



CITY COUNCIL MEETING AGENDA  
TUESDAY JANUARY 2, 2024

**CITY COUNCIL MEETING TIME: 6:30 PM**

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

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

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

- a. Approval of City Council Minutes from the December 19, 2023, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Checks No. 22527-22543).

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

6. Reports of Boards and Committees by Council and Staff.

7. Brian Anderson (Applicant) and Peter Johnson (Owner) are requesting the following actions for the property located at 6220 CSAH 11 (PID No. 02-118-24-32-0001) in the City of Independence, MN:

- a. **RESOLUTION NO. 24-0102-01** – Considering approval of a minor subdivision to allow a lot split which would create a new eight (8) acre parcel on the north side of the existing creek and would be accessed via Stephanie Way; and

A variance to allow a new property to be created which has less than the requisite lot frontage on a public road or right of way.

8. Mike Reneau (Applicant) Greg Page (Owner) is requesting the following action for the property located at 7075 Highway 12 (PID No. 22-118-24-24-0001) in the City of Independence, MN:

- a. **RESOLUTION NO. 24-0102-02** – Considering approval of a conditional use permit (CUP) to allow a 500 SF ground mounted solar system and denial of a variance to allow a ground mounted solar system that is greater than 500 SF.

9. Open/Misc.

10. Adjourn.



CITY COUNCIL MEETING AGENDA  
TUESDAY DECEMBER 19, 2023

**6:30 PM REGULAR MEETING**

1. Call to Order

Pursuant to due call and notice thereof, a regular meeting of the Independence City Council was called to order by Mayor Johnson at 6:30 p.m.

2. Pledge of Allegiance

Mayor Johnson led the group in the Pledge of Allegiance.

3. Roll Call

Present: Mayor Johnson, Councilors Spencer, Grotting, McCoy  
Absent: Councilor Betts, Administrative Services Director Simon  
Staff: City Administrator Kaltsas and WHPS Director of Public Safety Kroells  
Visitors: See Sign-in Sheet

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

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

- a. Approval of City Council Minutes from the November 29, 2023, City Council Workshop Meeting.
- b. Approval of Truth in Taxation Meeting Minutes from the December 5, 2023, City Council Truth in Taxation Meeting.
- c. Approval of City Council Minutes from the December 5, 2023, Regular City Council Meeting.
- d. Approval of Joint City Council Minutes from the December 13, 2023, City Council Joint Meeting with the Maple Plain City Council.
- e. Approval of Accounts Payable (Batch # 1; Checks Numbered 22490-22511, Batch # 2; Checks Numbered 22512-22523).

**Motion by Spencer, seconded by Grotting to approve the Consent Agenda. Ayes: Johnson, Spencer, Grotting, McCoy. Nays: None. Absent: Betts. Abstain. None. MOTION DECLARED CARRIED. 4-0**

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.

6. Reports of Boards and Committees by Council and Staff.

Grotting attended the following meetings:

MetCouncil Advisory Committee  
Independence/Maple Plain Joint Fire Meeting

Spencer attended the following meetings:

MetCouncil meeting with Judy Johnson with Mark Kaltsas  
Independence/Maple Plain Joint Fire Meeting  
LMCC Executive Meeting

McCoy attended the following meetings:

Meeting with West Suburban Fire Chief and Mark Kaltsas  
State Playoff Chain Gang Football  
Fire Commission Meeting  
Independence/Maple Plain Joint Fire Meeting

Johnson attended the following meetings:

Legion Christmas Party  
Hwy 55 Coalition  
Funeral for Marilyn Hamilton  
Regional Council of Mayors  
Phone meeting with James Whiskers  
Orono School Board  
Workshop Meeting  
Joint Fire Meeting  
Fire Commission  
Police Commission  
Independence/Maple Plain Joint Fire Meeting  
Hennepin County Opioid Laws (virtual)  
NW League

7. West Hennepin Public Safety – Director Gary Kroells: Presentation of the November 2023 Activity Report.

4,101 Incident Complaints (253 Independence) / (129 Maple Plain)  
See full police report.

8. Deferred Assessment Repayment Agreements

- a. **Assessment Repayment Agreement** – Agreement providing for the repayment of deferred assessments for PID No. 13-118-24-23-0001.
- b. **Assessment Repayment Agreement** – Agreement providing for the repayment of deferred assessments for PID No. 14-118-24-14-0002.

Kaltsas explained that this topic was brought up due to a property that recently sold that had a deferred assessment on it. He said they were unaware or lost track of the assessment. After further investigations, Hennepin County does not note on the paper tax statements that there is an assessment on the property, but they do on the website. He said he met with the county assessor and asked them to add it to the paper copies. This extra notice will be good for families that acquire the properties with an assessment on it. We did pull all of the properties in the city with deferred assessments on them and there were only 4. One of them recently sold, one property had two on them, another property was owned by the same family and one other property that doesn't intend to pay it off. The family of one of the properties came in to ask about payoff information and how they can get this taken care of quickly. We spoke with HC and there are two types of assessments – senior exemptions and Green Acres. Green Acres cannot be reapplied to the property.

We did talk with the city attorney and drafted an agreement for repayment to clear those debts. These two properties owned by the same family had a total of 3 assessments. Two of the assessments were for the 1997 road assessment and one for 2010 sewer project. They would like to pay the 2010 assessment off since that is smaller and have a payment agreement with the city on the others. They only asked for 5 years, but we want to note with council that we could go up to 10 years on repayment. This agreement would freeze the accrual to the date of the agreement, the property owners would pay annual installments over the course of 5 years and once they complete their payments, we would notify HC that they have paid in full. If they default, we would restart the accrual retroactive to what it was to be and apply the funds to the overall assessed amount. We would offer this same agreement to the other properties as well, but we have not heard back from the others yet.

Kaltsas stated that attorney Vose prepared the two repayment agreements with the interest rates and terms. We would record it and annually collect on that.

Johnson asked if we can approve these?

Kaltsas said that he would ask council to allow us to change the payment terms from five to ten years if needed. These were \$8k assessments that are now \$80k. They do recognize that.

Grotting asked if they made payments would it be deducted.

Kaltsas said only if they paid it in full. Green Acres gives the property and automatic deferment. They knew they had it, but they weren't tracking the annual interest. We haven't done many projects in the city for these to come up. Property owners need to make sure they are paying attention to these. In the future, we will put a letter out for



assessments to notify them of this. When you hear deferred, you think it will be someone else's problem. My guess is that they would have paid this day one if they knew how large this would grow.

Grotting asked if we could give out an amortization chart.

Kaltsas said we try to give them some understanding on it. We are trying to help inform people and they can make the decision from there.

Johnson said we have two assessment repayment agreements here.

**Motion by Spencer, seconded by McCoy to approve the two assessment repayment agreements subject to allowing the length of the repayment to be modified up to 10 years. Ayes: Johnson, Spencer, Grotting, McCoy. Nays: None. Absent: Betts. Abstain. None. MOTION DECLARED CARRIED. 4-0**

9. Amendment to Employee Handbook as Recommended by the Personnel Committee.
  - a. **RESOLUTION No. 23-1219-01** – Considering an amendment to the Personnel Policy relating to the requirement for ESST time and Public Works on-call compensation.

Kaltsas said we have two personnel handbook policies to discuss, the first being ESST that is being passed down from the state. The new state law requires businesses to provide time off for a wide array of reasons without employees providing reasons. Amber did the heavy lifting on this and sat through a lot of meetings on how to implement this. We are recommending utilizing the city's existing sick leave that we already provide to employees and calling it ESST as well. Employees currently accrue 96 hours of sick time in one calendar year. We would call this time "sick/ESST leave." The new law says that if you provide at least 80 hours of ESST, you can utilize your current policy and treat it as ESST as long as it meets or exceeds the minimums. Any remaining unused balance at the end of the year would then be added to their sick leave "bucket" that they could use or cash out on at 1/3 of the hours if the employee leaves or retires. This way we don't have to give more time, but just give the employee the ability to utilize those hours to care for a family member, themselves, mental health or severe weather. There are a lot of reasons they can use this time. This option is the lowest liability to the city without additional costs. It still holds the employee accountable because they wouldn't build their sick bucket. We plan on trying this for a year and can always change it when we reevaluate at the end of 2024.

Johnson said that Spencer and himself recommended this.

Kaltsas explained that the second personnel topic came at the request of a PW employee to look at on-call time. We currently have 3 employees in PW which puts them on-call every 3<sup>rd</sup> week for 1 week at a time. He said it takes up a lot of free time when you are on call. You have to be close to work, can't have a drink, etc. We looked at compensation related to this and how we relate to the cities around us. We currently pay 8 hours of regular pay in addition to their normal worked hours just to be available. If they come in for any reason, they get a

minimum of 2 hours no matter what which is about right by the time someone drives here and figures out what the problem is. We looked at 7 cities. The cities with more staff are on rotation much less frequently than those with only a few employees. We are recommending that we add an additional 3 hours of on-call time to the PW employees. This would be 1 hour per day for M-F and 3 hours each weekend day or holiday for a total of 11 hours. We want to still be in the top 3 cities surrounding us. This seems fair. We didn't compare all the benefits and we think ours are really good if we would look at the whole body of our benefits. Personnel committee thought that this was a reasonable increase.

Spencer asked if the city would keep the 2-hour minimum for each call.

Kaltsas said yes. It is per employee by their pay amount. If one employee grabbed another employees rotation, it may be a different pay. The dollar amount is specific to exactly what each employee works.

Grotting asked if we are the same as Medina and Loretto but just have an added 2-hour minimum.

Kaltsas said Amber talked to most of them and they said which one was guaranteed. Loretto and Medina didn't specify.

Grotting asked if the personnel committee is recommending this.

Johnson said yes. We have a resolution ready.

**Motion by McCoy, seconded by Grotting to approve RESOLUTION No. 23-1219-01.  
Ayes: Johnson, Spencer, Grotting, McCoy. Nays: None. Absent: Betts. Abstain. None.  
MOTION DECLARED CARRIED. 4-0**

Johnson thanked Kaltsas for looking into all of this.

Kaltsas said it was all Amber. She did all of the work. She did a great job.

10. Open/Misc.

11. Adjourn.

**Motion by Spencer, seconded by McCoy to Adjourn meeting at 7:24pm. Ayes:  
Johnson, Spence, Grotting and McCoy. Nays: None. Absent: Betts. Abstain. None.  
MOTION DECLARED CARRIED. 4-0**

## City of Independence

### ***Request for a Minor Subdivision to Permit a Rural View Lot and Variance to Allow a Reduction in the Requisite Frontage for the Property Located at 6220 County Road 11***

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*To:* City Council  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* January 2, 2024  
*Applicants:* Brian Anderson  
*Owners:* Peter Johnson  
*Location:* 6220 County Road 11

#### ***Request:***

Peter Johnson (Applicant/Owner) is requesting the following actions for the property located at 6220 CSAH 11 (PID No. 02-118-24-32-0001) in the City of Independence, MN:

- a. A minor subdivision to allow a lot split which would create a new eight (8) acre parcel on the north side of the existing creek and would be accessed via Stephanie Way.
- b. A variance to allow a new property to be created which has less than the requisite lot frontage on a public road or right of way.

#### ***Property/Site Information:***

The subject property is located on the north side of CSAH 11 and just to the west of the intersection of CSAH 92 and CSAH 11. The property has one existing home and several detached accessory structures. The property is comprised of upland pasture, woodlands and wetlands. The property has the following site characteristics:

##### **Property Information: 6220 County Road 11**

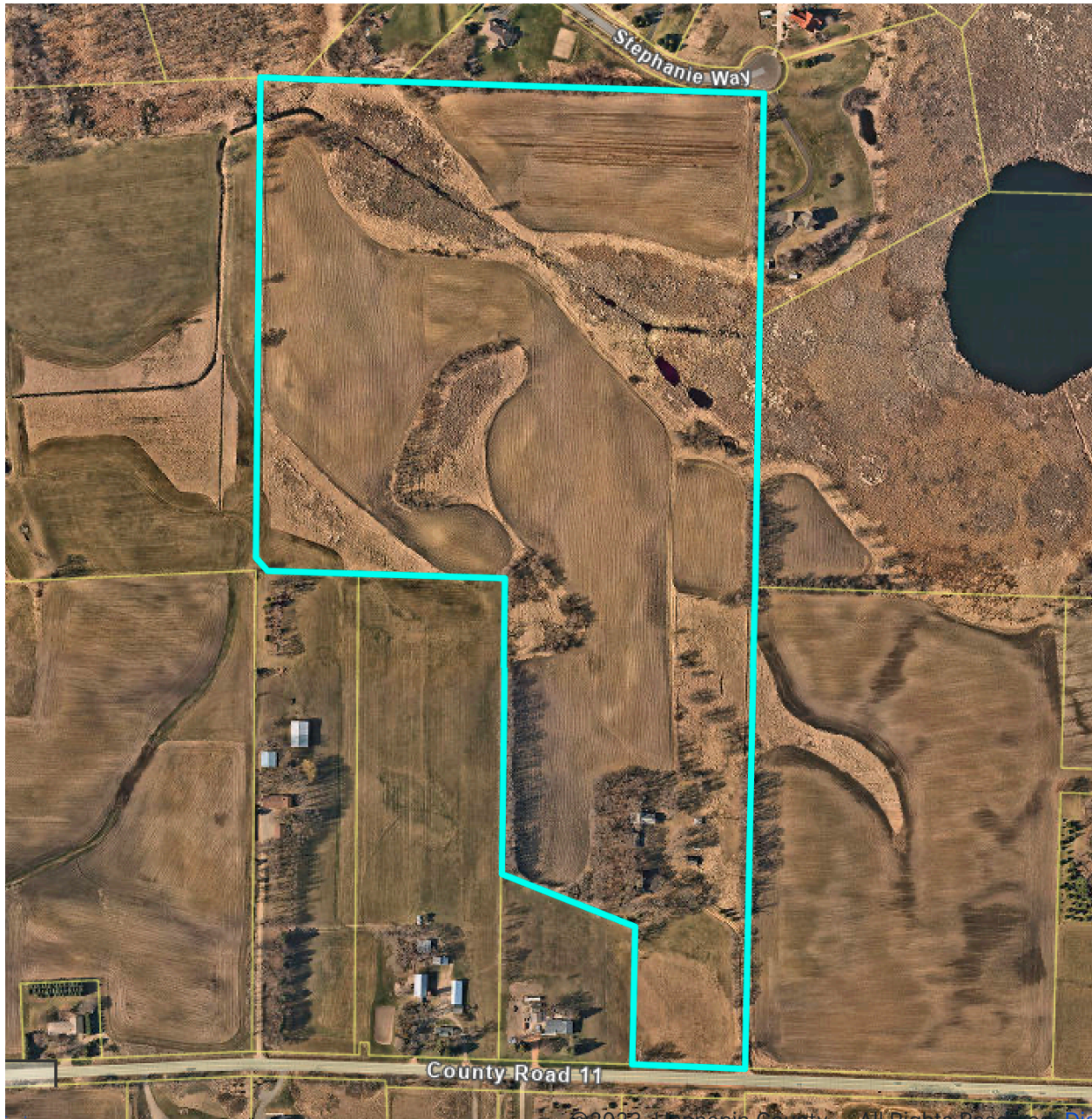
Zoning: *AG-Agriculture*

Comprehensive Plan: *Rural Residential*

Acreage Before: *56.95 acres*

Acreage After –Parcel A: *8.00 acres*

Acreage After –Parcel B: *48.95 acres*



***Discussion:***

The subject property is zoned AG-Agriculture and guided RR-Rural Residential by the City's Comprehensive Land Use Plan. The applicant is seeking a minor subdivision of the property to create two (2) lots. The City allows the subdivision of property in the Agriculture zoning district in accordance with the requirements in the City's zoning ordinance.



