



CITY COUNCIL MEETING AGENDA  
TUESDAY JULY 30, 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 June 16, 2024, Regular City Council Meeting.
  - b. Approval of Accounts Payable (Batch #1; Checks Numbered 22973-22986).
  - c. Large Assembly Permit:
    - i. Zuhrah Shrine Event - 4505 CSAH 92 on September 21, 2024.
    - ii. Wedding Ceremony - 7165 Turner Road on September 7, 2024
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. Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.
    - a. **RESOLUTION No. 24-0730-01:** Considering approval of a conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.
  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. 24-0730-02:** Considering approval of a conditional use permit (CUP) to allow a ground mounted solar system greater than 500 SF.
  9. Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

- a. **RESOLUTION No. 24-0730-03:** Considering approval of a conditional use permit to allow an accessory structure greater than 5,000 SF.

10. Consider Approval of the Council Chambers Flooring Replacement.

11. Review *Draft* Interim Ordinance Relating to Cannabis Businesses Within Independence.

12. Open/Misc.

13. Adjourn.



CITY COUNCIL MEETING MINUTES  
TUESDAY JULY 16, 2024

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

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, Betts, McCoy and Grotting

Absent: None

Staff: City Administrator Kaltsas, Administrative Services Director Simon and WHPS Director of Public Safety Kroells

Visitors: Roger Schmitz from CenterPoint Energy

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

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

- a. Approval of City Council Minutes from the June 18, 2024, Regular City Council Meeting.
- b. Approval of City Council Workshop Minutes from the June 25, 2024, City Council Workshop.
- c. Approval of Accounts Payable (Batch #1; Checks Numbered 22915-22928, Batch #2, Checks Numbered 22930-22940, Batch #3, Checks Numbered 22941-22958 and Batch #4, Checks Numbered 22959-22972) (Note: Check #22929 was voided due to printing error).
- d. Approval of Election Judges for 2024 Primary and General Elections.
- e. Building Permit Report – Quarter 2 (For information only).

**Motion by McCoy, seconded by Betts to approve the Consent Agenda. Ayes: Johnson, Spencer, Betts, McCoy and Grotting. Nays: None. Absent: None. Abstain: None.**  
**MOTION DECLARED CARRIED. 5-0**

5. Set Agenda – Anyone Not on the Agenda can be Placed Under Open/Misc.
6. Reports of Boards and Committees by Council and Staff.

Spencer attended the following meetings:

Ride along with Shawn Bode to view spots needing attention  
Bridgevine ravine restoration project  
Pioneer Sarah Creek watershed  
Gravel Roads workshop  
Maple Plain Fire Commission  
LMCC Executive meeting  
Lake Sarah Improvement Meeting

Betts attended the following meetings:

Hwy 12 Coalition

Grotting attended the following meetings:

Workshop Gravel Roads  
Planning Commission

McCoy attended the following meetings:

Workshop

Johnson attended the following meetings:

Kristen Robbins event in Maple Grove  
LMC zoom meeting (entertain an artist that does painting on buildings)  
Interviewed a police officer candidate.  
Gravel roads workshop  
LMC convention in Rochester  
Regional council of mayors  
Maple Plain Fire Commission meeting  
Hwy 12 Coalition meeting.  
Hwy 55 exec committee (virtual)  
National league of cities energy environment (virtual)  
Lake Sarah improvement meeting

7. CenterPoint Energy (Roger Schmitz) – Community Safety Grant Award Presentation  
Grant will support purchase of two (2) permanent speed control signs on Perkinsville Road.  
Kaltsas - Roger Schmitz is here to present grant to the city. Biannually to cities. We put in an app this year from the city to help purchase two speed control signs for Perkinsville Rd. \$2,500 grant was awarded to us.  
Roger Schmitz - \$3m in grants.  
Kaltsas – will match for 1 sign.  
Kroelles – been working with a sign company. Over the past 6 years we have purchased portable ones. As Bridgevine was developed, Perkinsville has been one of our top speeding roads. It is a cut through from 19 to Budd. More traffic in there now with development. These are permanent signs for east and west bound in appropriate locations. Solar signs.

Grotting – grant will cover a portion of 1 and both are being put on Perkinsville. Do they both need to be on that road?

Kaltsas- our plan is to do this and see how it works overtime and to see if it is working well. I'd like to budget for a couple other permanent locations. We want to attack this one and get the speed handled.

Kroells- a lot of the roads are county and state roads. The county and state doesn't want to pay for them and we are going to start with our local streets.

Public Works will install them and will always be collecting data. Portable ones require constant battery changes every 6-7 days.

Johnson – where on Perkinsville?

Kroells – just west of South Lakeshore and then just east of that road as well.

Kaltsas – that leaves a gap to purchase the second one. \$8,370 to pay.

**Motion by McCoy to accept the grant and matching the total from City funds to purchase another sign, seconded by Spencer. Ayes: Johnson, Spencer, Betts and McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0**

8. West Hennepin Public Safety – Director Gary Kroells: Presentation of the June 2024 Activity Report.

- 2168 June incident complaints
- 236 Independence
- 96 Maple Plain

9. Consider Approval of Extension to Record Minor Subdivision for the properties located at and adjacent to 8910 Highway 12 (PID No's. 07-118-24-41-0003 and 07-118-24-42-0004):

a. **Resolution No. 24-0716-01** – Approving extension to record the minor subdivision.

