

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY MARCH 15, 2016 – 6:30 P.M.

1. CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Independence Planning Commission was called to order by Chair Phillips at 6:30 p.m.

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Olson, Palmquist and Thompson  
STAFF: City Planner Kaltsas, City Administrative Assistant Horner  
ABSENT: Commissioner Gardner  
VISITORS: Laverne Dunsmore, Joe Banavige, Ronan Banavige, Lindy Sullwold, Nancy Crellin, Lynn Betts, Doug Selle, David Jacobsen, Roger Sundean, Anita Branson, Randy Klaers, Kathleen Pluth, Bruce and Jan (Nelson Rd), John Zitzloff, Joe Culver, Joyce Culver, Paula Savage, Jon Malecek, Kendra Lendahl, Sally Simpson, Todd Ganz, Doug Bekwith, LuAnn Brenno, Sharon Cook, Nathan Rooks, Jayne Spado, Ben Lewis, Mary Merchant, Jim Merchant, Ray McCoy, Jane Sarkinen, Charlie Wood, Wendy Wood, Penny Bailey, Kristina Roberts, Peter Beck, Rob Thomas, Jeannie Fries, Mark Kroskin, Dawn Mooney, Lance Wallin, Tammi Adams, Charles Balgaard, Jack Wegmann, Rob Stewart, Julie Larson, Ruth Clark, Tom and Barb Janas, John Hasse, Terri Barreiro, Suzan Brasket

3. Approval of Minutes from the February 16, 2016 Planning Commission Meeting.

**Motion by Olson to approve the minutes from the January 11, 2016 meeting, second by Thompson. Ayes: Olson, Phillips and Thompson. Abstain: Palmquist. Nays: None. Absent: Gardner. Motion approved.**

4. **PUBLIC HEARING (Continued from February 16 Meeting):** Horseman, Inc.  
(Applicant/Owner) request that the City consider the following action for the property located at 4504 County Road 92, Independence, MN (PID No. 04-118-24-24-0001):

- a. An amendment to the existing Conditional Use Permit to allow an increase to the number of horses permitted on the subject property.

Kaltsas said the property is located on the west side of County Road 92 N., north of CSAH 11. There are two properties, which comprise the overall farm and commercial riding stable. There is a large barn with indoor riding arena along with several additional accessory buildings. The property is made up of primarily open pasture areas and an existing wetland/drainage area. The property has the following characteristics:

**Property Information: 4505 County Road 92 N.**

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Property 04-118-24-24-0001 Acreage: *20.96 acres*

Property 04-118-24-21-0003 Acreage: *71.52 acres*

Kaltsas said this item was tabled at the February, 2016 Planning Commission meeting to allow the City additional time to consider the comments provided by Three Rivers Park District relating to storm water runoff. The City's water resource consultant has reviewed the comments and provided the City with additional information to consider. Staff visited the property and reviewed the existing operation in more detail with the applicant. Staff offers the following additional notes for further consideration:

1. The applicant had previously worked with the MPCA to install a concrete manure collection structure. The applicant collects the manure from the barn and utilizes the structure to retain the manure until it is hauled off-site or land applied. The City is recommending that the applicant test the soil in the existing pasture areas prior to land application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such time as the phosphorus levels decrease.
2. The applicant has fenced off the drainage way and the majority of the wetland area identified by the City's water resource consultant. The fenced area includes an extensive vegetative buffer on both sides of the drainage way and wetland. No additional buffering or fencing is necessary.
3. The applicant currently manages the three large pastures areas by rotating their use during the growing months. The City could include a condition in the approval which would require that a minimum of 70 percent vegetative cover is maintained on the pasture areas during the growing season.
4. The City could additionally consider requiring annual monitoring of the surface water in the wetland / ditch system as a condition of the approval. Many industrial users have been required to conduct stormwater grab sampling in recent years as a condition of the MPCA's Industrial Permit. This method would directly monitor the nutrient levels in the surface water itself and assure that watershed impacts have been mitigated. We would recommend that two samples be obtained, one on the east side of the ditch near CR 92 and one on the west side, just prior to discharge.

The subject property has historically had a conditional use permit to operate a commercial riding stable which was granted in 1987 (see attached resolution). The conditional use permit was amended in 1994 to allow the applicant to split off an approximately 7 acre parcel on the northeast corner of the property. In 2015 the applicant approached the City about possibly adding a small addition to the front of the existing barn. The proposed addition initially considered included the possibility of adding a third bedroom to the care takers apartment. At that time, the City noted that the expansion may trigger the need to request an amendment to the conditional use permit. During that initial meeting with the applicant, the City discussed that the existing conditional use permit allowed for 40 horses on the property. The applicant stated that they currently have as many as 80 horses on the property and would like to amend the conditional use permit to be consistent with their current use.

Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. The original conditional use permit allowed for 40 horses to be boarded on the subject property. The City generally allows 1 animal unit on the first two acres and then 1 additional animal unit for each additional acre of property. The subject property is approximately 92 acres. Of the 92 acres, the staff has calculated that approximately 20-25 acres is wetland/drainage way and 6 acres is covered with existing buildings and or parking areas. The applicant provided a calculation that indicates only 6 acres of land that is encumbered by drainage ways or wetlands. The City has historically calculated animal unit allotment based on gross acreage and not net acreage.

