

**CITY OF GRANT
PLANNING COMMISSION MEETING**

Tuesday, November 20, 2018

6:30 p.m.

Town Hall

Please be courteous and turn off all electronic devices during the meeting.

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. APPROVAL OF MINUTES: August 21, 2018
5. NEW BUSINESS
 - A. PUBLIC HEARING, Consideration of Text Amendment Application, Community Solar Energy Systems
 - B. PUBLIC HEARING, Consideration of Major Subdivision Application, 8255 75th Street North
6. OLD BUSINESS
7. ADJOURN

PLANNING COMMISSION MEETING MINUTES CITY OF GRANT

August 21, 2018

Present: John Rog, James Drost, Jeff Schafer, Jeff Giefer, Jerry Helander, Matt Fritze and Robert Tufty

Absent: None

Staff Present: City Planner, Jennifer Swanson; City Clerk, Kim Points

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

MOTION by Commissioner Schafer to approve the agenda, as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

4. APPROVAL OF MINUTES, June 19, 2018

MOTION by Commissioner Giefer to approve the June 19, 2018 Minutes, as amended. Commissioner Tufty seconded the motion. MOTION carried with Commissioner Fritze abstaining.

5. NEW BUSINESS

PUBLIC HEARING, Consideration of Minor Subdivision Application, 10361 110th Street North – City Planner Swanson stated the Applicants and Owners, David and Barbara Black (Applicant), are requesting approval of a minor subdivision of their property located at 10361 110th Street North. The proposed request will result in two newly created lots Parcel A and Parcel B. The existing homestead and accessory buildings are proposed to remain and are fully contained on Parcel A, and proposed Parcel B is vacant and no new structures are proposed as part of this application.

A duly noticed public hearing was published for August 21, 2018 at 6:30 PM, and letters were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed subdivision.

The following report is provided for your review and consideration of the subject application

Owner & Applicant:	David and Barbara Black
PIDs:	110302121003, 110302121004
Total Acres:	25.99
Address:	9411 Joliet Avenue North
Zoning & Land Use:	A-2
Request:	Minor Subdivision to create Parcel A (20.98 Acres) and Parcel B (5.01 Acres)

The Applicant is requesting approval of a minor subdivision to create two Parcels, Parcel A and Parcel B. The existing site contains a small exception parcel denoted as Parcel 2 that would be combined with Parcel A if the minor subdivision is approved. There is an existing home, two accessory buildings and two sheds on the existing property that are proposed to remain on proposed Parcel A. The existing home and accessory buildings are accessed from a single driveway that connects to 110th Street North on the northerly border of the subject property.

The City's subdivision ordinance allows for minor subdivisions as defined in Section 30-9 and 30-10. The sections of the code that relate to dimensional standards and other zoning considerations are provided for your reference:

Secs. 32-246

There are two existing parcels associated with this application which are the existing homestead that is approximately 25-acres denoted as Parcel 1 on the attached survey, and a small exception parcel that is denoted as Parcel 2 on the attached survey (Attachment 2). The subject parcels are bordered by 110th Street North on the northerly property line, Kimbro Avenue North on the easterly property line and 107th Street North on the southerly property line. The existing home and accessory buildings are located near the center of the site and are accessed from a single driveway which extends to the property's primary frontage on 110th Street North. There is a small approximately 1-acre exception parcel located north of Parcel 2 that is not owned by the Applicant and is not part of this application. Based on the submitted survey there are two large accessory buildings, four sheds and silo located on the property. Per the National Wetland Inventory (NWI) and as noted on the submitted survey there is a wetland area adjacent to Parcel 2 which extends to the 110th Street North right-of-way. There are areas of steep slopes throughout the parcel which create natural 'breaks' in the topography and create areas that are naturally more suitable for buildings including the area developed with the existing home and accessory buildings.

As described in the Applicant's narrative, there is a planted approximately 4-acre prairie area on the northeast corner of the property that includes mowed walking paths which can be seen on the

attached aerial. There is also an orchard area located to the west of the existing accessory building that is planted with fruit trees. Other than these areas the site is sparsely vegetated, particularly the back third of the property near 107th Street North.

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-2 land use designation. The proposed minor subdivision/lot line rearrangement of the total 25.99-acres results in one additional lot, as the existing exception Parcel 2 is not buildable based on existing conditions. Given that Parcel 2 will be combined with Parcel A, the resulting subdivision will only create two lots (Parcel A and Parcel B). The minor subdivision as proposed meets the density requirements as established in the comprehensive plan. Further, the intent of the A-2 land use designation is to promote rural residential uses, and the proposed subdivision and combination is consistent with that objective.

The following site and zoning requirements in the A-2 district are defined as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed subdivision would result in newly created Parcel A and Parcel B. The following summary of each created parcel is identified on the table below:

Lot Tabulation:

Parcel	Size	Frontage/Lot Width	Lot Depth
Parcel A*	20.98 Acres	420'	1,390'
Parcel B**	5.01 Acres	436.05'	500.05'

**Frontage on Parcel A is non-contiguous due to Exception Parcel, dimension listed is for easterly segment.*

***Frontage of Parcel B is from 107th Street North*

As proposed, both created lots meet the city's dimensional standards for size, frontage/lot width and lot depth.

The existing homestead and accessory structures are located on proposed Parcel A and are subject to the city's setback requirements since the lot will be reconfigured. As shown, the newly created Parcel B results in a new rear-yard property line for Parcel A. As denoted there is an existing approximately 400 square foot shed on Parcel A that encroaches into the 50-foot rear yard setback. This shed must either be removed, or relocated outside of the required yard setback, to comply with the City's requirements. All other structures are outside of the required setbacks. Since the shed will encroach into the rear-yard setback, ***staff would recommend adding a condition to the subdivision approval that the shed must be removed, or relocated, prior to the sale of either parcel (Parcel A or Parcel B). All remaining structures meet the City's setback requirements.***

As shown on the attached survey, Proposed Parcel B is vacant and does not include a proposed house location or footprint. Since no structure or footprint is identified, ***staff would recommend including a condition that all future proposed structures on Parcel B, principal and accessory, shall be subject to all setback requirements in place at the time of building permit application.***

There is an existing home and accessory structures on Parcel A are served by a shared driveway that connects to 110th Street North on the northerly property line. Proposed Parcel B is located on the southwesterly corner of the property and is bordered by 107th Street North on its southern property line. No new driveways are proposed as part of this application. ***Staff would recommend adding a condition that the driveway to serve Parcel B shall connect to 107th Street, shall be setback a minimum of 5-feet from the proposed septic drainfield area as denoted on attached survey, and that a driveway permit shall be obtained from the City's Building Official when a building permit is requested to construct a new home on the parcel.***

As previously stated there are two large accessory buildings, and four sheds located on Parcel A. All structures are proposed to remain. Per Section 32-313 of the City's ordinance, parcels greater than 20-acres have no restriction on total size and number of accessory buildings. Since Parcel A as proposed is approximately 20.98-acres, the existing buildings and sheds (with the exception of the previously noted shed that encroaches into the rear yard setback), and any future accessory structures on Parcel A will comply with the City's ordinances and standards provided appropriate setbacks are met. There are no accessory buildings denoted on Parcel B as part of this application. The Applicant should be aware that accessory buildings on parcels between 5 and 9.59-acres are restricted to a total square footage not to exceed 2,500 square-feet, and a maximum of three (3) accessory structures. ***As previously noted, staff would recommend including a condition that the shed which encroaches into the rear yard be removed, or relocated, prior to the sale of either Parcel A or Parcel B. Additionally, staff would recommend including a condition that any future proposed accessory building(s) on Parcel B shall be subject to size, quantity and location as stated within section 32-313 of the City's Zoning ordinance.***

The existing home is currently served by a septic system that will continue to be used for the existing homestead. To demonstrate the buildability of Parcel B, the Applicant submitted

septic/soil borings which were submitted to Washington County for their preliminary review. Based on the preliminary results it appears that there is adequate area on Parcel B to install a septic system to support a new home, if and when, proposed. However, the location identified is near the property's frontage, and therefore careful planning should be given when siting the driveway to protect this area during any site construction process. **Staff would recommend including a condition of approval that a septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel B.**

There is an existing well on Parcel A that will continue to be used for the property. Since Parcel B is vacant and no home is designed yet for the lot no well has been installed. **Staff would recommend including a condition that if and when a new home is proposed on Parcel B that the appropriate permits to install a well must be obtained prior to the city issuing a building permit.**

The Applicant contacted the Browns Creek Watershed District (BCWD) and discussed the proposed minor subdivision. BCWD indicated that they would not have any concerns, but that proper erosion control permits would be required.

