



CITY COUNCIL MEETING AGENDA
REGULAR MEETING
TUESDAY, JULY 26, 2016

CITY COUNCIL MEETING TIME: 7:30 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes from the July 12, 2016 City Council Meeting.
 - b. Approval of Accounts Payable; Checks numbered 16316-16343.
 - For Information - Checks numbered 16344-16363 are Payroll Checks.
 - c. Approval of an Amendment to Agreement with MnDOT Covering Maintenance of the Highway 12 Lighting.
5. Set Agenda – Anyone Not On The Agenda Can Be Placed Under Open/Misc.
 6. Reports of Boards and Committees by Council and Staff.
 7. Ordinance Amendment to Section 915 - Regulation of Lake Sarah Surface Use.
 - a. **ORDINANCE 2016-01:** An amendment relating to the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence.
 8. A proposed text amendment to the City of Independence Ordinances as follows:
 - a. **ORDINANCE 2016-02:** A proposed amendment to Chapter 5, Sections 510 and 515 – establishing regulations which would permit and govern certain Solar Energy Systems within the City of Independence.

9. Open/Misc.

10. Adjourn.

MINUTES OF A REGULAR MEETING OF THE
INDEPENDENCE CITY COUNCIL
TUESDAY, JULY 12, 2016 –7:30 P.M.

1. CALL TO ORDER.

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 7:30 p.m.

2. PLEDGE OF ALLEGIANCE.

Mayor Johnson led the group in the Pledge of Allegiance.

3. ROLL CALL

PRESENT: Mayor Johnson, Councilors Betts, Spencer, McCoy, Grotting

ABSENT: None

STAFF: City Planner & Interim City Administrator Mark Kaltsas, City Administrative Assistant Horner, City Attorney Vose

VISITORS: Kaci Fisher, Fred Lang, Rebecca Arendt, Alecia Babich, Abby Undeman, Tim Babich, Shane Nelson

4. ****Consent Agenda****

All items listed under Consent Agenda are considered to be routine by Council and will be acted on by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Approval of City Council minutes from the June 23, 2016 City Council Workshop.
- b. Approval of City Council minutes from the June 28, 2016 Regular City Council Meeting.
- c. Approval of Accounts Payable; Checks Numbered 16285-16315.
 - For Information-Checks numbered 16275-16284 are Payroll Checks.
- d. Approval of Large Assembly Permits as Follows:
 - Running of the Bays Half Marathon-September 10, 2016
 - MN Ultimate Frisbee Tournament at the Polo Club-July 23 & 24, 2016
 - Twin Cities Polo Classic at the Twin City Polo Club-August 6 & 7, 2016 (added)

Kaltsas clarified the Twin Cities Polo Classic was added as well as a temporary liquor license. McCoy asked that the MN Ultimate Frisbee Tournament Large Assembly be pulled for clarification. He then had a question regarding the Twin Cities Polo Classic for discussion. McCoy suggested requiring all attendees wear wrist bands which would identify those under the age of 21. Kaltsas said it was a condition we could add to the permit. He also said we could add a condition to the MN Ultimate Frisbee Tournament stating liquor will not be approved due to the large number of underage who'd be present. Kaltsas said food vendors would need to apply for and be licensed by the City prior to serving food.

Motion by Johnson, second by Brad to approve the revised Consent Agenda with the exception of the MN Ultimate Frisbee Tournament. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

5. SET AGENDA – ANYONE NOT ON THE AGENDA CAN BE PLACED UNDER OPEN/MISC.
6. REPORTS OF BOARDS & COMMITTEES BY COUNCIL AND STAFF

Spencer attended the following meetings:

- Highway 12 Coalition Meeting
- Future Eagle Scouts

Grotting attended the following meetings:

- Highway 12 Coalition Meeting
- Delano Fire Department Annual Meeting

McCoy attended the following meetings:

- Highway 12 Coalition Meeting

Betts attended the following meetings:

- Highway 12 Coalition Meeting

Johnson attended the following meetings (one month):

- National League of Cities Meeting in Kansas City
- Suburban Hennepin County Community Action Partnership Finance Meeting
- League of Minnesota Cities Conference in St. Paul
- Ridgeview Hospital Foundation Event
- Delano Fire Department Annual Meeting
- City Council Workshop
- Suburban Hennepin County Community Action Partnership Board Meeting
- Maple Plain Fire Department Railroad Crossing Training
- Highway 12 Coalition Meeting
- Regional Council of Mayors Meeting
- Policy Committee Meeting for Metro Cities

Horner attended the following meetings:

- Hennepin County Election Meeting

Kaltsas attended the following meetings:

7. PUBLIC INPUT ON MS4 PERMIT- TO ALLOW INTERESTED CITIZENS AN OPPORTUNITY TO COMMENT ON THE CITY'S STORM WATER POLLUTION PREVENTION PROGRAM (SWPPP).

Kaltsas stated this is annual event and Shane Nelson with Hakanson Anderson/ Water Resource division is present to speak to the audience tonight.

Nelson said it is the third year of a five year permit and right now things are status quo. He noted that a year from now it will be more involved as he begins working on the five year report. There were no comments or questions from the audience or the council. Johnson thanked Nelson for the update.

8. CONSIDERATION OF AN ORDINANCE AMENDMENT TO SECTION 915 - REGULATION OF LAKE SARAH SURFACE USE.

- a. Consider an amendment to the ordinance which would revise the removal of the no-wake provision to be consistent with the ordinance regulating Lake Independence.

Kaltsas said the City of Independence in collaboration with the City of Greenfield and the Department of Natural Resources established an ordinance to address no wakes on Lake Sarah in 2011. The ordinance stipulated no-wake restriction criteria for both Lake Sarah and Lake Independence. The criteria for establishing the no-wake provisions are the same; however, the provisions for removing the no-wake status are inconsistent.

City Council reviewed this issue in April and directed staff to prepare an amendment to the ordinance for further consideration. A draft ordinance with amended language has been prepared by the City. The proposed amendment would make the process for removing the no-wake restriction consistent on both Lake Sarah and Lake Independence. The current ordinance provides for the removal of the no-wake restriction on Lake Sarah immediately following the recession of the water level below the specified elevation. On Lake Independence, the ordinance stipulates that the no-wake restriction will be removed following the lake level remaining below the specified elevation for a period of three consecutive days.

The Lake Sarah Association has been notified of the proposed change and invited to this Council Meeting. Following discussion and further consideration of the draft ordinance by the City Council, a final ordinance can be considered at a future meeting. Coordination will be required with the City of Greenfield and the Department of Natural Resources.

Betts asked if residents would be notified through CodeRED. Kaltsas said that could provide a means of communication for this effort. Grotting noted people would have to sign up. Johnson asked if this ordinance incorporates the two lakes together as the Resolution would be exactly the same. Kaltsas noted this is a draft and will not be approved tonight. Kaltsas said the intention was to keep them separate. Spencer noted the language said this original ordinance was created in 2011 but in actuality it was 2002. He said the 3 day on and 3 day off request for Lake Sarah came from law enforcement and gets it in line with Lake Independence.

Grotting asked if the no-wake had to do with acreage. Spencer said it did not, that it is initiated due to the trigger zone and FEMA's 100 year flood level. When that level is exceeded the wake overcomes the shoreline and may cause damage.

Vose stated the Lake Sarah Improvement Association is responsible for posting signage and this ordinance could not be enforced unless it was posted. Spencer said the landing has signage that notes the no-wake zone in the narrow channel. He said that LSIA has also maintained a large email distribution list and notifies residents that way as well. McCoy asked if the City works with the LSIA for notifications. Spencer said it was ultimately the City's responsibility. Vose said it does not matter what the ordinance says about LSIA notifying residents that it is the City's responsibility to notify and enforce it.

Johnson asked if anyone in the audience wished to comment. Fred Lang said he was strongly in favor of the three days on and three days off rule.

2. JEFF ARENDT (APPLICANT/OWNER) REQUESTS THAT THE CITY CONSIDER THE FOLLOWING ACTION FOR THE PROPERTY LOCATED AT 1665 COPELAND ROAD (PID NO. 19-118-24-44-0001) IN INDEPENDENCE, MN:

- a. **RESOLUTION 16-0712-01:** Considering approval of a rural view lot subdivision to allow the subdivision of property into two lots.

Kaltsas said the applicant is proposing to subdivide the property in order to create a rural view lot. The applicant is proposing to create one (1) rural view lot in accordance with the provisions set forth in the City's Zoning Ordinance. The subject property has a total acreage of 75.85 acres. The provisions in the Agriculture Zoning District allow one (1) rural view lot for every 40 acres of land under the same ownership. Under the current zoning standards, the subject property has the ability to realize one (1) rural view lot for a total of two (2) lots on this property.

Rural view lots must have the following characteristics:

Lot size required - between 2.5 and 10 acres

Lot size proposed – South Parcel – 8.12 acres

Minimum lot frontage required – 300 LF (for property between 5-10 acres)

Minimum lot frontage proposed – Parcel A – 1,246 LF

Ratio of lot frontage to lot depth required - no more than 1:4

Ratio of lot frontage to lot depth proposed – Parcel A - ~1:2 (436.04:809.96)

In addition to the minimum size necessary to subdivide, the ordinance requires a minimum of 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, the rural view lot would have approximately 8.12 acres of useable upland and over 1,200 LF of frontage on Nelson Road and Dean Lane. The proposed lot depth to lot frontage ratio for the rural view lot would be ~1:2.

The proposed subdivision would produce an approximate 8.12 acre rural view lot. The proposed newly created property would be “in line” with the property to the south and located primarily along Nelson Road. The proposed Parcel A would accommodate a new building pad given its overall size, topography and proposed dimensions. Any development on the property would need to meet all applicable setbacks including those from wetlands. The City received an on-site septic report verifying that the proposed rural view lot can accommodate a primary and secondary on-site septic system. Access to the property can be located off of either Nelson Road or Dean Lane given its frontage on both streets. The applicant has included the requisite drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2) for both the existing and proposed parcels.

The remaining 67.73 acres would continue to be a conforming lot of record. The remaining lot would have access on Copeland Road. The existing home and detached accessory structure meet all applicable setbacks in the after condition.

The newly created Parcel A will be required to pay the City's requisite Park Dedication fee. For this property the requirement is \$6,500. This fee will need to be paid prior to 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 the proposed subdivision appears to meet all of the applicable standards of the City's zoning and subdivision ordinance. The lot being created will fit into the surrounding area and have minimal impacts on the surrounding properties.

Kaltsas said the City received comments from the neighboring property owner who asked questions relating to the type of house being proposed on the subdivided lot. The applicant responded and noted that they were working on the house plans and would be happy to talk further with the neighbor. Planning Commissioners noted that the City does not have architectural standards pertaining to new home construction aside from minimum square footage requirements.

Commissioners discussed the proposed minor subdivision and asked questions of staff and the applicant. Commissioners found the proposed minor subdivision to permit a rural view lot to meet the City's requirements. Planning Commissioners recommended approval of the proposed minor subdivision to the City Council.

The Planning Commission recommended approval to the City Council of the requested Minor Subdivision with the following findings:

1. The proposed minor subdivision for a rural view lot meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall pay the park dedication fees in the amount of \$6,500, for the newly created Parcel A, prior to the applicant receiving final approval to record the subdivision by the City.
3. The Applicant shall pay for all costs associated with the City's review of the requested subdivision.
4. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.
5. The Applicant shall execute and record the requisite drainage and utility easements with the county within six (6) months of approval.
6. The remaining Parcel B will have no remaining rural view lot eligibilities.

Grotting asked why the parcels looked different on the handouts. Kaltsas said it was due to the aspect ratio as illustrated.

Motion by Betts, second by McCoy to approve RESOLUTION 16-0712-01. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

9.OPEN/MISC.

- Discussion of MN Ultimate Frisbee Tournament at the Polo Club-July 23 & 24, 2016

Johnson noted the state requires a minimum 60 day notice for alcohol at large events. Kaltsas said the MN Ultimate Frisbee Tournament will not have a liquor license for their event due to the request not being filed in time. Johnson said he was surprised they wanted a liquor license as it is a youth centric event. Vose stated it was not a public park but private property and the organizers could not provide it for free or cost without a license but that does not stop an individual from bringing in their own alcohol. He said if food vendors applied that would have to have approval at the County level as well as the through the City.

Motion by Grotting, second by Betts to approve the large assembly permit for the MN Ultimate Frisbee Tournament at the Polo Club-July 23 & 24, 2016, subject to the liquor limitations set forth by Police Chief Kroells. Ayes: Johnson, Betts, Spencer, McCoy, Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Spencer said he was approached by a resident of the Tamarack subdivision who wanted to know who enforces the covenants associated with this development. He said there is not a homeowners association but there are covenants such as driveways have to be paved, certain buildings are not permitted, etc. Vose stated it was not the City's responsibility but rather the land developer and then once the property was sold it would be that land owner. Vose said a landowner would have the right to have covenants enforced within their development but the onus would be on them to take legal action. Grotting said if the covenants we not recorded that would not be a good situation. Kaltsas said the City has recently begun recording covenants with the City Attorney's office which is different from past practices where the City relied on the owner to record the covenant and many times this was not done.

10. ADJOURN

Motion by Spencer, second by Grotting to adjourn at 8:30 p.m. Ayes: Johnson, Betts, Spencer, McCoy, and Grotting. Nays: None. Absent: None. MOTION DECLARED CARRIED.

Respectfully Submitted,

Trish Bemmels/ Recording Secretary

City of Independence

Consider Amendment to Highway 12 Lighting Agreement

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: July 26, 2016

Discussion:

The City recently entered into an agreement with MnDOT which stipulates the maintenance responsibilities for the new Highway 12 lights. The City worked with MnDOT to change the location of one of the lights from Hitsman Lane East to Nelson Road. The proposed amendment to the agreement addresses the location change of the light.

