

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY JANUARY 11, 2016 – 7:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Olson at 7:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Gardner, Palmquist and Thompson
STAFF: City Planner Kaltsas, City Administrative Assistant Horner
ABSENT: Commissioner Olson
VISITORS: Lynda Franklin, Lynn Betts, Patrick and Sheila Burns, Dave Truax, LuAnn Brenno, Ed and Kathy Pluth, Mary Matze, Donna Hendley, Janice Gardner, Barb and Tom Janas, Ray McCoy, Lisa Hemmer, Steve Horner, P.Braskett, Dawn Mooney

3. Approval of Minutes from the December 14, 2015 Planning Commission Meeting.

Motion by Thompson to approve the minutes from the December 14, 2015 meeting, second by Palmquist. Ayes: Palmquist, Phillips and Thompson. Abstain: Gardner. Nays: None. Absent: Olson. Motion approved.

4. Appointment of Planning Commission Officers

a. Current Commissioner Term Status

Kaltsas noted Gardner's term is up this year; all other positions had been reappointed last year. Gardner said he would be interested in maintaining his position on the Commission. Kaltsas noted it would go before Council.

Motion by Palmquist to nominate Phillips as Chair and motion by Gardner to nominate Olson as Vice Chair, second by Thompson. Ayes: Palmquist, Phillips, Thompson, Gardner. Nays: None. Absent: Olson. Motion approved.

5. PUBLIC HEARING: Donna Hendley (Applicant/Owner) requests that the City consider the following actions for the property located at 5850 County Road 11, Independence, MN (PID No. 02-118-24-43-0001):

- a. Rezoning from Ag-Agriculture to RR-Rural Residential
- b. A Preliminary Plat to permit a five-lot subdivision.

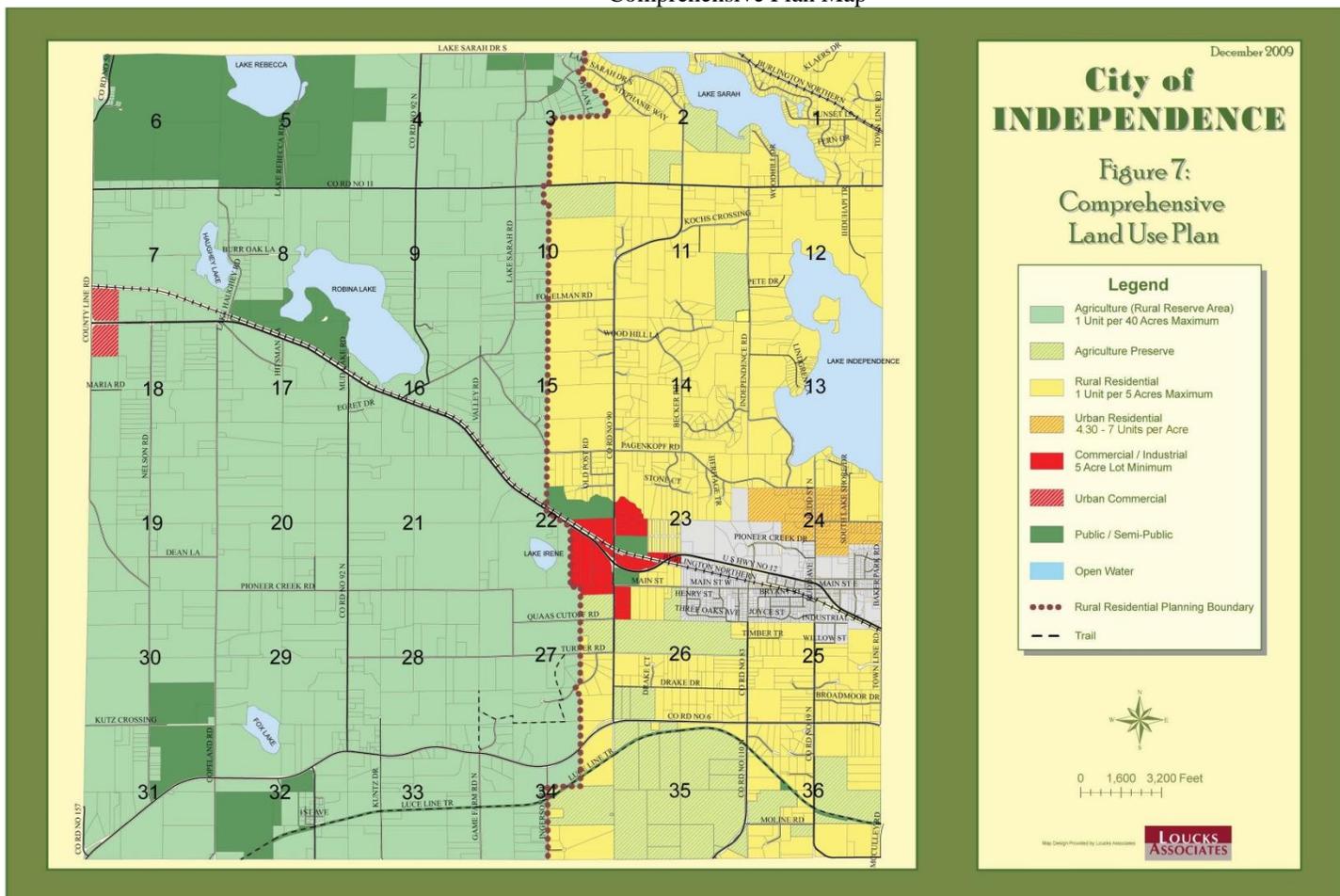
Kaltsas stated the subject property is located at the northeast intersection of County Road 11 and Lake Sarah Drive South. The property has an existing home and several detached accessory structures. There is an existing Conditional Use Permit on the property for a Commercial Riding Stable. The property is heavily wooded with a diverse terrain and widespread wetlands. The property has the following site characteristics:

Property Information: 4150 Lake Sarah Drive South
Zoning: *Agriculture*
Comprehensive Plan: *Rural Residential*

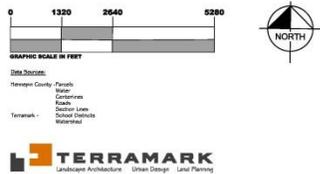
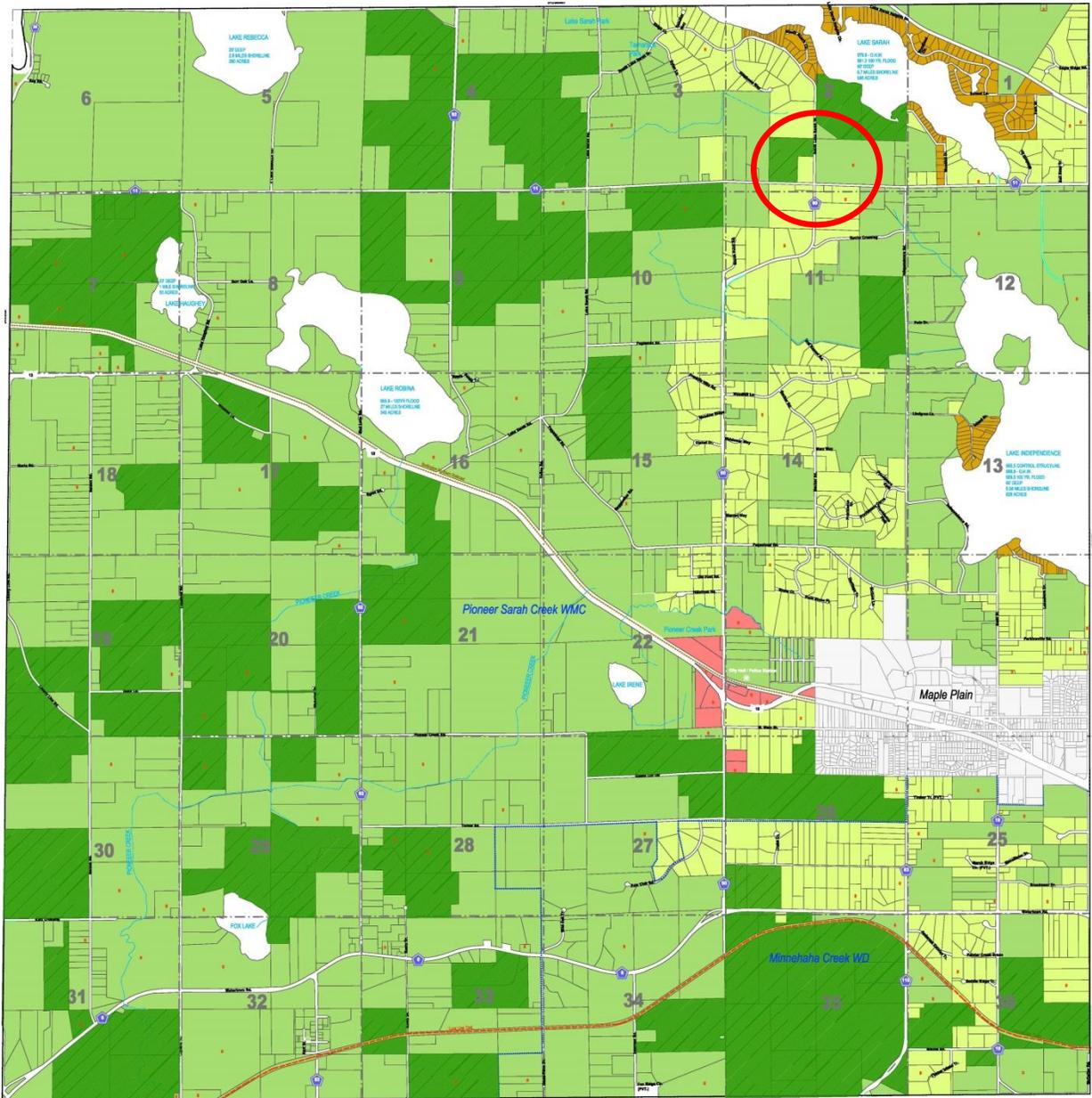
Acreage: 62.54 acres