Kaltsas – John Peterson. City approved resolution; the resolution required that it be recorded within 6 months following approval. We have spent a lot of time trying to get this recorded and there were issues relating to ownership. There was a gap in the property and finally it was found with a lot of title work. Now we have it sorted out. We never looked at a failure to record, but in any case, we need the resolution updated to record at the county level. John's new attorney and Vose now agree.

**Motion by Betts, seconded by Johnson to approve Resolution No. 24-0716-01 approving extension to record the minor subdivision. Ayes: Johnson, Spencer, Betts and McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0**

10. Community Clean Up Proclamation – Thanking Presbyterian Church of Maple Plain’s Good Works Philanthropy Service Work for City Hall Garbage Pick Up and Weeding in Independence.

Johnson – Maple Plain Presbyterian Church proclamation. One error in there, 3<sup>rd</sup> paragraph, mentions cleaning up on the SW side of County Line Rd and it should be Delano.

\*\*\* REPRINT\*\*\*

**Motion by Spencer, seconded by McCoy to move proclamation. Ayes: Johnson, Spencer, Betts and McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0**

11. Open/Misc.

Night to Unite – Aug 5<sup>th</sup> meeting change?

Kaltsas – we have a lot of items on the August 6 agenda. Do you want to move the meeting?

Kroells – we are up and going by 6pm

Kaltsas – we could meet on July 30<sup>th</sup>? We have an extra Tuesday this month.

Johnson – people appreciate us getting out to Night to unite.

Johnson – Elections are coming up and I want to make a formal announcement. I will not be filing for Mayor again. I am getting to be an old man. I feel fortunate for good health but I can’t move around like I used to. I wanted to make that announcement. Brad is willing to file for mayor and I will support him if he does that.

Motion to move the August 6<sup>th</sup> meeting to July 30<sup>th</sup> at 6:30pm Betts, seconded by McCoy to move the Aug 6<sup>th</sup> meeting the July 30 at 6:30pm. Motion Declared Carried 5-0

Johnson- how much of the calcium chloride is down?

Kaltsas- 100% of calcium chloride is down. Just a portion of Pagenkopf where road tiling.

Johnson- Lynn was asking a question about the rain and washing it away.

Kaltsas – it has been challenging for Public Works with some of the washouts. But we are identifying some issues we can address with drainage work.

12. Adjourn.

**Motion to Adjourn at 7:16pm by McCoy, seconded by Spencer. Ayes: Johnson, Spencer, Betts and McCoy and Grotting. Nays: None. Absent: None. Abstain. None. MOTION DECLARED CARRIED. 5-0**



## NON-CITY ASSEMBLY PERMIT APPLICATION

### Fees & Definitions:

200+ Attendees (Large Assembly) = \$100
100+ Attendees (Medium Assembly) = \$25
50+ Attendees (Small Assembly) = \$25

(Requires West Hennepin Public Safety Deposit of \$500)

(Double fees for applications received less than 45 business days prior to event).

**Event Location:** Horsemen Inc  
**Type of event:** Barn Dance **Number of people** 300+ **Date** 9/21/24 SAT.  
☐ Residential ☐ Corporate ☐ Partnership ☐ Group or Association ☒ Other

**Event Holder's Name:** Zubrah Shaine Horsman **Address:** 4505 Cty 92  
**Contact Person:** Larry Mac Donald **Phone:** 612 916 2920  
**Email:** lmacdonald00@yahoo.com  
**2nd Contact Person:** Jon Huber **Phone:** 763-221-2727  
**Email:** Jon @ WCS dumpsters.com

**Security Plans:** Retired Cops  
**Date West Hennepin Public Safety was notified of the event:** No

**Severe Weather Plans (in the event of):** Stall aisles

**Sound Plans - amplification and sound control:** In Arena  
**Outdoor Music** ☐ Yes ☒ No - **Starting Time** 6:00 **AM** ☒ **PM** **Ending Time** 11:00 **AM** ☒ **PM**

**Food and Concessions Plans:** Billy's Rachel Finn  
**Vendor's name, address, and license number** (copies of vendor license, insurance and permits must be provided)

**Vendor Work #:** 763-276-1999 **Vendor Cell #** 763-277-0672

Serving Alcohol: Yes: X No: \_\_\_\_\_  
Selling Alcohol: Yes: X No: \_\_\_\_\_ (If selling alcohol contact the City  
for an additional permit)

Restroom Provisions: How many? 2 permanent ~~3~~ 3 Portable  
Location: Building & Stallaisles

Lighting - Type: Arena lighting How many? 18  
Location of lights: In Arena (indoor)

\$1,000,000 Certificate of Liability Insurance-provide a copy: ✓ 7-24-24 - expires 5-8-2025

Parking Plan: Please provide a site plan showing 1 parking space for each vehicle per 4 guests. If  
using adjacent property, written permission from property owners must be obtained.