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions
- Recommendation to the City Council of Denial with Findings
- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

If the Planning Commission recommends Approval, the following draft Conditions are provided for your consideration:

The following draft conditions are provided for your review and consideration:

1. The approximately 400-square-foot shed located on Parcel A adjacent to the newly created northerly property line of Parcel B shall be removed or relocated on Parcel A outside of the rear yard setback to comply with the City's ordinances.
2. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
3. Any proposed driveway on Parcel B shall be setback a minimum of 5-feet from any septic system, including drainfield and the drainfields shall be protected during construction.
4. A driveway access permit shall be obtained from the City's Building Official if, and when, a new principal structure is proposed on Parcel B.

5. Any proposed accessory buildings on Parcel B shall be subject to the City's requirements for size and quantity as stated in Section 32-313, or successor sections.
6. A septic permit must be acquired from Washington County prior to the city issuing a building permit for a principal structure on Parcel A.
7. If, and when, a new home is proposed on Parcel B the appropriate permits to install a well must be obtained prior to the city issuing a building permit.

MOTION by Commissioner Schafer to open the public hearing at 6:45 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Mr. Doug Brewster, 10311 107th Street, came forward and questioned the right of way, access and new driveway that appears would have to go through his property.

City Planner Swanson referred to the site plan and pointed out the right of way which typically goes to the center of the road. Title work would have to be done to determine if there is dedicated right of way or not. An easement by public use allows driveways whether right of way has been dedicated or not. At this point the driveway location is unknown.

MOTION by Commissioner Tufty to close the public hearing at 6:55 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

The Planning Commission discussed and determined a condition relating to any proposed driveway shall be setback from septic system, including drainfield and the protection of drainfields during construction.

MOTION by Commissioner Drost to recommend approval of Minor Subdivision Application, 10361 110th Street North with conditions as amended. Commissioner Tufty seconded the motion. MOTION carried unanimously.

This item will appear on the regular Council agenda September 4, 2018, 7:00 p.m.

PUBLIC HEARING, Consideration of Application for Lot Line Rearrangement, 6808

1187th Street North – City Planner Swanson advised the Applicants, William and Judy Cournoyer, are requesting approval of a lot line rearrangement of property which is Owned by the Applicants and Ms. Wegleitner. Earlier this year in February and March Ms. Wegleitner was granted a minor subdivision which created a new (approximately) 10-acre parcel that included the subject home, and a second approximately 39-acre vacant parcel. After the minor subdivision was granted Ms. Wegleitner sold the 10-acre parcel with the existing home to the Applicants. Upon the sale and transfer of the property it was determined that the existing driveway that

serves the home and the accessory building on the Applicants' parcel is actually partially located on the adjacent vacant 39-acre parcel that was retained by Ms. Wegleitner. Though the Applicants could also memorialize access through a private easement, they instead would like the easterly lot line which separates the two parcels to be adjusted so that their driveway is fully contained on their property. As noted on the application, the Applicants and Owners are in agreement with this request to rearrange the lot lines as proposed. There are no structures or other improvements proposed at this time, and this application simply considers the lot line rearrangement as requested.

A duly noticed public hearing was noticed for August 21, 2018 at 6:30 PM, and notices were sent to individual property owners located within ¼-mile (1,320 feet) of the proposed lot line rearrangement (minor subdivision).

The following staff report is provided for your review and consideration of the subject application:

Owner & Applicant:	William and Judy Cournoyer
Owner	Sandra Wegleitner
PIDs:	0603021110003, 0603021110004
Address:	6808 117 th Street North
Zoning & Land Use:	A-1
Request:	Lot Line Rearrangement (Minor Subdivision) to reconfigure approximately 0.48 Acres to allow for the existing driveway to be contained on Parcel A

The Applicant is the current owner and occupant of the existing home located on PID 0603021110003 and addressed as 6808 117th Street North. The Applicants recently purchased the created 10-acre lot from Ms. Wegleitner who was granted a minor subdivision of the larger property earlier this year. At the time of the initial subdivision it was not known that the existing driveway that served the home and accessory building were not fully contained on the created lot. Now that the Applicants have purchased the property and determined this to be the case, they are seeking a lot line rearrangement to alter the lot configuration so that the driveway that serves their home is fully contained within their property. To achieve this objective, the Applicants have requested that approximately 0.48 Acres of their northern edge be reconfigured and transferred back to PID 0603021110004 (currently vacant and owned by Ms. Wegleitner) and in exchange Ms. Wegleitner will transfer an approximately 0.48-acre wedge of property that contains the Applicant's driveway to their property. The transfer and reconfiguration will not change the acreage of the resulting parcels and is an equal exchange of property between the two parcels.

The City's subdivision ordinance allows for minor subdivisions and lot line adjustments as defined in Section 30-9 and 30-10. The sections of the code that relate to dimensional standards and other zoning considerations are provided for your reference:

Secs. 12-261
Secs. 32-184
Secs. 32-246

There are two existing parcels that are the subject of this Application. Both parcels are located north of 117th Street North, Parcel A is approximately 10-Acres and Parcel B is approximately 39-Acres. Based on the Applicant's provided survey (Attachment B), the southern property line of both Parcel A and Parcel B extends to the southerly right-of-way line of 117th Street North and includes the traveled portion of the roadway within the extents of the property. Parcel A has approximately 310-feet of frontage, and Parcel B has approximately 733-feet of frontage. Both Parcel A and Parcel B are generally regular in shape, with an exception parcel located in the southeast corner of Parcel B. There is an existing homestead on Parcel A located approximately 120-feet to the east of the westerly property line and setback approximately 110-feet from the denoted right-of-way line and is approximately 150-feet from the centerline of the traveled roadway. The existing roadway and right-of-way easement along the property's frontage are fully within the Subject Parcel's boundary as indicated on the survey provided in Attachment B. There is one (1) accessory building on the site with a total square footage of approximately 2,880 square feet. The existing home and accessory building are accessed by a single driveway which provides a connection to 117th Street North. The Exception parcel is approximately three (3) acres and is not part of this review or application.

Based on the attached aerial from Washington County GIS (Attachment D), it appears that approximately the southerly two-thirds of the collective Parcel A and Parcel B has been used for agricultural production and that a ditch bisects this area from east to west and extends to adjacent properties. This ditch (or stream) is identified as a wetland per the National Wetland Inventory database. Approximately the northern third of the parcel is heavily vegetated and has not been used for agricultural production. The existing homestead and accessory building are located on Parcel A, and the driveway that serves both structures travels onto Parcel B near the existing accessory building. Topographically the site slopes high to low from both the northern and southern edges which reinforces the drainage ditch/wetland area and extends to adjacent properties as a drainageway

The adopted Comprehensive Plan sets a maximum density of 1 unit per 10 acres in the A-1 land use designation. The proposed minor subdivision/lot line rearrangement of the two Parcels does not result in any new lots being created. The minor subdivision/lot line rearrangement as proposed meets the density requirements as established in the Comprehensive Plan.

The following site and zoning requirements in the A-1 district are defined as the following for lot standards and structural setbacks:

Dimension	Standard
Lot Area	5 acres
Lot Width (public street)	300'
Lot Depth	300'
FY Setback – County Road (Centerline)	150'
Side Yard Setback (Interior)	20'
Rear Yard Setback	50'
Maximum Height	35'

The proposed subdivision is depicted on Attachment B: Minor Subdivision. As shown the proposed subdivision would result in revised Parcel A-1 and revised Parcel B-1. following summary of each created parcel is identified on the table below:

Parcel	Size	Frontage	Lot Width	Lot Depth
Parcel A	10.01 Acres	310.31'	310.31'	1,370'
Parcel B	39.11 Acres	733.53'	733.53'	1,690'

As proposed, both created lots meet the city's dimensional standards for size, frontage, lot width and lot depth

The existing homestead and accessory structures are located on proposed Parcel A, and are subject to the city's setback requirements given the new configuration of the lots. The existing principal structure is setback approximately 110-feet from the right-of-way line of 117th Street North which is a County road (CR-7). The revised easterly line of Parcel A will result in a greater setback from the property line of both the Principal and Accessory Buildings. With the reconfiguration the home will now be setback approximately 120-feet and the accessory building will be setback approximately 76.5-feet from the easterly property line. ***As proposed the existing home and accessory building will meet all setback requirements.***

The existing driveway that serves the home and accessory building on Parcel A is the impetus for this application. After the previous minor subdivision was completed, Ms. Wegleitner sold the created 10-acre lot that contained the home and accessory building. At the time of the sale it was found that the minor subdivision resulted in a portion of the driveway being divided partially on Parcel A and partially on Parcel B. Since the Applicants would prefer that the driveway be fully contained on property they own, they have worked out an exchange of the property with Ms. Wegleitner which is as reflected on the attached survey (Attachment B). No new access, or altered access is proposed as part of this application.