The applicant is now seeking permission to allow up to 80 horses on the subject property or double the number initially permitted. Based on the application of the City's zoning ordinance, approximately 90 horses would be the maximum permitted on this property. There are many recommended acreage standards for the management of horses on a given property. Ultimately the proper pasture and manure management is critical for maintaining and sustaining the land and managing the potential impacts of manure runoff. Utilizing the proper pasture and manure management plans, it is possible that this property could accommodate additional animal units. Staff is seeking direction from the City relating to the number of additional animal units that should be permitted by the City.

The applicant has a current feedlot permit that was recently renewed with the Minnesota Pollution Control Agency. The permit approved indicated that there were 70 horses currently being boarded on the property. The applicant also has an active manure management plan for the 70 horses on the property. The City would require the applicant to maintain a manure management plan, maintain all applicable permits relating to the management of manure on this property and retain a minimum of 1 acre per animal unit of gross acreage as required by the City's ordinance.

In addition to having a manure management plan, the applicant has made improvements to the storm water runoff from the property based on discussions and recommendations from the Minnesota Pollution Control Agency.

The applicant is proposing to comply with all other provisions of the initial conditional use permit. The City is not aware of any additional complaints or concerns relating to the operation of the commercial riding stable on this property.

The criteria for granting an amendment to the conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

1. The conditional use will not adversely affect the health, safety, morals and general welfare of occupants of surrounding lands.
2. The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the proposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
3. Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
4. Sufficient off-street parking and loading space will be provided to serve the proposed use.
5. The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and sufficient area of suitable soils for on-site sewage treatment is available to protect the city form pollution hazards.
6. The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
7. The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
8. The proposed condition use is consistent with the comprehensive plan of the City of Independence.
9. The proposed use will not stimulate growth incompatible with prevailing density standards.

The City has visited the site and discussed the continued operation of the proposed commercial riding stable with the applicant. Given the location of the property on County Road 92 N. adjacent Three Rivers

Park District property, the orientation of the buildings and their relationship to the surrounding properties, it may be possible for the City to find that the amendment to the conditional use permit meets the minimum requirements for granting an amendment to the conditional use permit.

Kaltsas stated Three Rivers Park District has provided verbal comments pertaining to the requested amendment relating concerns of manure management with the additional animals. The City has not received any additional written or oral comments regarding the proposed amendment to the conditional use permit.

Kaltsas said Staff is seeking a recommendation from the Planning Commission pertaining to the request for an amendment to the conditional use permit. Should the Planning Commission recommend approval of the requested Conditional Use Permit Amendment, the following conditions and findings should be included:

1. The proposed amendment to the conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be amended to include the following additional conditions as follows:
  - a. No more than 80 horses shall be boarded on the property.
  - b. The applicant shall be required to test the soil in the existing pasture areas prior to land application of the manure. If the soil has a high in-situ phosphorous concentration which exceeds the phosphorous uptake from the vegetation, the applicant would not be permitted to land apply the manure until such time as the phosphorus levels decrease.
  - c. The applicant shall maintain the existing fencing and associated vegetated buffer, which separates the drainage way and wetland areas.
  - d. The applicant shall manage the three large pastures areas by rotating their use during the growing months. A minimum of 70 percent vegetative cover shall be maintained on the pasture areas during the growing season.
  - e. The applicant shall be required to monitor the surface water in the wetland / ditch system every five years by completing a stormwater grab sampling. This method would directly monitor the nutrient levels in the surface water itself and assure that watershed impacts have been mitigated. We would recommend that two samples be obtained, one on the east side of the ditch near CR 92 and one on the west side, just prior to discharge. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
  - f. The applicant and facility must operate in compliance with the permit from MPCA. A copy of the valid MPCA permit with amendments to be attached to and become a part of the conditional use permit.
  - g. Horse shows will require special approval from the City.

- h. No renting of hack horses.
  - i. No riding on private land unless authorized by owners.
  - j. No parking on public roads.
  - k. Utilize appropriate management practices to control flies and odor.
3. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

Kaltsas noted that item (e) needs to be refined per the commissioners and council recommendations. Palmquist noted Three Rivers Park District was covering the cost of the analysis but who would monitor this and enforce any violations. Kaltsas said it would be up to Horsemen Inc. to secure samples and provide them for analysis. He said the consultant's recommendations and Three Rivers Park District's recommendations would have to be meshed. Thompson asked how fast the phosphorous dissipates and how long the tests results would be valid. Kaltsas stated it was a slow process as far as dissipation so the test results would be valid for a couple years. Palmquist asked who the authority would be to determine the acceptable language of the test protocol. Kaltsas said it would ultimately be up to the City but there are standards set by the U of M that may be followed for a guideline.

Public Hearing Open

No comments.