Kaltsas stated this property was recently subdivided in 2014 in order to separate two existing homes that had historically occupied this property (One of the homes was used as a caretaker's house - home located near the stables in the northwest corner of the property and accessed off of Lake Sarah Drive South and the other as the principal home of the owner - located in the middle of the property with access off of County Road 11). The previous subdivision was permitted under the provisions of the rural view subdivision ordinance. At the time of that subdivision, the City required the applicant to submit a ghost plat of the remaining property in order to ensure that the surrounding property could be subdivided in the future. The owner is now interested in rezoning the property to Rural Residential which would allow the subdivision of four new lots in addition to the existing lot. Following consideration for rezoning, the applicant is requesting that the City consider the proposed preliminary plat. Kaltsas said rezoning this property is consistent with the City's 2030 Comprehensive Plan. Rezoning of this property is also consistent with the zoning of the property to the west and south (see Comprehensive Plan map below).

Comprehensive Plan Map



Zoning Map



CITY OF INDEPENDENCE ZONING MAP

March 2014



LEGEND

ZONING DISTRICTS	
	Agriculture
	Commercial/Light Industrial
	Rural Residential
	Sewered Residential
	Agriculture Preserve
	Conditional Use Permit
	Railroad
	Waterway
	Watershed
	Loose Line Trail
	MoDOT Section Line

Kaltsas said the City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the

maximum number of lots this property could yield would be twelve (12). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots due to the unique topography and wetlands. One factor that was considered in reviewing the preliminary is the location of the wetlands on the property. The wetlands bisect this property in a manner that appears to limit the future development potential.

Kaltsas stated the proposed subdivision would create four new lots along with the existing lot. The applicant has worked to develop the property in a manner that would respect the natural topography and wetlands, capture the best building site locations and limit construction of additional public infrastructure. The four new lots would be similar in size and configuration to the recently subdivided 5-acre lot (4850 County Road 11) with access to County Road 11. The applicant is proposing to maintain a larger, approximately 32 acre parcel, with the existing home and barns in order to continue to accommodate the use of the barn for horses. There are approximately 30 stalls in the existing barn. Based on the City's animal unit provisions, this property would need to be at least 31 acres to accommodate the existing barn. It is possible that the use of the barn would not be desired in the future. If the use of the barn were limited, the property could potentially yield several additional lots.

Access to Lots 1, 2 and 3 would be from Lake Sarah Drive South. All of the proposed lots along Lake Sarah Drive South meet the minimum frontage requirements. Lots 4 and 5 would be accessed off County Road 11 and be required to share a driveway access and access easement. The proposed private access easement could serve both lots and would not trigger the need for a common driveway. Kaltsas said the proposed subdivision was reviewed by Hennepin County. The County recommended that the access to serve Lots 4 and 5 be located across from the existing church access driveway on the south side of County Road 11.



Kaltsas noted the applicant previously reserved an additional 17 feet of right of way along County Road 11. The 17 feet will allow for the future expansion of County Road 11.

City sewer runs along County Road 11 and Lake Sarah Drive South. This property was previously included in the metropolitan urban service area and can be connected to the City's sewer system. All lots within the proposed subdivision are proposed to be connected to the City's sewer. The City will charge all applicable sewer connection fees along with the initial assessment amount for all lots in the proposed development.

All existing and proposed lots have provided the requisite 10-foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2). The proposed development does not trigger the City's storm water management requirements because there will not be an increase in new impervious surface.

The four newly created lots will be required to pay the City's requisite park dedication fee. The requisite park dedication fees would be as follows:

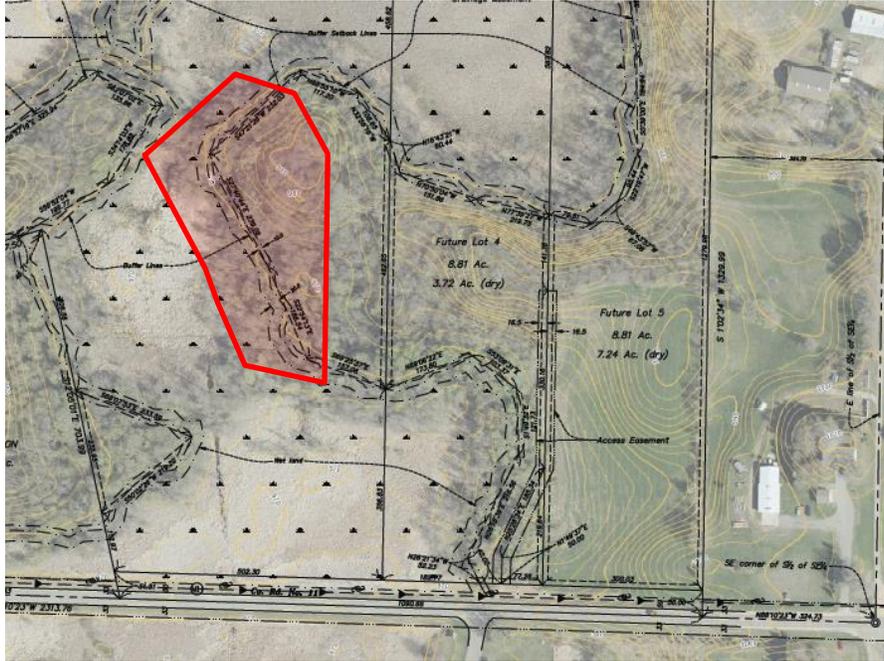
<u>Lot No.</u>	<u>Gross Acres</u>	<u>Park Dedication Amount</u>
Lot 1	7.31 acres	\$5,000
Lot 2	5.21 acres	\$3,500
Lot 3	32.41 acres	Existing Home
Lot 4	8.81 acres	\$6,500
Lot 5	8.81 acres	\$6,500

The total park dedication fee collected will be \$21,500. The park dedication fees will need to be paid prior to the City recording the subdivision.

*Park dedication fee of \$3,500 per lot up to 4.99 acres,
plus \$750 per acre for each acre over 5 acres*

Kaltsas said other considerations should be:

1. The property is guided for rural residential by the City's Comprehensive Plan. The proposed subdivision is keeping with the intent and guidance provided by the Comprehensive Plan.
2. The existing 5-acre property (5850 County Road 11- in the middle of the property) along with the subject property will be rezoned to Rural Residential as noted during the approval of the initial minor subdivision.
3. There is a small upland portion of the property that is proposed to remain with Lot 3, but is separated from the principle portion of the property by a wetland. This upland portion may be difficult to access in the future. It would be possible to access the property from Lot 4 via an additional easement, but the City would then require a full private driveway to be constructed. At this time, the applicant does not want to develop any infrastructure. This upland portion may not be developable in the future unless another means of access is provided. The City will want to note that this portion of the Lot 3 cannot be further subdivided without access that meets the City's applicable requirements.



4. The applicant has prepared wetland delineation for this property. All wetlands and their requisite buffers will need to be located within the drainage and utility easements.
5. The applicant is not proposing any additional public infrastructure as a result of this subdivision. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading

Kaltsas said in summary that the proposed subdivision of this property appears to be in keeping with the vision of the comprehensive plan and with the character of the surrounding properties. The proposed lots conform to all applicable criteria for rural residential lots. The proposed plan is in keeping with the previously submitted ghost plat that was reviewed by the City. Given the extensive wetlands on the property and its proximity to adjacent geographic features as well as the surrounding properties, there does not appear to be anything that the City would be preventing for future development. The proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance.

Kaltsas said Staff is seeking a recommendation from the Planning Commission for the requested Rezoning and Preliminary Plat. Final Plat will need to be considered following submittal of and satisfaction of all requirements contained in the findings and conditions. Should the Planning Commission recommend approval to the City Council, the following findings and conditions should be included:

1. *The proposed Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.*
2. *City Council approval of the Preliminary Plat is subject to the following:*
 - a. *The Applicant shall address all comments and applicable requirements pertaining to the development.*

- b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.*
 - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Watershed District.*
 - d. The Applicant shall enter into a development agreement with the City for this development.*
 - e. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development, if required.*
 - f. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.*
 - g. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.*
- 3. The Applicant shall pay the park dedication fees in the amount of \$21,500 in accordance with the terms defined in the Development Agreement.*
 - 4. The Applicant shall pay for all costs associated with the City's review of the rezoning and preliminary plat.*
 - 5. The Applicant shall submit the final plat and associated documents to the City within one year of approval of the Preliminary Plat.*

Kaltsas stated for sewer it would be five additional connections. Thompson noted five was something the City could account for and there are two stubs on the property. He stated the sewer line runs to Highway 12. Thompson said it appears they would be keeping the acreage but it would not really be usable as acreage. Hendley stated at one time they had 34 horses when the acreage was much larger but at this time, they only have eight horses.

Public Hearing Open

Hendley asked about getting the preliminary approval for the subdivision. She also asked if she was required to hook up to city sewer with her existing home. Kaltsas said a sale of the property would usually trigger the hook up requirement but it may be that the one property could be left alone if it indeed had a conforming sewer. Phillips stated it was really close to Lake Sarah. Kaltsas said it was actually not. Hendley agreed it was not and the pond actually went across to Lake Independence.