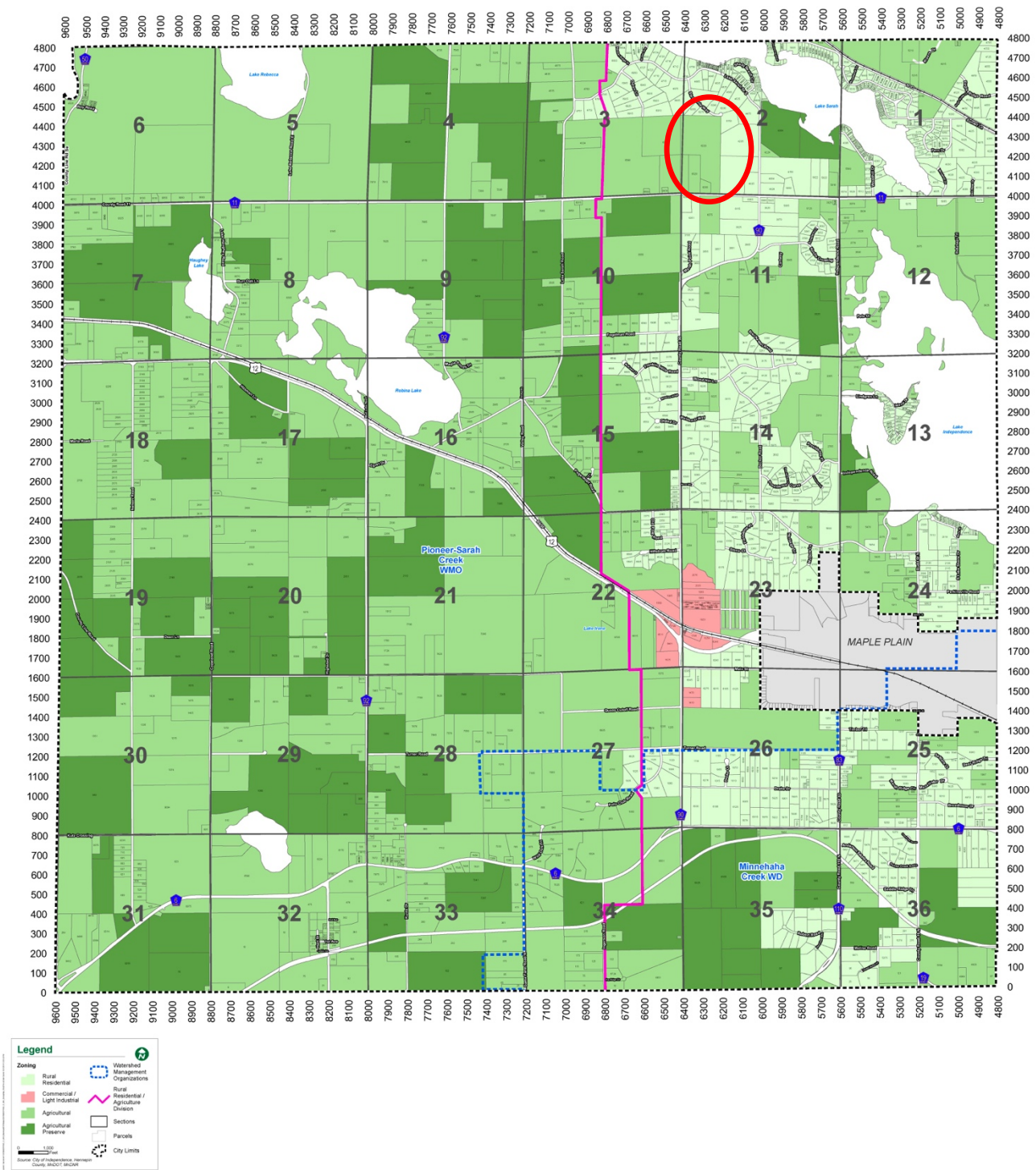
# Zoning Map



Zoning Map  
City of Independence, MN



May 2019



## Minor Subdivision

The subject property is guided for RR-Rural Residential and could be rezoned and subsequently subdivided in accordance with the provisions of the rural residential zoning standards. The Rural Residential standards would allow the property to be subdivided into approximately 8-10 lots. Based on the cost of the roads, stormwater conveyance and filtration system and similar improvements, the current buyer decided not to pursue rezoning. The applicant is seeking approval of a proposed subdivision which would allow the creation of an 8 acre parcel on the north side of the property with access to Stephanie Way.

Using the AG-Agriculture zoning standards, this property has the ability to realize one (1) additional lot. The Agriculture zoning standards allow 1 rural view lot to be created for each 40 acres of property.

Rural view lots must have the following characteristics:

**Lot size required:** between 2.5 and 10 acres

**Lot size proposed:** Parcel A – 8.00 acres

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

**Minimum lot frontage proposed:** Parcel A – 120 LF

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

**Ratio of lot frontage to lot depth proposed** – Parcel A - ~1:1.5 (994:470)

In addition to the minimum size necessary to subdivide, the ordinance requires a minimum of 2.5 acres of buildable upland, 300 LF of frontage on a right of way and no greater than a 1:4 ratio of lot frontage to lot depth for each rural view lot. Based on the proposed subdivision, the rural view lot would have 8.00 acres of useable upland and 120 LF of frontage on Stephanie Way.

The proposed subdivision would create one new lot in addition to the existing. The applicant is proposing to subdivide the property so that the new lot would have access on Stephanie Way. The existing frontage on Stephanie Way does not meet the requisite frontage requirements for an 8-acre lot. The applicant is seeking a variance to allow a lot to be created with reduced frontage on a right of way.

The remainder property would have approximately 45 acres and would maintain an access onto CSAH 11. The remainder parcel does not have any existing non-conformities in the before condition and would not have any in the after condition. As historically has been required,

Hennepin County is requesting an additional 17 feet of right of way for future trail and road expansion. This has been a consistent request for all subdivisions along CSAH 11. The additional right of way is not currently shown on the plans and would need to be dedicated with the requisite conveyance documents.

In addition, both parcels would be required to provide the requisite 10-foot perimeter drainage and utility easements as required by ordinance (Section 500.15, Subd.'s 1 and 2).

The newly created east parcel will be required to pay the City's requisite park dedication fee.

The total park dedication fee collected will be \$5,750.00. The park dedication fees will need to be paid prior to the City recording the subdivision.

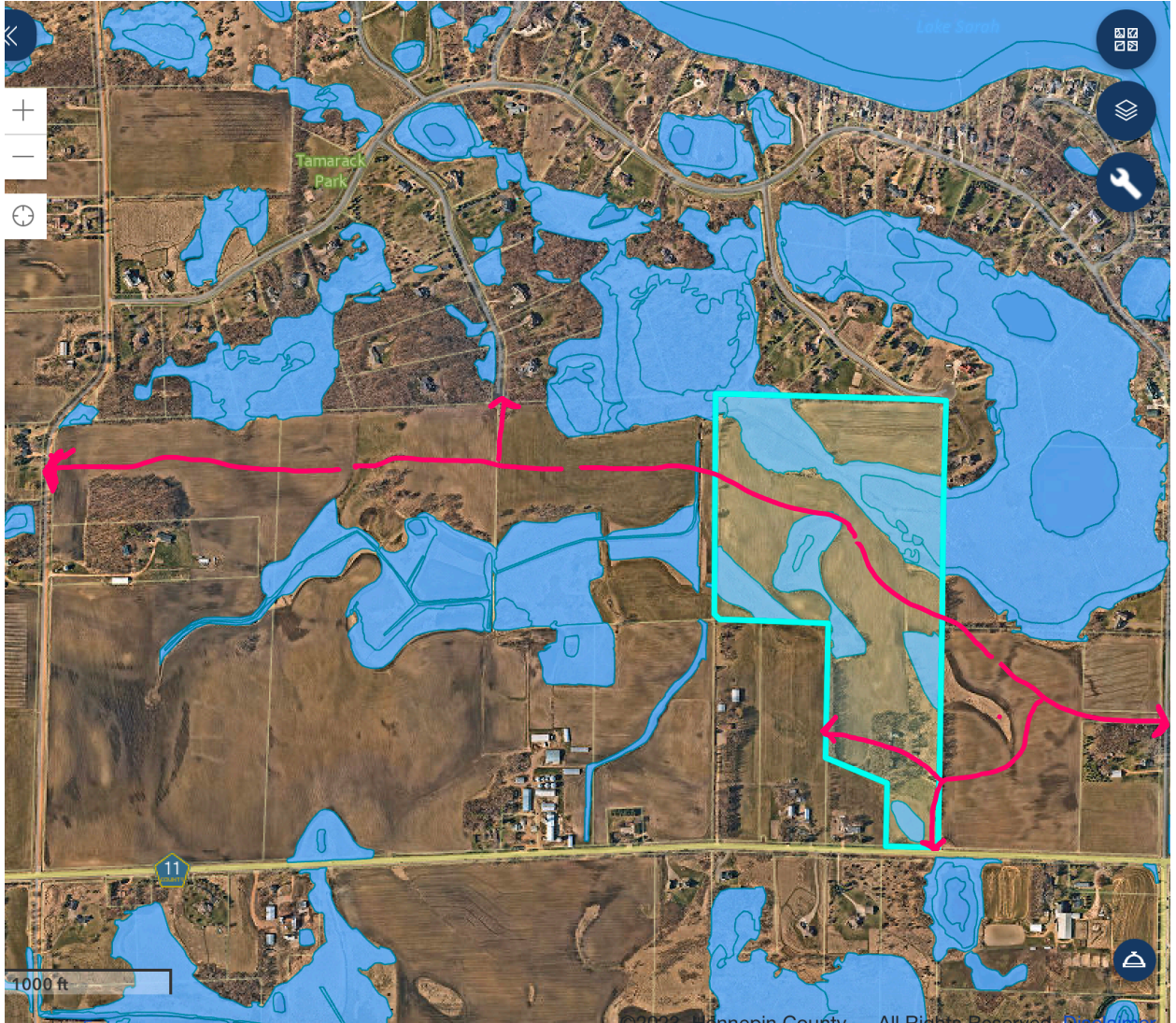
*Park dedication fee of \$3,500 per lot up to 4.99 acres,  
plus \$750 per acre for each acre over 5 acres*

***Other Considerations:***

1. The property is guided rural residential by the City's Comprehensive Plan. The proposed subdivision is based on the property remaining AG-Agriculture at this time. There are several additional considerations that should be noted relating to the property not being rezoned as follows:
  - a. The City has considered several plans for this property that were based on the rezoning to RR-Rural Residential. This property is bifurcated by wetlands which makes its development more challenging.
  - b. The property has access onto both Stephanie Way on the north and CSAH 11 on the south. The connection between these two points was considered but created challenges as a result of the topography and wetlands. Development of the north lot without any future consideration for a connection to the south would likely eliminate the ability to extend Stephanie Way. The City would want to consider whether or not a future connection is warranted.
  - c. The property does have the ability to connect to the east and possibly Lake Sarah Drive S. as well as to the west and possibly Dylan Lane and or Lake Sarah. There are many potential issues relating to the development of this area when considering large lot development. The extent of the wetlands, topography and likely span for development makes predicting the potential connections more



difficult. The cost of developing infrastructure around many of these conditions is also difficult. Staff will be seeking feedback from the Planning Commission relating to the access and future access issues.



2. The applicant has provided the City with the requisite percolation tests verifying that each lot can accommodate a primary and secondary septic site. It should be noted that the existing lot has a failing septic system. The house is currently vacant, and the applicant is not sure of what will happen with the existing home. The City has stated that they would allow the existing septic system to be crushed (tank and line to house) without replacing until such time as the existing home is demolished or renovated. This



property is not included in the current service area for sewer on CSAH 11 or Lake Sarah Drive S.

The City has established standards for granting a variance. The following standards should be noted:

*520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

*Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, "practical difficulties" means:*

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

*Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)*

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

*520.23. Conditions and restrictions. The board of adjustments may recommend and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

Consideration of the criteria for granting a variance:

- a. The property abuts the right of way for Stephanie Way. The width of the frontage is 120 LF. A lot that is greater than 4.99 acres is required to have 300 LF of frontage on a public ROW.
- a. There was a question relating to whether or not this property does abut the cul-de-sac bulb. It was noted that the City has provisions relating to cul-de-sac bulbs that allow lot to have only 50 LF of right of way frontage. Given the current geometry

of the property line and right of way, it was determined that the property did not directly fall onto the “bulb” of the cul-de-sac.

- b. The topography and wetlands on the subject property do support the concept that the north side of the property could be separated from the south side in a clear manner. If separated, access to Stephanie Way for the proposed lot could be the most efficient way to develop this portion of the property.
- c. The proposed property does generally align with the character and size of the lots on Stephanie Way.

***Summary:***

The proposed subdivision of this property appears to be simple in nature but does present the potential to stipulate future connectivity and development patterns. The City does “master plan” at the detailed level that would program local road development. Historically, the City has maintained future road connections to adjacent parcels where it could reasonable be determined that a connection could provide for future connectivity. The City will need to consider if the proposed minor subdivision allows for the reasonable future development of the remainder property without limiting and or creating future connectivity issues.

The proposed lot being created conforms to all applicable criteria for rural view lots. The proposed subdivision does not prevent the future development of the remainder property and the future development still has the ability to connect to the adjacent property and Lake Sarah Drive S. The requested variance to allow reduced frontage on a public right of way can be considered. The limited lineal feet of frontage on Stephanie Way was not created by the property owner and appears to be remnant of the Tamarack on Lake Sarah subdivision. The north portion of this property does relate in size and character to the existing lots on Stephanie Way. The City will need to consider the existing conditions, existing topography and wetlands and find that the standards for granting a variance have been met and that the proposed subdivision meets all other applicable criteria.

***Neighbor Comments:***

Several residents attended the public hearing and provided comments and asked questions. A neighboring property owner on Stephanie Way expressed concerns about the property being developed into more than one additional lot. He noted that when he purchased his lot it was with the understanding that there was not adequate frontage on Stephanie Way for an additional lot. Another property owner to the west of the subject property noted that there is an existing drainage

way that flows through this property and was concerned about the current condition and that it may need to be cleaned out now.

***Planning Commission Discussion:***

Commissioners discussed the requested minor subdivision and variance. Commissioners noted that there appears to be a grey area relating to whether or not the property has adequate frontage on the bulb of the cul-de-sac depending on how the “bulb” is interpreted. Commissioners reviewed the condition of the property and its relationship to the surrounding properties, the natural resources (including topography and wetlands) and the potential that this property could be developed in the future with a connection to Stephanie Way. Commissioners discussed that the northeast portion of the subject property is clearly separated from the remainder of the property and more closely relates to the properties on Stephanie Way. Commissioners noted that future access to remainder property could be provided from the east off of Lake Sarah Drive and or CSAH 11. Commissioners discussed the drainage from the adjacent property and how or if it would be protected. It was noted that the City could require a drainage and utility easement across the delineated wetland and associated wetland buffer. Commissioners found the requirements for granting a variance and approving a subdivision had been satisfied by the applicant and recommended approval to the City Council.