**Motion by Thompson to close the Public Hearing, second by Palmquist.**

Public Hearing Closed

Thompson said it was he thought it was solid and with the changes a workable proposal. He also noted the improvements it should mean for Lake Rebecca. Palmquist noted some of the language would be nuanced in regards to item (e) and also the item pertaining to soil testing. Kaltsas said he would work with Three Rivers Park District to make sure it is reasonable but ultimately it would be up to the City to formally define the parameters. Phillips said with Lake Rebecca being where it is and the impact on it that it would be better to err on the side of more than less as far as testing. Phillips said that as a Planning Commission the desire is to do whatever they can to improve Lake Rebecca.

**Motion by Thompson to approve the Conditional Use Permit at 4504 County Road 92 N based on staff recommendations 1, 2 (with additional testing to be determined by Staff and Three Rivers Park District, and 3; also to note the removal of 2 (b), second by Palmquist. Ayes: Olson, Phillips, Thompson and Palmquist. Nays: None. Absent: Gardner. Motion approved.**

5. **PUBLIC HEARING:** Lake West Development (Applicant) and Donna Hendley (Owner) request that the City consider the following actions for the property located at 4150 Lake Sarah Dr. S., Independence, MN (PID No. 02-118-24-43-0003):

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

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

**Property Information: 4150 Lake Sarah Drive South**

Zoning: *Agriculture*

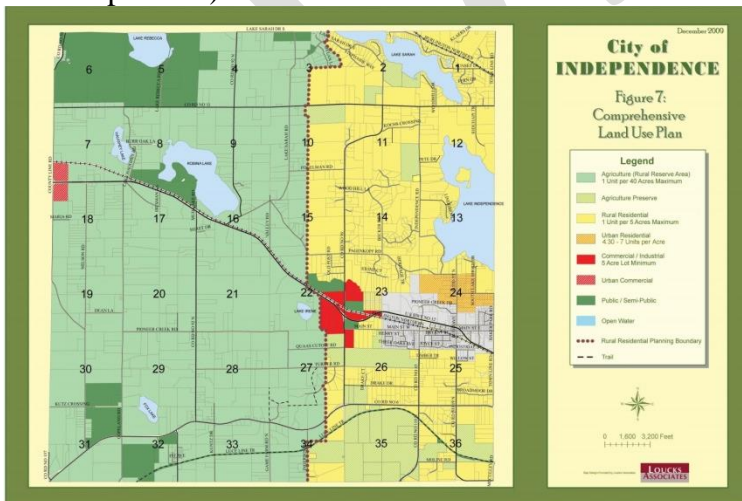
Comprehensive Plan: *Rural Residential*

Acreage: *62.54 acres*

Kaltsas said at the January, 2016 Planning Commission Meeting, the City reviewed a request for rezoning and preliminary plat to subdivide this property into five lots. The Planning Commission recommended approval of the rezoning and subdivision to the City Council. Following the meeting, the applicant received an offer from a developer to purchase the entire property and subsequently asked the City to hold the application. The applicant granted the City additional time to consider the application and has now brought back a revised proposed subdivision of the property. The applicant would now like the City to consider a seven lot subdivision versus the previously considered five lot subdivision. This represents an increase of two additional lots.

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

Kaltsas said rezoning this property is consistent with the City’s 2030 Comprehensive Plan. Rezoning of this property is also consistent with the zoning of the property to the west and south (see Comprehensive Plan map below).



Kaltsas said the City allows the subdivision of property in the rural residential zoning district if it can be shown to meet all applicable criteria of the ordinance. Based on the rural residential lot provisions, the maximum number of lots this property could yield would be twelve (12). This number is only possible if all applicable requirements were met. It is not anticipated that this property could realize the maximum number of lots due to the unique topography and wetlands. One factor that was considered in reviewing the preliminary is the location of the wetlands on the property. The wetlands bisect this property in a manner that appears to limit the future development potential. The City's applicable standards are further defined as follows:

*Subd. 3. Density. Lots of record in the rural residential district may be divided or subdivided into the following maximum number of lots, said maximum number to include the lot for any existing dwelling unit or other principal use: (Amended, Ord. 2010-01)*

| <u>Area of Lot<br/>of Record</u> | <u>Maximum Number<br/>of Lots Permitted</u>                             |
|----------------------------------|---|
| 7.5 acres or less                | One   |
| 7.6 through 12.5 acres           | Two   |
| 12.6 through 17.5 acres          | Three   |
| 17.6 through 22.5 acres          | Four  |
| 22.6 through 27.5 acres          | Five  |
| 27.6 through 32.5 acres          | Six   |
| 32.6 through 37.5 acres          | Seven   |
| 37.6 through 42.5 acres          | Eight   |
| <b>42.6 through 47.5 acres</b>   | <b>Nine, plus one addn. lot for every five<br/>addn. acres of land.</b> |

In addition to the maximum lot density, the City has the following standards pertaining to Rural Residential lots.