ATTACHMENTS: Amendment to Agreement



Metropolitan District Traffic Engineering
Waters Edge Building, 2nd Floor South
1500 West County Road B-2
Roseville, Minnesota 55113-3105

Allan Espinoza Phone #: (651) 234-7812
Fax #: (651) 234-7609

Date: July 6, 2016

Mark Kalstas, Independence City Administrator (or successor)
1920 County Road 90, Independence, MN 55359
(763) 479-0513
(763) 479-0528
mark@terra-mark.com

RECEIVED
JUL 08 2016

From: Allan Espinoza

Subject: Agreement No. 1000750-1
Amendment No. 1 to Agreement No. 1000750
State of Minnesota and City of Independence
S.P. 2713-116
Highway Lighting Systems

Dear Mr. Kalstas,

Enclosed, please find two (2) original copies of a proposed **Amendment** to Agreement No. 1000750 between the State of Minnesota (MnDOT) and the City of Independence. This amendment provides for changes in the feed point designations and naming revisions of the existing Agreement No. 1000750 regarding the recently installed highway lighting systems in Independence, Minnesota.

Please present this agreement to the City Council for its approval and execution that shall include original signatures of the City Council authorized officers on both enclosed signature forms. Also required are two (2) original copies of a resolution passed by the City Council authorizing its officers to sign the agreement in its behalf. Upon this action, please return these documents to me for further execution by MnDOT. When the agreements and resolutions have been fully executed by MnDOT, an original copy will be returned to the City of Independence.

I have included a two sided copy of the proposed agreement amendment and a copy of the original agreement for your records and review.

Please expedite this matter as time is of the essence.

If there are any questions, feel free to contact me.

Respectfully, Allan Espinoza

CC:

Maryanne Kelly Sonnek, CO*
John Pederson, WE*
Mike Gerbensky, WE*
Ron Rauchle, WE*
April Crockett, WE*
Jeff Kahnke, CO*
Chad Ericson, WE*
Paul Babin, WE*
Linda Heath, WE*
James Dean, CESU*
District File, Control Section 2713

* Electronic copy only

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
CITY OF INDEPENDENCE
AMENDMENT NO. 1**

State Project Number (S.P.):	<u>2713-116</u>	
Trunk Highway Number (T.H.):	<u>12 = 010</u>	
Lighting Locations—Feed Points:	<u>T. H. 12 at County Road No. 90</u>	<u>A (Formerly P9H)</u>
	<u>T. H. 12 at Valley Road</u>	<u>B (Formerly P9J)</u>
	<u>T.H. 12 at C.R. No. 92 East Jct.</u>	<u>C (Formerly P9L)</u>
	<u>T.H. 12 at C.R. No. 92 West Jct.</u>	<u>D (Formerly P9N)</u>
	<u>T.H. 12 at Hitsman Lane West</u>	<u>F (Formerly P9R)</u>
	<u>T.H. 12 at Nelson Road</u>	<u>G (Formerly Hitsman Lane East P9P)</u>

This Amendment is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and City of Independence acting through its City Council ("City").

Recitals

1. The State has a contract with the City defining ownership, power, operation and maintenance responsibilities for the new roadway lighting systems on Trunk Highway No. 12 at County Road No. 90, Valley Road, C.R. No. 92 East Jct., C.R. No. 92 West Jct., Hitsman Lane East, and Hitsman Lane West in the City of Independence, Hennepin County, Minnesota ("Original Contract"); and
2. This Agreement is amended to revise the feed point designations, remove the Hitsman Lane East location and insert Nelson Road as a new location; and
3. The State and the City are willing to amend the Original Contract as stated below.

Contract Amendment

In this Amendment deleted contract terms will be ~~struck out~~ and the added contract terms will be underlined.

REVISION 1.

Article 2 is amended as follows:

2. Lighting System Power, Operation, and Maintenance

Power, operation, and maintenance responsibilities will be as follows for the new roadway lighting systems on Trunk Highway No. 12 at County Road No. 90, Valley Road, C.R. No. 92 East Jct., C.R. No. 92 West Jct., ~~Hitsman Lane East, and~~ Hitsman Lane West and Nelson Road.

City Responsibilities

A. Power.

As owner, the City will be responsible for the cost and application to secure an adequate power supply to the service pads or poles. Upon completion of this project, the City will pay all monthly electrical service expenses necessary to operate the new roadway lighting systems on Trunk Highway No. 12 at County Road No. 90, Valley Road, C.R. No. 92 East Jct., C.R. No. 92 West Jct., ~~Hitsman Lane East, and~~ Hitsman Lane West and Nelson Road.

B. *Lighting Operation, Maintenance, and Repair.*

The City will own, operate, maintain, and keep in repair the new roadway lighting systems on Trunk Highway No. 12 at County Road No. 90, Valley Road, C.R. No. 92 East Jct., C.R. No. 92 West Jct., ~~Hitsman Lane East, and Hitsman Lane West~~ and Nelson Road, perform all system locating, and be responsible for future roadway lighting system replacement, all at the City's cost.

2.2. *State Responsibilities*

A. As owner of the right-of way, the State reserves the right to monitor the new roadway lighting systems on Trunk Highway No. 12 at County Road No. 90, Valley Road, C.R. No. 92 East Jct., C.R. No. 92 West Jct., ~~Hitsman Lane East, and Hitsman Lane West~~ and Nelson Road and give notice to the City when repair or maintenance is needed. If repair or maintenance is not provided in a reasonable amount of time, the State may remove the lighting systems; removed components will become the property of the City.

2.3. *Right of Way Access.* Each party authorizes the other party to enter upon their respective public right of way to perform the maintenance activities described in this Agreement.

The terms of the Original Contract are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

[The remainder of this page has been intentionally left blank]

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions or ordinances.

By: _____

Title: Mayor

Date: _____

By: _____

Title: City Administrator

Date: _____

DEPARTMENT OF TRANSPORTATION

Approved:

By: _____
(District Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With delegated authority)

Date: _____

City of Independence

Consider Amendment to the City's "No Wake" Ordinance – Section 915

To: City Council
From: Mark Kaltsas, City Administrator
Meeting Date: July 26, 2016

Discussion:

The City of Independence in collaboration with the City of Greenfield and the Department of Natural Resources established an ordinance to address no wakes on Lake Sarah. The ordinance stipulated no-wake restriction criteria for both Lake Sarah and Lake Independence. The criteria for establishing the no-wake provisions are the same; however, the provisions for removing the no-wake status are inconsistent.

City Council reviewed this issue in April and again this month to review the proposed ordinance and provide feedback to staff relating to the draft language. Council members recommended that a final ordinance be brought back for adoption. The City of Greenfield City Council will consider the ordinance at their regularly scheduled meeting on August 3, 2016.

The proposed amendment would make the process for removing the no-wake restriction consistent on both Lake Sarah and Lake Independence. The current ordinance provides for the removal of the no-wake restriction on Lake Sarah immediately following the recession of the water level below the specified elevation. On Lake Independence, the ordinance stipulates that the no-wake restriction will be removed following the lake level remaining below the specified elevation for a period of three consecutive days.

Summary:

The City has prepared an ordinance for adoption by the City Council. Approval of the ordinance will be subject to the approval by the City of Greenfield. Following adoption of the ordinance, further coordination will be made with Hennepin County and the Department of Natural Resources.

ATTACHMENTS: Ordinance 2016-01



**CITY OF INDEPENDENCE
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

**ORDINANCE NO. 2016 - 01
AMENDING CITY CODE SECTION 915 -REGULATION OF LAKE SARAH AND LAKE
INDEPENDENCE SURFACE USE**

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, HENNEPIN COUNTY,
MINNESOTA, ORDAINS:

Section 1. Section 915 of the City Code is amended as follows (additions shown as **bold/double underline**; deletions shown as ~~strike through~~):

Section 915 - Regulation of Lake Sarah and Lake Independence Surface Use
(Added, Ord. 00-11)

915.01. Authority to regulate water surface use. Pursuant to Minnesota Statutes, sections 86B.205 and 459.20, the city has entered into a joint powers agreement with the city of Greenfield for the purpose of regulating the surface use of the body of water known as Lake Sarah. This section 915 is effective until repealed or until the joint powers agreement is terminated.

915.03. Definitions. Subdivision 1.

- (a) Terms used in this section related to boating, including "slow no-wake," are defined in Minnesota Statutes, section 86B.005.
- (b) Lake Sarah is that body of water designated by the Minnesota Department of Natural Resources as lake #27-191. It is located in: sections 1 and 2, township 118, range 24; and in sections 34 and 35, township 119, range 24, Hennepin County, Minnesota.

915.05. Slow no-wake zone on Lake Sarah. Subdivision 1. No-wake in channel. No person shall operate a watercraft, including aircraft, in excess of slow no-wake speed in the channel

separating the northerly and southerly halves of Lake Sarah as delineated by markers, buoys, or other aids to navigation placed by the city. (Amended, Ord. No. 2002-09)

Subd. 2. No-wake at high water level. Whenever the waters of Lake Sarah reach or exceed 981.1 feet above sea level, for a period of three consecutive days or more, as measured by the water level gauge set by the State Department of Natural Resources on Lake Sarah, the city administrator-clerk or designee may, ~~at their discretion~~, upon notifying the Hennepin county sheriff, establish a slow no-wake zone on those portions of the lake within the city. ~~The no-wake restriction shall become effective upon a date specified by the city administrator-clerk and shall remain in effect until the water level for the lake has receded below 981.1 feet above sea level.~~ Both the implementation and removal of these restrictions must be done in coordination with similar actions by the city of Greenfield. The city administrator-clerk or designee shall notify the public of both the implementation and removal of the no-wake restriction by ~~publishing a notice in the official newspaper~~, posting the restriction at all public lake access points prior to and during the time the restriction is in place, and posting the restriction at city hall, and by such other means as the administrator-clerk determines to be reasonable. (Added, Ord. No. 2002-09)

Subd. 3. No-wake regulation. No person shall operate a water craft, including aircraft, in excess of slow no-wake speed 24 hours per day when the high water slow no-wake restrictions in subdivision 2 are in effect. ~~Such restrictions shall become effective upon publication in a local daily newspaper as a news item or on a specified date, whichever is later.~~ (Added, Ord. No. 2002-09)

Subd.4. Effective Date of slow no-wake regulation. A slow no-wake restriction shall become effective upon the date specified by the city administrator-clerk and shall remain in effect until the water level for the lake has receded below 981.1 feet above sea level for at least three consecutive days.

915.07. Notification. The City is responsible for providing adequate notification to the public, ~~which shall include p.~~ The City will work with the Lake Sarah Improvement Association to place Placement of a sign at each public watercraft access outlining essential elements of this section, as well as the placement of necessary buoys and signs.

915.09. Exemption. Enforcement, resource management and emergency personnel, while in the performance of their official duties, are exempt from the provisions of subsection 915.05.

915.11. Penalties. Any person violating this section, upon conviction, is guilty of a misdemeanor and subject to a maximum fine or a maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03.

915.13. Enforcement. The Hennepin County sheriff's department and special deputies appointed and sworn by the sheriff have primary responsibility for enforcing the provisions of this section, but that does not preclude enforcement by other licensed peace officers, including aircraft except during landings and take-offs, in excess of slow no-wake speed on the entire lake when the high water slow no-wake restrictions are in effect. Both the implementation and removal of these restrictions must be done in coordination with action by the city of Medina. (Amended, Ord. 2014-02)

915.15. Authority to regulate water surface use. Pursuant to Minnesota Statutes, sections 459.20, 471.59 and 86B.205, Independence has entered into a joint powers agreement with the city of Medina for the purpose of regulating the surface use of the body of water known as Lake

Independence. This section shall be effective after adoption and publication and after adoption of a similar ordinance by Medina. This section shall remain in effect until repealed or until the joint powers agreement is terminated. (Added, Ord. 2006-05)

915.17. Definitions. Subdivision 1. The terms used in this section related to boating, including “slow no-wake,” shall have the meanings given to them in Minnesota Statutes, section 86B.005. (Added, Ord. 2006-05)

Section 2. The City Administrator is hereby directed to amend the City of Independence City Code in accordance with the foregoing amendment.

Section 3. Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Adopted this 26th day of July, 2016.

Marvin D. Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

City of Independence

Consideration of a Text Amendment to the Zoning Ordinance to Consider Allowing Solar Energy Systems in the City

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: July 26, 2016

Request:

A proposed text amendment to the City of Independence Ordinances as follows:

- Chapter 5, Sections 510 and 515;
 - a. Consideration of the establishment of regulations pertaining to solar systems

Discussion:

The Planning Commission has been working on the development of a solar energy ordinance following the submittal of an application for a text amendment to permit large scale solar energy systems within the City. The development of the solar energy ordinance occurred during a series of public hearings held over the last six months. The Planning Commission considered a wide array of information, public input and research in developing the recommended language. A key consideration made during the process pertains to large scale solar energy systems or community solar gardens. Ultimately the Planning Commissioners recommended an ordinance which would not allow community solar gardens in the City. Commissioners noted that they did not feel large scale systems were a compatible land use with the predominantly residential and agriculture uses in the City.

The Planning Commission did develop an ordinance which provides for solar energy systems in the City. The ordinance developed defines several types of solar energy systems as well as provides qualifying site and system/site specific design criteria pertaining to residential or smaller commercial scale solar energy systems. The ordinance establishes where and what types of systems are permitted, accessory or a conditional use. The ordinance further provides detailed standards regulating the placement, size, types and other criteria for solar energy systems permitted within the City. The recommended ordinance establishes and defines essentially two types of solar energy systems; building integrated (roof mounted), and ground mounted (not attached to a building or accessory structure and typically mounted on a frame or pole). Building integrated systems would be permitted as an accessory use in all zoning districts of the City. Ground mounted systems would be a conditional use in all zoning districts of the City. The standards and performance criteria pertaining to each type of systems is further detailed in the attached recommended ordinance.

Supporting documentation delineating the development of the recommended ordinance can be seen in the attached planning reports.

Public Comments:

The City has received a great deal of public input throughout the development of this ordinance. New public input has been attached to this report for further consideration.

Recommendation:

Planning Commissioners recommended approval of a text amendment to permit and provide regulations pertaining to solar energy systems. The recommended ordinance language has been incorporated into an ordinance which is attached to this report.

Attachments:

1. ***Ordinance 2016-02 - Recommended Solar Energy System Ordinance Amendment***
2. *Public Comment Letters*
3. *Historical Planning Reports*
4. *Letter from Ecoplexus, Dated 7.21.2016*



**CITY OF INDEPENDENCE
COUNTY OF HENNEPIN
STATE OF MINNESOTA**

ORDINANCE NO. 2016 – 02

**AMENDING CITY CODE SECTIONS 510 AND 515 - REGULATION
OF SOLAR ENERGY SYSTEMS**

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, HENNEPIN COUNTY, MINNESOTA, ORDAINS:

Section 1. Section 510 of the City Code is amended as follows (All sections shall be renumbered as necessary to allow additions):

510.05 Definitions. Subdivision 1. The following words and terms, and their derivations have the meanings given in this zoning code.