***Recommendation:***

The Planning Commission recommended approval of the requested Minor Subdivision and Variance with the following findings and conditions should be included:

1. The proposed Minor Subdivision and meets 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 Minor Subdivision is subject to the following:
  - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivision.
  - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council. This includes, but is not limited to the following:
    - Prepare the requisite documents and convey the perimeter drainage and utility easements.

- Prepare the requisite documents and convey the drainage and utility easement around the wetlands and requisite wetland buffer.
  - Submit and receive approval from Hennepin County.
  - Prepare the requisite documents and convey the additional 17 feet of right of way to the City as requested by Hennepin County.
- c. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
- a. Residential use of the property is consistent with the AG-Agriculture District. The applicant is seeking a variance to allow a reduced public right of way frontage onto Stephanie Way.
  - b. The character of the surrounding area is agriculture. The proposed lot is similar in size and character to the surrounding properties.
  - c. The limited frontage on Stephanie Way was not a condition that was created by the property owner.
4. The variance will permit the subdivision of a property with less than 300 LF of frontage on Stephanie Way. The minimum frontage permitted by the variance is 120 LF or a 180 LF reduction to the requisite frontage requirement.
5. The Applicant shall pay the park dedication fees in the amount of \$5,750.00.
6. The Applicant shall pay for all costs associated with the City's review of the minor subdivision and variance.
7. The Applicant shall execute all applicable documents to allow recording of the minor subdivision within six months from the date of the City Council approval.

***Attachments:***

1. **RESOLUTION NO. 24-0102-01**
2. Application
3. Proposed Minor Subdivision Survey (Before and After)
4. Property Survey with Wetlands



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 24-0102-01**

**A RESOLUTION GRANTING APPROVAL OF A MINOR SUBDIVISION AND  
VARIANCE TO ALLOW A NEW RURAL VIEW LOT TO BE CREATED ON THE  
PROPERTY LOCATED AT 6220 CSAH 11**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Brian Anderson (Applicant) and Peter Johnson (Owner) submitted a request for minor subdivision and variance to allow the subdivision of a new rural view lot on the property located at 6220 CSAH 11 (PID No. 02-118-24-32-0001): (the “Property”); and

WHEREAS, the Property is zoned AG-Agriculture; and

WHEREAS, the Properties are legally described on **Exhibit A** attached hereto; and

WHEREAS the requested Minor Subdivision and Variance meet all requirements, standards and specifications of the City of Independence zoning ordinance for Rural Residential lots; and

WHEREAS the Planning Commission held a public hearing on December 19, 2023 to review the application for a variance and minor subdivision, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by

Brian Anderson and grants a variance and minor subdivision in accordance with the City's zoning regulations with the following findings and conditions:

1. The proposed Minor Subdivision and meets 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 Minor Subdivision is subject to the following:
  - a. The Applicant shall address all comments and applicable requirements pertaining to the proposed subdivision.
  - b. The Applicant shall make all revisions requested in the staff report, by the Planning Commission and City Council. This includes, but is not limited to the following:
    - Prepare the requisite documents and convey the perimeter drainage and utility easements.
    - Prepare the requisite documents and convey the drainage and utility easement around the wetlands and requisite wetland buffer.
    - Submit and receive approval from Hennepin County.
    - Prepare the requisite documents and convey the additional 17 feet of right of way to the City as requested by Hennepin County.
  - c. The Applicant shall obtain all necessary City, County, PCA and other regulatory agency approval and permits prior to construction.
3. The City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:
  - a. Residential use of the property is consistent with the AG-Agriculture District. The applicant is seeking a variance to allow a reduced public right of way frontage onto Stephanie Way.
  - b. The character of the surrounding area is agriculture. The proposed lot is similar in size and character to the surrounding properties.
  - c. The limited frontage on Stephanie Way was not a condition that was created by the property owner.
4. The variance will permit the subdivision of a property with less than 300 LF of frontage on Stephanie Way. The minimum frontage permitted by the variance is 120 LF or a 180 LF reduction to the requisite frontage requirement.
5. The Applicant shall pay the park dedication fees in the amount of \$5,750.00.

6. The Applicant shall pay for all costs associated with the City's review of the minor subdivision and variance.
7. The Applicant shall execute all applicable documents to allow recording of the minor subdivision within six months from the date of the City Council approval.

This resolution was adopted by the city council of the City of Independence on this 2<sup>nd</sup> day of January 2024, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

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Marvin Johnson, Mayor

ATTEST:

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Mark Kaltsas, City Administrator

**EXHIBIT A**  
*(Legal Description)*

*PROPOSED PROPERTY DESCRIPTIONS*

*PARCEL A:*

*That part of the Northwest Quarter of the Southwest Quarter of Section 2, Township 118, Range 24, Hennepin County, Minnesota, described as follows:*

*Beginning at the Northeast corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 47 minutes 25 seconds West, along the East line of said Northwest Quarter of the Southwest Quarter, a distance of 470.83 feet; thence North 81 degrees 05 minutes 43 seconds West, a distance of 672.11 feet; thence North 39 degrees 13 minutes 38 seconds West, a distance of 510.79 feet to the North line of said Northwest Quarter of the Southwest Quarter; thence South 88 degrees 19 minutes 54 seconds East, along said North line, a distance of 993.95 feet to the point of beginning.*

*PARCEL B:*

*The East Half of the Southwest Quarter of the Southwest Quarter of Section 2, Township 118, Range 24, Hennepin County, Minnesota.*

*EXCEPT:*

*That part of the West 359 feet of said East Half of the Southwest Quarter of the Southwest Quarter lying Southerly of a line described as follows:*

*Commencing at the Southwest corner of said East Half of the Southwest Quarter of the Southwest Quarter; thence North along the West line of said East Half of the Southwest Quarter of the Southwest Quarter, a distance of 532 feet to the point of beginning of the line being described; thence deflecting right 111 degrees 04 minutes to the East line of the said West 359 feet and there ending.*

*AND*

*The Northwest Quarter of the Southwest Quarter of Section 2, Township 118, Range 24, Hennepin County, Minnesota.*

*EXCEPT:*

*That part thereof described as follows:*

*9.7*

*Beginning at the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence East on the South line of said Northwest Quarter of the Southwest Quarter, a distance of 33 feet; thence Northwesterly to a point on the West line of said Northwest Quarter of the Southwest Quarter distant 33 feet North of said Southwest corner; thence South to the point of beginning.*

*ALSO EXCEPT:*

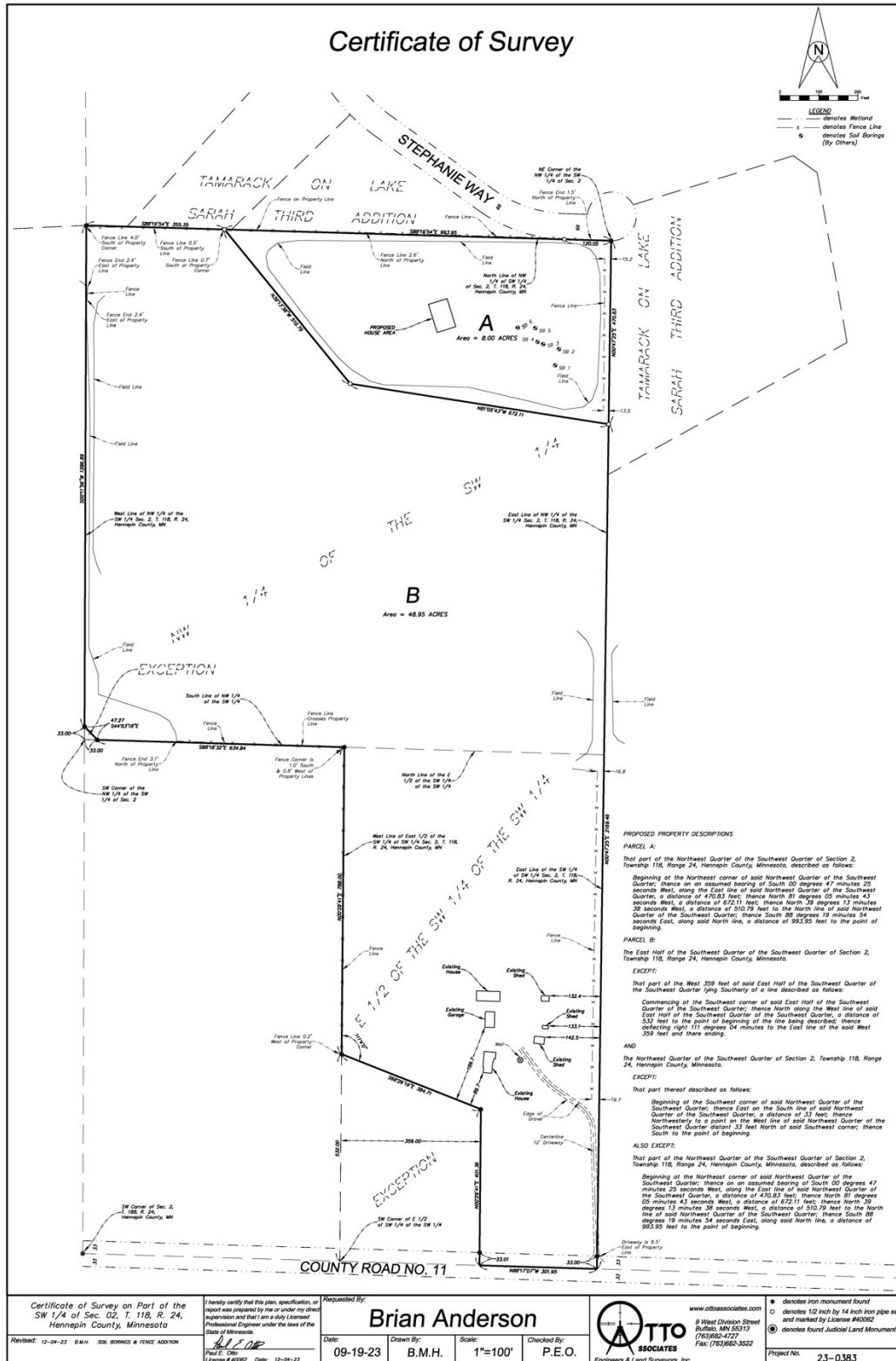
*That part of the Northwest Quarter of the Southwest Quarter of Section 2, Township 118, Range 24, Hennepin County, Minnesota, described as follows:*

*Beginning at the Northeast corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 47 minutes 25 seconds West, along the East line of said Northwest Quarter of the Southwest Quarter, a distance of 470.83 feet; thence North 81 degrees 05 minutes 43 seconds West, a distance of 672.11 feet; thence North 39 degrees 13 minutes 38 seconds West, a distance of 510.79 feet to the North line of said Northwest Quarter of the Southwest Quarter; thence South 88 degrees 19 minutes 54 seconds East, along said North line, a distance of 993.95 feet to the point of beginning.*



# EXHIBIT B

(Site Plan)





**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

Name: Brian Anderson  
Address: 14904 Overlook  
Drive, Minnesota 55378  
Primary Phone: 8165074269  
Email: blahdc@gmail.com

**Owner Information**

Name: Peter Johnson  
Address: 51852 Cheryl Drive  
Granger, Indiana 46530  
Primary Phone: 5743364252  
Email: johnson2daddy@gmail.com

Property Address:

PID:

Planning Application Type: Subdivision, Variance

Subdivision Type: Minor Subdivision (3 lots or less)

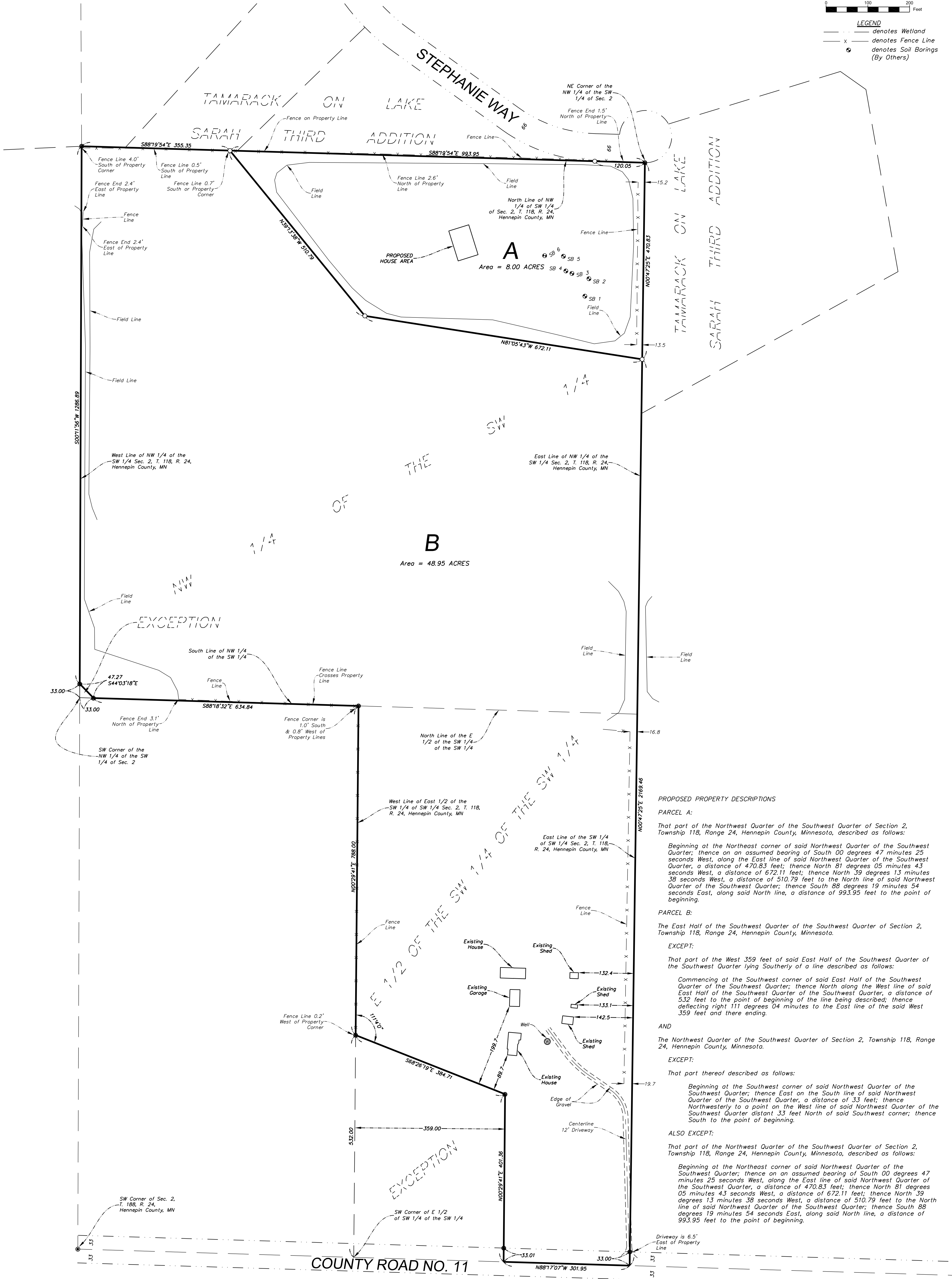
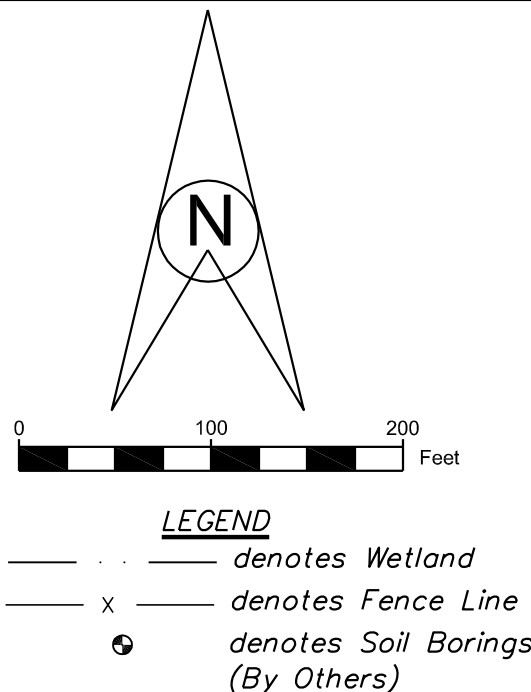
Description:

Supporting Documents: Site Survey (Existing Conditions)

Signature:

My wife and I are submitting this application to split PID 0211824320001 on behalf of the landowner (Peter Johnson, C Matten/J Couillard Et Al). Please see the attached documents that include an existing property survey, written agreement from the landowner to complete this work, and a concept drawing of the parcel split. We are currently working with Mark Kaltsas to understand what should be included on an updated survey to support this request for a lot split and variance for a driveway off of Stephanie Way.