*530.03. Physical Standards.*

*Subd. 3. Physical standards. All lots and construction thereon must meet the following physical standards:*

- (a) *Minimum lot area* *<sup>a</sup> 2.50 acres buildable land*
- (b) *Maximum lot area* *10 acres*
- (c) *Minimum lot frontage on an improved public road or street:*

| <u>Lot area</u>    | <u>Minimum frontage</u> |
|--------------------|-------------------------|
| 2.50 – 3.49 acres  | <sup>b</sup> 200 feet   |
| 3.50 – 4.99 acres  | <sup>b</sup> 250 feet   |
| 5.00 – 10.00 acres | <sup>b</sup> 300 feet   |

<sup>a</sup> A lot must be a minimum of 2.50 acres buildable land with a demonstrated capability to accommodate two on-site waste disposal systems. Buildable land must be contiguous and not separated by streams, wetlands, slopes in excess of 10% or other physical impediments.

<sup>b</sup> A waiver to permit lots with reduced frontage on a public right-of-way, neck lots or lots with no frontage on a public right-of-way but with frontage on a common driveway may be considered and granted or not granted. If granted, evidence must be provided that all

standards established and defined in Section 510.05, Subdivision 20 of this zoning code are met: (Amended, Ord. 2010-06)

A more detailed breakdown of the proposed individual lots is as follows:

| Lot No. | Gross Acres | Upland Acreage | Frontage  | Lot Frontage/Depth |
|---------|-------------|----------------|-----------|--------------------|
| Lot 1   | 4.84 acres  | 3.34 acres     | 250.00 LF | 1:2                |
| Lot 2   | 4.48 acres  | 2.56 acres     | 263.33 LF | 1:2                |
| Lot 3   | 4.23 acres  | 2.50 acres     | 286.64 LF | 1:2                |
| Lot 4*  | 20.00 acres | 9.78 acres     | 491.19 LF | 1:4                |
| Lot 5   | 11.85 acres | 4.52 acres     | 498.32 LF | 1:4                |
| Lot 6   | 8.92 acres  | 3.77 acres     | 300.03 LF | 1:4                |
| Lot 7   | 8.93 acres  | 7.35 acres     | 300.03 LF | 1:4                |

**\*Existing House Located on Property**

The proposed subdivision would create six new lots along with the existing lot. The applicant has worked to develop the property in a manner that would respect the natural topography and wetlands, capture the best building site locations and limit construction of additional public infrastructure. The newly proposed configuration eliminates the "land locked" island that was considered in the five lot version of the proposed subdivision. The six new lots would be mostly similar in size and configuration to the recently subdivided 5 acre lot (4850 County Road 11) with access to County Road 11 and Lake Sarah Drive South. The applicant is proposing to maintain a larger, approximately 20 acre parcel, with the existing home and barns in order to continue to accommodate the use of the barn for horses. There are approximately 30 stalls in the existing barn. Based on the City's animal unit provisions, this property would need to be at least 31 acres to fully accommodate the existing barn. It is possible that the use of the barn would not be desired in the future. If the use of the barn were limited, the property could potentially yield an additional lot.

Access to Lots 1, 2, 3 and 4 would be from Lake Sarah Drive South. The applicant is proposing to utilize a shared driveway access and corresponding easement to provide access to Lot 1. Lot 1 has the requisite frontage on Lake Sarah Drive S., but access is prohibited due to the location of an existing wetland. The City's Public Works is in favor of a shared driveway to reduce access points onto the City's street. All of the proposed lots along Lake Sarah Drive South meet the minimum frontage requirements.

Lots 5, 6 and 7 have now been designed to utilize a common driveway. The City has established criteria in the zoning ordinance which can be used to consider approval of a common driveway. The criteria for considering a common driveway are as follows:

*Subd. 20. "Driveway, common." An easement encumbered by a common driveway agreement that provides for access, construction, maintenance and financing of private vehicular and pedestrian access to not more than three lots. A common driveway shall be considered if evidence of the following standards is met: (Added, Ord. 2010-06)*

- (a) Extension of a public street is not physically feasible as determined by the city. If the city determines that there is need for such extension, this provision shall not apply, and the right-of-way for a public street shall be provided by dedication in the plat; or (Added, Ord. 2010-06)*
- (b) The city determines that a public road extension would adversely impact natural amenities, including wetlands or stands of mature trees containing deciduous trees greater than 12 inches in diameter or coniferous trees greater than 25 feet in height; or (Added, Ord. 2010-06)*



- (c) *There is no feasible present or future means of extending right-of-way from other directions; and (Added, Ord. 2010-06)*
- (d) *Covenants which assign driveway installation and future maintenance responsibility are submitted and recorded with the titles of the parcels which are benefitted. The city will not provide maintenance or snow plowing for common or shared access driveways; and (Added, Ord. 2010-06)*
- (e) *Common driveways shall be constructed in accordance with the provisions established in the City of Independence Manual of Standards. (Added, Ord. 2010-06)*