Gardner asked how it would work to get the road easement as it pertains to access to the island. Kaltsas stated it could be a shared access point that serves two properties. Kaltsas noted a 66' right-of-way would have to be put in to protect the City in case a road needs to be put in in the future. Gardner asked how difficult the wetland mitigation would be in putting a road across the swamp. Kaltsas said he did not know the quality of that wetland and first all other ways to do it would have to be exhausted. Gardner said some developer would buy this up and do this. Gardner noted they would never be able to get an easement for future lot 4 unless they go it now. He said setting the stage for

this now would be the responsible position for the Commissioners to take at this time. Kaltsas said as proposed they are not talking about any impact to the wetland.

Motion by Gardner to close the Public Hearing, second by Thompson.

Public Hearing Closed

Palmquist stated he was not opposed to thinking forward but wondered if they were trying to solve a problem that does not exist. Thompson stated it would show here is what you can do and here is what you cannot do to a potential developer. He said it would show full disclosure, as it is hard to build a home across a bridge. Palmquist stated he is not inclined to force an easement when it has not been requested.

Phillips asked Kaltsas if the Commission passed this tonight and then finds out later that the existing house is non-conforming what would happen. Kaltsas stated they could pass on the recommendation that it is non-conforming and noted this was a preliminary only so changes could be made. Palmquist asked what would happen if the existing home is sold and it turns out no sewer connections exist anymore at that time. Kaltsas said they have three years to bring it to code but this was a good point and he will look into the status further.

Motion by Palmquist for approval per the conditions outlined in the staff report and the addition of the condition to confirm the status of the existing property's sewer for the property located at 5850 County Road 11, second by Thompson. Ayes: Palmquist, Phillips, Thompson, Gardner. Nays: None. Absent: Olson. Motion approved.

6. **PUBLIC HEARING:** Nathan Rogers (Applicant) and Barbara Janas Trustee (Owner) request that the City consider the following action for the property located at 1351 Nelson Road, Independence, MN (PID No.s 30-118-24-23-0001):
 - a. A text amendment to allow solar gardens in the AG-Agriculture zoning district as permitted or conditional uses.

Kaltsas stated the initial property being considered is located at 1351 Nelson Road, which is on the west side of the road and just south of the County Line Road intersection. The property is comprised of an existing home, several detached agricultural accessory structures and tillable acreage.

Property Information: 1351 Nelson Road

Zoning: *A-Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: 73.73 acres

Kaltsas said the applicant is seeking a text amendment to the City's zoning ordinance to permit community solar gardens as a permitted, accessory or conditional use in the AG-Agriculture zoning district of the City. The City's current zoning ordinance does not address solar in any form as a permitted, accessory or conditional use in any zoning district. The City has addressed wind generation systems within the zoning ordinance. All wind generation systems are considered a conditional use and permitted only in the AG-Agriculture zoning district. The City has previously discussed addressing solar system regulations in some fashion within the ordinance. This application brings the question to the forefront and will allow the City to further discuss the issues and benefits of considering solar systems within the zoning ordinance.

The applicant approached the City last year to discuss the possibility of amending the City's zoning ordinance to allow community solar gardens in some manner within the City. The City noted that a text amendment would need to be considered and then pending the outcome of that request, a site-specific

request could be made for an individual property. As recently noted and discussed, the City can determine where and what land uses should be permitted, accessory or conditional within the City. Once it is determined that a particular land use should be permitted in some manner, criteria and requirements for reviewing and approving a particular land use would be developed. At this point, the City is being asked to consider whether to allow solar systems within the AG – Agriculture land use district. Should the Planning Commission want to consider allowing solar systems within the City, an ordinance would be prepared for further discussion and consideration.

Kaltsas said the applicant has prepared a conceptual site plan for the property located at 1351 Nelson Road. It was recommended that the applicant prepare a conceptual site plan to provide context and supplementary detail to benefit the discussion and ultimate consideration of the City. In addition to the site conceptually developed in their current proposal, the applicant (as well as several other solar developers) has inquired about installing solar gardens on several properties within the City.

Community solar gardens have become a current topic of discussion for many outlying and rural communities in the state of Minnesota following the passage of additional legislation in 2013 that mandated 1.5% of renewable energy come from solar generation. Many communities have begun discussing if to allow and how to regulate solar systems within their respective communities.

Solar systems come in many forms, installation types and sizes. Although there are a wide array of different system types, solar systems can generally be broken down into 3-4 categories.

1. Roof mounted systems – residential and commercial (typically defined by size and underlying building use).
2. Freestanding residential and commercial systems – ground mounted, pole mounted, etc. Would need to be defined by a maximum size and or power generation capability. Typically have minimum lot size, height and or setback restrictions, which are established to minimize impacts on surrounding properties. Could be permitted as accessory structures if capable of meeting the established criteria and a conditional use if cross-established thresholds.
3. Community solar system – could be further distinguished by size and generation capabilities.
4. Utility Scale Solar Systems – regulated by the Public Utilities Commission.