Certificate of Survey



PROPOSED PROPERTY DESCRIPTIONS

PARCEL A:

That part of the Northwest Quarter of the Southwest Quarter of Section 2, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 47 minutes 25 seconds West, along the East line of said Northwest Quarter of the Southwest Quarter, a distance of 470.83 feet; thence North 81 degrees 05 minutes 43 seconds West, a distance of 672.11 feet; thence North 39 degrees 13 minutes 38 seconds West, a distance of 510.79 feet to the North line of said Northwest Quarter of the Southwest Quarter; thence South 88 degrees 19 minutes 54 seconds East, along said North line, a distance of 993.95 feet to the point of beginning.

PARCEL B:

The East Half of the Southwest Quarter of the Southwest Quarter of Section 2, Township 118, Range 24, Hennepin County, Minnesota.

EXCEPT:

That part of the West 359 feet of said East Half of the Southwest Quarter of the Southwest Quarter lying Southerly of a line described as follows:

Commencing at the Southwest corner of said East Half of the Southwest Quarter of the Southwest Quarter; thence North along the West line of said East Half of the Southwest Quarter of the Southwest Quarter, a distance of 33 feet; thence Northwesterly to a point on the West line of said Northwest Quarter of the Southwest Quarter distant 33 feet North of said Southwest corner; thence South to the point of beginning.

AND

The Northwest Quarter of the Southwest Quarter of Section 2, Township 118, Range 24, Hennepin County, Minnesota.

EXCEPT:

That part thereof described as follows:

Beginning at the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence East on the South line of said Northwest Quarter of the Southwest Quarter, a distance of 33 feet; thence Northwesterly to a point on the West line of said Northwest Quarter of the Southwest Quarter distant 33 feet North of said Southwest corner; thence South to the point of beginning.

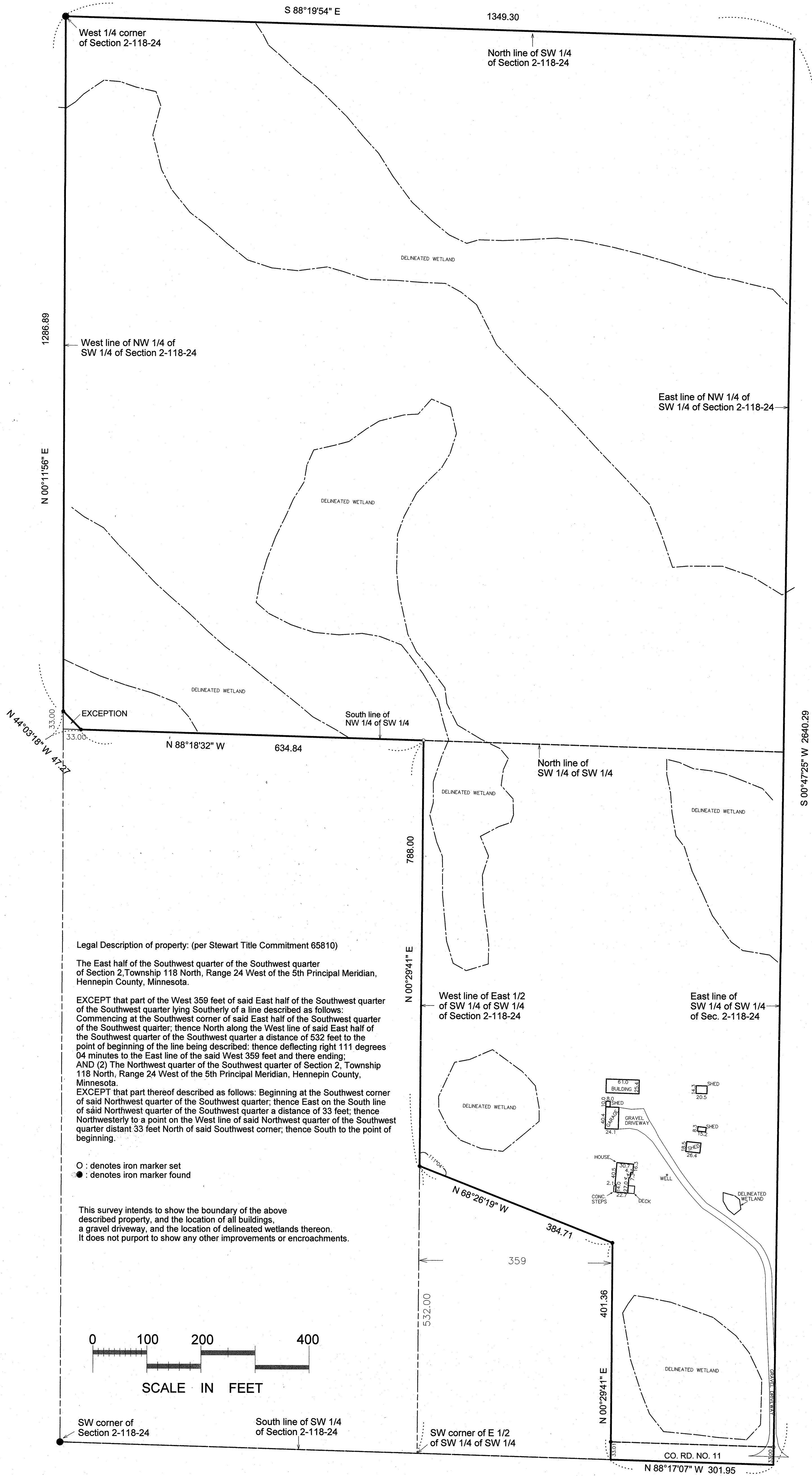
ALSO EXCEPT:

That part of the Northwest Quarter of the Southwest Quarter of Section 2, Township 118, Range 24, Hennepin County, Minnesota, described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Southwest Quarter; thence on an assumed bearing of South 00 degrees 47 minutes 25 seconds West, along the East line of said Northwest Quarter of the Southwest Quarter, a distance of 470.83 feet; thence North 81 degrees 05 minutes 43 seconds West, a distance of 672.11 feet; thence North 39 degrees 13 minutes 38 seconds West, a distance of 510.79 feet to the North line of said Northwest Quarter of the Southwest Quarter; thence South 88 degrees 19 minutes 54 seconds East, along said North line, a distance of 993.95 feet to the point of beginning.

Certificate of Survey on Part of the SW 1/4 of Sec. 02, T. 118, R. 24, Hennepin County, Minnesota	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  Paul E. Otto License # 40062 Date: 12-04-23	Requested By:  <b>Brian Anderson</b>		Engineers & Land Surveyors, Inc.	
		Date: <b>09-19-23</b>	Drawn By: <b>B.M.H.</b>	Scale: <b>1"=100'</b>	Checked By: <b>P.E.O.</b>
Revised: 12-04-23 B.M.H. SOIL BORINGS & FENCE ADDITION					
				Project No. <b>23-0383</b>	

CERTIFICATE OF SURVEY FOR  
**PETER JOHNSON**  
IN SEC. 02-118-24  
HENNEPIN COUNTY, MINNESOTA



Legal Description of property: (per Stewart Title Commitment 65810)

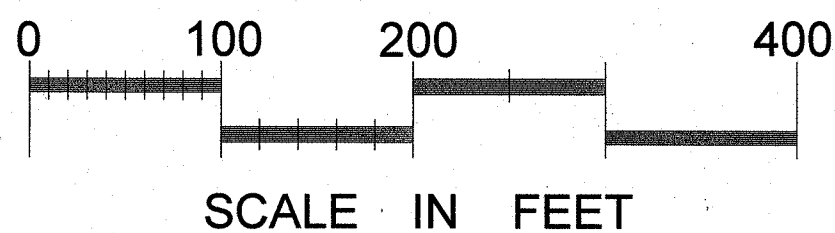
The East half of the Southwest quarter of the Southwest quarter of Section 2, Township 118 North, Range 24 West of the 5th Principal Meridian, Hennepin County, Minnesota.

EXCEPT that part of the West 359 feet of said East half of the Southwest quarter of the Southwest quarter lying Southerly of a line described as follows: Commencing at the Southwest corner of said East half of the Southwest quarter of the Southwest quarter; thence North along the West line of said East half of the Southwest quarter of the Southwest quarter a distance of 532 feet to the point of beginning of the line being described; thence deflecting right 111 degrees 04 minutes to the East line of the said West 359 feet and there ending; AND (2) The Northwest quarter of the Southwest quarter of Section 2, Township 118 North, Range 24 West of the 5th Principal Meridian, Hennepin County, Minnesota.

EXCEPT that part thereof described as follows: Beginning at the Southwest corner of said Northwest quarter of the Southwest quarter; thence East on the South line of said Northwest quarter of the Southwest quarter a distance of 33 feet; thence Northwesterly to a point on the West line of said Northwest quarter of the Southwest quarter distant 33 feet North of said Southwest corner; thence South to the point of beginning.

O : denotes iron marker set  
● : denotes iron marker found

This survey intends to show the boundary of the above described property, and the location of all buildings, a gravel driveway, and the location of delineated wetlands thereon. It does not purport to show any other improvements or encroachments.



SW corner of Section 2-118-24  
South line of SW 1/4 of Section 2-118-24  
SW corner of E 1/2 of SW 1/4 of SW 1/4

REVISIONS			DESIGNED	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  <i>Mark S. Gronberg</i> DATE <u>2-11-21</u> MINN. LICENSE NUMBER <u>12755</u>	DATE		<b>GRONBERG &amp; ASSOCIATES, INC.</b> CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS 445 N. WILLOW DRIVE LONG LAKE, MN 55356 PHONE: 952-473-4141 FAX: 952-473-4435
DATE	BY	REMARKS	DRAWN		2-11-21		
			CHECKED		SCALE 1"=100'		
					JOB NO. 20-337		
					SHEET OF SHEETS		

## City of Independence

### ***Request for a Conditional Use Permit and Variance to Construct a Ground Mounted Solar System on the Property located at 7075 US Hwy 12***

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<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	January 2, 2024
<i>Applicant:</i>	Mike Reneau
<i>Property Owner:</i>	Greg Page
<i>Location:</i>	7075 US Hwy 12

#### ***Request:***

Mike Reneau (Applicant) Greg Page (Owner) is requesting the following action for the property located at 7075 Highway 12 (PID No. 22-118-24-24-0001) in the City of Independence, MN:

- a. A conditional use permit (CUP) to allow a ground mounted solar system.
- b. A variance to allow a ground mounted solar system that is greater than 500 SF.

#### ***Property/Site Information:***

The property is located on the south side of US Hwy 12 and approximately one mile west of the intersection of CSAH 92 and Hwy 12. The property has an existing home and several detached accessory structures. The property has the following characteristics:

**Property Information: 7075 US Hwy 12**

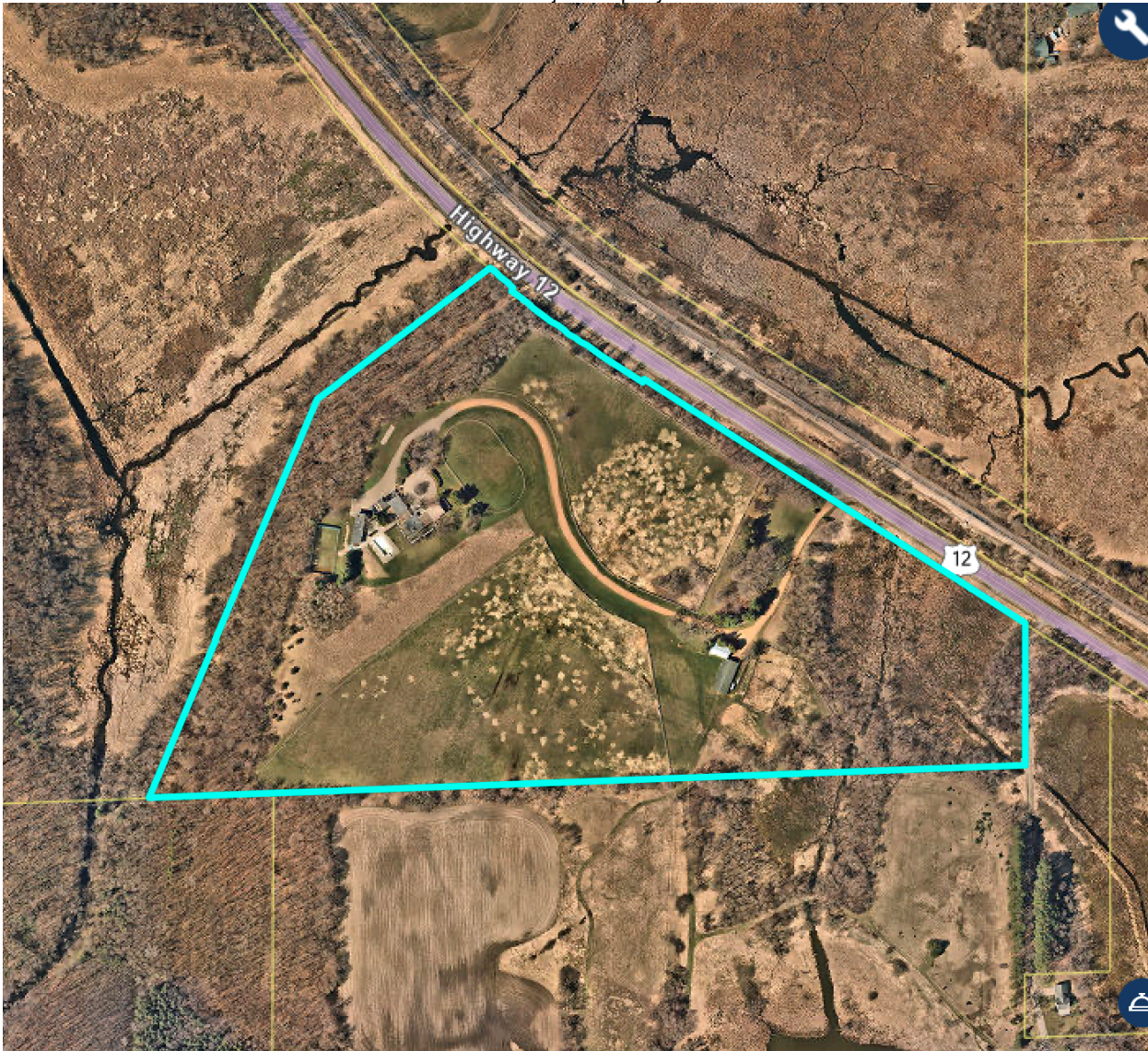
*Zoning: Agriculture*

*Comprehensive Plan: Agriculture*

*Acreage: 42 acres*



Subject Property



***Discussion:***

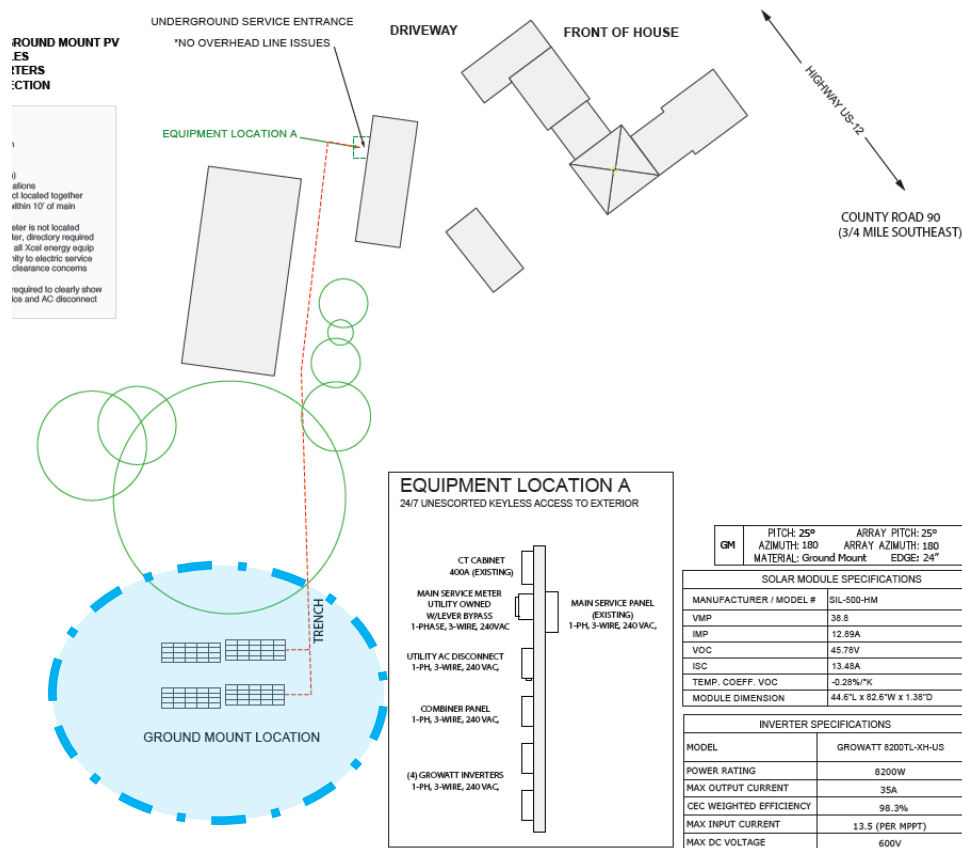
The applicant approached the City about the possibility of installing a ground mounted solar system on the subject property. The City provided the applicant with the requirements and discussed the process for initially developing the City's standards relating to ground mounted solar systems. All ground mounted solar systems require a conditional use permit. Ground mounted solar systems are limited to a maximum square footage of 500 square feet. Ground mounted solar systems have the following requirements:

*Subd. 5. Ground-mounted solar energy systems shall conform to the following standards:*

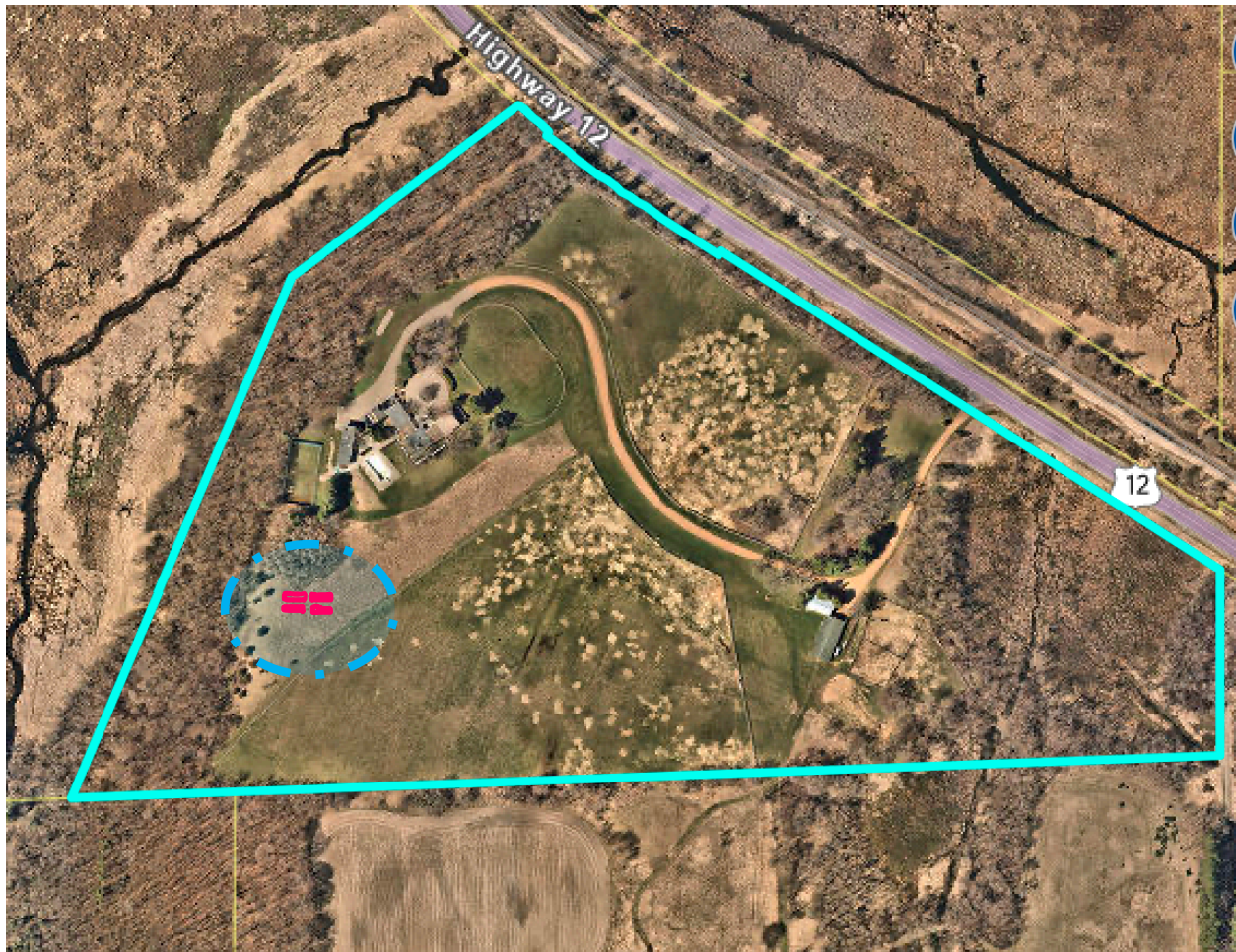
- (a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.*
- (b) Ground-mounted systems shall be located only in rear or side yards.*
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District.*

- (d) Ground-mounted systems shall be wholly screened from view from the public right-of-way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- (e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.
- (f) Ground-mounted systems shall be setback 40 feet from the rear yards.
- (g) Ground-mounted systems shall be setback 30 feet from the side yards.
- (h) Ground-mounted systems shall have a maximum area of 500 SF.
- (i) The maximum height for any component of the system shall be 15 feet.
- (j) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- (k) Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.

The proposed ground mounted solar system would be located on a portion of the property that is to the south of the existing home. The proposed solar system would be comprised of four (4) separate ground mounted arrays. The total square footage of the four (4) arrays is proposed to be 2,046 SF (511 SF per array). The proposed system would exceed the maximum square footage permitted by 1,546 SF. The arrays would be setback approximately 300 feet from the west (side) property line and 375 feet from the south property line (rear yard). The required setback for the rear yard is 40 feet and the required setback for the side yard is 30 feet.







The proposed ground mounted system would have a maximum height of approximately 10' to the top of the highest portion of the panels. The City requires systems to be wholly screened from view of the public right of way and adjacent residential structures. The property owner owns a total of almost 500 acres including the subject property. The nearest residential structure to this property is approximately 0.5 miles to the east. The distance from the proposed solar arrays to the Hwy 12 right of way is approximately 1,000 feet and there is a significant stand of trees between both the adjacent residential property and Highway 12.

The applicant has provided the City with a site plan and images of the proposed solar system. The system is comprised 80 panels. The panels are oriented to the south and will be installed at a 35-degree angle to the ground. The proposed panels are mounted to a galvanized metal racking system. The racking system is proposed to be secured to the ground using helical pilings. The proposed solar panels are Silfab 500 HM panel that has an anti-reflection coating.

The criteria for granting a 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.*

*520.21. Standards for granting variances. Subdivision 1. The City Council may grant a variance from the terms of this zoning code, including restrictions placed on nonconformities, in cases where: 1) the variance is in harmony with the general purposes and intent of this zoning code; 2) the variance is consistent with the comprehensive plan; and 3) the applicant establishes that there are practical difficulties in complying with the zoning code (Amended, Ord. 2011-08)*

*Subd. 2. An applicant for a variance must demonstrate that there are practical difficulties in complying with the zoning code. For such purposes, “practical difficulties” means:*

- (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning code;*
- (b) the plight of the property owner is due to circumstances unique to the property not created by the landowner;*
- (c) the variance, if granted, will not alter the essential character of the locality.*

*Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. (Amended, Ord. 2011-08)*

*Subd. 3. The City Council shall not grant a variance to permit a use that is not allowed under the zoning code based on the zoning classification of the affected property. (Amended, Ord. 2011-08)*

*520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)*

The City has discussed the proposed ground mounted solar system with the applicant. The proposed ground mounted solar system exceeds the City's maximum size for ground mounted solar systems. The energy generated by this system is estimated to be 32.8 kW (AC). The applicant has noted that the proposed system will generate enough electricity to support the electrical loads of the existing residence. There are a few additional considerations that should be noted by the City:

- The maximum size of permitted by a ground mounted solar system (500 SF) was based on the size of a typical residential solar system. This system would require the City to grant a variance to the maximum size to allow 1,546 additional square feet of surface area. The criteria for granting a variance are provided within this report. The City will need to find that the size limitation on ground mounted systems creates a hardship to the owner. Additionally, the City will need to also find that the granting of a variance will not alter the essential character of the area and maintain the reasonable use of the property.
- The proposed system will generate approximately 54,933 kWh in the first year. This is a large property with several accessory buildings, a swimming pool and a higher energy demand than typical residential properties.
- The proposed system meets the location, setback and maximum height requirements of the zoning ordinance.
- There are no surrounding properties that appear to have any visibility into the existing site. The site sits higher than many of the surrounding properties and is buffered around the permitter by heavy vegetative cover. The visibility of this system from the Hwy 12 right of way is fully screened.

The City has generally restricted ground mounted solar arrays to no more than 500 SF. The City has discussed the possibility of allowing a variance to that standard if the power generated by the system would be consumed by the property owner. The City has recommended to property owners that they consider installing additional system on the roofs of buildings as a way to obtain additional square footage. The City will need to consider the requested variance and CUP as presented and determine if the requested variance and CUP meet applicable criteria and can be supported. The City will also need to find that the proposed variance and conditional use permit meet the criteria for granting both and continues to allow the reasonable use and enjoyment of the surrounding properties. This property is a large property located off of US Hwy 12, the orientation of the proposed solar system and the relationship to the surrounding properties all aid in the mitigation of potential impacts relating to the ground mounted solar array.

***Neighbor Comments:***

The City has not received any comments or questions relating to the requested CUP and variance.

***Planning Commission Discussion:***

Commissioners discussed the request and asked questions of staff. Commissioners noted that the ordinance was clear relating to the maximum size and that the criteria for granting a hardship would be difficult to meet due to facts of the request. The need for additional solar is directly caused by the residents and does not represent a hardship that could be considered. Commissioners noted that the ordinance was developed several years ago with the information that they had at the time relating to typical residential solar arrays. Commissioners noted that the City should consider reviewing the ordinance relating to the maximum size of a residential solar array. Commissioners discussed the possibility of establishing additional criteria that could net additional square footage. Commissioners noted that they could approve a CUP for a solar array up to 500 SF in accordance with the ordinance as the criteria for granting a CUP had been satisfied by the applicant. Commissioners recommended denial of the variance as requested.

***Recommendation:***

The Planning Commission recommended approval of the request for a conditional use permit and denial of the request for a variance with the following findings and conditions:

1. The proposed conditional use permit and amendment 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 include the following conditions:
  - a) The conditional use permit will allow a 500 SF ground mounted solar system. The applicant shall revise the plans to depict a solar array that does not exceed 500 SF. Once submitted, the revised plans will be attached hereto as **Exhibit B**.
  - b) The ground mounted solar system shall be constructed in accordance with all applicable zoning code, building code and other applicable standards.
3. The City finds that the criteria for granting a variance have not been satisfied by the applicant. Specifically, the City finds the following:
  - a. The plight of the property owner is not due to circumstances unique to the property.

- b. The need for the additional square footage of solar array has been created by the landowner.
4. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit and denial of the variance.

***Attachments:***

1. **RESOLUTION NO. 24-0102-02**
2. Application
3. Ground Mounted Solar Site Plan
4. Ground Mounted Solar Plans and Details



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 24-0102-02**

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO  
ALLOW A 500 SF GROUND MOUNTED SOLAR SYSTEM AND DENYING A  
VARIANCE TO ALLOW A 2,046 SF GROUND MOUNTED SOLAR SYSTEM AS  
REQUESTED FOR THE PROPERTY LOCATED AT 7075 US HIGHWAY 12**

WHEREAS, the City of Independence (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2010 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Mike Reneau (“Applicant”) Greg Page (“Owner”) submitted a request for a conditional use permit to allow a ground mounted solar system and variance to allow a ground mounted solar system that exceeds 500 SF on the property located 7075 US Hwy 12 (PID No. 22-118-24-24-0001 (the “Property”); and

WHEREAS, the Property is legally described on **EXHIBIT A**, attached hereto; and

WHEREAS, the Property is zoned Agriculture; and

WHEREAS the requested Conditional Use Permit meets all requirements, standards and specifications of the City of Independence zoning ordinance for Agriculture lots; and

WHEREAS the Planning Commission held a public hearing on December 19, 2023 to review the application for a conditional use permit and variance, following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby does approve the application by Mike Reneau for a conditional use permit to allow a 500 SF ground mounted solar system on the property per the City's zoning regulations and with the findings provided within this resolution.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MINNESOTA, that it should and hereby denies the application for a variance to allow a ground mounted solar system that exceeds 500 SF with the following findings:

1. The proposed 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. Approval of the conditional use permit will be subject to the following conditions:
  - a) The conditional use permit will allow a 500 SF ground mounted solar system. The applicant shall revise the plans to depict a solar array that does not exceed 500 SF. Once submitted, the revised plans will be attached hereto as **Exhibit B**.
  - b) The ground mounted solar system shall be constructed in accordance with all applicable zoning code, building code and other applicable standards.
3. The variance to permit a ground mounted solar system exceeding 500 SF is denied based on the following findings:
  - a) The City finds that the criteria for granting a variance have not been satisfied by the applicant. Specifically, the City finds the following:
    - i. The plight of the property owner is not due to circumstances unique to the property.
    - ii. The need for the additional square footage of solar array has been created by the landowner.
4. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit and denial of the variance.
5. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit and variance.
6. The conditional use permit shall be recorded with Hennepin County.