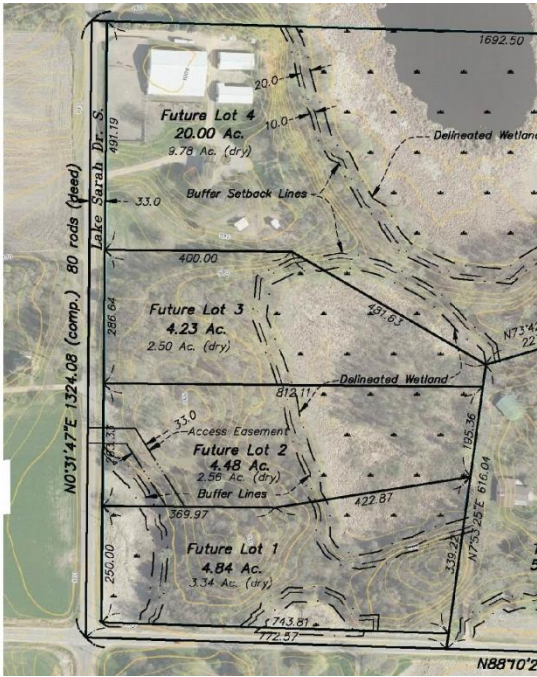
Due to the sensitive and extensive ecological features on this property, it is not feasible to extend a public road through this property. The applicant is proposing to construct a common driveway that would meet the applicable standards required by the City. Generally, the City requires a common driveway to have a 66 foot easement and be constructed to a minimum width of 20 feet. The City would require the developer of this property to construct the common driveway in accordance with the approved plans.

The proposed subdivision was reviewed by Hennepin County. The County recommended that the access to serve Lots 4 and 5 be located across from the existing church access driveway on the south side of County Road 11 (see image below).



The City is also requesting that the applicant reserve additional right of way along CSAH 11. The applicant previously reserved an additional 17 feet of right of way along County Road 11. The 17 feet will allow for the future expansion of County Road 11.

The City has sanitary sewer running along County Road 11 and Lake Sarah Drive South. This property is fully included in the metropolitan urban service area and can be connected to the City's sewer system. All lots within the proposed subdivision are proposed to be connected to the City's sewer. Due to the reconfiguration of the property, addition of two more lots and the fact that the sewer runs beneath the road, the City will require the applicant to construct a public sewer extension along Lake Sarah Drive South. The City has a 4" sewer line stubbed to the property from the existing lift station located on Lake Sarah Drive South. The City will require the applicant to construct a new 8" line under Lake Sarah Drive South and then provide a gravity line to serve Lots 1, 2, 3 and 4 (see depiction below).



Lots 5, 6 and 7 can be served with sewer in two ways. The applicant can connect the lots directly to the force main that runs on the north side of CSAH 11, or the applicant can provide a common connection to the gravity line and lift station that is located on the south side of CSAH 11 and just west of the church’s driveway. The applicant will be required to provide the City with detailed design drawings depicting the requisite public sewer improvements prior to final plat consideration. The City will charge all applicable sewer connection fees along with the initial assessment amount for all lots in the proposed development.

All existing and proposed lots will be required to provide a 10 foot perimeter drainage and utility easement as required by ordinance (Section 500.15, Subd.’s 1 and 2). The proposed development does not appear to trigger the City’s stormwater management requirements because there will be a minimal increase in new impervious surface. The City will review the plans for the common driveway to ensure proper drainage and erosion control is provided.

The 4 newly created lots will be required to pay the City’s requisite park dedication fee. The requisite park dedication fees would be as follows:

| Lot No. | Gross Acres | Park Dedication Amount |
|---------|-------------|------------------------|
| Lot 1   | 4.84 acres  | \$3,500                |
| Lot 2   | 4.48 acres  | \$3,500                |
| Lot 3   | 4.23 acres  | \$3,500                |
| Lot 4   | 20.00 acres | Existing Home          |
| Lot 5   | 11.85 acres | \$8,750                |
| Lot 6   | 8.92 acres  | \$6,500                |
| Lot 7   | 8.93 acres  | \$6,500                |

The total park dedication fee collected will be \$32,250. The park dedication fees will need to be paid prior to the City recording the subdivision.

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

***Other Considerations:***

1. The property is guided rural residential by the City's Comprehensive Plan. The proposed subdivision is keeping with the intent and guidance provided by the Comprehensive Plan.
2. The existing 5 acre property (5850 County Road 11- in the middle of the property) along with the subject property will be rezoned to Rural Residential as noted during the approval of the initial minor subdivision.
3. The applicant has prepared a wetland delineation for this property. All wetlands and their requisite buffers will need to be located within the drainage and utility easements.
4. The applicant will be required to prepare formal plans which further detail and delineate the public sewer and common driveway improvements. The City will memorialize all improvements and common driveway maintenance in a development agreement.
5. The individual lots will be required to apply for and be granted a grading permit at the time of building permit application. At that time the City will review the individual lot grading

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

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

1. The proposed Rezoning and Preliminary Plat meet all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning and Subdivision Ordinance.
2. City Council approval of the Preliminary Plat is subject to the following:
  - a. The Applicant shall address all comments and applicable requirements pertaining to the development.
  - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council.
  - c. The Applicant shall comply with all applicable regulations and conditions prescribed by Pioneer Sarah Watershed District.

- d. The Applicant shall enter into a development agreement with the City for this development.
  - e. The Applicant shall provide a letter of credit as established by the development agreement for all improvements associated with this development, if required.
  - f. The Applicant shall provide the City with copies of the HOA agreement and covenants, including information related to the maintenance of the common driveway.
  - g. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The Applicant shall pay the park dedication fees in the amount of \$32,500 in accordance with the terms defined in the Development Agreement.
  4. The Applicant shall pay for all costs associated with the City's review of the rezoning and preliminary plat.
  5. The Applicant shall submit the final plat and associated documents to the City within one year of approval of the Preliminary Plat.