Subd. 2. “Solar Energy System (SES).” A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

Subd. 3. “Solar Energy System, Building Integrated.” A 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, examples of which are roofing materials, windows, skylights, and awnings.

Subd. 4. “Solar Energy System, Ground-Mounted”. A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Section 2. Section 515 of the City Code is amended as follows (All sections shall be renumbered as necessary to allow additions):

515.11. Solar Energy Systems. Subdivision 1. The purpose of this subsection is to provide design and performance standards pertaining to solar energy systems.

Subd. 2. Compliance required. A Solar Energy System is permitted only in accordance with this subsection.

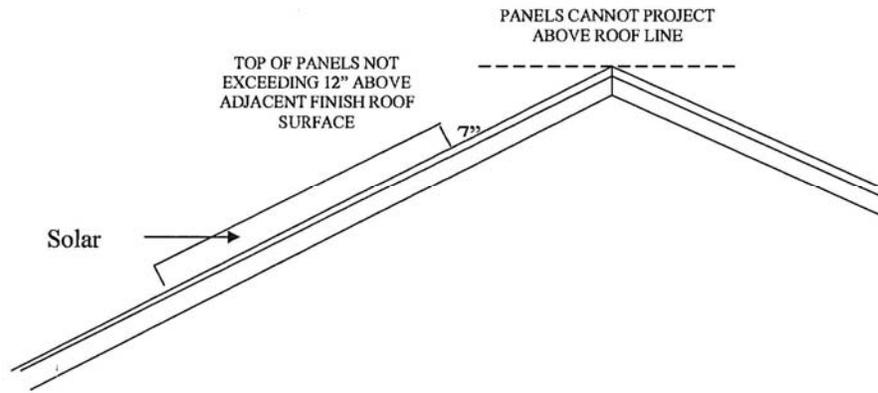
Subd. 3. Permitted Districts. Solar Energy Systems are only permitted in accordance with the following table:

Type of Use	Zoning Districts				
	AG-Agriculture	RR-Rural Residential	UR-Urban Residential	CLI-Commercial - Light Industrial	UC-Urban Commercial
Building Integrated Solar Energy System	A	A	A	A	A
Ground Mounted Solar Energy System	C	C	C	C	C

P - Permitted A - Accessory C - Conditional I - Interim
--

Subd. 4. Building Integrated Solar Energy Systems - shall conform to the following standards:

- (a) Solar panels (photovoltaic and solar thermal systems) can be located on pitched and flat roofs of all principal and accessory buildings within the City.
- (b) Solar panels mounted on a pitched roof shall not have a highest finished pitch more than five (5) percent steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof. Solar panels mounted on a flat roof shall not extend more than 5 feet above the roof surface. Solar panels cannot exceed the maximum structure or accessory building height for the structure they are mounted on.
- (c) Solar panels, mounting structures and all accessory components shall be set back a minimum of four (4) feet from the outside edge (or inside edge of the parapet) of a flat roof to minimize visibility and allow roof access.
- (d) Solar panels, solar devices, mechanical equipment and mounting structures shall have non-reflective finishes to eliminate glare.
- (e) Solar panel frames and support structures should be constructed of a neutral color and compatible with the roof surface color.
- (f) Solar panels shall be placed in a uniform manner. Consider the panels as part of the overall roof configuration. Match the slope and proportions of the array with the shape and proportions of the roof.



Subd. 5. Ground-Mounted Solar Energy Systems - shall conform to the following standards:

- (a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.
- (b) Ground-mounted systems shall be located only in rear or side yards.
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District.
- (d) Ground-mounted systems shall be wholly screened from view from the public right of way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- (e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.
- (f) Ground-mounted systems shall be setback 40 feet from the rear yards.
- (g) Ground-mounted systems shall be setback 30 feet from the side yards.
- (h) Ground-mounted systems shall have a maximum area of 500 SF.
- (i) The maximum height for any component of the system shall be 15 feet.
- (j) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- (k) Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.

Section 3. The City Administrator is hereby directed to amend the City of Independence City Code in accordance with the foregoing amendment.

Section 4. Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Adopted this 26th day of July, 2016.

Marvin D. Johnson, Mayor

ATTEST:

Mark Kaltsas, City Administrator

July 20, 2016

Mayor Marvin Johnson and
City Council Members
City of Independence
1920 County Road 90
Independence, MN 55359

RE: Community Solar Garden Zoning Ordinance Amendment

Dear Mayor Johnson and City Council Members:

In December of 2015, Ecoplexus submitted an application to the City of Independence for a text amendment to the City's Zoning Ordinance to allow community solar gardens as a conditional use within City limits. The application before you has received public hearings at the January 11, 2016, March 15, 2016, April 19, 2016, and May 17, 2016, Planning Commission meetings. Council reviewed the application at the January 26, 2016, meeting.

Ecoplexus appreciates the efforts of the Planning Commission, City Council, and others in addressing our request. We made this application with the understanding that the City would give the request a fair hearing that considers the facts surrounding community solar garden development. Ecoplexus has made every effort to provide the City with materials that will help inform the decision-making process.

However, the Planning Commission has directed staff not to include any community solar garden amendment language in the proposed ordinance for review and discussion at the City Council. Attached is a memorandum that discusses the benefits and impacts of community solar gardens. Attached to that memorandum is a proposed ordinance amendment that would allow community solar gardens as a conditional use only in the Agricultural Zoning District, and set standards for approval of a conditional use permit. This proposed ordinance is based on, but more restrictive than, language prepared by City Planner, Mark Kaltas and provided to the March and April Planning Commission meetings.

We request that the City Council review the attached memorandum and proposed ordinance and consider the benefits of and appropriate standards for approval of community solar gardens in the City of Independence.

With best regards,

Nathan Rogers, Project Development Manager
Ecoplexus, Inc.

COPY: Mark Kaltas, City Planner

ENC: Memorandum with proposed ordinance language



MEMORANDUM

To: City of Independence City Council

From: Ecoplexus, Inc.

Date: March 10, 2014

Re: Community Solar Garden Zoning Ordinance Amendment

In December of 2015, Ecoplexus submitted an application to the City of Independence (the “City”) for a text amendment to the City’s Zoning Ordinance (the “Ordinance”) to allow community solar gardens (“CSGs”) as an allowed use within City limits. Ecoplexus appreciates the efforts of the Planning Commission, City Council, and others in addressing this request. However, the Planning Commission has directed staff not to include CSG language in its proposed ordinance for review and discussion amongst the City Council. Ecoplexus believes that this decision is based in part on misinformation provided in the public record, and respectfully requests that the City Council carefully consider the broad public benefits that solar energy offers and adopt an ordinance allowing CSGs in the City of Independence.

Attached to this Memorandum is Ecoplexus’ recommended text amendment language addressing CSGs, along with a suggested use table, which would allow CSGs as a conditional use in the Agricultural Zoning District and set forth standards for approval of a conditional use permit. In light of the fact that the Planning Commission directed staff not to include such language for review and discussion amongst the City Council, Ecoplexus submits this language for the City Council to consider. Note that Ecoplexus is proposing that CSGs be allowed only in the Agricultural Zoning District, and then only as a conditional use.

CSGs Fit With the Rural Character of Independence as an Agricultural Use

Independence is both proud and protective of its rural, bucolic character – and rightfully so. Ecoplexus is mindful of the charm of the City of Independence, and will take great efforts when seeking a conditional use permit to address site-specific concerns, including proposing landscaping buffers and property line setbacks to limit visibility from the road.

CSGs are not out of character with the agricultural areas of Independence. CSGs convert sun to energy and put this energy into the existing electric transmission infrastructure. Solar panels absorb the sun just as row crops do, but they generate none of the dust, chemicals and agricultural runoff inherent in typical agricultural uses.



Once installed, CSGs are an almost completely passive use. They generate no emissions, odors or pollution, and virtually no traffic. Furthermore, CSGs are not permanent. The CSGs proposed by Ecoplexus will harvest and sell power to Xcel Energy for 25 years, after which the land could be put to other uses, such as rural residential, if the City so desires. The solar panels and posts would simply be removed, leaving the land in virtually the same condition it is today.

The Planning Commission received testimony to the effect that CSGs are an “industrial” and/or “commercial” use. Included in this testimony was a letter, asserting that CSGs affect surrounding property values because they are an industrial use that creates adverse environmental effects. These comments are factually inaccurate and the conclusions regarding property values unsupported by any evidence. CSGs employ solar panels that incorporate no toxic or hazardous chemicals or substances. If solar panels were hazardous, it is unlikely the Planning Commission would be recommending that they be allowed to go on rooftops and in the backyards of single-family homes.

CSGs are no more an industrial or commercial use than virtually every other use allowed in the Agricultural Zone. Farming, feedlots and poultry facilities are all business uses that are permitted in the Agricultural Zone. These businesses produce a commodity for sale (corn, beef, chicken, etc.) just as CSG’s produce energy for sale. Other business uses, including home occupations and retail sales of agricultural products, are also permitted businesses in the Agricultural Zone.

Business uses allowed by conditional use permit in the Agricultural Zone include riding stables, farrieries, kennels, commercial indoor storage, golf courses, forestry products processing, catering businesses, wind energy systems and telecommunication towers. Wind energy systems, which have been allowed by conditional use permit in the Agricultural Zone for years, perform the identical function that CSG’s do: they generate electricity for sale to the power grid.

CSGs are not out of character with any of the business uses currently allowed in the Agricultural Zone, except that CSGs will have much less impact on surrounding properties and neighbors than many of these other uses because CSGs generate no odor, pollution or agricultural runoff, and virtually no traffic.

No evidence has been presented to support the conclusion that the Council should refuse to consider CSGs as a conditional use in the Agricultural Zone because they are out of character with other allowable uses. Uses such as wind energy systems and telecommunications towers are visible from much further distances than CSGs would be. Uses such as feedlots and poultry facilities generate much more emissions, odors and runoff, and virtually all other uses generate more traffic.



Moreover, CSGs do not require water, sewer, access to highway or rail lines, or any other infrastructure that industrial uses typically require, and therefore are not appropriate in industrial zones. They are most appropriate in agricultural areas.

CSGs Produce Broad Public Benefits

CSGs provide public benefits to all citizens of the State of Minnesota, including the residents of Independence, including:

- A 5 MW Solar Garden produces enough clean, renewable electricity to power approximately 850 homes. The US EPA estimates that 5 megawatts (MW) of solar generation provides the equivalent reduction of 5,362 tons of CO₂ annually.
- CSGs produce tax revenue for the City. A 5 MW solar garden will provide production tax revenues of about \$10,000 annually plus additional property tax revenue.
- CSGs will allow local subscribers, including the City itself, if it so chooses, to save about ten percent on their electricity costs.
- CSGs support the City of Independence's sustainability objectives. Many cities in Minnesota are participating in the Green Steps Program, and a CSG can showcase the City's sustainability commitment.
- Ecoplexus is proposing to pave Nelson Avenue, the public street adjoining a proposed CSG site, up to a cost of \$500,000.
- Finally, during the construction phase, local business can provide goods and services for the development of the CSG. All these items provide public benefits unique to the citizens of Independence.

CSGs are one piece of a national and state effort to reduce our country's dependence on fossil fuels. Each one of us benefits from a reduction in fossil fuel use and greenhouse gasses. One letter the Planning Commission received suggested that CSG's not be allowed in Independence because the benefits that derive from solar energy improve the entire State of Minnesota, not just Independence, and there are no benefits unique to the City of Independence. This statement is inaccurate, because CSG's would bring many unique benefits to Independence, including increased taxes. However, even if it were accurate, the fact that a proposed use benefits the entire state is not a reasonable basis for denying that use within any individual city.



Independence is uniquely situated to both assist and benefit from national and state policies encouraging the development of alternative energy, including solar energy. The proximity of Independence to the Twin Cities Metropolitan Area and its location proximate to Xcel's distribution infrastructure means that it is ideally situated to host 2 to 4 CSGs from which Independence, as well as the State of Minnesota, will benefit.

Statements that CSGs benefit only the landowner are also simply inaccurate. CSG's will benefit the City and all of its residents. The landowner benefits no more than if the land were leased for farming, a feedlot, a poultry facility, a wind energy system, or a telecommunication tower, all of which are allowed in the Agricultural Zone.

Solar Gardens Do Not Harm Property Values

Every new use gets accused of adversely impacting property values. For years, virtually every telecommunications tower proposed was opposed by those who said it would destroy surrounding property values. Letters from local residential realtors were routinely submitted which asserted that the proposed cell tower would devastate surrounding property values. To our knowledge, there has never been a study prepared by a certified appraiser that has demonstrated any significant negative impacts on surrounding property values from a cell tower. The same is true of wind energy systems. Both cell towers and wind energy systems are allowed in the Agricultural Zone as conditional uses.

This is the current situation with the CSGs. CSGs are new and neighbors are concerned about property values. In this instance, a letter has been submitted by a local real estate broker making broad, unsupported claims about impacts on property values. Ecoplexus has submitted the testimony of a certified appraiser who has studied the property value impacts of numerous CSGs and found no negative impacts. These studies are not from Minnesota, since there are no CSGs in Minnesota to study, but the neighborhoods studied are remarkably similar to Independence, and there is no reason to think there would be any different result in Minnesota. More importantly, a CSG which generates no odor, emissions, noise or traffic will not impact adjoining property values any more than many of the currently allowed uses in the Agricultural Zone. These uses include feedlots, poultry facilities, public recreation facilities, windmills and telecommunications towers.

No hazardous or harmful chemicals will be brought onto the property by Ecoplexus in connection with the development and operation of a CSG. This is in contrast to typical farming, feedlot and poultry facility uses. Once construction is complete, a CSG generates no odor, emissions, noise or pollution, and virtually no traffic. All runoff from the solar panels, which is clean rainwater, will go through vegetative buffers around the CSG before moving off site.