This resolution was adopted by the City Council of the City of Independence on this 2<sup>nd</sup> day of January 2024, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

---

Marvin Johnson, Mayor

ATTEST:

---

Mark Kaltsas, City Administrator

**EXHIBIT A**  
*(Legal Description)*

DESCRIPTION OF PROPERTY SURVEYED

(Per Certificate of Title No. 1455929)

That part of the Northwest Quarter of Section 22, Township 118, Range 24, lying Southwesterly of the right of way of Great Northern Railway Company, which lies East of the following described line:

Commencing at the Southeast corner of the Southwest Quarter of Northwest Quarter, Section 22, Township 118, Range 24; thence West along the South line of said Quarter-Quarter 900 feet; thence deflecting to the right 115 degrees for 1100 feet; thence deflecting to the right 30 degrees, 550 feet, more or less, to the Burlington Northern Railroad right of Way and there terminating.

Property is located in Hennepin County, Minnesota.

**EXHIBIT B**  
*(Site Plan)*



**CITY OF  
INDEPENDENCE  
MINNESOTA**

**Applicant Information**

Name: Mike Reneau  
Address: 7075 US-12  
Maple Plain, Minnesota  
55359  
Primary Phone: 612-475-4444  
Email: mike@greenwaysolar.org

**Owner Information**

Name: Greg Page  
Address: 7075 US-12  
Maple Plain, Minnesota  
55359  
Primary Phone: 612-772-8599  
Email: gregpage0809@gmail.com

Property Address:

PID:

Planning Application Type: Variance

Description:

Supporting Documents: Site Survey (Proposed Conditions), Preliminary/Final Plan

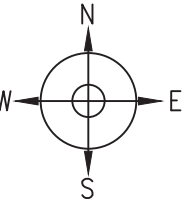
Signature:

We would like to install a 40kW ground mount solar system to support the electrical loads at the residence. The array will be located behind a tree line that obscures it from the residence and all surrounding properties. The planned arrays will have a total surface area of 2,046, requiring a variance per 515.11, subd.5, (h).

SCOPE OF WORK

(N) 40 kW DC/ 32.8 kW AC GROUND MOUNT PV  
(80) SILFAB 500 HM MODULES  
(4) GROWATT 8.2 kW INVERTERS  
(N) LINE SIDE INTERCONNECTION

- MNDIP REFERENCE:
- 4.1 Customer Name:
  - 4.2 Installation Address
  - 4.3 Installer name & contact information
  - 4.4 OID
  - 4.5 Buildings and streets labeled
  - 4.6 Compass direction (indicating North)
  - 4.7 Main service entrance, all meter locations
  - 4.8 Production Meter and AC Disconnect located together in readily accesible location within 10’ of main service meter
  - 4.8.1 If AC Disconnect or Production Meter is not located within 10’ of main service meter, directory required
  - 4.9 24/7 unescorted keyless access for all Xcel energy equip
  - 4.10 If DER facilities are in close proximity to electric service lines- position, distance, and clearance concerns should be noted
  - 4.11 Separate detail plan view may be required to clearly show location of meters, main service and AC disconnect



UNDERGROUND SERVICE ENTRANCE

\*NO OVERHEAD LINE ISSUES

DRIVEWAY

FRONT OF HOUSE

HIGHWAY US-12

COUNTY ROAD 90  
(3/4 MILE SOUTHEAST)

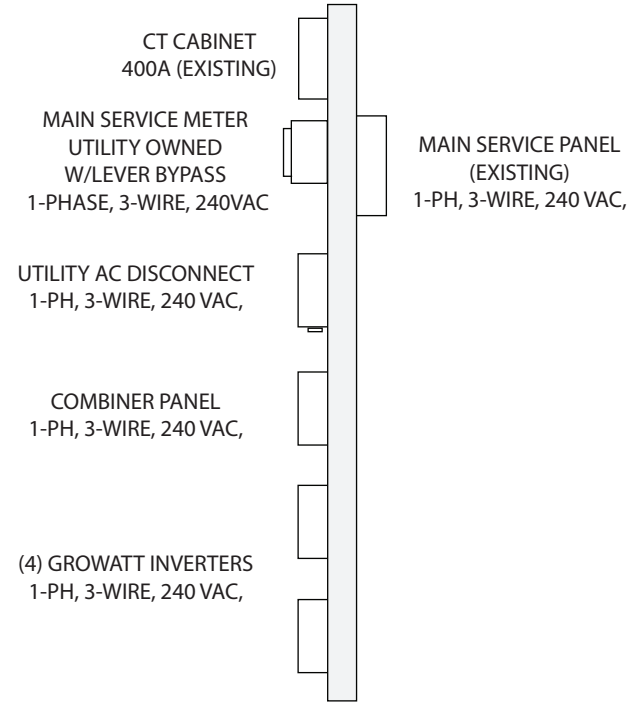
EQUIPMENT LOCATION A

TRENCH

GROUND MOUNT LOCATION

EQUIPMENT LOCATION A

24/7 UNESCORTED KEYLESS ACCESS TO EXTERIOR



GM	PITCH: 25°	ARRAY PITCH: 25°
	AZIMUTH: 180	ARRAY AZIMUTH: 180
	MATERIAL: Ground Mount	EDGE: 24"

SOLAR MODULE SPECIFICATIONS	
MANUFACTURER / MODEL #	SIL-500-HM
VMP	38.8
IMP	12.89A
VOC	45.78V
ISC	13.48A
TEMP. COEFF. VOC	-0.28%/°K
MODULE DIMENSION	44.6"L x 82.6"W x 1.38"D

INVERTER SPECIFICATIONS	
MODEL	GROWATT 8200TL-XH-US
POWER RATING	8200W
MAX OUTPUT CURRENT	35A
CEC WEIGHTED EFFICIENCY	98.3%
MAX INPUT CURRENT	13.5 (PER MPPT)
MAX DC VOLTAGE	600V



GREENWAY SOLAR

3018 EAST 28TH STREET  
612.416.1518  
LIC EA787224  
LIC BC778154

PROJECT INFO & ADDRESS

GREG PAGE  
GROUND MOUNT SOLAR ARRAY  
7075 US-12  
MAPLE PLAIN, MN 55359

612-772-8599  
GREGPAGE0809@GMAIL.COM

40 kWDC/ 32.8 kWAC

PRODUCTION ESTIMATE: 54,933 kWh  
OFFSET ESTIMATE: UNKNOWN%

UTILITY: XCEL ENERGY - MN

APPLICATION ID: 05607531

METER #: UNKNOWN

PREMISES #: UNKNOWN

ACCOUNT #: UNKNOWN

DRAWN BY

MICHAEL RENEAU  
MIKE@GREENWAYSOLAR.ORG

SUBMITTAL

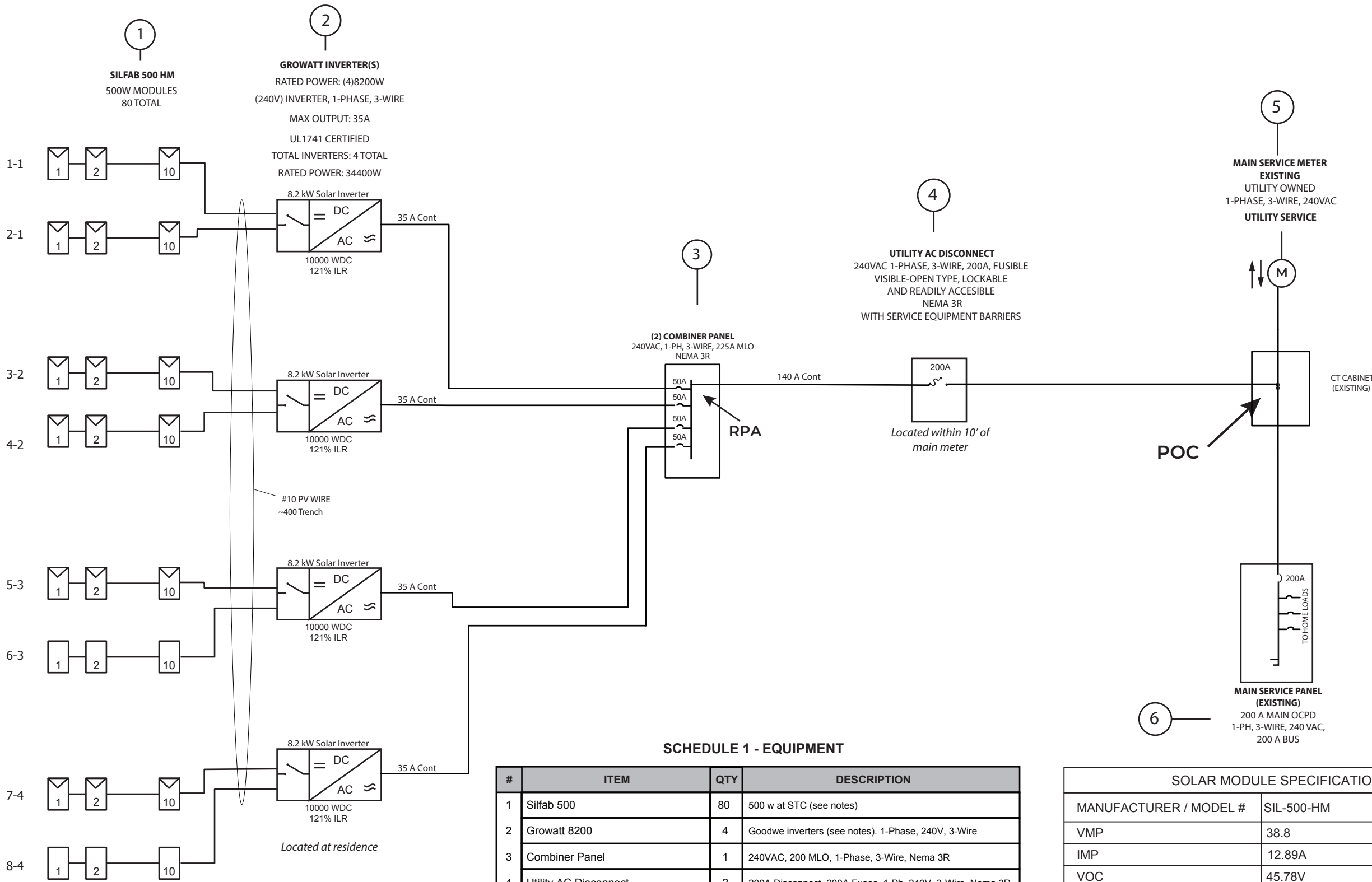
INTERCONNECTION APPLICATION  
SINGLE LINE

10/23/2023- FINAL

SHEET

SITE PLAN





SCHEDULE 1 - EQUIPMENT			
#	ITEM	QTY	DESCRIPTION
1	Silfab 500	80	500 w at STC (see notes)
2	Growatt 8200	4	Goodwe inverters (see notes). 1-Phase, 240V, 3-Wire
3	Combiner Panel	1	240VAC, 200 MLO, 1-Phase, 3-Wire, Nema 3R
4	Utility AC Disconnect	2	200A Disconnect. 200A Fuses, 1-Ph, 240V, 3-Wire, Nema 3R
5	Main Service Meter (Existing)	1	1-Phase, 3-Wire, 240 VAC, CL320
6	Main Service Panel (Existing)	1	200A Main, 1-Phase, 3-Wire, 240 VAC, 200 A Bus (Eaton BR)
7			
8			
9			
10			
11			
12			
13			

SOLAR MODULE SPECIFICATIONS	
MANUFACTURER / MODEL #	SIL-500-HM
VMP	38.8
IMP	12.89A
VOC	45.78V
ISC	13.48A
TEMP. COEFF. VOC	-0.28%/°K
MODULE DIMENSION	44.6"L x 82.6"W x 1.38"D

INVERTER SPECIFICATIONS	
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### SUBMITTAL

INTERCONNECTION APPLICATION  
SINGLE LINE

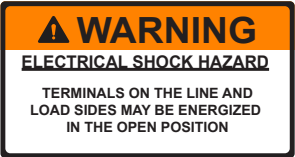
05/19/2023- DRAFT

## SHEET

# SINGLE LINE

2023 NEC LABELING REQUIREMENTS/PLACEMENT

1 Combiner Box / Circuits / Conduit Combiner Box / Enclosures / EMT Enclosures

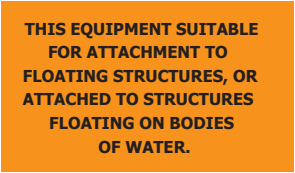


NEC 705.20(7) and NEC 690.13(B)

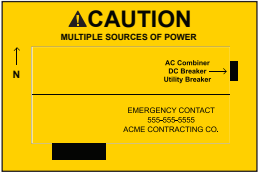


NEC 110.27(C) & OSHA 1910.145(f)(7)

2 Building / Structure

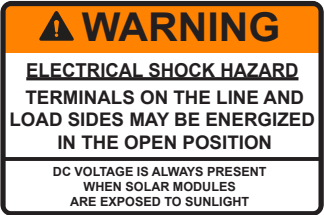


NEC 690.4(G)



NEC 705.10 & NEC 710.10

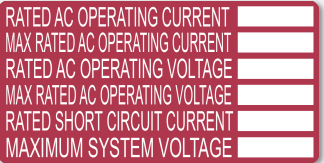
3 DC Disconnect / Breaker / Recombiner Box



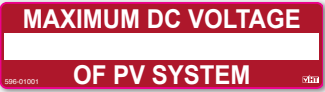
NEC 705.20(7) & NEC 690.13(B)



NEC 690.13(B)



FOR MARKING DC BACKUP SYSTEMS



NEC 690.53

4 EMT / Conduit Raceways



NEC 690.31(D)(2)



NEC 690.31(D)(2)

5 Inverter



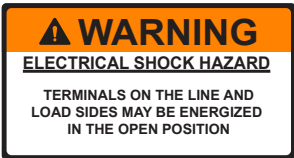
NEC 690.31(E)

6 Production / Net Meter (Bi-directional)



NEC 705.30(C) & NEC 690.59

7 AC Disconnect / Breaker / Points of Connection

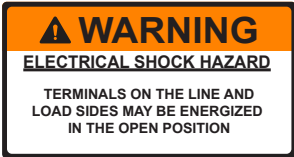


NEC 706.20(7) & NEC 690.13(B)