Phillips asked how many stubs were planned for sewer on this parcel. Kaltsas said there were two stubs but there are also several unidentified stubs which the 5 lots would be designated to utilize. Kaltsas noted we would be getting back several connections from Vinland when the Met Council updates that line which it is in the process of doing. He said the cap number was 289 connections which we are only using 240 approximately. He said some of those are designated but have not been connected yet with some of those assessments dating back over twenty years.

Phillips asked for clarification on the difference between comprehensive planning guidance versus zoning. Kaltsas said this property is guided rural residential by the City's Comprehensive Plan for the year 2030. Those properties that are designated rural residential may have one unit per 5 acres. He said the City is divided 1/3 residential and 2/3 agricultural from a Comprehensive land use standpoint. He noted there is also commercial and urban residential designations. Kaltsas said this guide is used as a reference for what is thought to be the future of the land use and development. He said that this is different from the City zoning map. The zoning map is what the property is listed as today and the Comprehensive Guide Map is what is outlined for future planning and expectations.

Phillips asked if a property is guided rural residential but zoned agriculture what was to stop it from changing. Kaltsas said nothing that the City by ordinance can rezone properties as long as they meet the criteria.

Phillips asked how many driveways there will be on County Road 11 and how many on Lake Sarah Dr. S. Kaltsas said County Road 11 would have one driveway probably through the existing field location that is already set across from the church. He noted Hennepin County thought that would be the best location. Kaltsas said that driveway would serve three lots. He said on Lake Sarah Dr. S there would be the existing driveway already used, a new driveway for lot 3 and a new driveway that would serve lots 2 and 1 through a private easement.

### Public Hearing Open

No comments.

**Motion by Thompson to close the Public Hearing, second by Phillips.**

Public Hearing Closed

Thompson noted the concern in January was morphing the land in the middle and he thought going to seven lots was a minor change in what was already approved.

Phillips asked if WHPS had looked at this development and what their thoughts were as far as the road access. Kaltsas said Public Works and Hennepin County have reviewed the plans and the criteria are met as far as intersection distance and access.

**Motion by Gardner to approve the rezoning of the property at 4150 Lake Sarah Dr. S from Ag to RR and the preliminary plat seven lot subdivision per Staff recommendations. Ayes: Olson, Phillips, Thompson and Palmquist. Nays: None. Absent: Gardner. Motion approved.**

6. **PUBLIC HEARING:** A proposed text amendment to the City of Independence Ordinances as follows:

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

Kaltsas noted 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.

Kaltsas said 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?*

2. 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?*

3. 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-<br>Agriculture | RR-Rural<br>Residential | UR-Urban<br>Residential | CLI-Commercial -<br>Light Industrial | UC-Urban<br>Commercial |
| Community Solar Garden                  |                    |                         |                         |                                      |                        |
| Building Integrated Solar Energy System |                    |                         |                         |                                      |                        |
| Ground Mounted Solar Energy System      |                    |                         |                         |                                      |                        |
| Solar Farm                              |                    |                         |                         |                                      |                        |

|  |
|--|
| P - Permitted<br>A - Accessory<br>C - Conditional<br>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.

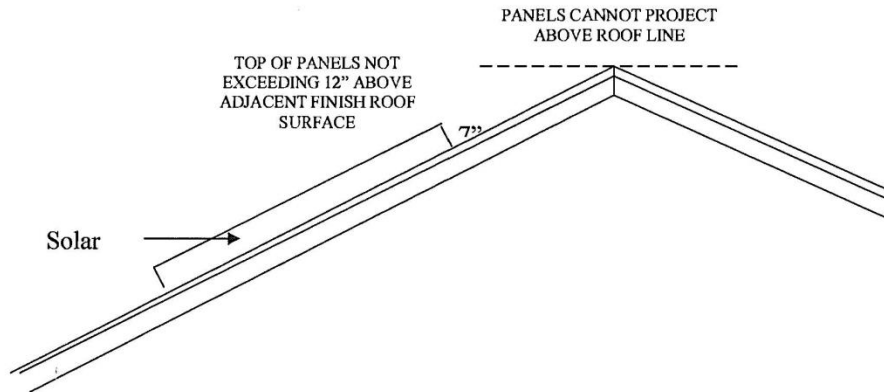
**Draft Solar Performance Standards and Placement Guidelines.**

- (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.*

Kaltsas said 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.

Kaltsas noted the City has received numerous phone calls and several letters pertaining to the consideration to amend the ordinance. He said Staff is seeking discussion and direction from the Planning Commission for the requested Text Amendment.

Thompson asked for clarification on the different types of approvals being addressed with this amendment as one pertains to type and one to use of solar. Kaltsas said the ordinance address essentially ground mounted systems and it becomes of question of scaling. Thompson asked if each specific case would be addressed in the ordinance. He was looking at the balance and language around construction and usage. Kaltsas said standard practice is to define a community solar garden, as it is a specific system. He noted MN Statute addresses that type of system specifically. Kaltsas said it could be broken down into two different things and Thompson agreed saying it was comparing apples and oranges.