As previously stated there is one (1) accessory structure on the site which totals approximately 2,880-square feet. The structure is located on Parcel A and is accessed by the driveway that is the subject of this application. As proposed, the lot-line rearrangement will result in the driveway being fully contained within the Applicant's property and will ensure access to both the principal

structure (home) and accessory building is protected and the existing driveway will not need to be altered or moved.

The proposed lot line rearrangement is subject to the City's standards for minor subdivision which references lot configuration standards stated within the preliminary plat requirements. The proposed rearrangement results in an irregular lot shape which is not typically favored in the City without some justification. In the case of this subdivision, the Applicant is simply requesting an exchange of an approximately 0.5-acre piece of land with Ms. Wegleitner to allow for the existing driveway to be fully contained within the subject property. The proposed easterly lot line is only logical given the location of the driveway, however, if the driveway were to be relocated then the irregular lot line would fail to make sense. Staff would prefer that a straight/right angle be created but does not have a strong preference given the circumstances. However, staff would request feedback and comment from the Planning Commission regarding this issue.

The subject property is located on 117th Street North which is County Road 7, and therefore would ordinarily be subject to Washington County's review and comment. However, Washington County commented on the previous subdivision in February and the proposed lot-line rearrangement does not alter the frontage of either Parcel A or Parcel B or propose any new lots or access. Therefore, further comment from Washington County is not needed at this time. The Applicant contacted the Rice Creek Watershed District and they have indicated the proposed lot line rearrangement is not subject to their permitting process.

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions
- Recommendation to the City Council of Denial with Findings
- Continue the discussion to the next available Planning Commission, and request additional information from the Applicant, if applicable

If the Planning Commission recommends Approval, the following draft Conditions are provided for your consideration:

The following draft conditions are re-stated from the previous minor subdivision, no new conditions are stated at this time given that the request does not result in any new lots.

1. All future structures and improvements will be subject to the applicable setback rules and regulations in effect at the time of application.
2. If new improvements on Parcel A or Parcel B appear to encroach or are within proximity to the identified wetland or its buffers based on the NWI, then a wetland delineation shall be required prior the City issuing any permit for site work or a building permit.

3. Any redevelopment of Parcel A with a new, or substantially larger, principal structure may necessitate a new septic system and at such time a septic permit must be obtained from Washington County prior to the City issuing a building permit.
4. Any new access to Parcel A or Parcel B shall be subject to review and approval of Washington County.

Chair Rog stated triangle lots are not typically what the City likes to see. Commissioner Schafer referred to the City Code that states lot lines should be at right angles.

City Planner Swanson advised the minimal design standards refer to platting and this is not being platted. There is some exception within the City Code to minor subdivisions and the Planning Commission and City Council do have discretion. There have been times that the City did allow irregular lot lines. The Planning Commission could make a recommendation to straighten the lot lines, which would require an updated survey.

Mr. Bill Cournoyer, Applicant, came forward and stated he would agree to change to a rectangular shape and will finance the revised survey if the other party is agreeable. The other party wanted it this way because they believed it was best to keep the frontage the same.

MOTION by Commissioner Giefer to open the public hearing at 7:16 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

No one was present for public comment.

MOTION by Commissioner Schafer to close the public hearing at 7:18 p.m. Commissioner Drost seconded the motion. MOTION carried unanimously.

MOTION by Commissioner Helander to recommend approval of the Lot Line Rearrangement, 6808 117th Street North, as presented. Commissioner Tufty seconded the motion.

Commissioner Tufty made a friendly amendment to include the applicant make every effort to square of the lines prior to Council consideration. Commissioner Helander agreed to the friendly amendment.

MOTION carried unanimously.

This item will appear on the regular City Council agenda Tuesday, October 2, 2018, 7:00 p.m.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Shafer to adjourn the meeting at 7:21 p.m. Commissioner Tufty seconded the motion. MOTION carried unanimously.

Respectfully submitted,

Kim Points
City Clerk

DRAFT

City of Grant
P.O. Box 577
Willernie, MN 55090



Phone: 651.426.3383
Fax: 651.429.1998
Email: clerk@cityofgrant.com

Application Date:	10/11/18
Fee: \$100	Escrow: \$1000

Paid check # 1425 \$1,100.00

COMPREHENSIVE PLAN OR ZONING AMENDMENT – (MAP OR TEXT)

It is the policy of the City of Grant that the enforcement, amendment, and administration of any components of the Zoning Ordinance be accomplished with due consideration of the recommendations contained in the City's Comprehensive Plan. Therefore, any Comprehensive Plan Amendment, or Zoning Amendment shall be considered for consistency among both documents.

LEGAL DESCRIPTION: The South 64 rods of the Northeast Quarter of Section 25, in Township 30 N, Range 21 West of the Fourth Meridian...see exhibit A for full legal description	ZONING DISTRICT & COMP PLAN LAND USE: A-1 LOT SIZE: 58 acres
OWNER: Name: Joyce Welander Address: 10381 83rd St N City, State: Stillwater, MN 55082 Phone: 651-303-0657 Email: N/A	APPLICANT (IF DIFFERENT THAN OWNER): United States Solar Corporation 100 N 6th St, Suite 218C, Minneapolis, MN 55403 612.294.6978 david.watts@us-solar.com
REQUESTED ACTION: <input type="checkbox"/> Map Amendment <input checked="" type="checkbox"/> Text Amendment <input type="checkbox"/> Map & Text Amendment	
If, MAP AMENDMENT, REQUEST TO REGUIDE LAND USE AND/OR ZONING FROM: _____ TO: _____. <i>*Please note that you will need to amend both the zoning and land use if a map change is requested</i>	
APPLICABLE ZONING CODE SECTION(S): Please review the following documents to assist with your request. <ol style="list-style-type: none"> Grant Minnesota City Code City Comprehensive Plan 	

Submittal Materials

The following materials must be submitted with your application in order to be considered complete. If you have any questions or concerns regarding the necessary materials please contact the City Planner.

AP – Applicant check list, CS – City Staff check list

AP	CS	MATERIALS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Current Text or Map in Comprehensive Plan and/or Zoning Ordinance.</u> The following must be included in your submittal: <ul style="list-style-type: none"> Chapter and Section Number Existing Text of the Section
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Proposed Text and/or Map Changes:</u> Submit your proposed changes to the text or Map, or both. Please make sure to consider how your changes affects different chapters in the plan or ordinance, and consider this when you submit your application. Make sure to address all areas that might be affected by your changes. (For example, a land use change might impact the traffic and transportation section, so make sure to address both chapters).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Written Narrative.</u> Your description should include how you intend to use and/or benefit by the Comprehensive Plan of Zoning Ordinance Amendment and should include the following: <ul style="list-style-type: none"> Address how the proposed CPA or Zoning Amendment will affect adjacent properties. Does your proposed language affect any other section the Comp Plan or Zoning Ordinance? Does your proposed language affect density? Increase or decrease?

US/SOLAR



USS JOYOUS SOLAR LLC
TEXT AMENDMENT APPLICATION
OCTOBER 11, 2018



City of Grant Minnesota

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RESTRICTIONS ON COMMUNITY SOLAR ENERGY SYSTEMS

USS Joyous Solar LLC's proposed text amendment limits community solar development in many ways:

- CSES require a Conditional Use Permit issued by the City of Dayton
- CSES can only be located on parcels that are 40 acres or greater
- CSES must comply with a 100-foot rear- and sideyard setback if there is a homestead on the neighboring lot
- Maximum equipment height is 15 feet
- Maximum Community Solar Energy System area is 10 acres
- CSES sites must have their primary frontage and only access off a County or State road
- No CSES will be permitted within one mile of a proposed or approved CSES
- A landscape screening plan is required, and developers must obtain Planning Commission approval to satisfactorily screen CSES from public rights-of-way and adjacent residential structures
- A decommissioning plan is required that must include a decommissioning cost estimate, proposed schedule for removal (which must occur within one year from termination or abandonment), financial surety of up to \$15,000/MW, and assurance that disposal shall comply with all laws

We have added these major restrictions to limit the potential sites, based on concerns expressed by the city. In October 2017, Grant City staff analyzed the maximum number of potential sites, assuming a minimum parcel size of 40 acres was required. Their analysis showed a maximum of 3 potential sites. We have added a major restriction of a 1-mile buffer between projects to limit this even further. It is the professional opinion of US Solar that the maximum number of potential sites under this ordinance would be 1 to 3, or 10 to 30 acres of CSES in the entire City. If, and only if, each site had an interested landowner and the developer proceeded with every single site, we estimate the maximum acreage that could be used for CSES in Grant is 30 acres.



