

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
MONDAY OCTOBER 12, 2015 – 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, Olson, Palmquist and Thompson
STAFF: City Planner Kaltsas, City Administrative Assistant Horner
ABSENT:
VISITORS: Dawn Mooney, Lynda Franklin, Luann Brenno

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

Motion by Olson, second by Gardner. Ayes: Olson, Palmquist. Abstain: Thompson. Nays: None. Absent: None. Motion approved.

4. PUBLIC HEARING: Proposed text amendments to the City of Independence Ordinances as follows:

- a. Chapter 5, Sections 510 and 530;
 - i. Establishment of a Zoning Permit for fences and restriction on height and types of permitted fences.
 - ii. Addition of new setback definition and provision relating to corner lots for accessory structures.

Kaltsas discussed the zoning ordinance amendments for fences and accessory structure setbacks. See attachment for full description. Kaltsas specifically noted that all in-ground swimming pools must be fenced or have an approved cover in accordance with applicable building codes. He stated a pool could not be filled until a fence that meets requirements is completed and approved.

Kaltsas also noted that fences in Shore land Overlay Districts that impede visual sight lines in anyway should not encroach closer to any shoreline than the rear building line. He said fences erected from the rear building line to the OHWL should not exceed 4 feet and have at least 90% of the surface uniformly open and unobstructed.

Phillips opened the Public Hearing.

Brenno stated she felt this was a very bad ordinance. She felt it was over-reaching and unenforceable. She felt it was particularly onerous of those that live on Ag land. Brenno said fences for horses need to have posts on the outside. Brenno said the City should not get into design requirements on Ag fences. She said the City does not have enough Staff to get into determining if fences are in a straight line or not. Brenno stated she did not know why you would prevent the use of slats in chain link fences. She thought that would be more applicable to a city like Plymouth but would not be applicable in an Ag city like Independence.

Brenno asked who would determine what is “aesthetically acceptable” under the maintenance provision and what does that even mean and who would judge that. She said the temporary fence wording would not work and how we are going to determine when the last snowstorm would be. She said if she took her temporary snow fence down by April 1st she would not be able to get out of her driveway. Brenno noted posts need to be put in the ground in the fall before the ground freezes. She said specific dates do not make sense. Brenno noted that as far as dog kennel requirements she had two dogs that went over a 6’ fence.

Brenno said if the city is going to have a fence ordinance it should not be the same for Ag as it is for residential. She said it makes sense if you have close neighbors. Brenno stated she did not think the City needed to take on more inspections and rules that they are not able to enforce.

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

Public Hearing Closed

Gardner said she is right as relates to Ag. He asked Kaltsas about enforcing and said this is intended to keep people happy that are close neighbors. Kaltsas said the City is so broad and there are many one-acre lots that are zoned Ag as well as larger parcels. Kaltsas said this ordinance does not restrict horse or Ag fencing to the degree Brenno may be looking at it. He said zoning permits would apply in certain situations.

Palmquist asked about the zoning application process. Kaltsas stated it is a term commonly used for things like sheds, fences and other situations where the item does not necessarily fall under the building codes. He said it is a document that verifies any questions that may come into play in each unique situation such as property corners, etc. It is meant to alleviate issues. Kaltsas noted there have been issues of bad painting and fences too close in a neighbor’s yard. He said the City is not actively patrolling but needs to have provisions in place so when complaints are received we are able to respond appropriately.

Palmquist asked if Brenno’s concerns would be valid for larger Ag parcels only and if there could be exemptions for certain things when you got to a certain size property. Kaltsas said it could be done but also noted that we allow animals on 2 acres. Phillips asked if a clarification could be added to item “a” for properties 5 acres and greater to have an exemption.

Kaltsas said this would make it cleaner and before a fence is put up that the property corners have to be located. We are trying to make sure people are doing what they should be doing. Gardner noted internal needs to be defined and this pertains to smaller residential properties in his opinion. There was further discussion around internal and setback numbers being further defined.