The applicant has provided information pertaining to the recent historical growth of the solar industry nationally and in Minnesota. The applicant has prepared information and site-specific information relating to their request. The applicant has also provided a model ordinance, which could be utilized during the development of a City specific solar ordinance. The model ordinance provides a plethora of technical information that can be used as a basis for considering a city specific solar ordinance.

Staff has developed similar solar system ordinances for communities both in and outside of Minnesota. The development of any ordinance should be based on the City's Comprehensive Plan and the current vision of the community and its residents. Solar ordinances should address all types of potential solar systems and will likely distinguish between system types and whether or not they are permitted, accessory, conditional or not permitted uses within a given zoning district.

The City has three primary zoning districts. The Comprehensive Plan further defines several additional land use categories as well as outlines the intended future locations of certain land uses. Along with the

information presented by the applicant, the City should contemplate and provide direction regarding the following considerations:

1. Residential roof mounted solar systems are becoming more common. Typically these roof mounted systems are mounted flush to a residential roof and have been accepted as a typical accessory structure within most residential and agriculture zoning districts. Standards can be developed which further define the requirements for this type of solar system.
2. Commercial roof mounted systems are also becoming more common. These types of systems can be installed utilizing several different methods. Standards can further define the parameters of these types of systems to minimize their potential impacts. Commercial roof mounted systems could be considered as an accessory or conditional use within the Commercial/Light Industrial zoning district.
3. Freestanding solar systems come in many shapes and sizes. The City could consider establishing parameters, which further define residential versus commercial systems. Minimum lot size, permitted yard location, setbacks, screening and height requirements could be further defined to limit and minimize potential impacts on surrounding properties. These standards could also be used to establish whether or not the solar system is considered to be an accessory or conditional use on a particular property.
4. Community Solar Systems can also come in many different forms and sizes. This type of system is conceptually proposed with this application. These systems are capped by their generation capabilities; however, individual systems can be developed in concert on an individual property such that their scale becomes more consistent with a utility scale development. This type of development could then be considered more consistent with a commercial or industrial land use versus an agricultural land use. The City will need to consider whether or not these types of systems are in keeping with the character of the rural residential, agricultural and or commercial/light industrial zoning districts. While it is suggested that there are minimal impacts, often times these systems are not positively received by adjacent residential property owners. As a result, the location of these systems and their proximity to residential development becomes a critical issue to further discern. The City will need to consider if and or where these systems can be considered an appropriate and compatible land use. Are they compatible with typical and approved agricultural uses, rural residential uses and commercial/light industrial uses?

It may be possible to develop standards, which would effectively mitigate any negative impacts that are otherwise imposed or perceived. Standards could include items such as minimum lot size, setbacks, screening requirements, height limitations, decommissioning plans and other similar criteria. The City will need to first determine the compatibility of the proposed land use and then determine if standards can be established to effectively mitigate potential impacts.

5. Utility Scale Solar Systems are regulated by the Public Utilities Commission.

Kaltsas noted additional considerations are the City has property that is zoned AG-Agriculture, but is guided Rural Residential in the Comprehensive Plan. The City has guided this land rural residential and it is anticipated that the land ultimately develops in a manner consistent with rural residential property. Allowing the development of long-term and substantial infrastructure on a property that is currently zoned agriculture may negatively affect the long-term use and or develop ability of a property or neighboring property. The City will want to carefully consider if larger community or utility sized systems can be

developed in concert with rural residential development. It may be desirable to consider development of an ordinance that uses the Comprehensive Plan as the guide for the future land use rather than the existing zoning of a property.

The City will want to develop both qualifying site and system/site specific design criteria. The applicant has provided some examples of setbacks, fencing and screening to demonstrate some basic ideas relating to larger system design. The City can further discuss and develop standards appropriate for the City of Independence.

The City will ultimately need to determine if the proposed use should be considered in the City. Following the initial review of the applicant's request, the City will need to determine if they would like to move forward with an amendment to the ordinance to allow the use. Depending on the direction provided by the City, an ordinance and site details would be further developed and reviewed by the City at a future meeting.

The City does have criteria for considering zoning amendments in the zoning ordinance. The criteria are provided to help guide the City's consideration of zoning amendments, but do not limit the City's ability to consider other factors or criteria. Staff is seeking direction from the Planning Commission relating to the established criteria and whether or not solar systems in general and more specifically, community solar gardens, should be considered in the zoning ordinance. The criteria provided in the zoning ordinance are as follows:

520.07. Criteria on zoning amendments. Subdivision 1. The planning commission and the city council may consider, without limitation, the following criteria in approving or denying zoning amendments.

Subd. 2. Zoning amendments must conform to the Independence city comprehensive plan.

Subd. 3. The zoning amendment application must demonstrate that a broad public purpose or benefit will be served by the amendment.

Subd. 4. The zoning amendment application must demonstrate that the proposed zoning is consistent with and compatible with surrounding land uses and surrounding zoning districts.