5-22-24  
Date

  
Signature of applicant

5-22-24  
Date

  
Signature of applicant

#### Office Use Only

Application Received: 7-24-24 Application Fees/Deposit: \$300 Date Fee Paid: 7-26-24  
(7-24-24 mailed ✓)  
Date \$1,000,000 certificate of liability insurance received: 7-24-2024 ✓ 7-24-24

Signature of City Official  
  
Signature of West Hennepin Public Safety

Date  
7-26-24  
Date





### APPLICATION FOR LIQUOR, BEER, SET-UP OR CLUB LICENSING

Event: Saturday, Sept. 21, 2024

SUBMIT APPLICATION & FEES BY: \$100 by Fri 7/26/24 - NOON

On Council Agenda: 7-30-24

\*\*Please fill out the following information:

I, MacDonald Harry A for and on behalf of ZSPH  
(Last) (First) MI (Individual owner, office, partner)

ZHPH hereby submit this application for a Temporary  
(Myself, partners, corporation)

liquor license for (Name and address of business): Zuhrah Shrine Horse Patrol  
4505 Cty 92 Independence, Mn 55359

in accordance with the provisions of Minnesota Statutes and City Of Independence Ordinances, commencing April 1, 2008 and ending March 31, 2009.

DL# T480-212-719-912

D.O.B. 11/08/1955

Signature of Applicant Harry MacDonald (Pres)  
For: Zuhrah Shrine Horse Patrol  
(Myself, Partners or Corporation, Association)

**SUBMIT:** (1) Liability Insurance (2) License Fees (3) Receipt showing payment of taxes

**FEES:** (the following are highlighted for easy reference)

On-Sale 3.2 Beer	\$ 600	Cigarette	\$ 100
Off-Sale 3.2 Beer	50	Dance	75
Set-up	500		
Club	200	On-Sale Intoxicating	5,500
Sunday Liquor	200	On-sale Wine	600
Temporary Liquor (1 - 4 days)	100 per day	Off-Sale Intoxicating	100

**TOTAL Due:** \$100.00

paid ✓ #2112 7-26-24



# NON-CITY ASSEMBLY PERMIT APPLICATION

## Fees & Definitions:

200+ Attendees (Large Assembly) = \$100
100+ Attendees (Medium Assembly) = \$25
50+ Attendees (Small Assembly) = \$25

(Requires West Hennepin Public Safety Deposit of \$500)

(Double fees for applications received less than 45 business days prior to event).

**Event Location:** 7165 Turner Rd Independence MN 55359  
**Type of event:** Wedding Ceremony **Number of people** 150 **Date** 09-07-2024  
☒ Residential ☐ Corporate ☐ Partnership ☐ Group or Association ☒ Other

**Event Holder's Name:** Rosebrook Farm **Address:** 7165 Turner Rd Independence, MN  
**Contact Person:** Brian Gilbertson **Phone:** 612-597-5571  
**Email:** briangil23@gmail.com  
**2nd Contact Person:** Renee Gilbertson **Phone:** 651-357-5700  
**Email:** rmgilbertson@gmail.com

**Security Plans:** \_\_\_\_\_

**Date West Hennepin Public Safety was notified of the event:** \_\_\_\_\_

**Severe Weather Plans (in the event of):** Barrn

**Sound Plans - amplification and sound control:** DS

**Outdoor Music** ☒ Yes ☐ No - **Starting Time** 3 **AM/PM** PM, **Ending Time** 5 **AM/PM** PM

**Food and Concessions Plans:** N/A

**Vendor's name, address, and license number** (copies of vendor license, insurance and permits must be provided) \_\_\_\_\_

**Vendor Work #:** \_\_\_\_\_ **Vendor Cell #** \_\_\_\_\_

■City of Independence

***Request for an Amendment to the Conditional Use Permit to Allow an Outdoor Riding Arena to be Added to the Subject Property in Association with the Commercial Riding Stable on the Property located at 7550 Turner Road***

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<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 30, 2024
<i>Applicant:</i>	Blue Valley Farm LLC
<i>Property Owner:</i>	Blue Valley Farm LLC
<i>Location:</i>	7550 Turner Road

***Request:***

Blue Valley Farm LLC (Applicant/Owner) is requesting the following action for the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) in the City of Independence, MN.

- a. A conditional use permit amendment to allow an outdoor riding arena to be added to the subject property as a part of the commercial horse boarding facility on the subject property.