Example of a rendering from a landscape screening plan. Please see Appendix V for full rendering example.

agree with the Planning Commission, which found community solar was consistent with the Comp Plan when they voted in support of the ordinance amendment.

For example, Council Member Carr's claim was false because Comp Plan Goal 2 seeks to preserve and protect agricultural land. Dedicating 8 acres of land to pollinator-friendly habitat and clean energy production preserves the land for the life of the project and improves soil and water conditions, as well as improving nearby agricultural production. Plus, the much-needed income paid by the solar company would allow me to keep the remaining acreage of my century farm in agriculture and not in housing.

Council Member Carr also suggested at the Council Meeting that residential development was a better way for the City to increase its taxes. Unlike community solar, this proposition openly violates Grant's Comp Plan. Key Policy 1 of Goal 3 states, "Identify existing prime and large contiguous agricultural lands and promote their protection" through the "use of appropriate tools ... such as Green Acres and Agricultural Preserves Program." While community solar is a perfect tool to protect large agricultural land and accomplish Key Policy 1 of Goal 3, Council Member Carr recommended the City to reject community solar in favor of **more residential development**. It is no secret that Mayor Huber and Council Member Carr are both realtors.

The Comp Plan explicitly warns against this type of thinking, stating "most of the remaining agricultural land could be lost to residential uses within the time frame of this Comprehensive Plan" and "the issue of defining and preserving rural character be given serious and **creative** attention by the leaders of Grant."

Lastly, the Comp Plan references Solar Access Protection many times, never suggesting that community solar gardens conflict with the Comp Plan.

Throughout my research, I could not find one example of inconsistency between community solar and Grant's Comp Plan. More broadly, I could not find one good reason why I should not be allowed to host this 8-acre community solar garden. It saddens me to admit that Grant has built a reputation of dysfunction. The City of Grant showed dysfunction when they kicked the 4-H Club out of the Town Hall building after decades of youth education and community service. And the City of Grant showed dysfunction when I asked Council Member Carr, the realtor, why my project was denied, and he recommended I sell the property for residential development.

As a resident of Grant since 1961, I know what was important to the forefathers of this City: keeping Grant rural by **limiting residential development**, preserving farmland and open spaces so we do not become another Lake Elmo, and maintaining property rights. Dedicating an 8-acre chunk of my 64-acre century farm to pollinator-friendly habitat and clean energy production would accomplish exactly that, while increasing Grant's tax revenue. Yet, for no good reason, Mayor Huber and Council Members Carr and Kaup have ignored the recommendation of the Planning Commission, clashed with the Grant Comp Plan, and neglected my property rights.

I ask that you, as a resident of this unique and great city, sign your name on this petition to urge the Council to adopt an ordinance to allow for the community solar garden on my property.

Thank you for your time and attention,

Joyce Welander"

Please see Appendix IV for the PDF document including the 194 signatures. After meeting with 195 Grant residents, only one did not sign the petition. Furthermore, in the previous text amendment process, the

6. The development of community and commercial solar farms in areas with no current value-added use.” (Policy of the National Farmers Union, 2018)

5. Pheasants Forever

USS Joyous Solar LLC has worked with Pheasants Forever to develop best practices for supporting wildlife on our sites. As a result of our collaboration, USS Joyous Solar LLC leaves small gaps under its fences for blanding turtles, and uses a seed mix ideal for pheasant habitat.

6 Others

Other organizations that have indicated support for more solar energy development include the Minnesota Corn Growers Association, Fresh Energy, Clean Energy Resource Teams, Great Plains Institute, Environment Minnesota, the Pollinator-Friendly Alliance, Prairie Restoration, Bolton Bees, and the Solar Energy Industry Association. The variety of organizations that support solar energy demonstrates the proven benefits of solar energy to farming, the economy, and the environment. By including language permitting community solar in the ordinance, the City of Grant can take advantage of these benefits like many other cities in the area.

COMPREHENSIVE PLAN

Contrary to what a Council Member stated at a Council Meeting at a 10/3/2017 Council Meeting, there is nothing about CSES that conflicts with Grant's Comprehensive Plan. The City of Grant has an extensive comprehensive plan that outlines different goals for the next ten years, such as water and soil conservation, preservation of natural features, and protection of rural character. CSES actually support many of these goals. Below are some examples of this:

“Goal: Protect and enhance the natural resources of the community and the natural environment” (28)

Like the Conservation Reserve Program (CRP) that is popular across Minnesota, CSES protect and enhance natural resources in a variety of ways. First, CSES give soil a break from farming, allowing it to naturally restore its nutrients. CSES are planted with a pollinator-friendly seed mix. This seed mix protects both soil and water resources, because it significantly reduces erosion and runoff that is often contaminated with chemicals from agricultural activity. Thus, CSES can protect important bodies of water in Grant such as Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake.

Furthermore, the seed mix creates a habitat for pollinators such as birds, bees, and butterflies, which promotes the health of plants in the area, including the Oak Forest communities. Finally, community solar protects air quality by providing 25 years of clean energy.

“Overall Goal: The City is committed to a goal of non-degradation of the lakes, wetlands, and streams within the City, and will work with local WMO's, Washington County, and State agencies to achieve this goal” (47)

Community solar helps protect water resources. First, CSES generally use less chemicals such as herbicides, pesticides, and fertilizers than the row crops they replace. Second, CSES must have drainage plans in place that help decrease runoff and erosion, which can include measures such as large sediment basins. Finally, the deep-rooted grasses planted beneath CSES also significantly reduce erosion and stormwater runoff, minimizing the harmful chemicals that leach into groundwater or contaminate lakes and rivers like Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake.

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2018-__

**An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems**

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strikethrough~~:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	N <u>C</u>	N <u>C</u>	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Supplemental Regulations, is hereby AMENDED to ADD the following:

storm (2.9 inches of rain) and 8% for the 100-year storm (7.8 inches of rain). In addition, pollinator-friendly plants can improve nearby agricultural production.

b. Consistent with Grant's environmental values, community CSES use an inexhaustible resource, the sun, instead of nonrenewable energy sources. This combats climate change, without any hazardous materials or other adverse effects to the environment.

7. Community Solar Energy Systems increase the City's revenue

a. CSES increase property taxes on the landowner's property and pay large permit fees. This means that more money will be going to the City government.

8. Community Solar Energy Systems support landowner rights

a. Ultimately, a landowner has the right to do what they want with their property, as long as it is not causing a nuisance. CSES are not a nuisance, and they are even less disruptive than residences. CSES are shorter, do not have lights, do not cause traffic, and, per the ordinance, will be screened from view by trees.

b. Hosting CSES allows landowners to diversify the income they receive from their land. Hosting CSES is a good way to earn income while the price of farmed goods is decreasing. After the garden is decommissioned, the landowner will have nutrient-rich soil to farm again.

9. Community Solar Energy Systems maintain the rural character

a. Under the proposed amendments to the ordinance, CSES would be small and not very visible, minimizing any impact to the rural character of Grant.

b. The landowners leasing land to community solar garden developers will be less inclined to rezone, subdivide, and sell land for residential or other development.

c. Much like a conservation easement, CSES thwart industrial, commercial, or residential development. In 30 years, when the solar equipment is removed, the agricultural land remains at least as viable for agricultural production.

10. Community Solar Energy Systems can save local schools, cities, townships, and residents money on their electricity bills

a. Different entities can subscribe to CSES, which allows them to receive a discount on their electricity bill from Xcel Energy.

b. The program was created by the State of Minnesota and is administered by the Public Utilities Commission. Notable subscribers include the City of Minneapolis and the Minnesota Twins.

c. Because the law states that only entities in the same county or an adjacent county to a solar garden can subscribe to it, the benefits go to local cities, townships, schools, residents, and businesses.

for a community solar garden is impervious surface, approximately 9.6 acres are left for this beneficial seed mix.

Protect Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake

Each of these bodies of water have been specifically identified in the Comprehensive Plan as being monitored for different environmental issues, including runoff, chemicals, and water quality. CSES can help protect these bodies of water, which are cornerstones of the City of Grant. Large sediment basins built with CSES help collect runoff, along with the pollinator-friendly, deep-rooted grasses. Instead of ten acres of farmland full of pesticides, herbicides, and fertilizers that leach chemical runoff into lakes and creeks, community solar plants deep-rooted, native grasses that prevent runoff and erosion. Therefore, community solar will help protect Brown's Creek, Sunnybrook Lake, Mann Lake, and Pine Tree Lake from chemical runoff and contamination.