Subd. 5. The zoning amendment application must demonstrate that the subject property is generally unsuited for the uses permitted in the present zoning district and that substantial changes have occurred in the area since the subject property was previously zoned.

Subd. 6. The zoning amendment application must demonstrate merit beyond the private interests of the property owner.

A draft ordinance would be prepared for review by the City should staff be directed to move forward with amending the ordinance to permit solar systems within the City. There many elements and details of the ordinance that will need to be developed. The City will ultimately need to determine if the proposed use is in keeping with the intent of the agricultural zoning district and the Comprehensive Plan. The City has the ability to amend or not amend the City's zoning ordinance to allow certain uses at its discretion. Once the ordinance is amended, the City would then need to use the established criteria for reviewing and granting future approvals.

Kaltsas noted that the City has received several calls regarding the proposed text amendment. As of the time of the writing, the City has not received any formal comments. Kaltsas said this is a county line road that borders Franklin Township. He said staff is seeking a recommendation from the Planning Commission for the requested Text Amendment.

Thompson asked if there were any current ordinances that look at land use and the comprehensive plan. Kaltsas stated the City did not have any. Thompson asked if there were any conversion rates available that looked at Ag-RR in a historical way. Kaltsas said he could get that number, as it would only involve comp plans over the last twenty years. Gardner stated he thought that line shifted twice to the west in the past.

Palmquist asked about the legislation that was passed that requires 1.5% renewable energy from solar generation. He wanted to know how that was going to be enforced. Kaltsas noted the mandate is on the generator of power. He noted it is on the utility provider to supply the renewables.

Public Hearing Open

Mary Matze from Landform/ Ecoplexus Inc. stated the company is based out of San Francisco. They have solar gardens all of the country and Tokyo. She stated 1 megawatt of production was about a 5-acre site. She said the actual footprints of development are around 40 acres. Matze noted people might subscribe as an individual or as a company. Anyone who is interested in lowering their bills can be a subscriber and see the benefit on their utility bill. Matze noted that the energy is typically tied to a geographic area to make it more efficient to use. The energy travels along power lines. Matze said the panels are post driven and are non-rotating. The max height is 10' without impervious surface area. She noted they are visually screened in order to be a good neighbor. They are safe, self-operating and healthy for the environment. Matze noted there is a small tax benefit to the City as the property changes from a rural classification to a utility tax rate. Matze asked the Commission to amend the text and she noted other communities have done so on an interim use condition that if they want to end the agreement after 25 years they are able to do so.

Thompson asked how many subscribers there were in the community that take advantage of this type of energy. Matze said she did not know that number but she could follow-up with that information.

Kaltsas asked if there would have to be additional structures to upgrade transmission. Matze said that is possible but it all depends on Xcel Energy's study.

Spencer asked if it would benefit the City, which has a co-op with Wright Hennepin. Kaltsas said it depends it depends on a number of criteria.

Patrick Burns, 10390 Fenner Ave SE, owns property west of this proposed solar garden. Burns said he is also at the meeting on behalf of Mike Schultz who is the property owner at 10366 Fenner Ave SE. Burns stated he and his parties he is represents are opposed to the amendment as it is proposed. He said based on the information given this is a speculative project at best and that language in the application says it is a "potential" project. Burns stated it causes considerable concern as proposed. He said it is not clear, if this is approving a solar garden or a field and if it is going to be 30-40 acres or what exactly it will be. Burns said without additional information he does not see how the Commission can approve or deny the application. Gardner stated it was a land use question for this meeting. Burns stated that the residents of Fenner Ave are opposed to this type of use. He stated the language of the City's zoning codes as it relates to amendments (Sub.4&5) and this type of motion would be a reverse spot zoning which he feels would be illegal. Burns stated there is a creeping effect and he is concerned with a solar garden in Delano. He said what he is hearing in this proposal is a 30-40 acre solar field and that is not a solar garden by a long shot. Burns said he would be cautious as he feels an amendment change rather than a CUP limits the City being able to limit use in the future.

LuAnn Brenno, 7676 Turner, stated this is a tough issue as solar energy is hot right now. She stated there are 160 pending applications in Wright County for variances for various forms of solar gardens and solar farms. She said the problem is that a text amendment applies to the entire Ag zone, which means we could have these throughout the Ag zone. State statute limits them to 30-40 acres but you could have continuous parcels and we could end up looking like Buffalo Ridge. Brenno said she is opposed to having these in the City. She said these should be a commercial use not an ag use. She said the city requires landscaping equipment and boat storage to be inside buildings and she feels putting this type of industrial looking field in an Ag area is not consistent with other city requirements. Brenno said the only benefit would be to Excel customers and a good share of Independence are not Excel customers. Brenno said it does not meet criteria in the City's zoning code and she would urge denial of the text amendment. Brenno stated she would like to see more residents notified of these types of amendments that come up for review as it affects many more people than those within 350 feet of the property. She stated many people do not receive or read the paper where the legal notices are placed.