NEC 705.12(B)(3)

8 Breaker Panel / Pull Boxes

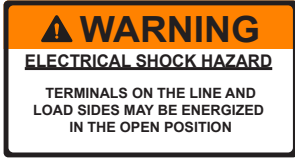


NEC 705.20 (7) & NEC 690.13(B)



NEC 110.27(C) & OSHA 1910.145(f)(7)

9 Main Service Disconnect



NEC 705.20(7) & NEC 690.13(B)



NEC 110.27(C) & OSHA 1910.145(f)(7)



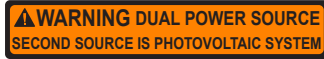
NEC 705.82 & NEC 710.15(C)



NEC 690.15 (B) & NEC 690.33(D)(2)



NEC 705.30(D) & NEC 690.59  
Roll#596-00581Q-PI596-00666



NEC 705.30(C) & NEC 690.59  
10-PI596-00665



NEC 705.12 (B)(2)



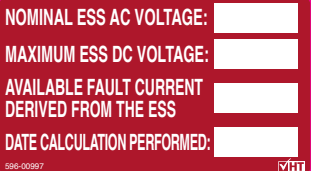
NEC 690.13(B)

10 Main Service Disconnect / Utility Meter

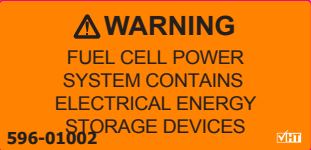


NEC 690.13(B)

11 Energy Storage Systems



NEC 706.15(C)

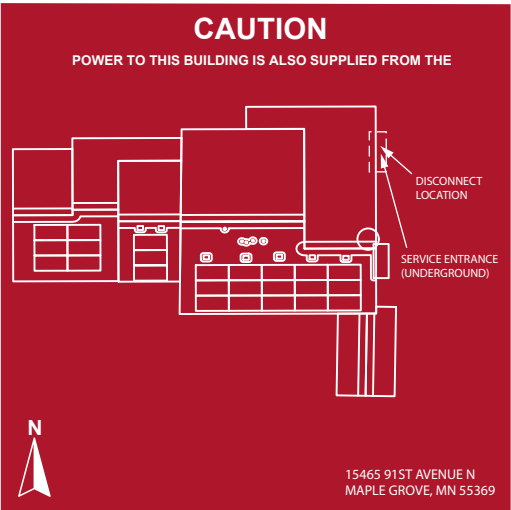


NEC 692.52



NEC 706.15(C)

12 Service/System Disconnects



NEC 690.56(C)(1)(a)

13 Utility Specific Labeling Requirements



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SUBMITTAL

INTERCONNECTION APPLICATION  
SINGLE LINE

02/02/2023- FINAL  
03/30/23- SAM EDITS

SHEET

LABELING



GREENWAY SOLAR

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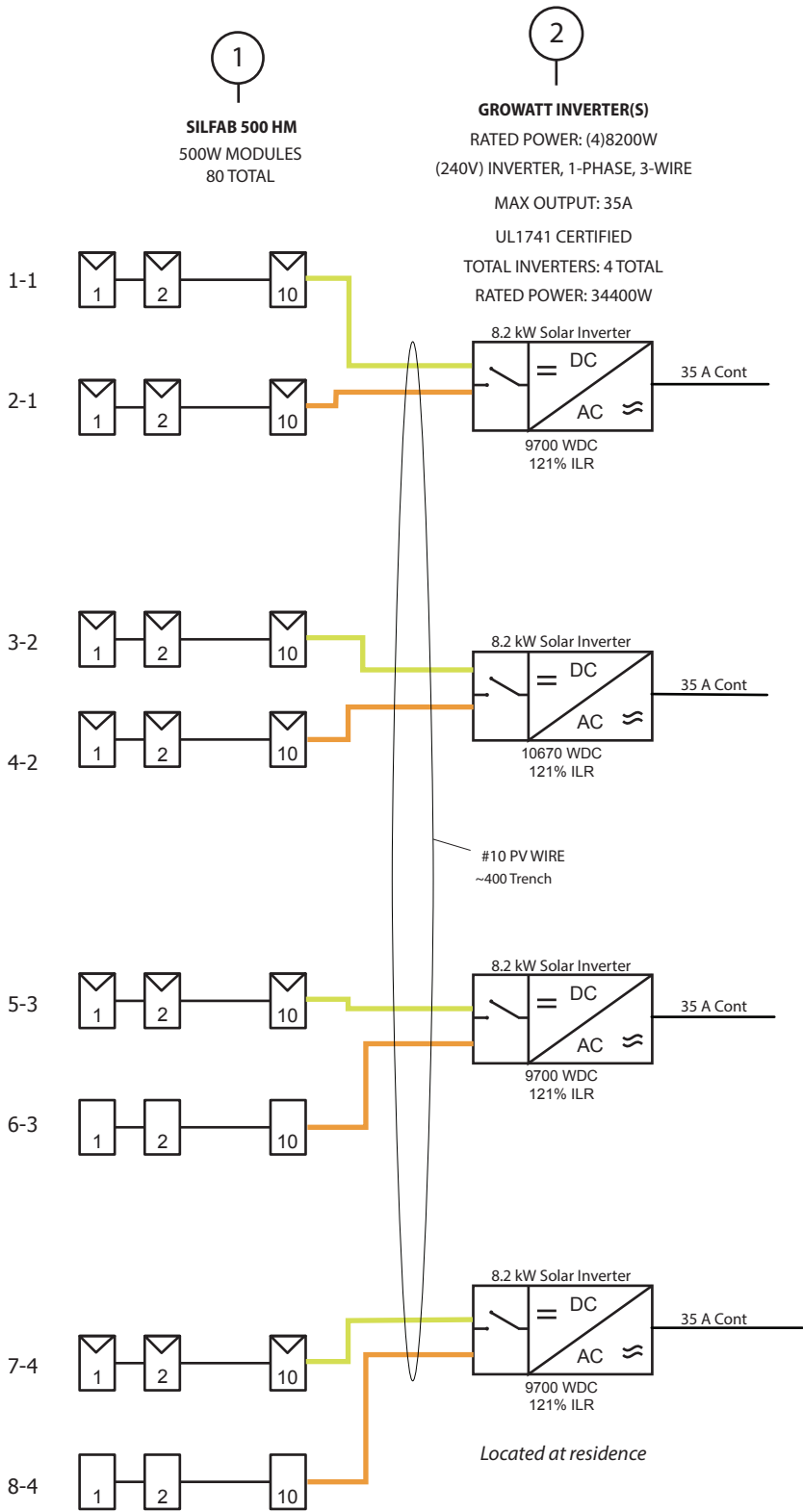
SUBMITTAL

INSTALLATION STRING DIAGRAM

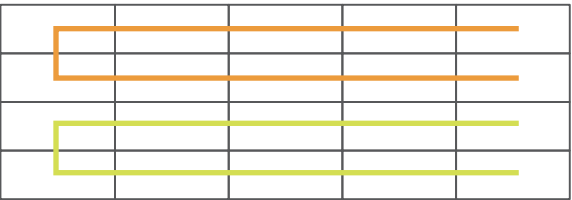
02/02/2023- FINAL

SHEET

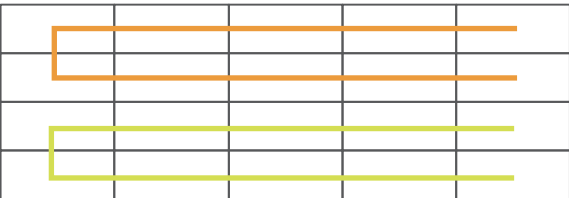
STRING  
DIAGRAM



INVERTER 1

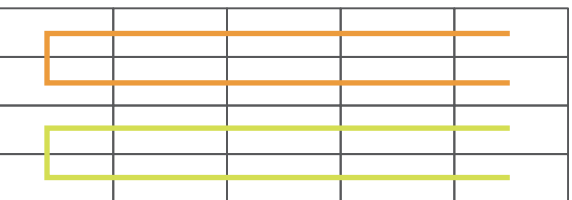


INVERTER 2

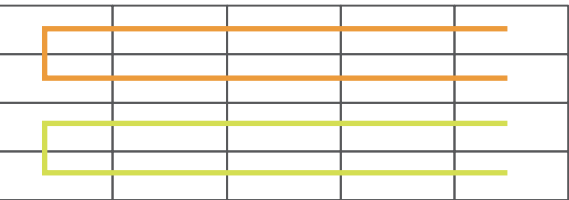


TRENCH

INVERTER 3



INVERTER 4



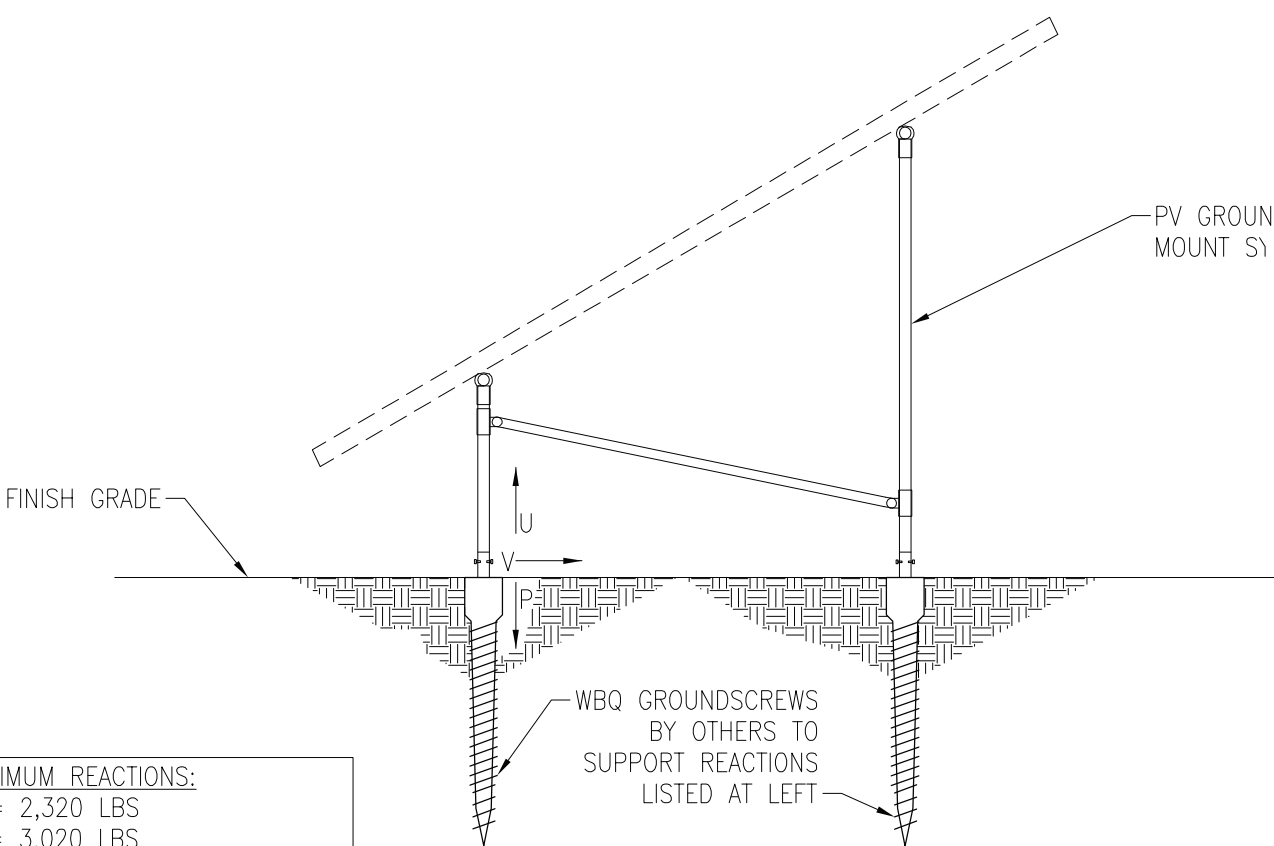
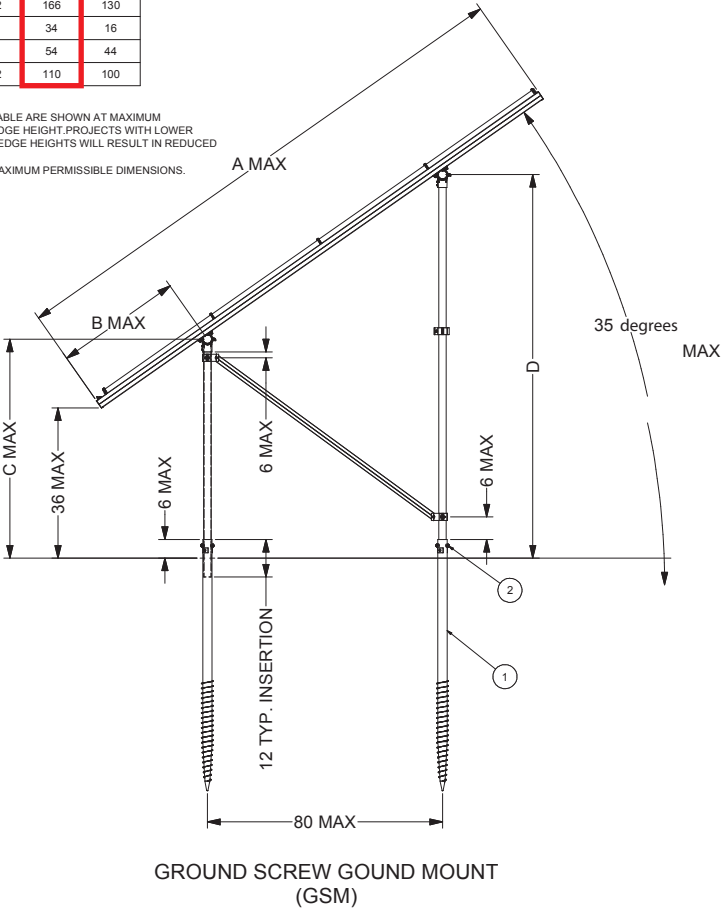
TRENCH

INVERTERS LOCATED AT GARAGE.