***Property/Site Information:***

The property is located west of County Road 92 on the north side of Turner Road. The property has an existing home, large barn/indoor riding arena, pasture and wetlands along the north property line. The property has the following characteristics:

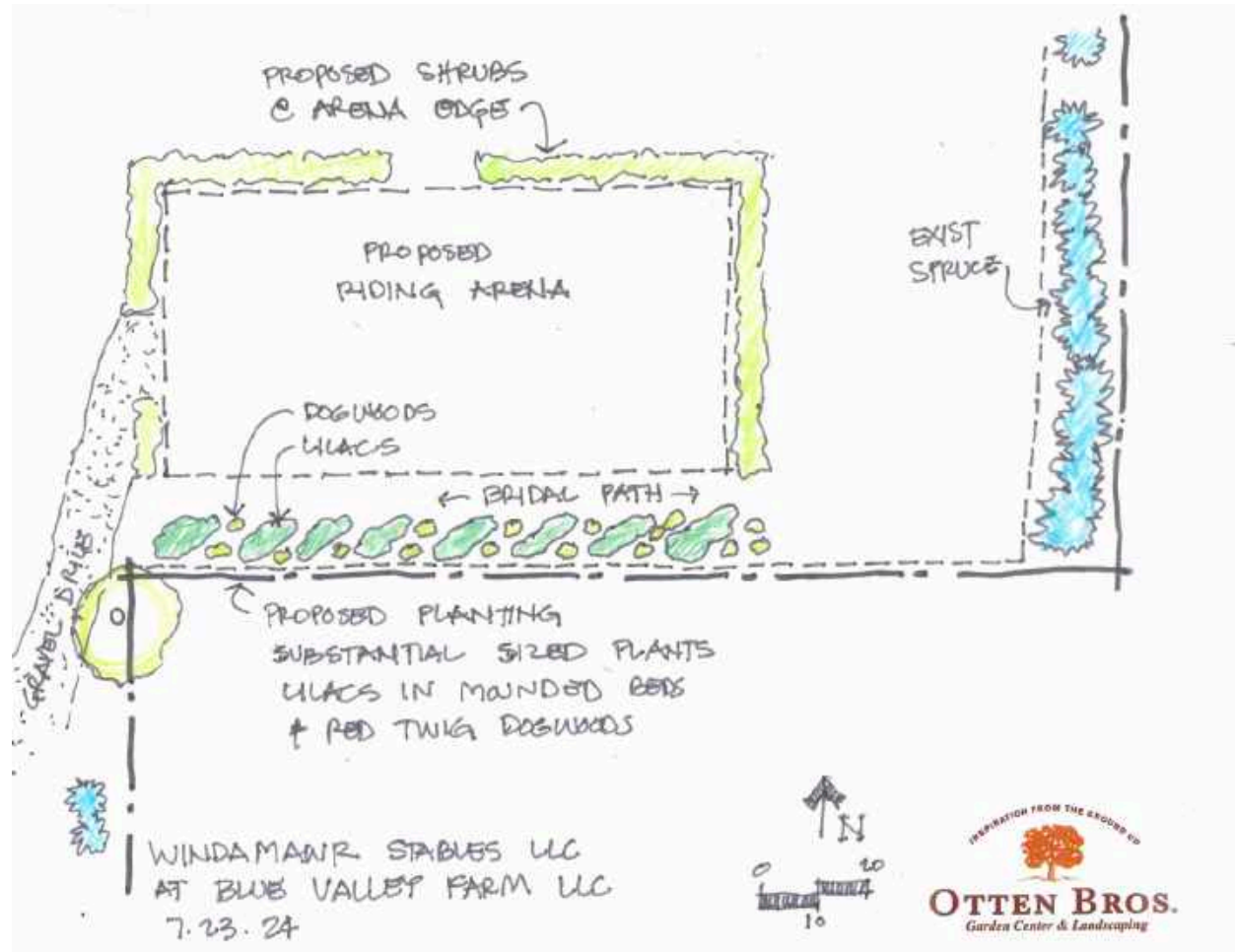
Property Information: **7550 Turner Road**  
Zoning: *Agriculture*  
Comprehensive Plan: *Agriculture*  
Acreage: *23.06 acres*



***CITY COUNCIL UPDATE:***

Based on the discussion and direction provided by the Planning Commission and an additional site meeting with the applicant, the applicant prepared a revised landscape plan. Commissioners reviewed the application at a second meeting in July and ultimately recommended approval subject to the applicant preparing an updated landscape plan to provide additional screening of the outdoor arena. The revised landscape plan was reviewed by the city and adjacent property owner. The applicant also prepared an updated narrative relating to the work that was done following the Planning Commission review and recommendation.

The updated landscape plan would eliminate the existing evergreen trees and replace them with a mixture of ornamental shrubs and trees. The proposed landscape would include a shrub hedge/border around the perimeter of the arena as well as a planting of dogwoods and lilacs in mounded beds along the south property line. The mounded beds would help to provide some additional height as well as elevate the plantings above any drainage from the adjacent hill. This planting would be in combination with the proposed grading and drainage plans prepared by the applicant.



### **Planning Commission Discussion and Recommendation:**

Commissioners discussed the requested amendment to the conditional use permit and asked questions of staff and the applicant. Commissioners discussed the proposed shift of the arena to the west. It was noted that this shift did not fully remove the arena from the view of the adjacent property. Commissioners discussed whether landscaping/berming could be used to assist in mitigating potential impacts of the riding arena. Commissioners recommended that a fully opaque buffer be established by the applicant to help mitigation of the arena. Commissioners also discussed the condition of the original resolution relating to employees living in the residence (Whereas Finding No. 3).