Thompson noted the Comprehensive Plan guides rezoning but did not mandate it. Kaltsas said that once a property was “re-guided” the City could rezone even without homeowner approval. He noted because of the complication of it that cities might adopt ordinances to transition from Rural Residential to Agricultural. Palmquist asked if the labels of interim, permitted, accessory, conditional should be attached to each zoning district. Kaltsas said permitted uses designate no additional action required but there may be conditions that are required to be followed. He said an example would be that a single family home is a permitted use within an AG district as well as RR district. Kaltsas said an accessory use is only permitted as an accessory use to a permitted principle structure or use. He said an example would be a detached garage if there were already a primary structure. He said a conditional use is permitted based on conditions being met and a public hearing held. Kaltsas said a conditional use stays with the property even in the event of a sale if the conditions are still being upheld. Kaltsas said an interim use is a conditional use that is permitted but it is tied to an event or a date in time.

Phillips noted that there is also a criteria of not permitted and Kaltsas agreed qualifying that as a prohibited structure or use. Phillips stated that the point of this discussion was not to get to a final decision but rather this was a discussion that would be ongoing.

### Public Hearing Open

Mark Kroskin, 6000 Providence Curve/ HOA President, said Kaltsas’ presentation was articulated well and made it easy to understand. He said the question is what Independence is going to be in the future. He stated he moved here in June and the criteria they based their selection on was made based on the schools, land and property values. Kroskin stated his concern was who would benefit from the solar ordinance. He said it was easy to see how rooftop residential or rooftop commercial would be beneficial as a secondary energy source and even agriculturally, it could help offset utility costs for a farming operation. Kroskin

stated he thought the gray area would be a solar farm used to generate income for the solar company and one landowner. He felt that would not be in line for what the land was supposed to be used for. Kroskin said well written ordinances can protect the community through the turnover of planning commissions and city council seats or poorly written ordinances can be very detrimental. He urged careful consideration and the hope that the majority of the residents would benefit from a new ordinance.

LuAnn Brenno, 7676 Turner Road, said she was not ready to do standards and that this was not where this was at tonight. She said the building integrated solar use could be an accessory use as the structure would already be in place. It seems that it would be an accessory use in rural residential and agriculture and the standards would be determined by the buildings. She felt commercial should be a roof accessory in Light Industrial zones. Brenno said the Medina ordinance is very simple and addresses the free standing or ground-mounted solar as either affixed or not affixed. Brenno said the freestanding and ground mounted should be conditional use permitted or she feels there could be problems between neighboring properties. Brenno stated solar gardens and farms should not be permitted within the City. She said these are industrial and do not jive with the Comprehensive Plan. Brenno said in her opinion the only ones to benefit from a solar farm/garden would be the landowner and the utility and they are not compatible with neighboring land uses. She does not believe at this stage in the game solar gardens/farms would not be compatible in the Commercial Light Industrial district as it still very rural. Brenno does not think they can be adequately screened. She noted screening that is supposed to be done has not happened in the past and gave the example of the Natural Gas thing that went up on County Line and was supposed to be screened by trees. She said there are now three dead trees around it and that is it. She noted 40 acres to screen would be hard to accomplish successfully. Brenno said Orono does not allow solar fields and Greenfield just denied them. Brenno said the recent application would not benefit the residents of Independence. She knows solar is the way to go but does not think it belongs in our City.

Tammi Adams, 2909 Lindgren Lane, said this is an important ordinance and there is a need to look forward to alternative energy sources. She asked Kaltsas if wind power generation would be looked at as well. Kaltsas stated the City has a wind generation ordinance in place. He said wind generators are not permitted in the Rural Residential districts but are permitted as a conditional use in the Agricultural Districts. She thanked the Commissioners and Kaltsas for looking at this ordinance as she sees it as the way of the future. Adams said there is a need for alternative energy and solar farms will be necessary. She said there would be a need for our children and future generations for energy.

Lance Wallin, 3535 County Road 90, said he was here to learn. He said the City needs to be embracing this thoughtfully as we plan for the future. He wants to learn what drawbacks there are other than the aesthetics.

Ben Lewis, 5645 Lake Sarah Heights Drive, said there is a demand for this clean power and it will continue to increase. He feels the City would be wise to make it easy for an individual to generate power on his or her own by using the building mounted panels. He would encourage the City to be open to those types of systems.

Roger Sundeen, 6410 Pagenkopf, said he has lived here all his life and he would love to see these solar panels. He would much rather see 40 acres of these panels than 40 acres of oversize tract homes. Sundeen said we need to decrease our use of fossil fuel and solar and wind energy are the way of the future. He would rather have acres of solar than acres of corn with pesticides all over.

Laverne Dunsmore, 10602 Fenner Ave. Delano, he said he would suffer a huge economic loss if the solar farm that was applied for would be allowed to go in adjacent to his property. He stated he has a cabin up north that is 100% solar and he loves it. He said it is off grid. Dunsmore said this has to be about controlled growth and aesthetics. He said he has an eight-acre peony farm and this would affect that business as well.