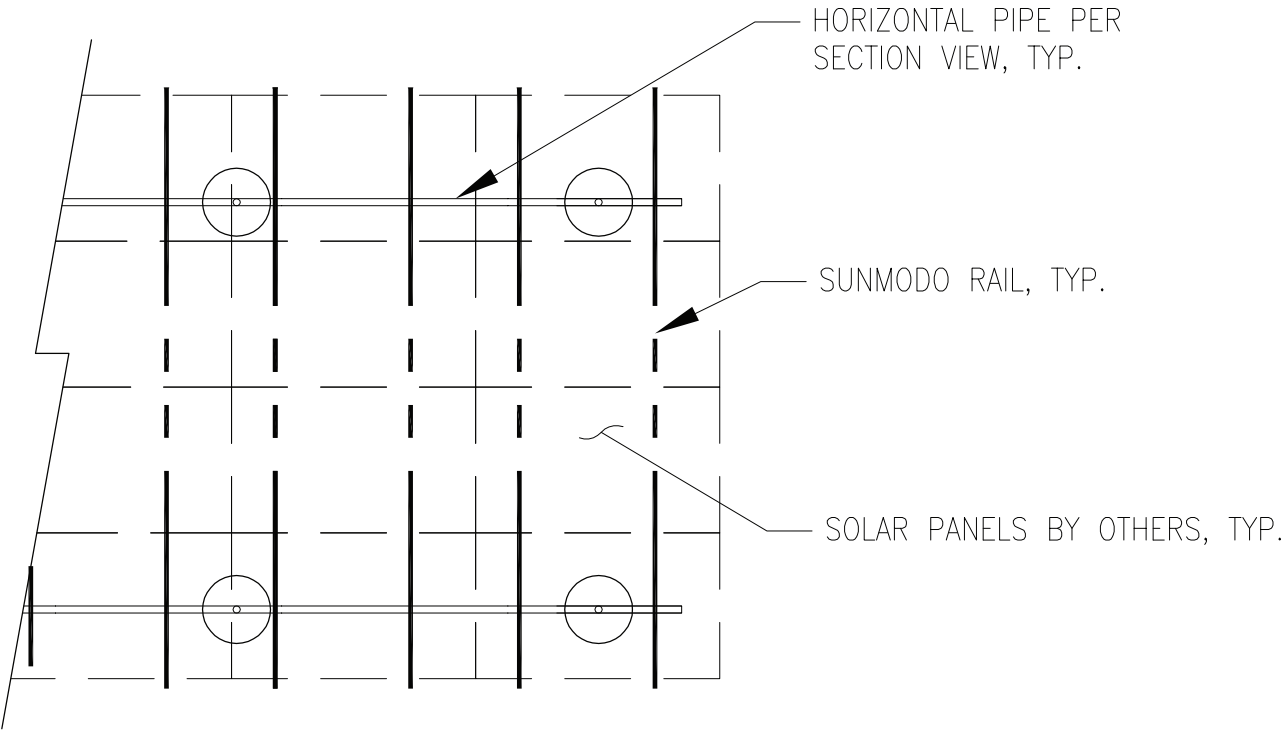
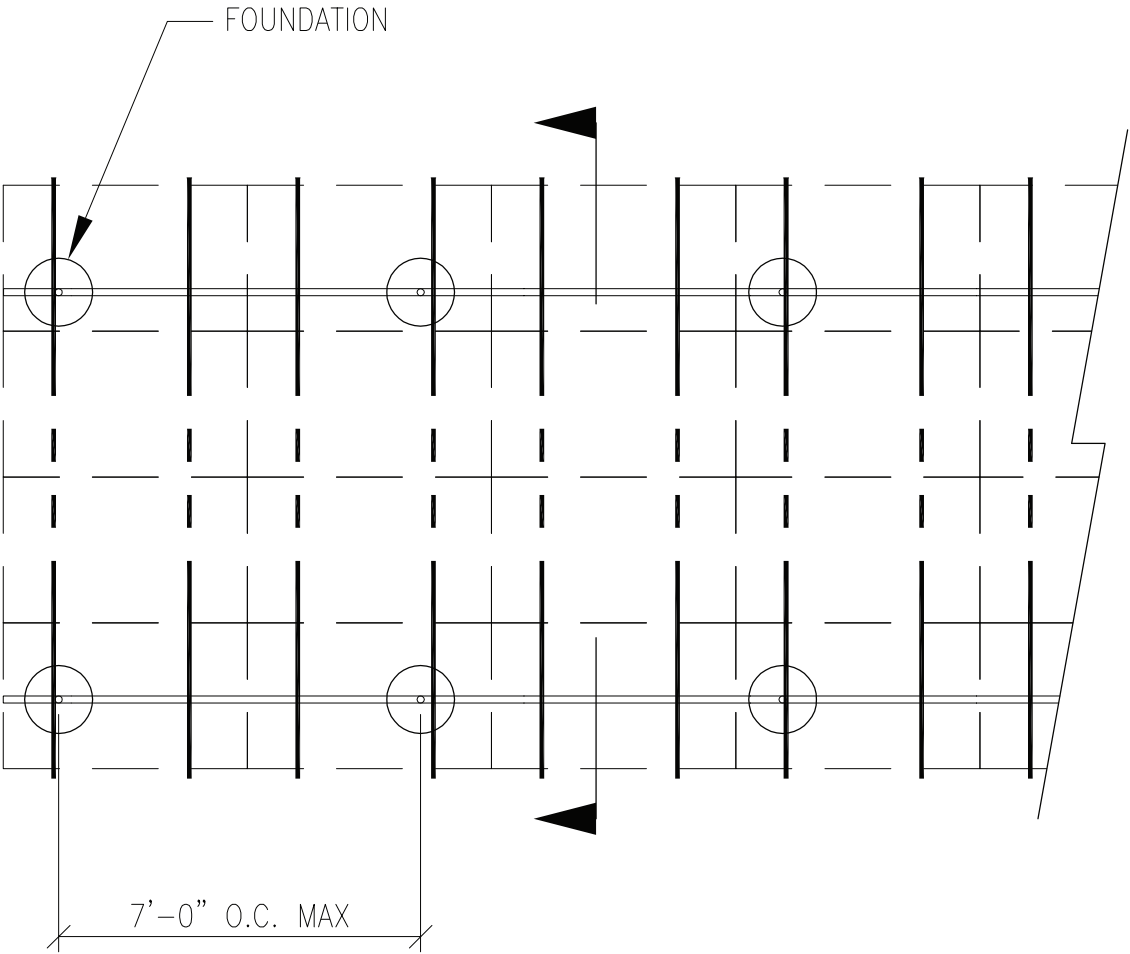


DIMENSIONS			
ITEM	4L	2P	3L
A	172	166	130
B	37	34	16
C	56	54	44
D	112	110	100

NOTES  
1.DIMENSIONS IN TABLE ARE SHOWN AT MAXIMUM TILT & LEADING EDGE HEIGHT. PROJECTS WITH LOWER TILTS & LEADING EDGE HEIGHTS WILL RESULT IN REDUCED DIMENSIONS.  
2. MAX DENOTES MAXIMUM PERMISSIBLE DIMENSIONS.



MAXIMUM REACTIONS:  
U = 2,320 LBS  
P = 3,020 LBS  
V = 1,690 LBS



## GREENWAY SOLAR

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### SUBMITTAL

INSTALLATION STRING DIAGRAM

02/02/2023- FINAL




### SHEET

# STRUCTURAL



ENGINEERED FOR COMMERCIAL  
& UTILITY PROJECTS

Unparalleled coverage for all your commercial projects with our industry-leading 25-year product and 30-year linear performance warranty.

CE    IEC  **Fraunhofer**  
ISE  **CHUBB**  
\* Chubb provides error and omission insurance to Silfab Solar Inc.

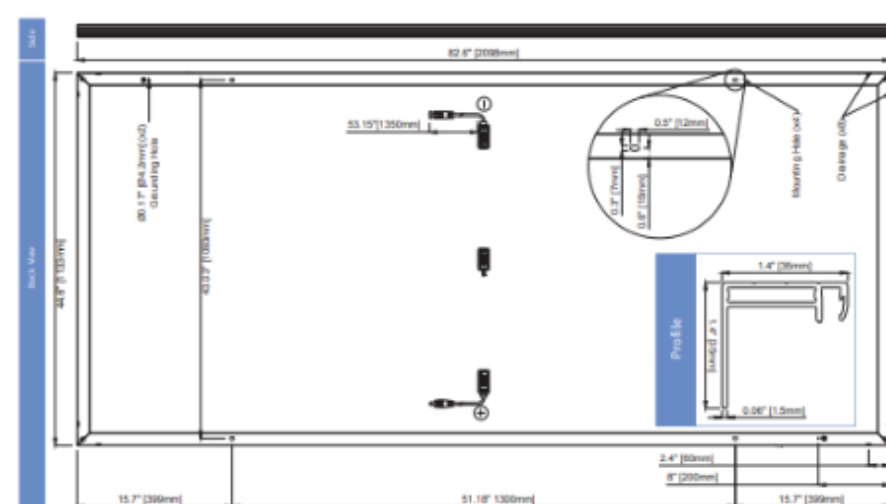


Measurement conditions: STC 1000 W/m<sup>2</sup> • AM 1.5 • Temperature 25 °C • NOCT 800 W/m<sup>2</sup> • AM 1.5 • Measurement uncertainty ± 3%  
Sun simulator calibration reference modules from Fraunhofer Institute. Electrical characteristics may vary by ±5% and power by 0 to +10%

TEMPERATURE RATINGS		WARRANTIES	
Temperature Coefficient Isc	+0.064 %/°C	Module product workmanship warranty	25 years**
Temperature Coefficient Voc	-0.28 %/°C	Linear power performance guarantee	30 years
Temperature Coefficient Pmax	-0.36 %/°C		≥ 97.1% end 1st yr ≥ 91.6% end 12th yr ≥ 85.1% end 25th yr ≥ 82.6% end 30th yr
NOCT (± 2°C)	45 °C		
Operating temperature	-40/+85 °C		

CERTIFICATIONS		SHIPPING SPECS	
Product	UL 61215-1-2017 Ed.1***, UL 61215-2-2017 Ed.1***, UL 61730-1-2017 Ed.1***, UL 61730-2-2017 Ed.1***, CSA C22.2-M61730-1-2019 Ed.1***, CSA C22.2-M61730-2-2019 Ed.2***, IEC 61215-1-2016 Ed.1***, IEC 61215-2-2016 Ed.1***, IEC 61730-1-2016 Ed.2***, IEC 61730-2-2016 Ed.2***, IEC 61701-2020 (Salt Mist Corrosion), IEC 62736-2013 (Ammonia Corrosion), CEC Listing***, UL Fire Rating: Type 1	Modules Per Pallet:	29 or 29 (California)
		Pallets Per Truck	24 or 23 (California)
Factory	ISO9001:2015	Modules Per Truck	696 or 667 (California)

\*\*\* Certification and CEC listing in progress.



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**Silfab - SIL-500-HM-20220715**  
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## 02/02/2023- FINAL

**SHEET**

# RESOURCE DOCUMENT



# MIN 8200~11400TL-XH-US

- Battery Ready for DC Coupled and AC Coupled systems
- With backup power and dark start operations
- Support RSD and AFCI
- Support multiple energy management modes: Self-consumption, Zero Export, TOU and Off-grid
- Comply with UL1741SA, CA Rule 21 & HECO
- Integrate diesel generator to charge battery for optimal energy management



**GROWATT**

<https://us.growatt.com>

P O W E R  
- I N G  
T O M O R R O W

Datasheet	MIN 8200TL-XH-US	MIN 9000TL-XH-US	MIN 10000TL-XH-US	MIN 11400TL-XH-US
Input Data (PV)				
Max. Recommended PV Power(STC)	16400W	18000W	20000W	22800W
DC/AC Ratio		2		
Max. DC System Voltage		600V		
Startup Voltage		50V		
Full load voltage range	170-500V	190-500V	210-500V	235-500V
Nominal Voltage		360V		
Operating Voltage Range		50~550V/LG Battery:50~450V		
No. of MPPT Trackers		4		
No. of PV Strings per MPPT Tracker		2		
Max. Input Current per MPPT Tracker		13.5A		
Max. Short-circuit current per MPPT Tracker		16.9A		
Input/Output Data (DC)				
Battery Voltage Range		ARO Battery :360V~550V/LG Battery:350V~450V		
Nominal DC Voltage		400V		
I/O DC Current	24A/24A	27A/27A	30A/30A	34A/34A*
I/O DC Power	8500W	9300W	10300W	11700W
Battery Technology		IFP / NMC		
Battery Capacity per Module		9.9kWh / 10kWh,1.6kWh		
Scalability		Up to 4 / Up to 2 in parallel		
Compatible Batteries		Growatt ARO HV battery / LG Prime (Gen3) battery		
Output Data (AC)				
AC Nominal Power@240V AC	8200W	9000W	10000W	11400W
AC Nominal Power@208V AC	7280W	7900W	8735W	9880W
Max. AC Apparent Power	8200VA	9000VA	10000VA	11400VA
Nominal AC Voltage		208V/240V		
AC Voltage Range @208V AC @240V AC		183V~229V/211V~264V		
AC Grid Frequency		50/60Hz		
AC Grid Frequency Range		45~65Hz		
Max. Output Current	35A	38A	42A	48A
Power Factor@Nominal Power		> 0.99		
Adjustable Power Factor		0.8 leading~0.8 lagging		
THD		<3%		
AC Grid Connection Type		L1/L2/N/PE		
Output Data (Backup)				
AC Nominal Power	8200W	9000W	10000W	11400W*
Max. AC Power Output	9840VA	10800VA	12000VA	13680VA
Nominal AC Voltage		240V		
Max. Output Current	41A	45A	50A	57A
THD		5%		
AC Port-V2 Inverter	2AC Ports, 1 for ON Grid, 1 for Backup(EPS) compatible with ATS-UB for Partial Home Backup			
AC Port-V3 Inverter	1AC Port for 1 ON Grid compatible with SYN200-US for Whole Home Backup			
Efficiency				
Max. Efficiency	98.3%	98.3%	98.3%	98.5%
CBC Efficiency@208V AC	97.5%	97.5%	97.5%	97.5%
CBC Efficiency@240V AC	97.5%	97.5%	97.5%	98.0%
Protection Devices				
DC Reverse-polarity Protection		Yes		
DC Switch		Yes		
DC Surge Protection		Type I		
Insulation Resistance Monitoring		Yes		
AC Surge Protection		Type III		
AC short-circuit Protection		Yes		
Ground Fault Monitoring		Yes		
Grid Monitoring		Yes		
Anti-islanding Protection		Yes		
Residual-current Monitoring Unit		Yes		
AFCI Protection		Yes		
General Data				
Dimensions (W / H / D)		15.8/25.2/7.4inch(400/638/187mm)		
Weight		45.2lbs (20.5kg)		
Operating Temperature Range		-13°F~+140°F (-25 °C ~ +60 °C) derating above 113°F		
Altitude		9843ft (3000m)		
Internal Consumption at Night		<1W (for PV Inverter)/ <5W (for storage Inverter)		
Cooling		Natural Convection		
Electronics Protection Degree		NEMA4X (IP65)		
Relative Humidity		0~95%		
Interfaces				
RS485		Yes		
WiFi/4G Communication		Optional		
Warranty: 10 Years		Yes(optional for extended 15 and 20 years warranty)		
Revenue Grade Meter		ANSI C12.20 (meet 0.5% accuracy)		
IEEE1547, CA Rule21, Rule 14(HECO Compliant), FCC Part15 Class B, UL1741,UL1741SA,CSA C22.2, UL1699B, UL1741 CRD, UL9540				

\* 34A/34A can only be achieved with LG battery, ARO battery is 30A/30A.  
\* 11700W can only be achieved with LG battery, ARO battery is 10300W.  
\* 11400W when using ARO battery, 11400W off-grid output requires both PV and battery power supply, and ARO battery itself has a rated off-grid power of 10kW.

GROWATT USA INC. Address: 9227 Reseda Blvd. #435 Northridge, CA 91324. Sales Hotline: 818 800 9455 Service Hotline: 1866 686 0298  
Email: usa@growatt.com



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## SUBMITTAL

INTERCONNECTION APPLICATION  
SITE PLAN

02/02/2023- FINAL

## SHEET

**RESOURCE  
DOCUMENT**