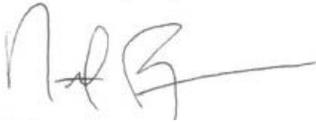


The only potential impact of a CSG is visual. The solar panels in a CSG will be visible from some locations, as are the buildings and structures that support any use, but only up to a certain distance. The solar panels in a CSG are 8 to 12 feet tall and will be screened from view by a vegetative screen along rights of way and adjacent property lines. The solar panels will be far less visible, from a greater distance, than the confinement buildings associated with feedlots and poultry facilities, and even typical agricultural activities. They will also be far less visible than windmills and telecommunication towers, two other uses allowed by conditional use permit in the Agricultural Zone.

Conclusion

Independence has a history of accommodating emerging infrastructure technologies, such as wind energy systems and telecommunication towers. These are uses that provide the energy and communications infrastructure that all citizens of Independence depend on in their daily lives. CSG's are an emerging energy technology and a clean, safe use of agricultural property that will benefit the City of Independence and its residents, as well as the State of Minnesota, while having no significant impacts on the City. We encourage the City Council to consider allowing CSGs and adopting an ordinance along the lines of that attached setting up appropriate performance standards for such facilities.

With best regards,

A handwritten signature in black ink, appearing to read "N. Rogers", with a long horizontal line extending to the right.

Nathan Rogers
Project Development Manager



PROPOSED STANDARDS FOR COMMUNITY SOLAR GARDENS

Suggested Districts for Community Solar					
Type of Use	Zoning Districts				
	AG-Agriculture	RR-Rural Residential	UR-Urban Residential	CL-Commercial Light Industrial	UC-Urban Commercial
Community Solar Garden	Conditional Use Permit				

Community Solar Gardens shall be subject to the following provisions:

- a. Shall be located on a parcel of at least 30 acres.
- b. Shall be setback 50 feet from the front yard.
- c. Shall be setback 30 feet from the rear and side yards.
- d. Shall not exceed 12 feet in height.
- e. Shall be screened from view from the public right of way or adjacent residential structure. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- f. Shall be subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain requisite permits from the MPCA, local watershed district, City and other regulatory agencies.
- g. Shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- h. Shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.
- i. Power and communication lines that are not defined in this ordinance as essential services and running between banks of solar panels to electric substations or interconnections with buildings that are on adjacent parcels shall be buried underground.
- j. Shall be designed and located in order to prevent reflective glare toward inhabited buildings on adjacent properties and adjacent right of ways.



- k. The limitation on the number of cumulative generating capacity of community solar garden facilities is regulated by Minnesota Statutes 216B.164 and related regulations.
- l. The applicant shall submit a decommissioning plan to ensure that facilities are properly removed after their useful life. If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. 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. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure decommissioning.



To: Mayor Marvin Johnson, Councilors Lynn Betts, Brad Spencer, Ray McCoy, Steve Grotting
From: LuAnn Brenno and Douglas Doty, 7676 Turner Rd.
Re: Draft Solar Energy System Ordinance, Council Agenda July 26, 2016
Date: July 22, 2016

CC: Beth Horner, Administrative Assistant
Mark Kaltsas, City Planner

We urge the City Council to approve the Draft Solar Energy System Ordinance as it was drafted and approved by the Planning Commission at their June 21, 2016 meeting.

I (LuAnn) attended all of the public hearings before the Planning Commission since the application for a text amendment pertaining to solar energy systems was first considered on January 11. The applicant and/or its representatives were present at all of the public hearings and gave testimony and/or provided written input. Many residents of Independence (including me) and others from neighboring communities gave testimony and provided written input to the Planning Commission.

The Planning Commissioners discussed and debated the issues raised by all types of solar energy systems that might be allowed in Independence. The provisions of the draft solar ordinance reflect hard work and considered decision-making by the Planning Commissioners. We respectfully request that the Council approve the draft solar energy system ordinance as recommended by the Planning Commission.

July 19, 2016

Mayor Johnson and Councilors Betts, Grotting, McCoy, and Spencer:

We are writing to express our support for the proposed ordinance pertaining to solar energy systems that was approved by the City of Independence Planning Commission on June 21, 2016. We urge the city council to approve this ordinance as recommended by the Planning Commission.

The issues involved in this ordinance have been examined. Over five months of public hearings, the Planning Commissioners listened to testimony from many individuals covering the issues. In addition to considering written comments and testimony, the Planning Commission considered many solar energy ordinances that have been adopted by surrounding communities. The proposed ordinance is consistent with those of cities on all sides of Independence.

The draft ordinance as recommended by the Planning Commission is reasonable. We respectfully request that the Independence city council approve this ordinance as written.

Sincerely,
Paul and Paula Savage
4727 S. Lake Sarah Drive
Independence, MN 55359
763-479-1918
pls@strapdownassociates.com

Attn: City Council

July , 2016

Mayor Johnson and Councilors Betts, Grotting, McCoy, and Spencer:

I am writing to express my support for the proposed ordinance pertaining to solar energy systems that was approved by the City of Independence Planning Commission on June 21, 2016. I urge the city council to approve this ordinance as recommended by the Planning Commission.

The issues involved in this ordinance have been thoroughly examined. Over five months of public hearings, the Planning Commissioners listened to testimony from many individuals covering all sides of the issues. In addition to considering written comments and testimony, the Planning Commission considered many solar energy ordinances that have been adopted by surrounding communities. The proposed ordinance is consistent with those of cities on all sides of Independence.

The draft ordinance as recommended by the Planning Commission is fair and well thought out. I respectfully request that the Independence city council approve this ordinance as written.

Sincerely,

James P. Nolan

Grace J. Nolan

985 Co Rd 92 No.

Maple Plain, Mn.

55359

RECEIVED

JUL 21 2016

July 18, 2016

Mayor Johnson and Councilors Betts, Grotting, McCoy, and Spencer:

I am writing to express my support for the proposed ordinance pertaining to solar energy systems that was approved by the City of Independence Planning Commission on June 21, 2016. I urge the city council to approve this ordinance as recommended by the Planning Commission.

The issues involved in this ordinance have been thoroughly examined. Over five months of public hearings, the Planning Commissioners listened to testimony from many individuals covering all sides of the issues. In addition to considering written comments and testimony, the Planning Commission considered many solar energy ordinances that have been adopted by surrounding communities. The proposed ordinance is consistent with those of cities on all sides of Independence.

The draft ordinance as recommended by the Planning Commission is fair and well thought out. I respectfully request that the Independence city council approve this ordinance as written.

Sincerely,

A handwritten signature in black ink, appearing to read "Deb Sangster", with a long horizontal flourish extending to the right.

DEB SANGSTER
RESIDENT OF INDEPENDENCE

RECEIVED
JUL 21 2016

July 18, 2016

Mayor Johnson and Councilors Betts, Grotting, McCoy, and Spencer:

I am writing to express my support for the proposed ordinance pertaining to solar energy systems that was approved by the City of Independence Planning Commission on June 21, 2016. I urge the city council to approve this ordinance as recommended by the Planning Commission.

The issues involved in this ordinance have been thoroughly examined. Over five months of public hearings, the Planning Commissioners listened to testimony from many individuals covering all sides of the issues. In addition to considering written comments and testimony, the Planning Commission considered many solar energy ordinances that have been adopted by surrounding communities. The proposed ordinance is consistent with those of cities on all sides of Independence.

The draft ordinance as recommended by the Planning Commission is fair and well thought out. I respectfully request that the Independence city council approve this ordinance as written.

Sincerely,



William G. SANGSTER
Resident of Independence

Beth Horner

From: Dunsmore <buddypops@frontiernet.net>
Sent: Friday, July 22, 2016 10:44 AM
To: Beth Horner
Subject: Solar Ordinance - Letters to City Council members

Beth,

Enclosed are two letters that I would like you to distribute to the city council members prior to the upcoming meeting next Tuesday (July 26). Thank you.

Laverne Dunsmore
10602 Fenner Ave. S.E.
Delano, MN 55328
952-955-2740

July 18, 2016

Mayor Johnson and Councilors Betts, Grotting, McCoy, and Sp

I am writing to express my support for the proposed ordinance
lar energy systems that was approved by the City of Independ
Commission on June 21, 2016. I urge the city council to approv
as recommended by the Planning Commission.

The issues involved in this ordinance have been thoroughly ex
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ing written comments and testimony, the Planning Commission
many solar energy ordinances that have been adopted by surrc
ties. The proposed ordinance is consistent with those of cities c
dependence.

The draft ordinance as recommended by the Planning Commis
well thought out. I respectfully request that the Independence
prove this ordinance as written.

Sincerely,

Ray + Colleen Swart

July 22, 2016

Mayor Johnson and Councilors Betts, Grotting, McCoy, and Sp

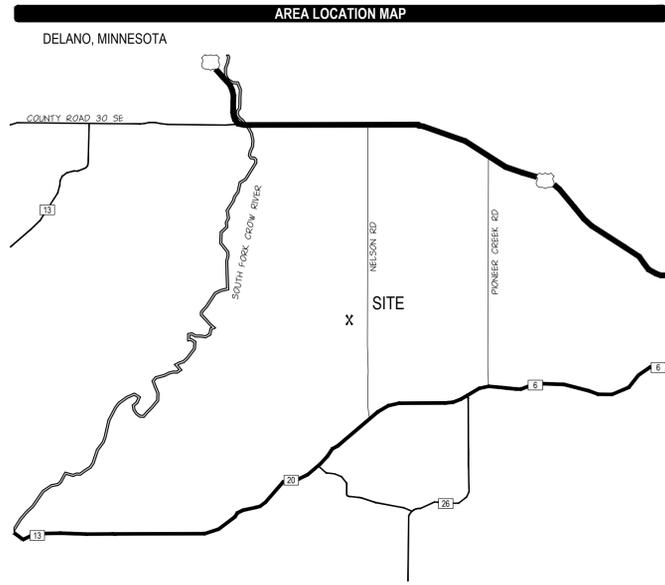
We are writing to express our support for the proposed ordinary solar energy systems that was approved by the City of Independence Commission on June 21, 2016. We urge the city council to approve as recommended by the Planning Commission.

The issues involved in this ordinance have been thoroughly examined over months of public hearings, the Planning Commissioners listened from many individuals covering all sides of the issues. In addition to considering written comments and testimony, the Planning Commission considered many solar energy ordinances that have been adopted by surrounding communities. The proposed ordinance is consistent with other cities on all sides of Independence.

The draft ordinance as recommended by the Planning Commission is well thought out. We respectfully request that the Independence City Council approve this ordinance as written.

Sincerely,

A handwritten signature in black ink, appearing to be "Dennis", written over a horizontal line.



ecoplexus

DELANO

DELANO, MN

ABBREVIATIONS

D	Angle	L.F.	Lineal Feet
&	And	L.P.	Liquid Petroleum
100 YR.	100 Year Flood Elevation	LB.	Pound
A.B.	Anchor Bolt	LGU	Local Government Unit
A.D.	Area Drain	L.T.	Longitudinal
A/C	Air Conditioning Unit	LI.	Light / Lighting
ADD.	Addendum	M.A.S.	Masonry
ADDL.	Additional	M.A.T.L.	Material
ADJ.	Adjacent / Adjust	M.A.X.	Maximum
A-H	Air Handling Unit	M.E.C.H.	Mechanical
ALT.	Alternate	M.E.D.	Medium
ALUM.	Aluminum	M.F.R.	Manufacturer
ANOD.	Anodized	M.H.	Manhole
APPROX.	Approximate	M.M.	Manus / Minute
ARCH.	Architect / Architectural	M.S.C.	Miscellaneous
AUTO.	Automatic	M.T.O.	Minnesota Department Of Transportation
AVG.	Average	M.O.D.	Module / Module
B.C.	Back of Curb	M.U.L.	Mullion
B/W	Bottom of Wall	N.I.	Not In Contract
BFS	Beumans (Asphaltic)	N.I.C.	Number
BIT	Building	N.O. OR #	Normal
BSMT.	Basement	NOM	Normal Water Level
C.F.	Cubic Feet	NWL	Normal Water Level
C.F.S.	Cubic Feet Per Second	O.C.	On Center
C.G.	Corner Guard	O.D.	Outside Dimension
C.J.	Control Joint	O.E.	Overhead Electric
C.M.U.	Concrete Masonry Unit	O.H.	Overhead
C.O.	Cleanout	O.H.W.	Ordinary High Water Level
C.O.E.	U.S. Army Corps Of Engineers	O.P.C.	Opening
C.Y.	Cubic Yards	O.R.G.	Orange
CB	Catch Basin	P.C.	Point of Curvature
CBM	Catch Basin Manhole	P.I.	Point of Intersection
CEM.	Cement	P.I.V.	Post Indicator Valve
CP	Cast Iron Pipe	P.L.	Property Line
CMP	Corrugated Metal Pipe	P.O.B.	Point of Beginning
CONC.	Concrete (Portland)	P.S.F.	Pounds Per Square Foot
CONN.	Connection	P.S.I.	Pounds Per Square Inch
CONSTR.	Construction	P.T.	Point of Tangency
CONT.	Continuous	P.V.I.	Point of Vertical Intersection
CONTR.	Contractor	P.V.I.	Point of Vertical Intersection
COP.	Copper	P.V.T.	Point of Vertical Tangency
C.U.	Cubic	P.F.	Polyethylene
D.S.	Down Spout	P.E.D.	Pedestal / Pedestrian
DEG.	Degree	PEPF.	Perforated
DEMO.	Demolition / Demolish	PEPP.	Preparation
DEPT.	Department	PROJ.	Project
DET.	Detail	PROP.	Proposed
DIA.	Diameter	PVC	Poly-Vinyl-Chloride (Pvna)
DIAG.	Diagonal	PVMT.	Pavement
DIM.	Dimension	QTR.	Quarter
DIP	Ductile Iron Pipe	QTY.	Quantity
DN	Down	R	Radius
DWG.	Drawing	RAD.	Radius
E.	East	R.E.	Rise Elevation (Costna)
E.I.	Expansion Joint	R.D.	Roof Drain
E.O.	Emergency Overflow	R.E.	Remove Existing
E.O.S.	Emergency Overflow Swale	R.O.	Rough Opening
E.W.	Each Way	R.P.	Radius Point
EA.	Each	R.C.P.	Reinforced Concrete Pipe
EL.	Elevation	R.S.	Roof Slop
ELEC.	Electrical	R.S.D.	Roof Storm Drain
ELEV.	Elevation	RE.	Reinforced
EMER.	Emergency	RENF.	Reinforced
ENGR.	Engineer	REQD.	Required
ENTR.	Entrance	REV.	Revision / Revised
EQ.	Equal	R.G.U.	Regulatory Government Unit
EQUIP.	Equipment	R.O.W. OR R/W	Right of Way
EQUIV.	Equivalent	S	Sash
EXIST.	Existing	S.F.	Square Feet
EXP.	Expansion	SAN.	Sanitary Sewer
F. & I.	Furnish and Install	SECT.	Section
F.B.O.	Furnished by Others	SE	Side Exit
F.C.	Face of Curb	SEWO	Side Exit Walk Out
F.D.	Floor Drain	SHI	Sheet
F.D.C.	Fire Department Connection	SM	Smear
F.V.	Field Verify	SLNT.	Sealant
FB	Full Basement	SPEC.	Specification
FBWO	Full Basement Walk Out	SQ.	Square
FBLO	Full Basement Lock Out	SSD	Subsurface drain
FN.	Foundation	STMH	Storm Sever Manhole
FES	Flared End Section	STD.	Standard
FPE	Finished Floor Elevation	STRUC.	Structural
FLR	Floor	SYN.	Symmetrical
FT. OR (')	Foot	T	Thickness
FUT.	Future	T/R	Top of Rim
G.B.	Grade Break	T/W	Top of Wall
G.C.	General Contractor	TEMP.	Temporary
GAL.	Gallon	THK.	Thick / Thickness
GALV.	Galvanized	T.J.	Tooled Joint
GFE	Garage Floor Elevation	T.N.H.	Top Nub Hydrant
GL.	Gloss	TYP.	Typical
GR.	Grade	UN.O.	Unless Noted Otherwise
H.	Height	V.B.	Vertical Curve
HDPPEP	High Density Polyethylene Pipe	V.C.	Vertical Curve
HGT.	Height	V.F.	Verify in Field
HORIZ.	Horizontal	VER.	Verify
HVAC	Heating, Ventilation, Air Conditioning	VERT.	Vertical
HYD	Hydrant	VEST.	Vestibule
I.D.	Inside Dimension	W	Width
IE. or IE'	Invert Elevation	W.P.T.	Working Point
I.N. OR (")	Inches	W.W.F.	Welded Wire Fabric
INSUL.	Insulation	W.	With
INT.	Invert Elevation	W/O	Without
JT.	Joint	W.O.U.	Walk Out
		WETL.	Wetland
		WP	Waterproof
		WT.	Weight
		YD.	Yard
		YR.	Year