Division 5. Solar Energy Systems

Sec. 32-455. Definitions.

Community Solar Energy System means a ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

Residential Solar Energy Systems – Building Mounted means a solar energy system that is affixed to a principal or accessory structure.

Residential Solar Energy Systems – Ground-mounted means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar Equipment means a device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

- (a) *Permitted Use.* Residential Solar Energy Systems, building mounted or ground mounted, are a permitted use or permitted use upon issuance of a Certificate of Compliance as shown on the Table of Uses contained in this ordinance.
- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not extend beyond the height of the building by more than five (5) feet, and may not exceed the maximum building height as permitted within the zoning district.

- (1) A CSES shall be located on a parcel that is 40 acres or greater, where lot size is defined consistently with Section 32-246 (c) 4 of this zoning ordinance.
- (2) The CSES site shall have its primary frontage on a County or State road, and such road shall be used as the only access to the facility.
- (3) If there is a homestead on the neighboring lot, the CSES shall be located at least 100 feet from that side or rear lot line. If there is no homestead on the neighboring lot, the CSES shall comply with the minimum setback requirements in the City Code. The CSES shall be visually screened, as determined by a professional landscaping plan approved by the Planning Commission, from adjacent residential structures, or public rights-of-way.
- (4) No portion of the structure, or solar equipment shall exceed fifteen (15) feet in height.
- (5) No CSES shall exceed 10 acres in area.
- (6) No CSES shall be located within one (1) mile of a proposed or approved CSES

(c) *Submissions at time of initial application.* In addition to the information required elsewhere in this ordinance, applications for conditional use permits or administrative permits shall include the following information:

- (1) *Site Plan.* A detailed site plan prepared by a licensed surveyor that shows both existing and proposed conditions of the CSES site. The plans shall show the location of all solar arrays, existing and proposed structures, parcel boundaries, setbacks, access points, fencing, landscaping, surface water drainage patterns, floodplains, wetlands, the ordinary high water mark for all water bodies, any other protected resources, topography, electric equipment, and any other characteristics requested by the City.
- (2) *Screening.* A detailed landscape plan and cross section plan shall be submitted to demonstrate proposed CSES screening. The landscape plan and cross section plan shall depict proposed vegetation types, berming, fencing or any other method of screening proposed and corresponding opacity of such screening from both public rights-of-way and any adjacent residential structure.
- (3) *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
- (4) *Interconnection Status.* The interconnection process with Xcel Energy or any other applicable utility shall be submitted and a copy of any formal agreements provided.
- (5) *Power and communication lines.* Power and communication lines between banks of solar panels and to electric substation or interconnections with buildings shall be buried underground on premise. Exceptions to this requirement may be permitted where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- (6) *Meeting standards.* All CSES shall meet the standards of the Minnesota Building Code and all applicable local, state and federal regulatory standards.
- (7) *Building permit.* A building permit shall be obtained for any CSES prior to installation.
- (8) *Signage.* A signage plan shall be submitted which demonstrates size and location of proposed signage. At a minimum, signage shall be posted at all entrance points to the property the CSES is located and shall include the owner and operator's name, contact information, and emergency phone numbers.
- (9) *Decommissioning.* A Decommissioning Plan shall be submitted that includes, at a minimum, the following:
 - a. A cost estimate for decommissioning prepared by a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience.
 - b. A proposed schedule for removal of the specific facility, and that such removals be completed within one year from termination of the CUP or abandonment of the CSES.

APPENDIX II – CITY OF GRANT CURRENT SOLAR ORDINANCE

Division 5. Solar Energy Systems

Sec. 32-455. Definitions.

Community Solar Energy System means a ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

Residential Solar Energy Systems – Building Mounted means a solar energy system that is affixed to a principal or accessory structure.

Residential Solar Energy Systems – Ground-mounted means a freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device or a structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.

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Sec. 32-456. Purpose.

The purpose of this Division is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight, while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

Sec. 32-457. Residential Solar Energy Systems.

- (a) *Permitted Use.* Residential Solar Energy Systems, building mounted or ground mounted, are a permitted use or permitted use upon issuance of a Certificate of Compliance as shown on the Table of Uses contained in this ordinance.
- (b) *Building Mounted – Solar equipment* if affixed to a structure shall be permitted provided the following standards are met:
 - (1) The equipment or device must be affixed to a structure, principal or accessory, and must meet all setback requirements for principal or accessory structures in the zoning district where the device is to be located.
 - (2) The equipment or device may not extend beyond the height of the building by more than five (5) feet, and may not exceed the maximum building height as permitted within the zoning district.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member Carr and seconded by Council member Kaup, the following vote:

Voting AYE: Council Member Carr, Kaup and Mayor Huber

Voting NAY: Council Member Lanoux and Sederstrom

Whereupon said Ordinance was declared passed adopted this 5th day of December, 2017.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE ~~2017-53~~2018-

An Ordinance Amending the Grant Code of Ordinances
Amending Section 32-245 Table of Uses of Chapter 32 Zoning and
Adding Division 4 Solar Energy Systems

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following identified as underlined, and AMENDED to DELETE as ~~strickethrough~~:

Use	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
(KEY) <i>P = Permitted</i> <i>C = Conditional Use Permit and public hearing</i> <i>CC=Certificate of Compliance</i> <i>A = Permitted accessory use</i> <i>N = Not Permitted</i>					
<u>Community Solar Energy System</u>	<u>N</u>	<u>N</u> N-C	<u>N</u> N-C	<u>N</u>	<u>N</u>
<u>Residential Solar Energy Systems – Building Mounted</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential Solar Energy Systems – Ground Mounted</u>	<u>N</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OR THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article IV Supplemental Regulations, is hereby AMENDED to ADD the following:

- (3) The equipment or device shall cover no more than 80 percent of the roof to which it is affixed.
 - (4) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (5) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (6) All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
 - (7) Solar equipment which is mounted to a roof that is not flat, and which is visible from the nearest right-of-way, shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
 - (8) The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.
- (c) *Ground Mounted – solar equipment* not affixed to a structure shall be permitted after issuance of a certificate of compliance provided the following standards are met:
- (1) Solar energy systems shall only be allowed as an accessory use on a parcel with an existing principal structure.
 - (2) Solar energy systems shall be set back a minimum of 100 feet from a property line with an adjacent residential home, and shall be sited to meet all other applicable structural setback standards within the zoning district for the remaining lot lines.
 - (3) The ground equipment shall be constructed outside of all wetland and shoreland setbacks as adopted within this City’s ordinances.
 - (4) The footprint occupied by a solar energy system shall not exceed 1,000 square feet.
 - (5) The equipment or device may not exceed a height of 15 feet.
 - (6) The zoning administrator may require landscaping or other means of screening to limit visual impacts of the Solar Energy System.
 - (7) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
 - (8) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
 - (9) All solar arrays or panels shall be installed or positioned to not cause any glare or reflective sunlight onto neighboring properties, structures, or obstruct adjacent views.
 - (10) The city may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the public health, safety, and welfare and to promote harmony with neighboring uses.

Sec. 32-458. Community Solar Energy Systems.

- (a) Permitted use. A Community Solar Energy System (CSES) as previously defined, and as shown in the Table of Uses, is a permitted use within the A-1 and A-2 zoning districts with the issuance of a Conditional Use Permit.

- b. A proposed schedule for removal of the specific facility, and that such removals be completed within one year from termination of the CUP or abandonment of the CSES.
 - c. Commitment of a financial security in the form of a cash escrow, bond, or irrevocable letter of credit, if requested, and as determined by the City Council, in an amount not to exceed \$15,000 per MW.
 - d. Ensure the disposal of structures and/or foundations shall meet all applicable federal, state, and local requirements.
- (d) Change in equipment. A change in solar-related equipment which does not alter the footprint of the CSES, so long as it continues to conform to this ordinance and all conditions of the applicable CUP, does not require an amended CUP.
- (1) Any minor changes to the footprint of a CSES may be processed through a Certificate of Compliance process, which is subject to the discretion of the zoning administrator.
 - (2) Any significant changes to the CSES, including proposed expansion of MW, alterations to the footprint, or changes to the screening plan may require an amendment to the CUP.