Doug Selle, 662 Nelson Road, and stated he is not against renewable energy but is against solar farms in Independence. Selly said solar energy can produce electricity or heat and the City would have to look at how these energies would be conveyed to the public.

Sally Simpson, 2840 Copeland Road, said renewable energy is the way to go. She credits the commissioners on addressing the subject. She noted the aesthetics is the drawback. Simpson would like to see renewable energy that could benefit the residents.

Tom Janas, 1351 Nelson, spoke about the industrial application versus the agricultural application. He said solar panels provide something valuable to people and beauty is in the eye of the beholder. Janas said he would be interested in knowing if it is a fact that property values change when solar panels come in.

Jon Malecek, 1215 Copeland Road, appreciates the decreased property values comments. He felt that should be part of the equation in looking at this ordinance as it could have far-reaching values.

John Hasse, 1035 County Road 92 N, said he built his house 30 years ago and thought solar would be a great benefit. He asked who would maintain these solar farms and keep the weeds out.

Dave Jacobsen, 2065 Nelson, said he has no problems with solar on houses or buildings but would have a problem with a solar farm. He has three little boys and his concern would be the traffic on the road. He is also concerned about property values decreasing because of being across from a solar farm.

Charlie Wood, 9375 Kutz Crossing, said it easy to discount the aesthetic appeal as we like the space and quality of life. He is on board with solar panels on houses but is not in agreement with solar farms. Wood said the shine from a solar farm is huge. He has six kids and wants to give them the quality of life with the open spaces, noting people aspire to be out here.

Kristina Roberts, 7899 Highway 12, said she wonders what the effects are for our children. Are they harmful long-term, etc? She said she is opposed to the farms but would be in favor of the house panels.

Rob Thomas, 6525 Meadow Ridge, would like to see ground mounted systems considered for individual use as homes like his would not be applicable for roof mounted. Thomas said he would support solar gardens and would like to know more about how property values may be affected.

Nathan Rogers, Developer with Europlexes, San Francisco, said his company has done over 50 projects with 15 currently being developed in Minnesota. He said he looks forward to future opportunities to address solar.

**Motion by Thompson to close the Public Hearing, second by Phillips.**

Public Hearing Closed

Phillips stated this would not be the last opportunity to give testimony. Thompson stated it was necessary to clarify parameters much as has been done on the wind ordinance. He said this meeting was good for getting initial feedback and starting down the path of developing an ordinance. Olson said they need to continue to think about solar and weigh what has been heard at the meeting. He would like to see data on how property values may be affected. Olson said it was going to be a process that would involve learning more before developing an ordinance.

Phillips asked what kind of time restraints apply to this process. Kaltsas said the application that was presented would need a response by the end of April. He said the applicant could grant additional time to the City. He anticipates at a minimum one to two more meetings. Thompson asked if a working session would make sense to short circuit some of the back and forth between planning and council. Kaltsas said that would be a good opportunity to flush out some of the concepts.

Thompson asked if there was a historical precedent set in terms of how to align with neighboring communities and be guided by comprehensive plans. Kaltsas noted comprehensive planning provides opportunity for input and feedback to neighboring cities to provide a level of consistency. Phillips asked what the implications would be if we were to allow a solar farm that borders another community.

Phillips suggested research via google on solar impacts on environment, property values and traffic effects could be studied for further discussion. Thompson noted solar needs to be categorized as the state has done. Phillips said the point of ground mounted is well taken as some places make people cut trees down. He said ground mounted is a good alternative to roof mounted.

Thompson addressed utility scale operations. Phillips asked if it could be simply said that utility scale was not permitted. Kaltsas said yes.

Palmquist said he is very much in favor of exploring renewable energy resources while supporting those who want to maintain the rural character of Independence. He said it boils down to an issue of scale and compatibility with surrounding land use. He said it was important to be sensitive to neighboring properties. Palmquist said he would not be in favor of large farms and would rather walk not run in creating an ordinance. He said this is the wave of the future and addressing it on a basis of accessory or conditional use would be fine. Phillips asked what the implications would be of having a one-year moratorium on solar farms. Kaltsas said it would give the City time to study and learn more before creating an ordinance but it would affect the landowners seeking action so they can proceed or not proceed. Palmquist said they should not rush into establishing an ordinance to satisfy an application.

Phillips asked if it would make sense to fill out the chart individually so Kaltsas would know how to proceed. Kaltsas agreed that would give some direction. Kaltsas said the applicant would need to convey if they were open to an extension.

Beck (applicant representative) said they would grant whatever extensions are needed as long as the process keeps moving along.

**Motion by Phillips, to continue the Public Hearing at the April Planning Commission meeting, second by Thompson. Ayes: Olson, Phillips, Thompson and Palmquist. Nays: None. Absent: Gardner. Motion approved.**

7. Open/Misc.

8. Adjourn.

**Motion by Olson, second by Thompson to adjourn the meeting at 8:50 p.m. Ayes: Olson, Phillips, Thompson and Palmquist. Nays: None. Absent: Gardner. Motion approved.**

Respectfully Submitted,

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Trish Bemmels, Recording Secretary