SYMBOLS

EXISTING	DESCRIPTION	NEW	DESCRIPTION
	MAJOR CONTOUR		MAJOR CONTOUR
	MINOR CONTOUR		MINOR CONTOUR
	SPOT ELEVATION		SPOT ELEVATION
	BUILDING		BUILDING
	CANOPY / OVERHANG		CANOPY/OVERHANG
	CONCRETE		UNDERGROUND STRUCTURE
	BITUMINOUS		CONCRETE
	LANDSCAPING		CONCRETE CURB
	GRAVEL		EDGE OF PAVEMENT
	PAVING BLOCK		FENCING
	PAVING BLOCK		GUARD RAIL
	STORM SEWER LINE		CONCRETE RETAINING WALL
	SANITARY SEWER LINE		MODULAR RETAINING WALL
	WATER MAN		FELDSTONE RETAINING WALL
	OVERHEAD ELECTRIC		EXIT LOCATION
	PROPERTY LINE		LIGHT STANDARD
	UNDERGROUND TELEPHONE		POWER POLE
	UNDERGROUND ELECTRIC		SLOPE DIRECTION
	GAS LINE		CATCH BASIN
	CONCRETE CURB		MANHOLE
	FENCING		BOLLARD
	RETAINING WALL		STORM SEWER
	IRON MONUMENT FOUND		ORCE MAN
	SURVEY DISK (BENCHMARK)		ROOF DRAIN SYSTEM
	POWERPOLE		WATERMAN
	GUY WIRE		FIRE LINE (F SEPARATE)
	GUARD POST		FIRE DEPT. CONNECTION
	GAS METER		SOIL SUBDRAIN
	TRANSFORMER		GAS LINE-UNDERGROUND
	WATER SHUT-OFF VALVE		ELECTRIC-UNDERGROUND
	TRAFFIC SIGN		TELEPHONE-UNDERGROUND
	FLAG POLE		UNDERGROUND CABLE/TV
	LIGHT POLE		LAWN SPRINKLER SLEEVE
	TREES		
	TREE LINE		
	MANHOLE		
	CATCH BASIN		
	FIRE HYDRANT		
	WATER VALVE		
	FLARED END SECTION		
	MAILBOX		
	NOTE NUMBER		
	MEASURED DISTANCE		
	DISTANCE PER RECORDED PLAT		
	SOIL BORING		

EROSION CONTROL SYMBOLS

SYMBOL	DESCRIPTION
	SEDIMENT CONTROL FENCE
	INLET PROTECTION

DRAWING SYMBOLS

SYMBOL	DESCRIPTION
	NOTE REFERENCE
	PARKING STALL COUNT
	LARGE SHEET DETAIL
	COORDINATE POINT
	REVISION - APPENDIX, BULLETIN, ETC.
	REVISED AREA (THIS ISSUE)

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 TEL: 415-626-1802
 CONTACT: NATHAN ROGERS

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LANDFORM	LANDFORM
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CIVIL SHEET INDEX & REVISION MATRIX

SHEET NO.	DESCRIPTION	ISSUED	REVISION
C0.1	CIVIL TITLE SHEET	X	
C2.1	SITE PLAN	X	
C7.1	RACKING DETAILS	X	
C7.2	RACKING DETAILS	X	
C7.3	RACKING DETAILS	X	
L2.1	LANDSCAPE BUFFER & SCREENING PLAN	X	

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PROJECT

ecoplexus DELANO DELANO, MN

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L2.1	LANDSCAPE BUFFER & SCREENING PLAN

ISSUE / REVISION HISTORY

DATE	ISSUE / REVISION	REVIEW
16 DEC 2015	CONCEPT PLAN	CNC

PROJECT MANAGER REVIEW

CERTIFICATION

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12.16.2015

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FILE NAME: C001ESS008.DWG
 PROJECT NO.: ESS15008

CIVIL TITLE SHEET

C0.1



SITE DATA

TOTAL SITE AREA
= 74.73 AC.
POTENTIAL AREA FOR DEVELOPMENT
= 40.00 AC.
WETLAND BUFFER & SETBACK
BUFFER: 35 FT
SETBACK: 10 FT

THE SURFICIAL SOILS IN THE VICINITY OF THE SITE AND CLAYEY GLACIAL TILL CONTAINING BEDS AND LENSES OF STRATIFIED SEDIMENTS.

THE UPPERMOST BEDROCK UNDERLYING THE SITE IS THE ST. LAWRENCE AND FRANCONIA FORMATIONS CONSISTING OF DOLOMITE AND THE TOP OF THE BEDROCK IS APPROXIMATELY 200 TO 300 FEET BELOW GRADE.

THE REGIONAL GROUNDWATER GRADIENT IN THE VICINITY OF THE SITE IS TO THE WEST-SOUTHWEST, WITH A DEPTH TO GROUNDWATER AT 50 TO 90 FEET BELOW GRADE.

LEGEND

- SLOPE DIRECTION
 - PERMANENT FENCE LINE
 - OVERHEAD ELECTRIC LINE
- PRELIMINARY CONCEPT
PLANS SUBJECT TO CHANGE**

DEVELOPER

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BY: [Signature] DATE: 12.16.2015

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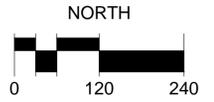
FILE NAME: C201ESS008.DWG
PROJECT NO.: ESS15008

SITE PLAN

C2.1



Know what's Below.
Call before you dig.



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BY	DATE
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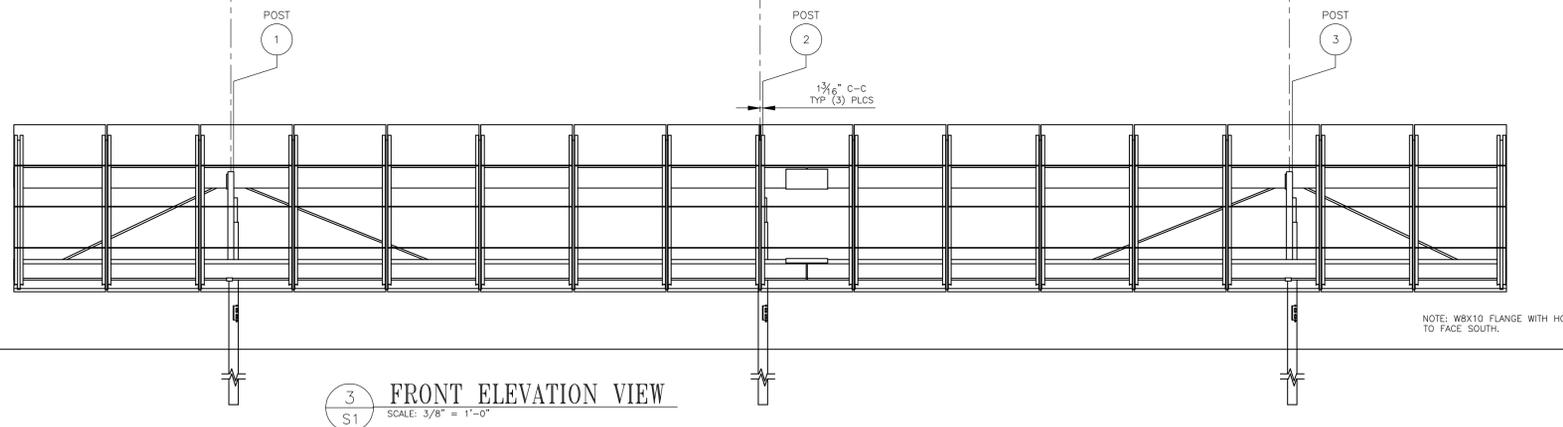
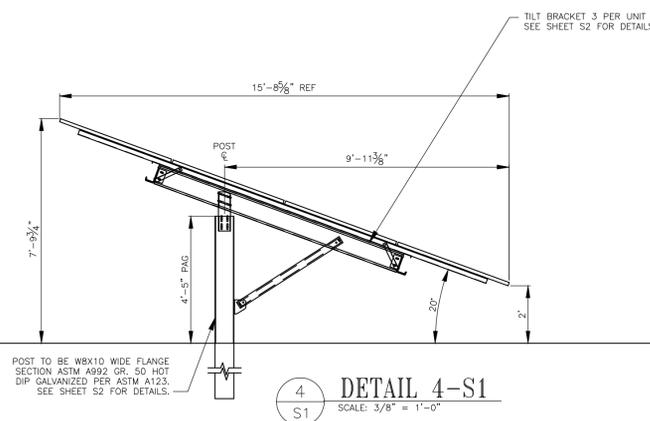
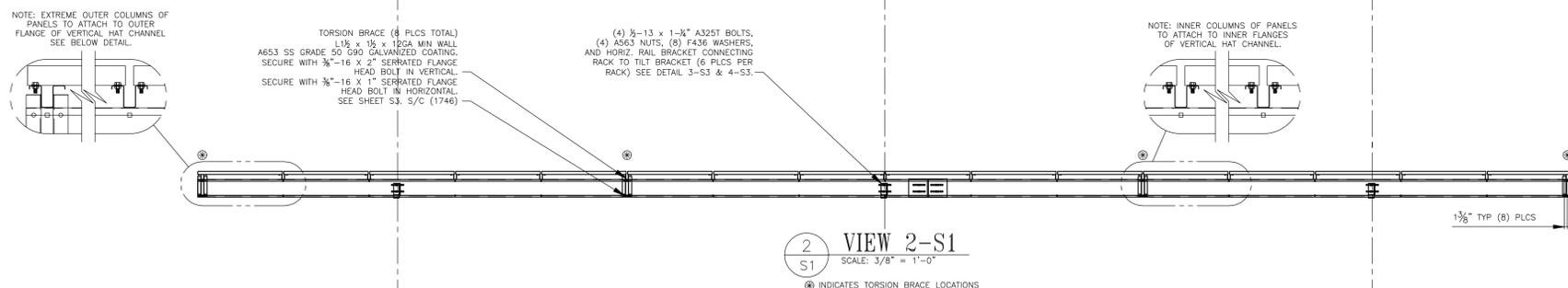
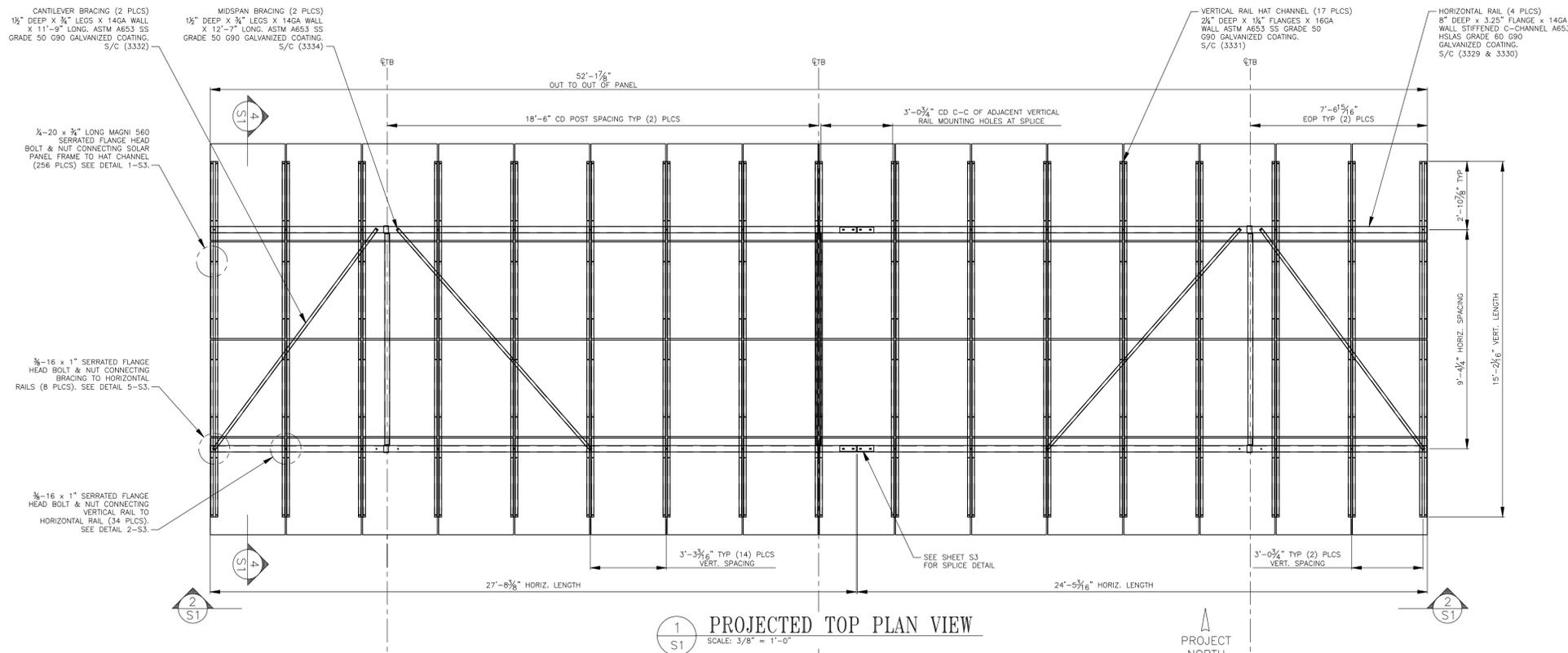
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FILE NAME C701ESS008.DWG

