City Council.

UPDATED SCHEDULE FOR CONDITIONAL USE PERMIT (since first deadline passed)

Deadline to Apply (Complete Application)	Friday, February 7
Planning Commission Meeting	Thursday, March 7
City Council Meeting*	Tuesday, March 12

*Would require a waiver of schedule by City Council.