**3) That no employees of the business resided at the residence; and**

Commissioners noted that this condition is not wholly typical of other conditional use permits for similar commercial riding stables. Commissioners recommended removing the condition in its entirety noting that the city has ordinance pertaining to guest quarters and accessory dwelling units.

Commissioners also discussed condition number 3 of the original CUP pertaining to horse shows, training clinics, or similar special events. Commissioners wanted it to be clear that all horse shows, training clinics, or similar special events were subject to the owners obtaining an Assembly Permit.

- 3. No horse shows, training clinics, or similar special events may occur on the property without the prior written approval of the City. In no case shall there be more than two horse shows, training clinics, or similar special events in any one calendar year.**

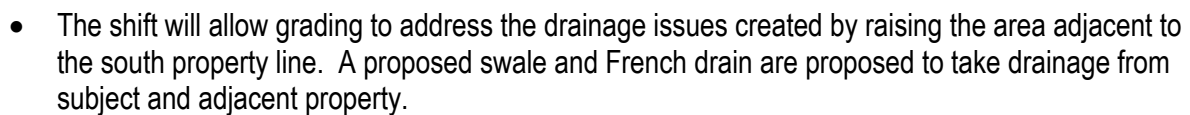
Condition No. 3 has been amended as follows:

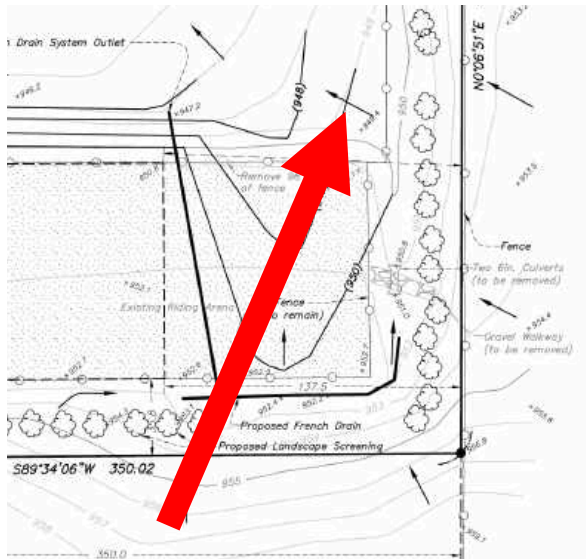
No horse shows, training clinics, or similar special events may occur on the property without obtaining all applicable assembly permits from the City ~~the prior written approval of the City~~. In no case shall there be more than two horse shows, training clinics, or similar special events in any one calendar year.

Planning Commissioners found that the request to meet applicable criteria for amending the conditional use permit and was a reasonable use of the property. Commissioners recommended approval to the City Council.