PROJECT NO. ESS15008

RACKING
DETAILS

C7.1



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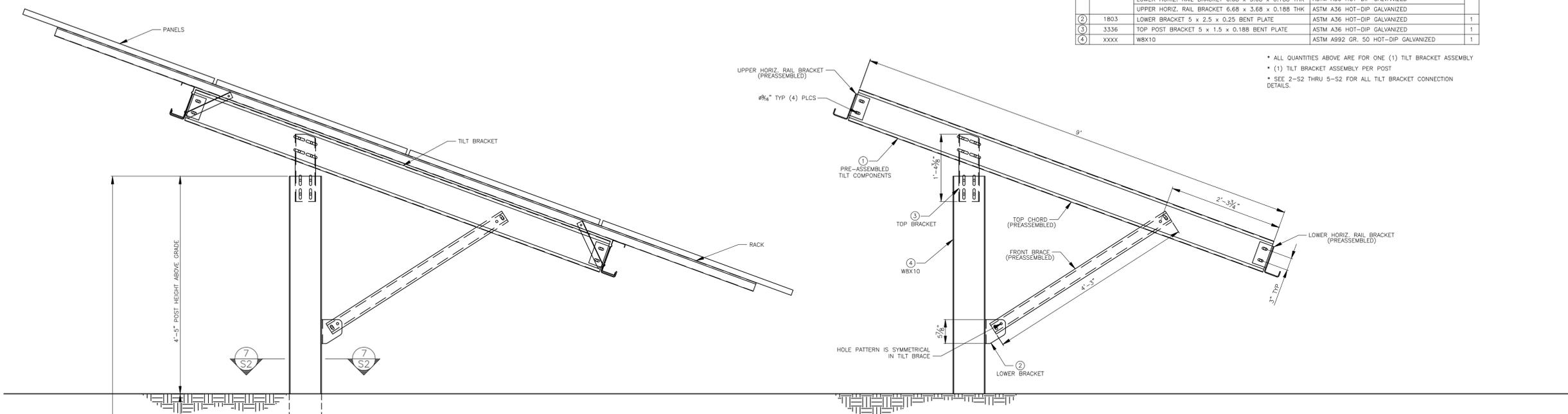
FILE NAME: C702ESS008.DWG
PROJECT NO.: ESS15008

RACKING DETAILS

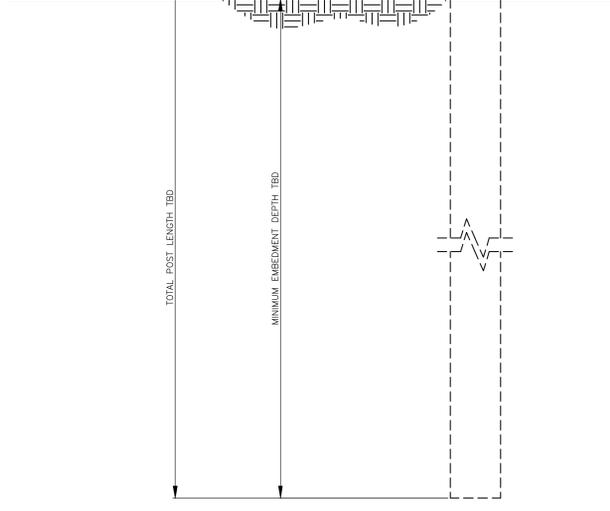
C7.2

ITEM	STOCK CODE	DESCRIPTION	MATERIAL	QTY
1	3335	TOP CHORD 8 DEEP x 2.5 LEG x 13GA THK C	ASTM A653 HSLAS GRADE 60 G90	1
		FRONT BRACE 3 DEEP x 1.75 LEG x 14GA THK C	ASTM A653 HSLAS GRADE 60 G90	1
		LOWER HORIZ. RAIL BRACKET 6.68 x 3.68 x 0.188 THK	ASTM A36 HOT-DIP GALVANIZED	1
		UPPER HORIZ. RAIL BRACKET 6.68 x 3.68 x 0.188 THK	ASTM A36 HOT-DIP GALVANIZED	1
2	1803	LOWER BRACKET 5 x 2.5 x 0.25 BENT PLATE	ASTM A36 HOT-DIP GALVANIZED	1
3	3336	TOP POST BRACKET 5 x 1.5 x 0.188 BENT PLATE	ASTM A36 HOT-DIP GALVANIZED	1
4	XXXX	WBX10	ASTM A992 GR. 50 HOT-DIP GALVANIZED	1

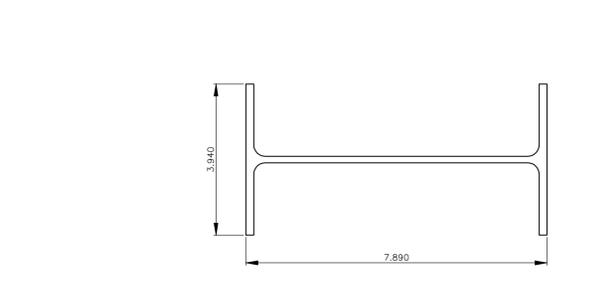
- ALL QUANTITIES ABOVE ARE FOR ONE (1) TILT BRACKET ASSEMBLY
- (1) TILT BRACKET ASSEMBLY PER POST
- SEE 2-S2 THRU 5-S2 FOR ALL TILT BRACKET CONNECTION DETAILS.



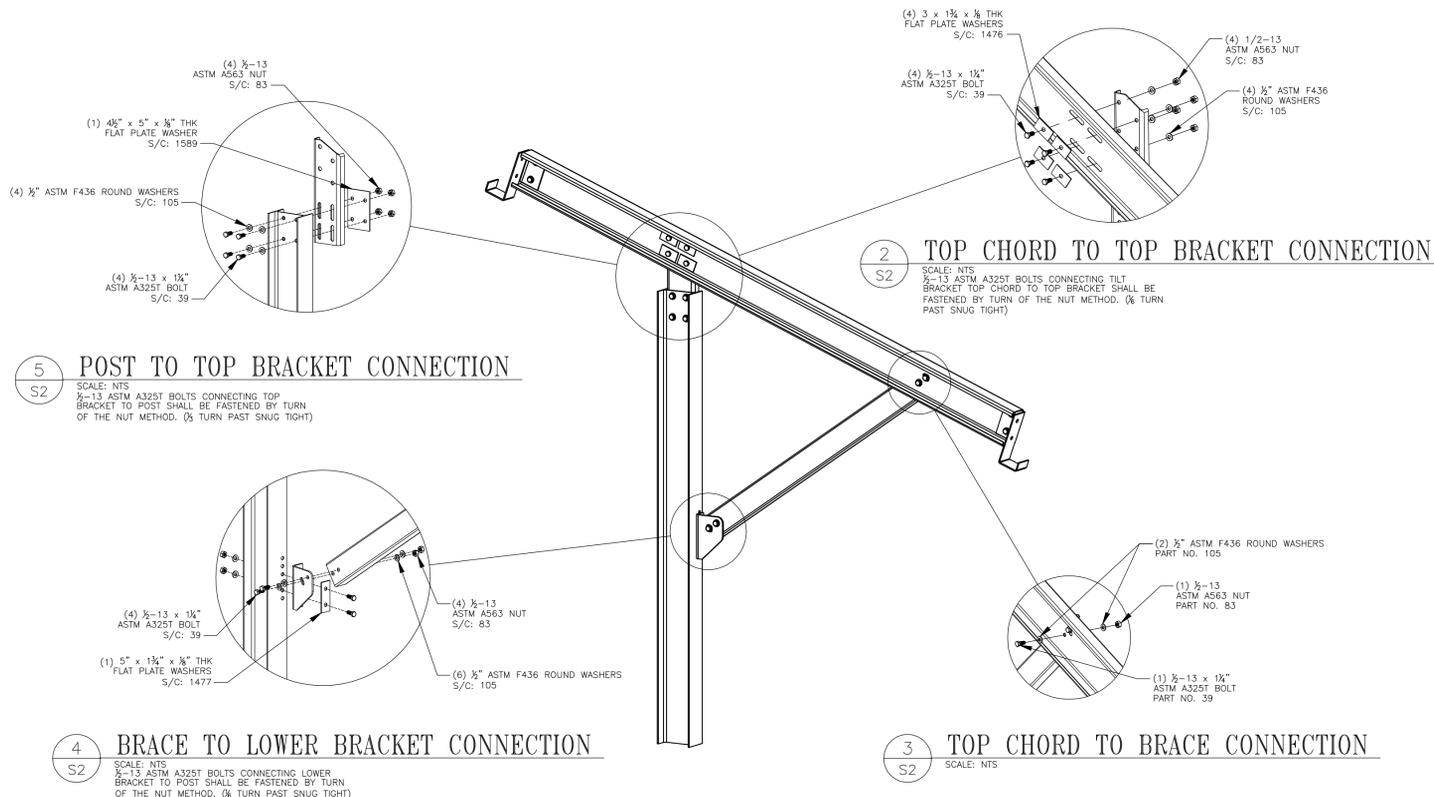
1 TILT BRACKET SIDE ELEVATION
SCALE: 1" = 1'-0"



6 FOUNDATION DETAIL
SCALE: 1" = 1'-0"



7 W8X10 CROSS SECTION
SCALE: 6" = 1'-0"



- TOP CHORD, FRONT BRACE, AND SEAT BRACKETS WILL BE DELIVERED PREINSTALLED AND FOLDED.
- BOLTS THAT HAVE BEEN PREINSTALLED WILL HAVE SILICONE ON THEM FOR TRANSPORTING PURPOSES. BOLTS WILL HAVE TO BE TIGHTENED.



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FILE NAME C703ESS008.DWG
 PROJECT NO. ESS15008

**RACKING
 DETAILS
 C7.3**



- LANDSCAPE NOTES**
- LANDSCAPE CONTRACTOR SHALL VISIT THE SITE PRIOR TO SUBMITTING A BID TO BECOME FAMILIAR WITH SITE CONDITIONS. THE LANDSCAPE CONTRACTOR SHALL HAVE ALL UNDERGROUND UTILITIES LOCATED 72 HOURS PRIOR TO ANY DIGGING. THE LANDSCAPE CONTRACTOR SHALL COORDINATE INSTALLATION WITH GENERAL CONTRACTOR AND/OR ANY OTHER CONTRACTORS PERFORMING RELATED WORK.
 - ALL PLANT MATERIALS SHALL CONFORM WITH THE MOST CURRENT ADDITION OF THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND SHALL BE OF HARDY STOCK, FREE FROM INFESTATION, DISEASE, DAMAGE AND DISFIGURATION. IF THERE IS A DISCREPANCY BETWEEN THE NUMBER OF PLANTS ON THE LIST AND THE NUMBER SHOWN ON THE PLAN, THE PLAN SHALL GOVERN.
 - PLANTS SHALL BE PLACED ACCORDING TO LAYOUT WITH PROPER NOMINAL SPACING.
 - QUANTITIES FOR THE BUFFER/SCREENING AREAS SHALL BE DETERMINED BY MEASURING THE TOTAL LINEAR FEET OF SECURITY FENCING AND DIVIDING IT BY 80' (TYPICAL BUFFER/SCREENING SECTION). EACH 80' SECTION SHALL HAVE THE QUANTITIES AND SPECIES IDENTIFIED IN THE TYPICAL BUFFER/SCREENING SECTION.
 - SEED, SOIL, MULCH AND FERTILIZER SHALL MEET THE FOLLOWING SPECIFICATIONS, AS MODIFIED:

ITEM	SPECIFICATION NUMBER
SEED	MNDOT 3876
MULCH (MNDOT TYPE 1 @ 2 TON/AC, DISC ANCHORED)	MNDOT 3882
FERTILIZER	MNDOT 3881
GENERAL PLACEMENT	MNDOT 2575

- SEEDING LEGEND**
- 6 SHORT/DRY NATIVE GRASS MIX (PER PRAIRIE RESTORATIONS OR EQUAL. SEEDED AT RATE OF 17 LBS/ACRE)

SEED MIX SPECIES:
LITTLE BLUESTEM
SIDE-OATS GRAMMA
BLUE GRAMMA
POVERTY OAT GRASS
LIME GRASS
SAND DROPSSEED
PRAIRIE DROPSSEED
 - 7 LOW MAINTENANCE TURF MNDOT SEED MIX 25-131 (SEEDED AT RATE OF 220.0 LBS/ACRE)

SEED MIX SPECIES:
RED FESCUE
CHEWING'S FESCUE
LOW MAINTENANCE KENTUCKY BLUEGRASS
HARD FESCUE
SHEEP FESCUE
PERENNIAL RYEGRASS

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ISSUE / REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