Phillips suggested changing the snow fence dates to October 1-May 1. He also noted dog kennels should be changed to 8 feet for height. Brenno stated she would like to see a “no fee” for zoning permits. She did not feel that was fair.

Palmquist recapped the requests: no fee zoning permit, setback and internal noted changes, change of dates on snow fence and dog kennel fence height changed to 8’. Olson said the straight-through and “plum” wording has to be in there. Thompson asked if they were mixing recourse with inspections. Brenno asked about changing the framing support. Kaltsas said livestock fencing could be exempted or defined more appropriately.

Phillips asked if there should be a final reading on this ordinance next month. Kaltsas noted the key points recommended by the Planning Commission per tonight’s comments; no-fee zoning permit, item a. will exempt properties over 5 acres, design item e. livestock fencing may have posts on the outside, temporary fencing will be October 1st-May 1st, kennel height will be changed to 8’.

Motion by Palmquist for approval per the changes noted by Kaltsas, second by Gardner. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: None. Motion declared carried.

5. Discussion – Ordinance Updates

- a. Conservation Subdivision
- b. Solar Energy Systems Ordinance

Kaltsas stated this was a continuation of discussion around cluster development zoning that came up with the Serenity Hills development and questions around access to the properties. He said it was stipulated that all access be from internal roads rather than city, county or state roads. See attachment for full description.

Phillips stated he was taken aback that was not defined originally and that it would not seem like a cluster development unless it was a common road to that development. Kaltsas noted that any lots within a development have to access a new road within that development and that they may not have some properties accessing other public roads. Thompson asked if any allocation should be size related and pointed out the Lakeview development. He asked if Planning needed to provide guidance if someone presented a huge development of 100 acres/ 37 lots, etc. Kaltsas said many cities regulate by saying if there are 20 lots or more than there needs to be two points of access, etc.

Kaltsas also talked about the new solar garden concepts being looked at by a few residents. He has had initial meetings with the residents and has fielded phone calls from companies looking at Independence. Kaltsas noted that new legislation mandates power providers have certain percentages of their power from alternative sources. Solar power is being mandated and solar gardens are 40, 80, 100 acre sites that have several different provisions that have to line up. He said there has to be a transformer site, power going through and somewhat unobstructed southern visibility. Kaltsas said the City does not allow solar energy systems by Ordinance. He said someone coming in would have to ask the City for a text amendment allowing the use of solar energy. These gardens are set up for selling power back to the grid. Kaltsas said this is attractive for companies to sell this energy to the power provider who is mandated to receive a certain percentage and then onto the user that wants to utilize green power. Kaltsas is working on a couple of these proposals with other cities so he believes it will become something that needs to be outlined as it will presented here as well in the future.

Thompson asked if there is any type of federal guidance where you cannot say no. Kaltsas said there is not at this time. Kaltsas said he wrote an ordinance for Watertown a few years ago but that was more residential and an addressing the aesthetic issue of having solar panels in a front yard, etc.

Phillips said there is a big difference between residential panels and acres of panels. Olson said if we write something we should include language around what happens when it is no longer in use and the removal of it. Kaltsas said the attractiveness is the lease rates. Palmquist asked if there were other communities in Western Hennepin County considering this. Kaltsas said there were and it was a hot topic now. Palmquist thought it would not be feasible to have it close to communities for the visual impact and would it be more accepted farther west. Thompson noted they would probably like it to be closer to the power infrastructure. Kaltsas noted it would be good to think about should it come up in future planning.

6. Upcoming Planning Commission Agendas

None noted.

7. Open/Misc.

None noted.

8. Adjourn.

Motion by Olson, second by Gardner to adjourn the meeting at 8:30 p.m. Ayes: Gardner, Olson, Palmquist and Thompson. Nays: None. Absent: None. Motion declared carried.

Respectfully Submitted,

Trish Bemmels, Recording Secretary