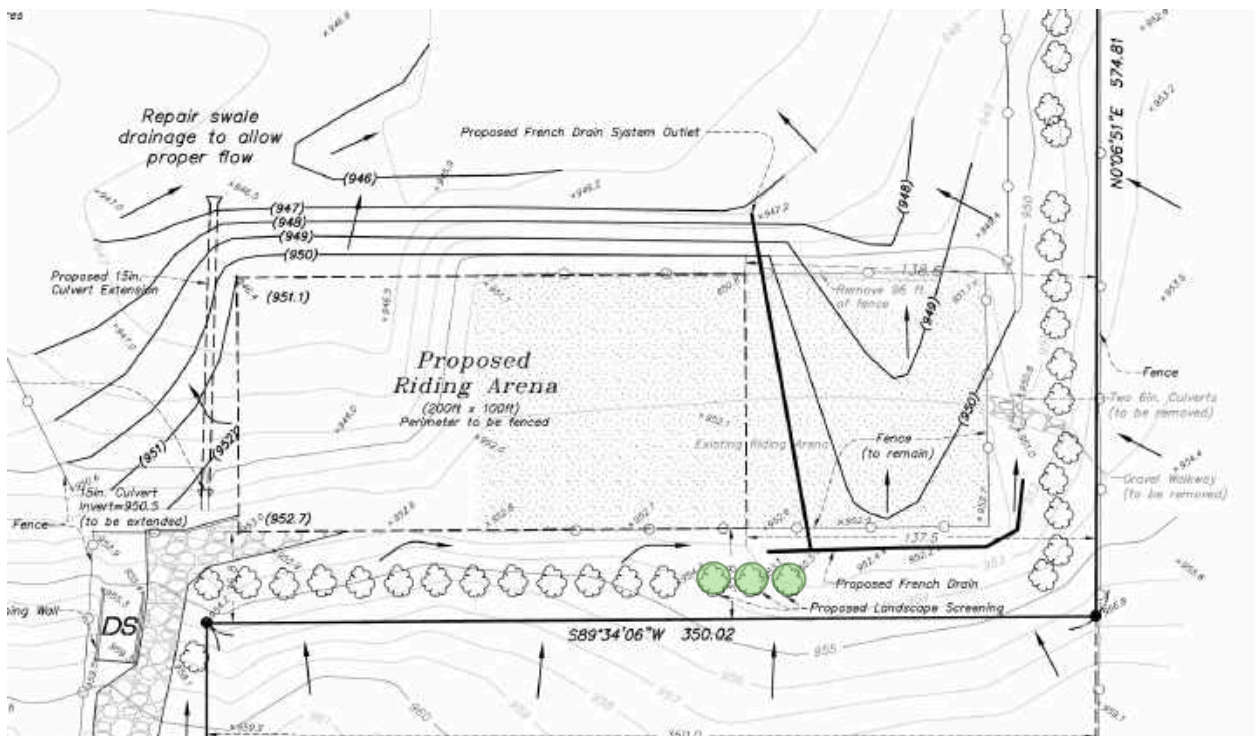


The proposed plan for the outdoor riding arena was shifted to the west approximately 100'. The shift to the west is intended to address the following noted issues:





- Applicant is proposing to extend the existing evergreen buffer to further screen the outdoor riding area from the adjacent property. It was noted that the historic drainage from the adjacent property had caused several of the trees to fail in this area. The applicant's proposal adds mechanical and physical drainage that should alleviate some of the water in this area. Combined with better plant selection, the proposed additional buffer planting should be more successful. The city would condition any approval on the perpetual maintenance and (if the plants fail) replanting of the proposed buffer.





- The applicant further researched the footing material that was installed in the arena and obtained the Safety Data Sheet (SDS – OSHA and EPA regulated) from the manufacturer. The city reviewed the information presented and it was determined that the material was better suited for indoor use. The applicant then further researched footing material that was suitable and rated for outdoor use. The applicant is proposing to remove the original footing material and install new material and provided the city with the new SDS sheet for the proposed material (attached). The city agrees that the material provided would be a better solution. The city is recommending that the applicant maintain a barrier along the north, east and west sides along with the proposed vegetative buffer to prevent the material from leaving the arena.
- The applicant discussed the current condition CUP condition number 3.

**3) That no employees of the business resided at the residence; and**

The applicant noted that the residence is occupied by the owner of the business – Windamawr Stables LLC (not property). The language noted is not typical of other CUPs for commercial riding stables and presents some challenges if the owner of the property is also the owner of the business. If the owner of property owns the business, they would be employed by the business and could not reside in the residence per the language provided. This condition could be clarified by the city through this amendment. If clarified, the language could state that the principal single-family home must be used as a single residence without additional permanent guest quarters for employees of the commercial business. Furthermore, no employees of the business can reside in any accessory structure located on the property. Staff is seeking clarification and direction from Planning Commission on this issue and based on that direction, could work with the city attorney to draft appropriate language.

Planning Commissioners will need to review the supplemental information submitted and provide direction relating to the requested amendment to the conditional use permit. The city has provided findings and conditions relating to a recommendation at the end of this report.

***Discussion:***

The subject property has had a conditional use permit to operate a commercial riding stable since its issuance in 2008 (copy of approval resolution attached to this report). In the fall of 2023, the applicant constructed an outdoor riding arena in the southeast corner of the property in an area that had previously been pasture. The work was done without a permit and upon learning of the work, the city issued a stop work order on the project. The city notified the property owner that an outdoor riding arena would be an expansion of the conditional use and require consideration by the city. In addition, the city noted that a grading permit would be required and identified a concern that the grading activities may have impacted existing wetlands.

The city's wetland specialist further reviewed the wetland issue. It was ultimately determined in December of 2023 by a technical advisory panel that no violation or wetlands impact had occurred on the property.

The city outlined the process for applying for a conditional use permit amendment and the applicant worked on providing the necessary documentation.

The owner is asking the city to consider an amendment to the existing conditional use permit to add the (now constructed) outdoor riding arena (after the fact). Commercial riding stables are a conditional use in the Agriculture zoning district. The subject property is zoned Agriculture. Any expansion of a conditional use permit requires an amendment. Outdoor riding arenas are common facilities associated with many of the city's commercial or private riding stables. The city typically reviews all expansions of conditional use permits to determine if the expanded use meets the initial criteria for granting a conditional use permit. The city has reviewed the outdoor arena and offers the following considerations for planning commission consideration:

- The constructed outdoor riding arena is 100' x 200'.
- The owner brought in approximately 5,000 CY of soil to level the area.
- The owner provided the city with an "as built" grading and drainage plan. The city's engineer reviewed the plan and noted that if all improvements were completed, the proposed grading and drainage would meet applicable grading/drainage requirements. It should be noted that the drain tile has not been installed and finished grading has not been completed at this time. Additional work would need to be done by the owner's contractor if approved by the city.
- No outdoor lighting for the arena or use outside of permitted hours of operation is proposed (7:00 AM – 9:00 PM daily).
- The owner has indicated a willingness to continue a landscape screen to replace/continue the existing coniferous tree line along their southern property line. Should the city recommend approval, additional detail could be required relating to a possible screen or enhanced planting.
- The city notes that the location of the outdoor arena is 30' from both the east and south property lines. The location is directly north of the existing residence located at 7526 Turner Road.