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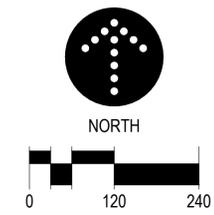
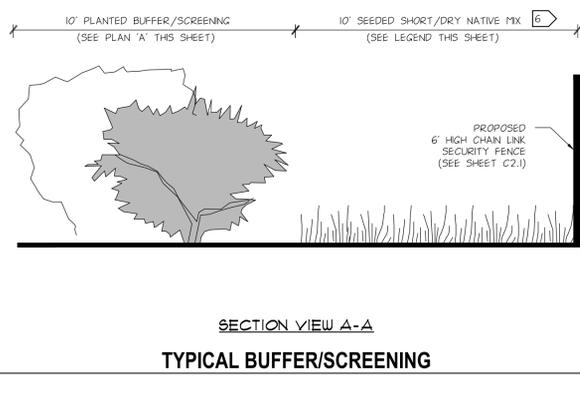
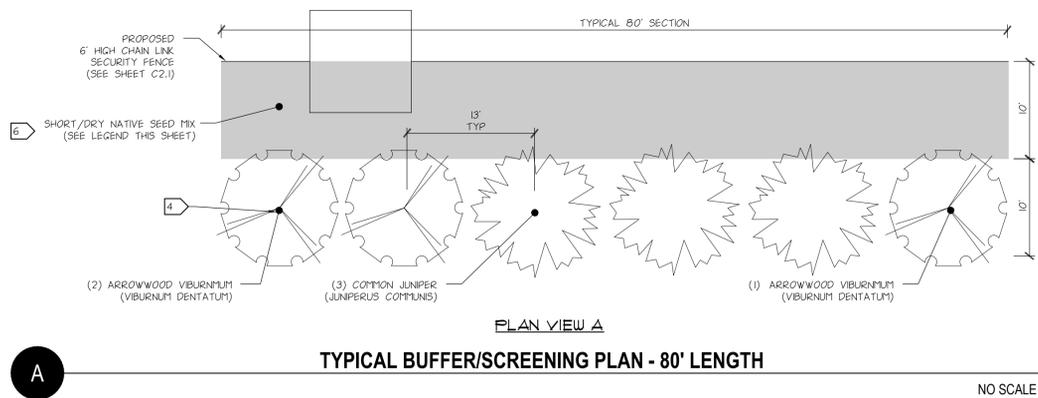
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FILE NAME: L201ESS008
 PROJECT NO.: ESS15008

LANDSCAPE BUFFER & SEEDING PLAN
L2.1

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City of Independence

Request for a Text Amendment to the Zoning Ordinance to Allow Solar Gardens in the AG-Agriculture Zoning District

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: January 11, 2016
Applicant: Nathan Rogers
Owner: Barbara Janas Trustee
Location: 1351 Nelson Road

Request:

Nathan Rogers (Applicant) and Barbara Janas Trustee (Owner) request that the City consider the following actions 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 a permitted, accessory or conditional use.

Property/Site Information:

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



Discussion:

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 or not 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.

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 comes 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. Free standing 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. Free standing 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.

Additional Considerations:

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.

Neighbor Comments:

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.

Recommendation:

Staff is seeking a recommendation from the Planning Commission for the requested Text Amendment.

Attachments:

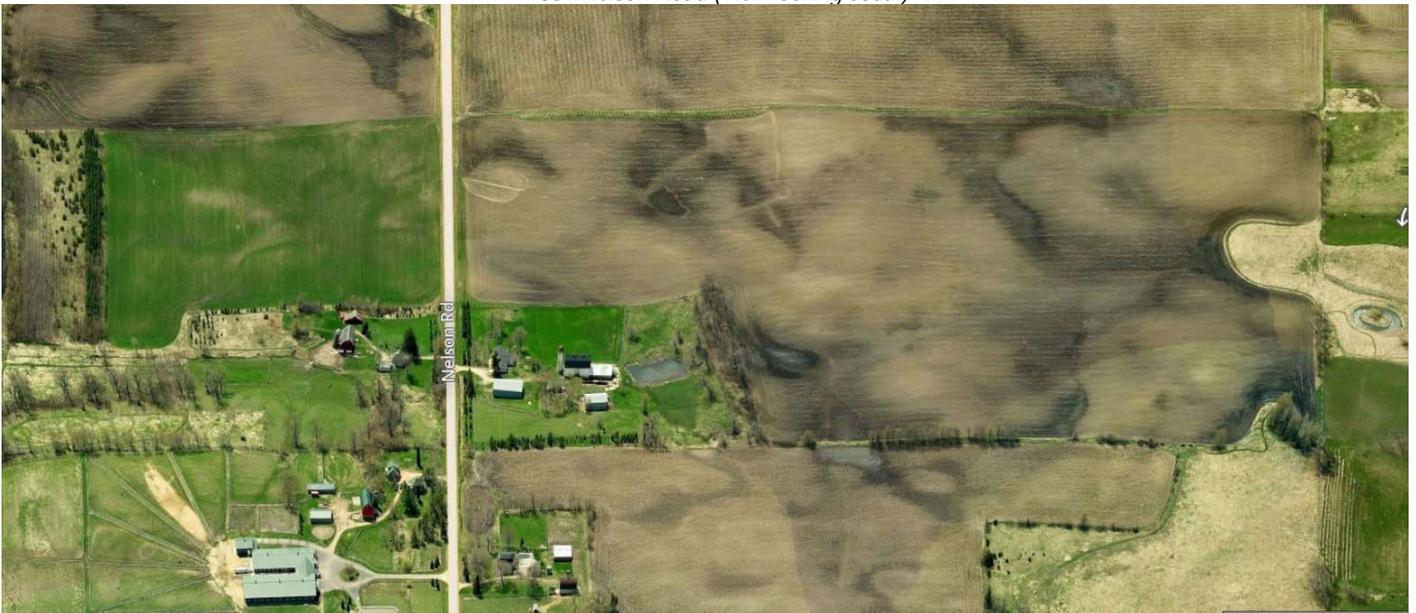
1. Property Pictures
2. Application
3. Applicant Description
4. Applicants Sound Information
5. Conceptual Site Plan

Attachment #1

1351 Nelson Road (View looking west)



1351 Nelson Road (View looking south)



City of Independence

Consideration of a Text Amendment to the Zoning Ordinance to Consider Allowing Solar Energy Systems in the City

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: March 15, 2016

Request:

A proposed text amendment to the City of Independence Ordinances as follows:

- Chapter 5, Sections 510 and 530;
 - a. Consideration of the establishment of regulations pertaining to solar systems

Discussion:

The City initially received an application seeking a text amendment to the City's zoning ordinance to permit community solar gardens as a 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 community solar garden 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.

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 comes 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. Free standing 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 development of an 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 five 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. Free standing 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.

Considerations/Decision Points:

Staff is seeking Planning Commission direction relating to several key aspects of a potential ordinance amendment. The key questions/considerations are highlighted at the end of each note. Staff has prepared some initial draft language for discussion purposes only. Based on the consideration of the following key components, actual draft ordinance language will be prepared.

1. The City will need to define the types of solar energy systems that are reasonably anticipated to be requested within the City. The following draft definitions would more formally define the aforementioned concepts:

Community Solar Garden – A community solar energy system that generates electricity by means of a ground-mounted or building-integrated solar energy system and that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system in accordance with the requirements of Minnesota Statutes 216B.1641 or successor statute.

Solar Energy System (SES) - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

Solar Energy System, Building Integrated - A 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, examples of which are roofing materials, windows, skylights, and awnings.

Solar Energy System, Ground-Mounted – A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated energy.

Are there additional or revised definitions that should be considered?

- 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, but guided for rural residential 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.

Should the City consider utilizing the Comprehensive Guide Plan as the basis for determining whether a use is permitted, rather than the zoning of a property?

- The City will need to determine what types of systems are permitted, accessory, conditional or interim uses in each of the respective zoning districts (i.e. Building integrated SES may be permitted as an accessory use in all zoning districts). The City will need to “fill-in” the following chart for inclusion in the ordinance.

Type of Use	Zoning Districts				
	AG- Agriculture	RR-Rural Residential	UR-Urban Residential	CLI-Commercial - Light Industrial	UC-Urban Commercial
Community Solar Garden					
Building Integrated Solar Energy System					
Ground Mounted Solar Energy System					
Solar Farm					

P - Permitted
A - Accessory
C - Conditional
I - Interim

What types of systems will be permitted, accessory, conditional or interim uses in each zoning/comprehensive planning districts?

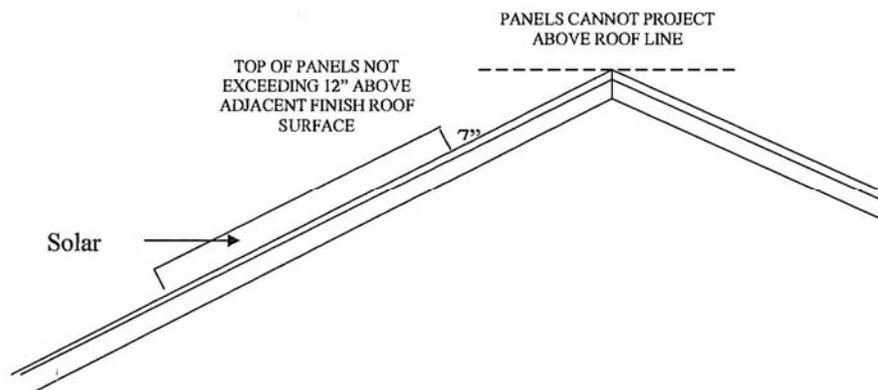
4. The City will want to develop both qualifying site and system/site specific design criteria. The City will need to consider performance standards and placement guidelines which further define the criteria pertaining to the installation of solar energy systems.

Draft Solar Performance Standards and Placement Guidelines.

(a) The following guidelines are to be used in the design and placement of solar energy systems:

1. Building Integrated Solar Energy Systems - shall conform to the following provisions:

- a. Solar panels (photovoltaic and solar thermal systems) can be located on pitched and flat roofs of all principle and accessory buildings within the City;
- b. Solar panels shall be low profile and parallel with the slope of the pitched roof.
- c. Panels should not project above the roof ridge line.
- d. Set solar panels and solar devices back from the edge of a flat roof to minimize visibility.
- e. Select solar panels, solar devices, mechanical equipment and mounting structures with non-reflective finishes such as an anodized finish.
- f. Color of panel frames and support structures should be neutral and compatible with the roof surface color.
- g. Placement of panels should be uniform. Consider the panels as part of the overall roof configuration. Match the slope and proportions of the array with the shape and proportions of the roof.



2. Ground-Mounted Solar Energy Systems - shall be subject to the following provisions:

- a. Shall be located in the rear or side yards. Ground-mounted systems shall not be located in the Shoreland Overlay District (may want to consider allowing as an IUP).
- b. The system, structure, and support apparatus shall comply with applicable accessory building setbacks as determined by the underlying zoning district.
- c. The maximum height for any component of the system shall be 15 feet.

3. Community Solar Gardens – shall be subject to the following provisions:

- a. Shall be located on a parcel of at least _____ acres.
- b. Shall be setback _____ feet from the front yard.
- c. Shall be setback _____ feet from the rear and side yards.
- d. Shall not exceed 15 feet in height.
- e. Shall be wholly screened from view from the public right of way or adjacent residential structure. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- f. Shall be subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain requisite permits from the MPCA, local watershed district, City and other regulatory agencies.
- g. Shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- h. Shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.
- i. Power and communication lines that are not defined in this ordinance as essential services and running between banks of solar panels to electric substations or interconnections with buildings that are on adjacent parcels shall be buried underground.
- j. Shall be designed and located in order to prevent reflective glare toward inhabited buildings on adjacent properties and adjacent right of ways.
- k. The limitation on the number of cumulative generating capacity of community solar garden facilities is regulated by Minnesota Statutes 216B.164 and related regulations.
- l. The applicant shall submit a decommissioning plan to ensure that facilities are properly removed after their useful life. If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. 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. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure decommissioning.

4. Solar Farms which have a generating capacity of 50 megawatts of power or more shall fall under the jurisdiction of the Minnesota Public Utilities Commission.

The City can further discuss and develop standards appropriate for the City of Independence.

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. 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.

Based on the discussion and direction provided by the Planning Commission additional ordinance language will be prepared for review by the City. It is anticipated that the Planning Commission will work through several iterations of the draft ordinance prior to forwarding to the City Council for consideration.

Neighbor Comments:

The City has received numerous phone calls and several letters pertaining to the consideration to amend the ordinance.

Recommendation:

Staff is seeking discussion and direction from the Planning Commission for the requested Text Amendment.

Attachments:

1. Adjacent Community Ordinances
2. Public Comment Letters

City of Independence

Consideration of a Text Amendment to the Zoning Ordinance to Consider Allowing Solar Energy Systems in the City

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: April 19, 2016

Request:

A proposed text amendment to the City of Independence Ordinances as follows:

- Chapter 5, Sections 510 and 530;
 - a. Consideration of the establishment of regulations pertaining to solar systems

Discussion:

At the last Planning Commission Meeting staff presented information pertaining to decision points that could be considered by the City in adopting a solar energy ordinance. Commissioners spoke in favor of moving forward with an ordinance that addresses solar energy systems in Independence. Commissioners discussed the general types of solar energy systems and how they relate to land uses and design standards. Commissioners were presented with public input relating primarily to where and what type of systems should be considered by the City.

Staff prepared a table that could ultimately stipulate what types of solar energy systems would be permitted in various zoning districts. It was discussed that Commissioners would fill in the chart for discussion at our next meeting. The City will need to make a determination of what types of systems are permitted in each of the various zoning districts and then whether or not they are permitted, accessory, conditional or interim uses. The City will additionally need to determine what standards should be established for each type of solar energy system.

Type of Use	Zoning Districts				
	AG- Agriculture	RR-Rural Residential	UR-Urban Residential	CLI-Commercial - Light Industrial	UC-Urban Commercial
Community Solar Garden					
Building Integrated Solar Energy System					
Ground Mounted Solar Energy System					
Solar Farm					

P - Permitted
A - Accessory
C - Conditional
I - Interim

To aid in the discussion of what type and where solar energy systems should be considered, staff has summarized several of the ordinances from surrounding cities. The summarization focuses on a few key ordinance attributes.

1. Does the ordinance specifically define community solar gardens?
2. What types of systems are permitted and in what zoning districts.
3. Are there setback requirements.
4. Are there height limitations.
5. Are there screening requirements.
6. Is there a minimum lot size.
7. Is there a maximum solar energy system size.