SECTION 3. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 4. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member ~~Carr~~_____ and seconded by Council member ~~Kaup~~_____, the following ~~vote upon~~ roll call:

Voting AYE: ~~Council Member Carr, Kaup and Mayor Huber~~

Voting NAY: ~~Council Member Lanoux and Sederstrom~~

Whereupon said Ordinance was declared passed adopted this 5th day of December, 2017, 2018.

Jeff Huber, Mayor

Attest: Kim Points, City Clerk

July 24, 2018

Dear residents of Grant,

I am writing this letter about something that I think is unfair and requires attention.

For those who do not know me, I became a resident of Grant in 1961, when I joined Art Welander on Grant's only century farm. In 1962, I was appointed to the first-ever Planning Commission in Grant. I served as Organizational Leader of the Soil-Savers 4-H Club in the City of Grant for 55 years, Chairman of the Grant Heritage Preservation Committee, Chair of Grant City Cleanup, Animal Control for Grant, and Coordinator of the Grant Town Hall, Park, and Ball Field. In 1987, our family received the University of Minnesota Farm Family of the Year. I presently serve as State Fire Marshall for the City of Grant and VP and Membership Chair of the Washington-Ramsey County Farm Bureau.

Since 2016, I have been working with US Solar to host a landscape-screened, 8-acre community solar garden on my 64-acre century farm in Grant. The project would turn sunlight into electricity without traffic, odor, noise, or visibility impact to the rural character of Grant. This private investment in pollinator-friendly habitat improves nearby agricultural production, reduces runoff, and enables pollinators like bees and monarchs to thrive.

Currently, Grant prohibits all community solar. So, an ordinance amendment was drafted by City staff, with the help of US Solar and existing ordinances across the state. It was restrictive and thorough. Our Planning Commission voted in support of the ordinance 5 to 1. Then, without good reason, the City Council shot it down. By that, I mean Mayor Jeff Huber and Council Members Tom Carr and Denny Kaup overruled Council Members Loren Sederstrom and Larry Lanoux.

At the Council Meeting to consider the ordinance, Council Member Carr falsely stated that community solar does not fit with the City's Comprehensive Plan, without providing a single example of inconsistency. I agree with the Planning Commission, which found community solar was consistent with the Comp Plan when they voted in support of the ordinance amendment.

For example, Council Member Carr's claim was false because Comp Plan Goal 2 seeks to preserve and protect agricultural land. Dedicating 8 acres of land to pollinator-friendly habitat and clean energy production preserves the land for the life of the project and improves soil and water conditions, as well as improving nearby agricultural production. Plus, the much-needed income paid by the solar company would allow me to keep the remaining acreage of my century farm in agriculture and not in housing.

Council Member Carr also suggested at the Council Meeting that residential development was a better way for the City to increase its taxes. Unlike community solar, this proposition openly violates Grant's Comp Plan. Key Policy 1 of Goal 3 states, "Identify existing prime and large contiguous agricultural lands and promote their protection" through the "use of appropriate tools ... such as Green Acres and Agricultural Preserves Program." While community solar is a perfect tool to protect large agricultural land and accomplish Key Policy 1 of Goal 3, Council Member Carr recommended the City to reject community solar in favor of **more residential development**. It is no secret that Mayor Huber and Council Member Carr are both realtors.

The Comp Plan explicitly warns against this type of thinking, stating "most of the remaining agricultural land could be lost to residential uses within the time frame of this Comprehensive Plan" and "the issue of defining and preserving rural character be given serious and creative attention by the leaders of Grant."

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
R O Donohoe	R O Donohoe	10401 Kelma
Catherine Donohoe	Catherine Donohoe	10401 Kelma ct.
Deanna Egge	Deanna Egge	10411 Kelman Ct.
Carol Haak	CAROL HAAK	10030 103RD ST. N. of
Stephanie Pfeiffer	Stephanie Pfeiffer	10140 Jody Ave Ct N
Amanda Graetzer	Amanda Graetzer	10255 Juno Ave N.
Barbara Kelley	Barbara Kelley	9224 Lansing Ave. N.
Mark Pfeiffer	Mark Pfeiffer	10440 Jody Ave Ct N
Andrew Hark	ANDREW HARK	10430 103RD ST N.
David Graetzer	David Graetzer	10255 Juno Ave
Dianna Fouts	Dianna Fouts	10241 83rd St N.
Doug Bingley	Doug Bingley	10241 83rd St N
Todd Knaeble	Todd Knaeble	11675 Keats Ave N
Sandra Knaeble	Sandra Knaeble	11675 Keats Ave N
Rebecca Pelfrey	REBECCA PELFREY	10503 117th St. N
Tom & Gerri Dufresne	Tom & Gerri Dufresne	10777 Lansing Ave N.
Donald L. Grund		9431 LANSING AVE N.
Leah A. Kelley		9274 Lansing Ave. N. 439-1544

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature

Printed Name

Address

Signature	Printed Name	Address
Shannon Bryant	Shannon Bryant	10170 Jody Ave Ct N. Grant, MN 55082
Howard Bryant	Howard Bryant	10170 Jody Ave N Grant MN 55082
Beth Van	Beth Voss	10011 103rd St N Stillwater
Susan Pendergrift	Susan Pendergrift	9805 103rd St N/Stillwater
Shirley Wenzel	Shirley Wenzel	10450 Keenan Ct N/Stillwater
PATRYK ALLEN	PATRYK ALLEN	10191 Juna Aven, - 55082
Keri Stahl	Keri Stahl	10191 Juna Aven 55082
Roydelle Brumentz	Roydelle Brumentz	10605 Joliet Ave N. 55082
William Brumentz	WILLIAM BRUMENTZ	10605 Joliet Ave. N. 55082
Joe Generoux	Joe Generoux	6996 117th St N 95110
Joe Generoux	JOE GENEROUX	9777 Joliet Ave N 55082
Sharon Schuler	SHARON SCHULER	9819 Joliet Ave N 55082
Elizabeth David	Elizabeth David	8960 Jamaica Ave. No.
John David	John David	8960 Jamaica Ave N 55082
Jacob Kiel	Jacob Kiel	11316 Insumme Tr. North
Dan + Kim Quade	DAN + KIM QUADE	8470 Lupton Ave 55082
Artie Schuler	ARTIE SCHULER	6660 MANNING AVE. N. 55082

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature

Printed Name

Address

	Peggy Van De Riet	9293 Keswick Ave N
	Bill Van De Riet	9293 Keswick Ave N
	Diane Emslander	9300 Keswick Ave N.
	JEFF EMSLANDER	9300 KESWICK AVE N
	Kari Wassink	9540 Keswick Ave N.
	Laura Determan	9443 Keswick Ave N.
	ROXANNE HOUSE	9337 Keswick Ave N
	Betty Lundgren	8930 Kimbro Ave. N.
	DANIEL FOCKEN	8582 Kimbro Ave N
	NICK MEYER	10656 83 rd STREET
	Karen Meyer	10656 83 rd St. N.
	Aelina Meyer	10656 83 rd St. N.
	Michael Perron	9141 Jeffrey Blvd N
	Caprice Perron	" " " "
	Allan D Hammel	8200 JAMACA Ave N
	Cynthia L Hammel	8200 Jamaica Ave. N.
	James Schiffsky	7394 Jamaica Ave.
	KEVIN VONRIEDEL	7800 KIMBRO AVE N.
	DEBORAH VONRIEDEL	7800 KIMBRO AVE N.

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature Printed Name Address

Harold Kracht Harold Kracht 10230 60th St. Ln.

Ganelee Kracht Ganelee Kracht "

Charlie Goebel Charlie Goebel 6225 Kelvin Ave N

Marie Goebel MARIE GOEBEL 6225 Kelvin Ave No.

Joyce Melton Joyce Melton 6233 Kelvin Ave N.

Virginia Ries Virginia Ries 6220 Kelvin Ave N.

James M. Johnson JAMES M. JOHNSON 6215 Kelvin Ave N

Karen Nelson Karen Nelson 10330 60th St N,

~~John S. Stearns~~ Printed Name " " "

John A. Stearns John S. Stearns 6380 Keswick Ave. N.

Joyce M. Stearns Joyce M. Stearns Stillwater, MN. 55082

Duane B Miller Duane B Miller 6395 Keswick Ave N
Stillwater, MN 55082

M.A. O'Brien Mary Ann O'Brien 6395 Keswick Ave N
Stillwater MN 55082

Dennis Thibodeau Dennis Thibodeau 6330 Keswick Ave
Stillwater, MN

Jan McNamara Jan McNamara 6330 Keats Ave N
Stillwater, MN 55082

Jessica McNamara Jessica McNamara 6330 Keats Ave N
Stillwater, MN 55082

MARY P. COATE MARY P. COATE 10256 67th Ln. N.