Lynda Franklin, 6615 Franklin Hills Road, agrees with Brenno that text amendments affect all people, as they become citywide policy. Franklin stated 10' is high for these panels and the solar garden off Hwy 55 towards Buffalo is an eyesore. She said before the City puts time and money into researching this further that they need to make a decision if this is something we really want.

Peter Brasket, 3060 Lake Sarah Road, stated if the City is going to look at land use for solar energy it is important to look at the impact of people bordering that land. He said property values clearly would not improve when there is a solar garden bordering it.

Burns stated with over 100 applications in Wright County that this is not small community gardens being discussed but rather this is big business. He stated owners would be paid \$1200 per acre for these gardens. Burns stated all of these acres would go from Ag to Commercial when folks realize the money that can be made.

Ed Pluth, 2223 Nelson Road, said he agrees with the comments that have been made and people on Nelson Road are concerned with this proposal. He hopes the Commission does further investigation.

Tom Janas, 1351 Nelson, said this will be 30-40 acres of solar panels and he defies anyone to drive by there and see if they will see this area. He said trees will hide it and he feels this is a passive commercial use of the land. He noted this was a more lucrative use of the land than renting the farmland but feels everyone benefits from clean air. Janas noted that they have 75 acres but this project would be limited to 40 acres. He said they would be very sensitive to sight and what this would look like to others. Janas stated the Commission has a tough job as Ag is getting pinched in Independence. He said they would plant trees and whatever was needed to make it unobtrusive to others.

Motion by Gardner to close the Public Hearing, second by Thompson.

Public Hearing Closed

Thompson stated this needed to be approached in a very thoughtful and respectful way. He said the application before the Commission tonight needs to be investigated further and thoroughly vetted out.

Gardner said it compares to the cell tower applications. He said government wants to consider it but the people that live around it do not want it. He said it seems like a good, green movement if it is invisible.

Palmquist said he generally likes the idea of solar energy and feels society will have to look at going this way for energy. He said if it was not this property it would be another. He said this application does not meet the criteria of our zoning requirements. Palmquist said solar energy would be an appropriate topic for future discussion and something to plan for but this particular property does not meet the criteria.

Phillips asked Kaltsas if it is stipulated in our CUP's the length of time those interims can go on. Kaltsas said the City does not state an interim use but there has to be a specific date or event that would terminate it. He said the longest one to date has been 5 years.

Phillips said the part that is the most troubling is that he does not see a clear benefit. He said that the statute is that there has to be a benefit to the community.

Gardner stated that in Germany it is a mandate.

Thompson said this is an opportunity to begin the amendment process with some thoughtful process.

Palmquist asked what the timeframe was that the applicant was entitled to get a response in. Kaltsas stated it is whatever we need to work through it. He said right now that the Commission needs to give their direction to Council. Kaltsas stated this would require several meetings typically to delve into the particulars. Council would have to give the direction that they would like to look at the zoning ordinance change to be considered before anything moves forward.

Gardner asked if it would be helpful to get a representative from the electric company. Kaltsas stated he did not think that would be helpful as this is a land-use issue. Kaltsas said if the Commission does nothing and decides solar is not a compatible land use then they would recommend to Council that the ordinance would not be amended.

Thompson stated this is a high-level implementation being presented tonight but he feels the Commission needs to get out in front of the issue of solar implementation at all levels with further discussion.

Phillips asked if solar farmland use was something, we want to talk about further or shut down discussions on it tonight. Thompson stated he would like to talk about it further.

Motion by Thompson for Staff to generate a comprehensive solar land use amendment that addresses small residential use through commercial solar use systems, second by Gardner. Ayes: Phillips, Thompson and Gardner. Nays: Palmquist. Absent: Olson. Motion approved.

Phillips stated he wanted to ask the City staff a second time and wanted the Council members present to listen to what he was going to say. He said it is embarrassing when people come forward and state they did not know something was going on in the City. He said we have email and it is not rocket science. Phillips said it has been asked of Staff to put a message in the newsletter for people to sign up with their email so the City can email notices to them. He said this is not difficult and this is the second time they have asked for this to happen. Kaltsas noted that the City Council did approve notification software that will be implemented this year to allow staff to email residents with notifications.

7. Upcoming Planning Commission Agendas

Kaltsas stated there are a couple small lot subdivisions that will be in upcoming meetings. He stated he has received some inquiries on some urban residential areas that are being contemplated for development.

8. Open/ Misc.

7. Adjourn.

Motion by Gardner, second by Palmquist to adjourn the meeting at 10:05 p.m. Ayes: Gardner, Phillips, Palmquist and Thompson. Nays: None. Absent: Olson. Motion declared carried.

Respectfully Submitted,

Trish Bemmels, Recording Secretary

City of Independence

Planning Commission Meeting Minutes

7:30 p.m., January 11, 2016