In further reviewing a wide array of ordinances, it was found that generally solar energy systems are broken into two categories. The categories are structure/roof mounted and ground mounted/free standing. Generally, it was found that structure/roof mounted systems are permitted or accessory uses in most zoning districts. There are some standards which have been applied in various ordinances which further stipulate maximum height, setbacks from the edge of a roof and maximum angle above roof. Free standing or ground mounted systems generally require a conditional use permit and are more limited to certain or specified zoning districts. The standards for these types of systems tend to vary more than for roof or structure mounted systems. Where larger systems are contemplated, setbacks, screening requirements and separation are typically regulated. The following summarizes a variety of typical solar ordinances.

Medina

Definition of Community Solar Garden – NO

Structure/Roof Mounted

- Permitted in all zoning districts.
- Height is limited to no more than 5 feet above finished roof.
- Cannot exceed 5% steeper pitch than roof.

Ground Mounted/Free Standing

- Permitted only in Business and Industrial Park Zoning districts.
- Conditional use in specified residential zoning districts.
- Counts towards total lot impervious surface coverage.
- Height is limited to 20 feet.
- Limited to 20% of lot area.
- 300 foot setback from residential properties.
- 100 foot minimum setback.
- 5 acre minimum parcel size.
- 1,000 foot maximum area of solar system.
- Screening can be required, but not stipulated.

Orono

Definition of Community Solar Garden – NO

Structure/Roof Mounted

- Permitted in all zoning districts.
- Height is limited to building height limitations.
- Cannot be greater than 3 feet off of roof and flush mounted.

Ground Mounted/Free Standing

- Not permitted in any Zoning Districts.

Minnetrissa

Definition of Community Solar Garden – NO

Structure/Roof Mounted

- Permitted as an accessory use (must have a principle use) in all districts where structures are permitted.
- Height is limited to accessory structure height limitations.

Ground Mounted/Free Standing

- Conditional use in all zoning districts
- Must have a principle use.
- Screening required, but not stipulated.
- Setbacks consistent with accessory structure setbacks.

St. Michael

Definition of Community Solar Garden – YES

Structure/Roof Mounted

- Permitted as an accessory use in all districts.
- Height is limited to building height limitations.
- accessory structure height limitations.

Ground Mounted/Free Standing

- Permitted as an accessory use with the exception of Community Solar Gardens which are an interim use.
- Maximum height of 10 feet.
- Community Solar Gardens:
 - a. Can only be located on property that is guided agriculture or landfill in Comprehensive Plan.
 - b. ¼ mile setback from other community solar gardens.
 - c. 100 foot setback from residential structures.
 - d. Requires landscape screening
 - e. 15 foot maximum height
 - f. Payment in lieu of taxes provision.

In addition to discussing the land use table, staff asked the applicant to provide additional information relating to the selection criteria for identifying community solar garden sites. The applicant provided the City with the following information:

When evaluating potential sites early last year, our analysis turned up only nine parcels within Independence's corporate limits that we found suitable for solar development.

- *At least 40 developable acres*
- *Relatively flat, open (free of trees), and dry (no or minimal wetlands)*
- *Within approximately 2 miles of an Xcel substation (see attached map showing 2-mile buffers around each of the three Xcel substations in the area surrounding Independence)*
- *Adjacent to an Xcel three-phase distribution line*
- *Located within Xcel territory*

From this information it can be seen that there may be some limitation to the number of eligible parcels that could accommodate a community solar garden in the City. More discussion relating to this idea that not all parcels in the City meet the base requirements may be necessary depending on the land use discussion.

Recommendation:

Staff is seeking discussion and direction from the Planning Commission and City Council for the requested Text Amendment.

Attachments:

1. Qualifying Criteria Map.

City of Independence

Consideration of a Text Amendment to the Zoning Ordinance to Consider Allowing Solar Energy Systems in the City

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: May 17, 2016

Request:

A proposed text amendment to the City of Independence Ordinances as follows:

- Chapter 5, Sections 510 and 530;
 - a. Consideration of the establishment of regulations pertaining to solar systems

Discussion:

At the last Planning Commission Meeting staff presented information pertaining to decision points that could be considered by the City in adopting a solar energy ordinance. Commissioners provided staff with direction relating to the types of systems that would be considered and in what districts they would be permitted. Based on that discussion, staff has prepared additional information and draft text language for consideration by the Planning Commission. The applicant has also submitted additional information for the City to consider (see attached letter).

The City will want to develop both qualifying site and system/site specific design criteria. The City will need to consider performance standards and placement guidelines which further define the criteria pertaining to the installation of solar energy systems. The following draft definitions and ordinance language will be further discussed by the Planning Commission.

Community Solar Garden – A community solar energy system that generates electricity by means of a ground-mounted or building-integrated solar energy system and that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system in accordance with the requirements of Minnesota Statutes 216B.1641 or successor statute.

Solar Energy System (SES) - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

Solar Energy System, Building Integrated - A 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, examples of which are roofing materials, windows, skylights, and awnings.

Solar Energy System, Ground-Mounted – A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated energy.

Draft Solar Performance Standards and Placement Guidelines.

(a) Solar Energy Systems are permitted in accordance with the following table:

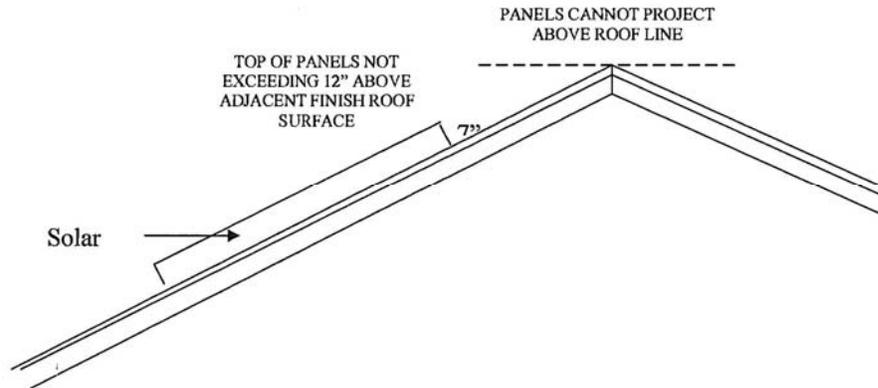
Type of Use	Zoning Districts				
	AG- Agriculture	RR-Rural Residential	UR-Urban Residential	CLI-Commercial - Light Industrial	UC-Urban Commercial
Building Integrated Solar Energy System	A	A	A	A	A
Ground Mounted Solar Energy System	C	C	C	C	C

P - Permitted
A - Accessory
C - Conditional
I - Interim

(b) The following guidelines are to be used in the design and placement of solar energy systems:

1. Building Integrated Solar Energy Systems - shall conform to the following provisions:
 - a. Solar panels (photovoltaic and solar thermal systems) can be located on pitched and flat roofs of all principle and accessory buildings within the City;
 - b. Solar panels shall be low profile and parallel with the slope of the pitched roof.

- c. Panels ***shall not make consistent*** project above the roof ridge line and cannot exceed the maximum structure or accessory building height for the structure they are mounted on.
 - d. Set solar panels and solar devices back from the edge of a flat roof to minimize visibility.
 - e. Select solar panels, solar devices, mechanical equipment and mounting structures with non-reflective finishes such as an anodized finish.
 - f. Color of panel frames and support structures should be neutral and compatible with the roof surface color.
 - g. Placement of panels should be uniform. Consider the panels as part of the overall roof configuration. Match the slope and proportions of the array with the shape and proportions of the roof.
2. *Roof mounting.* Roof-mounted solar collectors shall be mounted parallel to the surface of the roof and within three feet of the roof surface, unless manufacturer's documentation is provided indicating that collectors must be angled to provide optimum performance. No portion of the collectors or their mounting system shall extend above the peak or ridge height of a pitched roof. On a flat roof, collectors and their mounting systems shall not extend more than 5 feet above the roof surface.
 3. (b) Solar Energy System with Mounting Devices – A roof-mounted solar energy system shall not have a highest finished pitch more than five (5) percent steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.
 4. (a) Building Integrated Solar Energy System – A building-integrated solar energy system is permitted regardless of whether the system is visible from the public right-of-way if the building component into which the system is integrated meets all required setback, land use or performance standards for the zoning district in which the building is located.



5. Ground-Mounted Solar Energy Systems - shall be subject to the following provisions:

- a. Shall be located only in rear or side yards. Ground-mounted systems shall **not** be located in the Shoreland Overlay District (may want to consider allowing as an IUP).
- b. Shall be wholly screened from view from the public right of way or adjacent residential structure. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- c. Shall be located on a parcel of at least _____ acres.
- d. Shall be setback _____ feet from the rear yards.
- e. Shall be setback _____ feet from the rear yards.
- f. Shall have a maximum area of _____ SF. (Consideration should take into account that the average panel size is 1m x 1.5m or approximately 15 SF per panel. The cost of a ground mounted system may be prohibitive unless you install a larger system. 25 panels at 300w per panel would equal 7.5kw which would be considered a substantial residential system. This system would occupy an area of approximately 340 SF)
- g. The system, structure, and support apparatus shall comply with applicable accessory building setbacks as determined by the underlying zoning district.
- h. The maximum height for any component of the system shall be 15 feet.
- i. Shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.]
- j. Shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.

Staff is seeking Planning Commission feedback pertaining to the draft language and standards presented above. Many of the criteria can be further discussed and considered with a final draft being brought back to the Commission prior to being forwarded to the City Council.

Recommendation:

Staff is seeking discussion and direction from the Planning Commission and City Council for the requested Text Amendment.

Attachments:

1. Letter from Applicant

City of Independence

Consideration of a Text Amendment to the Zoning Ordinance to Consider Allowing Solar Energy Systems in the City

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: June 21, 2016

Request:

A proposed text amendment to the City of Independence Ordinances as follows:

- Chapter 5, Sections 510 and 515;
 - a. Consideration of the establishment of regulations pertaining to solar systems

Discussion:

At the last Planning Commission Meeting staff presented information pertaining to decision points that could be considered by the City in adopting a solar energy ordinance. Commissioners provided staff with direction relating to the detailed design and performance standards for solar energy systems. Based on that discussion, staff has prepared a draft ordinance amendment for consideration by the Planning Commission.

Staff is seeking Planning Commission feedback pertaining to the draft ordinance amendment. Commissioners can make revisions or changes to the language presented. Based on the meeting the Planning Commission can consider a recommendation to the City Council.

Recommendation:

Staff is seeking discussion and direction from the Planning Commission for the requested Text Amendment.

Attachments:

1. *Draft Solar Energy System Ordinance*

DRAFT SOLAR ENERGY SYSTEM ORDINANCE

510.05 Definitions. Subdivision 1. The following words and terms, and their derivations have the meanings given in this zoning code.

Subd. 2. "Solar Energy System (SES)." A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

Subd. 3. "Solar Energy System, Building Integrated." A 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, examples of which are roofing materials, windows, skylights, and awnings.

Subd. 4. "Solar Energy System, Ground-Mounted". A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

515.11. Solar Energy Systems. Subdivision 1. The purpose of this subsection is to provide design and performance standards pertaining to solar energy systems.

Subd. 2. Compliance required. A Solar Energy System is permitted only in accordance with this subsection.

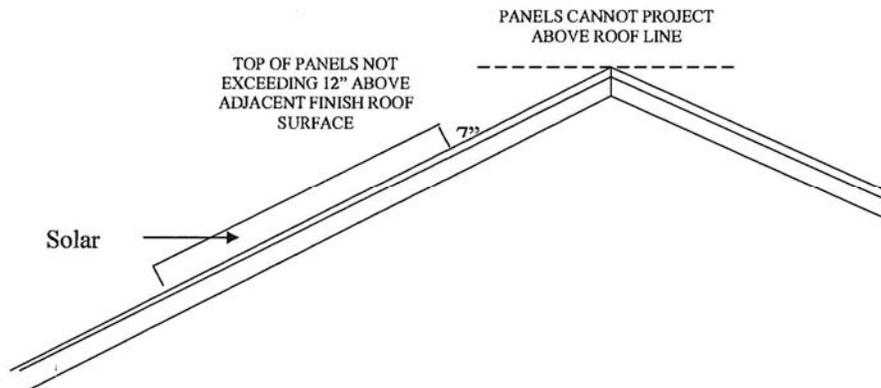
Subd. 3. Permitted Districts. Solar Energy Systems are only permitted in accordance with the following table:

Type of Use	Zoning Districts				
	AG- Agriculture	RR-Rural Residential	UR-Urban Residential	CLI-Commercial - Light Industrial	UC-Urban Commercial
Building Integrated Solar Energy System	A	A	A	A	A
Ground Mounted Solar Energy System	C	C	C	C	C

P - Permitted A - Accessory C - Conditional I - Interim
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Subd. 4. Building Integrated Solar Energy Systems - shall conform to the following standards:

- (a) Solar panels (photovoltaic and solar thermal systems) can be located on pitched and flat roofs of all principal and accessory buildings within the City.
- (b) Solar panels mounted on a pitched roof shall not have a highest finished pitch more than five (5) percent steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof. Solar panels mounted on a flat roof shall not extend more than 5 feet above the roof surface. Solar panels cannot exceed the maximum structure or accessory building height for the structure they are mounted on.
- (c) Solar panels, mounting structures and all accessory components shall be set back a minimum of four (4) feet from the outside edge (or inside edge of the parapet) of a flat roof to minimize visibility and allow roof access.
- (d) Solar panels, solar devices, mechanical equipment and mounting structures shall have non-reflective finishes to eliminate glare.
- (e) Solar panel frames and support structures should be constructed of a neutral color and compatible with the roof surface color.
- (f) Solar panels shall be placed in a uniform manner. Consider the panels as part of the overall roof configuration. Match the slope and proportions of the array with the shape and proportions of the roof.



Subd. 5. Ground-Mounted Solar Energy Systems - shall conform to the following standards:

- (a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.
- (b) Ground-mounted systems shall be located only in rear or side yards.
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District.
- (d) Ground-mounted systems shall be wholly screened from view from the public right of way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- (e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.
- (f) Ground-mounted systems shall be setback 40 feet from the rear yards.
- (g) Ground-mounted systems shall be setback 30 feet from the side yards.
- (h) Ground-mounted systems shall have a maximum area of 500 SF.
- (i) The maximum height for any component of the system shall be 15 feet.
- (j) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- (k) Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.