John D. Smith John D. Smith 10244-67th Ln N

Karen Y. Smith Karen Y. Smith 10244-67th Ln. N.

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
	Terence C. Derosier	10596 83rd St N. Grant 55082
	Mary Em Derosier	10596 83rd St. N Grant 55082
	Mark A Derosier	10596 83rd St. N Grant 55082
	Anne Marie Derosier	10596 83rd St N Stillwater MN 55082
	Patricia H. Reinke	10310 Jody Ave N. Stillwater MN 55082
	Dan Reinke	" " " 8680 Kimbro Lane Grant, MN 55082
	Cheri Blythe	
	Robin Schifsky	4868 Jamaica Ave N Grant
	Myles Schifsky	4868 Jamaica Ave
	Caitlin Schifsky	4868 Jamaica Ave N.
	Charles Packard	4868 Jamaica Ave N.
	Fred Nehrer	9220 Ivy Ave N
	Mary Nehrer	9220 Ivy Ave N.
	Julia Nehrer	9220 Ivy Ave. N.
	Therese Stoeber	10670 114th St N.
	Candy Gagliardi	8233 Jody Ave N Stillwater 55082
	Danny Gagliardi	8233 Jody Ave N Stillwater 55082
	Judith Rutscher	7960 Kimbro Ave N.
	Bert Rutscher, II	7960 Kimbro Ave N Stillwater, MN 55082
	Mary Griffin	9775 83rd St No Stillwater MN 55082

July 24, 2018

We, the undersigned, support urge the City of Grant to adopt an ordinance to allow for the 8-acre community solar garden on Joyce's century farm.

Signature	Printed Name	Address
<i>John M. Wojtowicz</i>	John V. Wojtowicz	11521 88th St. N.
<i>J. L. Wojtowicz</i>	JOHN L. WOJTCOWICZ	11521 88 th ST. N.
<i>Janet G. Wojtowicz</i>	John Janet G. Wojtowicz	11521 88 th St. N.
<i>Kathryn Schwartz</i>	KATHY SCHWARTZ	8540 Jewel Ave. N. Stillwater
<i>Myra Greeder</i>	MYRA GREEDER	8350 KEATS AVE. N.
<i>Keith Nord</i>	KEITH NORD	7975 KIMBRO AVEN.
<i>Donna Nord</i>	DONNA NORD	7975 KIMBRO Ave N.

Existing Conditions

Westwood
Multi-Disciplinary
Surveying & Engineering

US/SOLAR



This graphic is for informational purposes only and should be used for discussion purposes only.
Please see final plans for actual details.



USS Hockey Pad Solar LLC
City of Jordan, Minnesota

September 26th, 2017

Proposed Development Image with Landscaping



The graphic is an artist's rendition and should be used for discussion purposes only. Please see final plans for actual details.



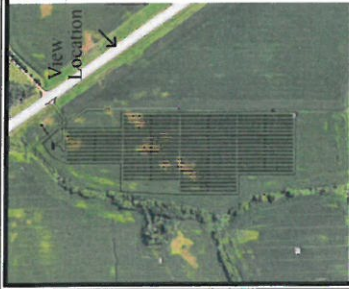
USS Hockey Pad Solar LLC
City of Jordan, Minnesota

September 26th, 2017

Proposed Development Image without Landscaping

Westwood
Multi-Disciplined
Surveying & Engineering

US SOLAR



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Please see final plans for actual details.

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USS Hockey Pad Solar LLC
City of Jordan, Minnesota

September 28th, 2017

APPENDIX VI – LETTER FROM THE MINNESOTA FARM BUREAU

APPENDIX VII – LETTER FROM THE MINNESOTA FARMERS UNION

Existing Conditions Image

Westwood
Multi-Disciplined
Surveying & Engineering

US/SOLAR



This graphic is an artist's rendition and should be used for discussion purposes only.
Please see final plans for actual details.

October 20th, 2019

studio 

USS Joyous Solar LLC
Stillwater, Minnesota

Proposed Development Image without Landscaping

Westwood
Multi-Disciplined
Surveying & Engineering

US/SOLAR



View Location

This graphic is an artist's rendition and should be used for discussion purposes only.
Please see final plans for actual details.

October 25th, 2018

studio 

USS Joyous Solar LLC
Stillwater, Minnesota

Proposed Development Image with Landscaping

Westwood
Multi-Disciplinary
Surveying & Engineering

US/SOLAR



This graphic is an artist's rendition and should be used for discussion purposes only.
Please see final plans for actual details.

October 25th, 2018

studio 

USS Joyous Solar LLC
Stillwater, Minnesota



- In the first half of 2017 staff was contacted by several solar energy developers as well as individual residents that were interested in understanding the potential of installing and/or developing solar energy systems in the community. To all inquiries staff informed interested parties that the City did not address such uses in the community, and therefore based on language within the Zoning Ordinance, that the use was not permitted.
- One of the Inquiries was made by US Solar at the end of April 2017 by the developer's representative David Watts, who is also the representative on the subject application. US Solar was told that the use would not be permitted under the current code. They were further informed that the City's Ordinance permits landowners and those with real property interests to apply for text amendments to the Zoning Ordinance. No further direction was provided to US Solar except the City's Application form for a Text Amendment, and no pre-application meeting or other discussion was conducted between the City and US Solar at that time.
- Given that multiple inquiries were made, staff presented the issue to the City Council at its regular May 2017 meeting and requested consideration by the City Council to enact a Moratorium related to Solar Energy System uses so that staff could appropriately and adequately study the use and bring forward recommendations regarding potential solar energy systems uses in the City.
- On June 6, 2017 the City Council adopted a 6-month Moratorium by Ordinance (Ordinance #2017-52; signed at the June 29th Meeting and provided as Attachment B to this Staff Report) to allow the City to appropriately study the potential uses within the community.
- On June 13, 2017 US Solar made an application for a Text Amendment to the City's Zoning Ordinance to conditionally permit Community Solar Energy Systems in the A1 and A2 Zoning Districts of the City. Prior to submission, US Solar generally discussed their application with staff who directed the Applicant to the appropriate City Application form, which clearly states that all proposed changes should be identified within the application. Staff disputes the statement on page 6 of the Applicant's narrative which states, "after meeting with City staff, USS Joyous Solar LLC was told to submit a simple application showing the change in the table of uses..." as such direction was not given, instead the Applicant was advised, as is standard, to follow the City's Application checklist.
- After receiving the Application, the City Attorney determined that the Application for the Text Amendment by US Solar was able to be processed despite the enacted Moratorium, provided that the Applicant was aware that such Moratorium was in place and therefore **no application for a specific project could be made**. However, if they wanted to participate in the ordinance drafting process, the attorney determined that such activity was acceptable. It was communicated to the Applicant that it was their choice as to whether they wanted to participate in the ordinance drafting process and were provided no assurance or guarantee that such ordinance would permit or conditionally permit community solar energy systems. Staff communicated the existence of the Moratorium to the Applicant, who decided to continue to move forward with the Application.
- On July 18, 2017 a duly noticed public hearing was published for the proposed text amendment. At the bottom of page 7 and continuing to page 8 of the Applicant's narrative the following statement is made, "Furthermore, in the previous text amendment process, the City Clerk sent out notices to every person within a half mile of US Solar's proposed solar garden, and not a single neighbor attended the Planning Commission hearing to oppose the project..." There are several inaccuracies within this statement and staff provides the following clarification to ensure an accurate history of the process is documented. As noted in the previous bullet, **no review of a specific project on a**



specific property was conducted in 2017 as required by the City's enacted Moratorium. This was clearly communicated to the Applicant numerous times throughout the process. Secondly, because the 2017 Application was a Text Amendment that would impact all properties within the A1 and A2 zoning district (and had no effect on the zoning district boundaries or official zoning map), no individual public hearing notices were sent consistent with Minnesota State Statute Section 462.357 Subd. 3.

- At the July 18, 2018 regular Planning Commission meeting staff prepared a staff report which presented the Applicant's proposed text amendments. Given the extremely general nature of the Applicant's proposed changes, staff identified all of the 'gaps' within the Applicant's proposal and recommended that the ordinance changes as proposed be denied, but that due to the Moratorium, the City was still committed to studying the issue of solar energy within the City. The Applicant is correct that a public hearing was held which was duly noticed in the City's official newspaper, and they are correct that no members of the public were present.
- During Planning Commission discussion on July 18, the Planning Commission determined that the ordinance amendments as proposed by the Applicant were inadequate and additional work was necessary. The Planning Commission specifically asked the Applicant whether they wanted to continue to work with Staff on the proposed changes, but again were provided an opportunity not to participate. Once again, the Applicant stated they would like to work with the City on the potential changes, but it was clearly stated by the Planning Commission that working with City Staff did not guarantee Ordinance adoption since the Planning Commission is only a recommending body to the City Council.
- After the July 18th Planning Commission Meeting, the Applicant worked with the City Staff to develop a draft ordinance addressing Community Solar Energy Systems. Staff continued to work on the ordinance independently and concurrently so that residential solar energy systems were also addressed within the ordinance draft as directed by the Moratorium. While the Applicant was singularly focused on Community Energy Solar Systems, the Moratorium in place was broader because no solar energy (whether residential or commercial) was addressed within the existing ordinance.
- On September 19, 2017 the revised ordinance that incorporated the recommendations of the Planning Commission from their July 18th meeting was presented to the Planning Commission. After discussion, the Planning Commission recommended approval of the draft ordinance to the City Council.
- On October 3, 2017 the City Council was presented with the draft ordinance as recommended by the Planning Commission. The draft ordinance included both Community Solar Energy Systems and Residential Solar Energy Systems. After much discussion and debate, the City Council majority disagreed with the Planning Commission and determined that Community Solar Energy Systems were not a desirable use in the community and viewed the use as an industrial/commercial use that was not intended in the City's A1 and A2 zoning districts. However, despite their lack of support for Community Solar Energy Systems, they did agree with the Planning Commission's recommendations regarding Residential Solar Energy Systems. After discussion, the Council majority directed staff to prepare a revised draft ordinance for consideration that would permit Residential Solar Energy Systems but would prohibit Community Solar Energy Systems.
- After review of the proposed changes at the regular meeting in November, the City adopted Ordinance 2017-53 on December 5, 2017 that allowed and regulated Residential Solar Energy Systems, but prohibited Community Solar Energy Systems. This Ordinance amendment is the basis



of the Applicant's current Application, which is attached and provided within the Applicant's submittal (Attachment A).

ANALYSIS

Division 4, Section 32-116 of the City's Zoning Ordinance allows for amendments to the Zoning Ordinance (chapter), if such request is initiated by the City Council, Planning Commission or by a resident's petition. While the Applicant is not a landowner of the City, the Owner is a party to the Application and therefore has initiated the amendment for consideration in coordination with the Applicant. When considering the proposed text amendment, the Planning Commission should consider, at a minimum, the following:

1. Are the proposed changes consistent with the City's adopted Comprehensive Plan?
2. Are the proposed changes compatible with existing regulations and standards within the affected/applicable zoning district?
3. Will the proposed changes have a negative impact on the health, safety and welfare of the community?
4. If the proposed changes are found to be consistent; are there additional considerations that should be addressed as part of the ordinance amendments that were not contemplated in the Application?

It is important to remember when reviewing the Applicant's proposed language and amendment that the changes will affect all properties in the City that are zoned and guided similarly (i.e. all properties in the A1 and A2 zoning district).

Comprehensive Plan

The City's Comprehensive Plan focuses on retaining the rural lifestyle and ensuring new uses are compatible with existing agricultural and rural residential uses in the A1 and A2 land use designations. Pages 9 through 11 of the Applicant's narrative describe US Solar's perception of how Community Solar Energy Systems support the goals of the Comprehensive Plan.

Most of the Applicant's analysis on the pages previously noted identify side/ancillary benefits that could be achieved if the CSES were permitted and installed, and how those supporting uses are consistent with the City's Comprehensive Plan rather than the CSES use itself. For example, the landscaping around the solar installation would be planted with prairie grasses and include sedimentation basins to assist with stormwater runoff and quality. While this may be true, and may also be consistent with the Comprehensive Plan, the landscaping is not the CSES use, it is a supporting and/or ancillary byproduct of the CSES development. The property owner could plant prairie grasses on their property regardless of the presence of the CSES and achieve the same environmental benefits noted in the Applicant's narrative. The issue of how to classify the actual CSES 'use' still remains. In 2017 the City Council determined that a CSES use is industrial/commercial / general business in nature and therefore is not consistent with the goals and objectives for the A1 and A2 land use designation. There have been no changes to the City's Comprehensive Plan since the 2017 Application, and therefore staff can only state the Council's previous findings regarding the CSES for consideration.



During the 2017 Application process, the City Council disagreed with the Applicant's analysis and conclusion that Community Solar Energy Systems are a rural or agricultural use, and instead concluded that the CSES use is closer to an industrial, general business or commercial use. The Applicant states on page 13 of their narrative, "This is not a commercial or industrial land use. There is no storefront, no permanent structures, no billboards, and no city utilities." On its face, this statement is somewhat correct, however, staff would argue that the solar panels/array would meet the definition of a 'structure' and would be subject to a building permit. Further, the solar panels/array will be in place for a minimum of 25-years, which could be argued is permanent since many buildings are designed for an average similar life-span before major maintenance and improvements are needed. Additionally, the mention of 'city utilities' is irrelevant and does not further define the type of 'use' that a CSES should be classified. The City provides no city services to any of its commercial or light industrial users located in the General Business district, and this is not a determining characteristic of 'use' within the City of Grant.

In 2017, the City Council concluded that the CSES use is closer to an industrial or commercial use, and therefore is not consistent with the City's adopted Comprehensive Plan.

Consistency with Zoning

Section 32-243 defines the intent and purpose of the A1 and A2 zoning districts as,

- A-1 A-1 districts preserve land to be utilized for agricultural and commercial food production on lots smaller than those required in AP districts. A-1 districts provide areas of rural lot density housing with lots large enough for significant agricultural activity to occur.*
- A-2 The A-2 districts provide rural low density housing in agricultural districts on lands not capable of supporting long-term, permanent commercial food production. A-2 district lot sizes will provide for marginal agriculture and hobby farming.*

If the City Council's 2017 conclusion that the proposed CSES use is inconsistent with the land use designations in the Comprehensive Plan is upheld, then the CSES standards as proposed must also be viewed as inconsistent with the zoning.

However, since staff does not know how the Planning Commission or City Council will view this new Application, staff provides the following considerations regarding the proposed additional performance standards contained in proposed section 32-458 that differ from previous language in the 2017 draft language:

- The Applicant proposes a minimum lot size for all CSES of 40-acres. The Applicant's narrative states that staff performed an analysis in the previous application process and concluded only three sites were available and meet the criteria. Staff disputes the definitive nature in how this statement is reflected in the Applicant's narrative. Staff performed preliminary review in 2017 based on available GIS records in 2017 and concluded that a small number of parcels could meet the 40-acre minimum criteria and still meet the other criteria of the ordinance. However, staff also noted that the review and analysis did not include a thorough analysis of adjacent ownership (i.e. adjacent parcels owned by the same entity that could be combined), and also acknowledged that future owners could purchase and assemble land to meet the criteria. However, it is true that staff previously concluded that a relatively small number of sites meeting all criteria would be available for a CSES if the ordinance were to be enacted with a minimum lot size criterion.



- The Applicant proposes to include language requiring spacing of at least 1-mile between CSES locations. Requiring 1-mile spacing seems to favor the ‘first-in’ and unfairly penalizing other landowners, if the use were permitted. This standard would need to be reviewed by the City Attorney, if the CSES use is deemed acceptable by the Planning Commission and City Council.

Petition and Other Comments

Staff acknowledges that the Applicant and Owner submitted a petition which includes 194 signatures in support of the Owner’s specific project and making the applicable ordinance modifications. It is not clear from the petition whether residents understood that the proposed ordinance amendment would impact all property within the A1 and A2 zoning districts. The narrative accompanying the petition includes some inaccuracies regarding the 2017 ordinance process similar to those previously identified. However, staff recommends that the Planning Commission review the Petition and consider that many residents appear to be in support of CSES within the community.

Included within the Applicant’s narrative and materials is a letter from the Minnesota Farm Bureau which states that their, “statewide policy supports the development and use of alternative energy sources such as solar farms and gardens...” but further acknowledges, “We do not weigh in on specific projects at the local level, those decisions need to be based on local support.” Once again, staff would note that the subject Application is for a Text Amendment and does not address a specific project.

PUBLIC HEARING

A duly noticed public hearing has been schedule for November 20, 2018 at 6:30 PM to consider the proposed text amendment to the zoning ordinance.

RECOMMENDATIONS/REQUESTED ACTION

Staff is seeking discussion, review and a recommendation regarding the proposed text amendment.

Attachments:

Attachment A: Applicant’s Submittal dated 10/11/2018

Attachment B: Ordinance 2017-52 Moratorium