The City has visited the site and discussed the operation of the proposed commercial riding stable with the applicant. The applicant noted that they currently have 19 horses (including a donkey) on the property. There are 7 total clients of the farm that own the 19 horses. It was noted that they provide lessons within the outdoor area 4-5 times per week. The owner also noted that they no longer ride on the south side of the arena along the south property line to get to the bridal trail located around the property perimeter.

The area where the arena is located was historically fenced and used for pasture, training and riding in association with the riding stable. The owner also noted that this area was occasionally used for jumping and related riding/training. The property previously sloped from south to north (see contours below).



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

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 standard

The city also reviewed the conditions of the original CUP and whether or not the property was in compliance. The use of the facility appears to be in compliance with applicable conditions of the original conditional use permit with one exception. One condition noted by the city and may need to be addressed separately if confirmed to be in violation of the requisite conditions.

Condition 3). *That no employees of the business reside at the residence.*

The Planning Commission will need to review the requested amendment, information provided and determine whether or not the criteria for granting a conditional use permit amendment have been satisfied by the applicant.

***Neighbor Comments:***

The city was also contacted by the adjacent property owner located at 7526 Turner Road. He is concerned with several issues relating to the proposed amendment including, but not limited to:

- The adjacent owner is concerned with the drainage and its impact on the condition of his property along the south property line. There is a concern noted that the drainage has caused water to pond on his property.
- The adjacent owner is concerned with the increase in activity and intensification of the use in proximity to his property.
- The adjacent owner noted that the sand base becomes a dust bowl and impacts his use and enjoyment of his property.
- The adjacent owner noted that they ground carpet and mixed it with the sand in the riding arena.
- The adjacent owner is concerned with the location of the outdoor arena in proximity to his property and the impact that has to reasonable use and enjoyment.

***Recommendation:***

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 make a favorable recommendation to the City Council, the following findings and conditions should be included:

1. The proposed amendment to the conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. City Council consideration of the conditional use permit amendment shall be subject to the following:
3. The applicant shall revise the plans in accordance with all comments made by Planning Commissioners.
4. The applicant shall revise the plans to accommodate all comments made by the City Engineer.

5. The city shall confirm that all applicable conditions of the original conditional use permit are in full compliance.
6. The conditional use permit will be amended to allow an outdoor riding arena. The outdoor riding arena shall be constructed in accordance with the approved site, grading plans and landscape plans.
  - a. No outdoor lighting shall be permitted for the outdoor arena.
  - b. No use of the arena shall occur outside of permitted hours of operation is proposed (7:00 AM – 9:00 PM daily).
  - c. The proposed mechanical drainage system shall be regularly maintained and kept in working order for as long as the conditional use permit is in place on this property.
  - d. The landscape buffer identified in exhibit B shall be regularly maintained and in place for as long as the conditional use permit is in place on this property. This includes replacement of any landscaping that is dead or dying.
  - e. The proposed footing material shall be kept inside of the arena and the approved vegetative buffer shall be maintained around the perimeter at all times.
7. All conditions of the original conditional use permit issued on September 8, 2008, by RESOLUTION No. 08-0908-02, shall remain in effect.
8. The
9. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

***Attachments:***

1. Application
2. Amended Site Plan
3. Property Pictures
4. RESOLUTION No. 08-0908-02
5. Footing Material SDS



## Attachments

*7550 Turner Road (Looking south)*





■ RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 24-0730-01**

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO  
ALLOW AN AMENDMENT TO THE CONDITIONAL USE PERMIT ON THE  
PROPERTY LOCATED AT 7550 TURNER ROAD**

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 2022 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, Blue Valley Farm LLC (“Applicant/Owner”) is requesting an Conditional Use Permit amendment to allow an outdoor riding arena to be added to the property as a part of the commercial horse boarding facility on the property located at 7550 Turner Road (PID No. 28-118-24-13-0005) (the “Property”); and

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

WHEREAS, proposed site plan is further depicted on **Exhibit B** attached hereto; and

WHEREAS, the Property is zoned AG-Agriculture; and

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

WHEREAS the Planning Commission held a public hearing on May 21, 2024, and again on July 16, 2024 to review the application for an amendment to the Conditional Use Permit, 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 Blue Valley Farm LLC for an amendment to the Conditional Use Permit per the City's subdivision and zoning regulations with the following conditions:

1. The proposed amendment to the conditional use permit request meets all applicable conditions and restrictions stated in Chapter V, Section 500, Subdivisions and Chapter V, Section 510, Zoning, in the City of Independence Ordinances.
2. The conditional use permit will be amended to allow an outdoor riding arena. The outdoor riding arena shall be constructed in accordance with the approved site, grading plans and landscape plans. No modification, expansion or intensification of the outdoor arena is permitted with the review and approval of a conditional use permit amendment.
  - a. No outdoor lighting shall be permitted for the outdoor arena.
  - b. No use of the arena shall occur outside of permitted hours of operation is proposed (7:00 AM – 9:00 PM daily).
  - c. The proposed mechanical drainage system shall be regularly maintained and kept in working order for as long as the conditional use permit is in place on this property.
  - d. The landscape buffer identified in Exhibit B shall be regularly maintained and in place for as long as the conditional use permit is in place on this property. This includes replacement of any landscaping that is dead or dying.
  - e. The proposed footing material shall be kept inside of the arena and the approved vegetative buffer shall be maintained around the perimeter at all times.
3. All conditions of the original conditional use permit issued on September 8, 2008, by **RESOLUTION No. 08-0908-02**, shall remain in effect with the following modifications:
  - a. Paragraph 4 – WHEREAS....3) “That no employees of the business resided at the residence” is eliminated.
  - b. Paragraph 6 – BE IT FINALLY RESOLVED...3. Be amended as follows:

“No horse shows, training clinics, or similar special events may occur on the property without obtaining all applicable assembly permits from the City ~~the prior written approval of the City~~. In no case shall there be more than two horse shows, training clinics, or similar special events in any one calendar year.



4. The applicant shall pay for all costs associated with reviewing the application and recording the resolution.

This resolution was adopted by the City Council of the City of Independence on this 30<sup>th</sup> day of July 2024, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

---

Marvin Johnson, Mayor

ATTEST:

---

Mark Kaltsas, City Administrator

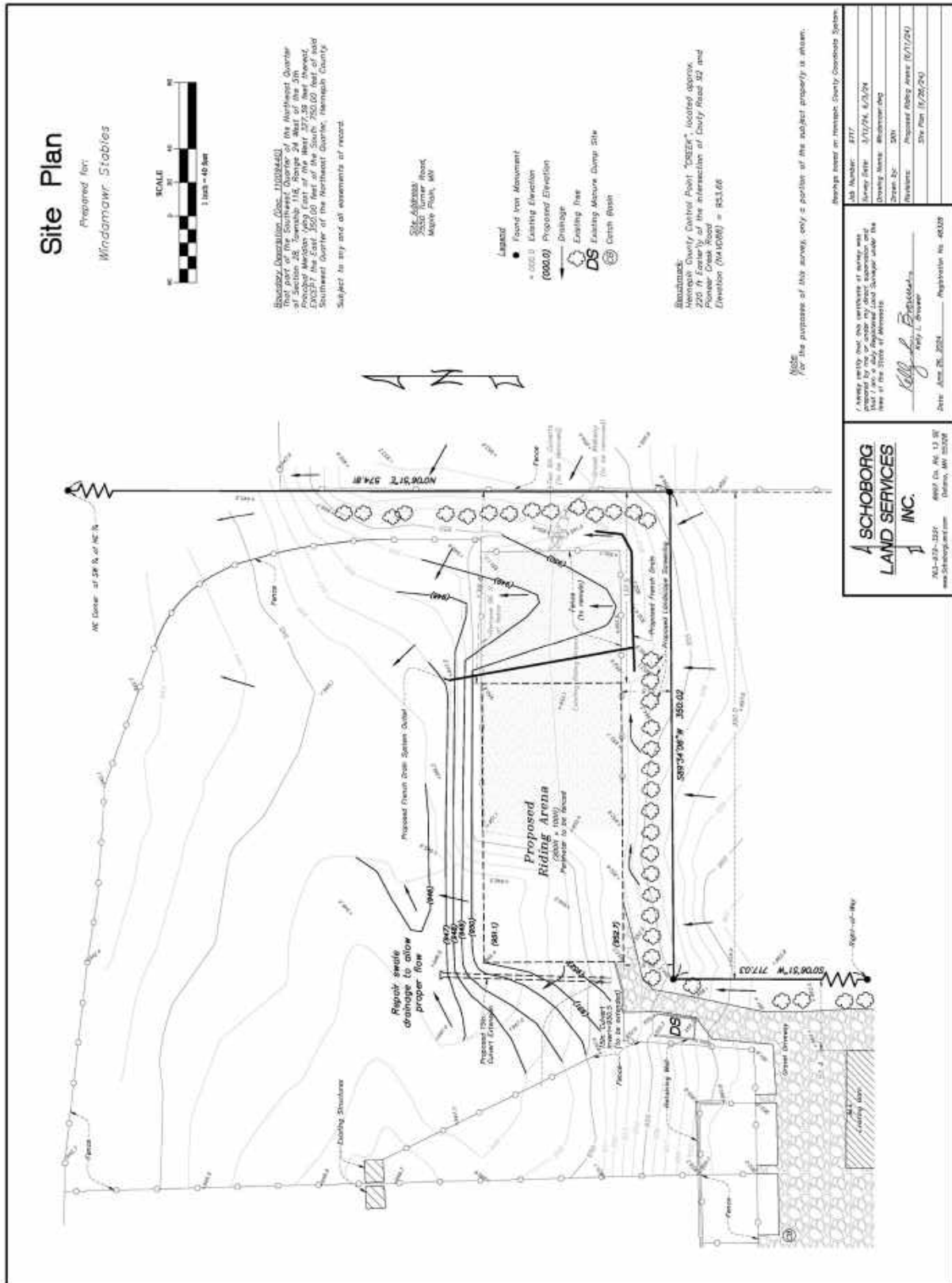
**EXHIBIT A**  
*(Legal Description)*

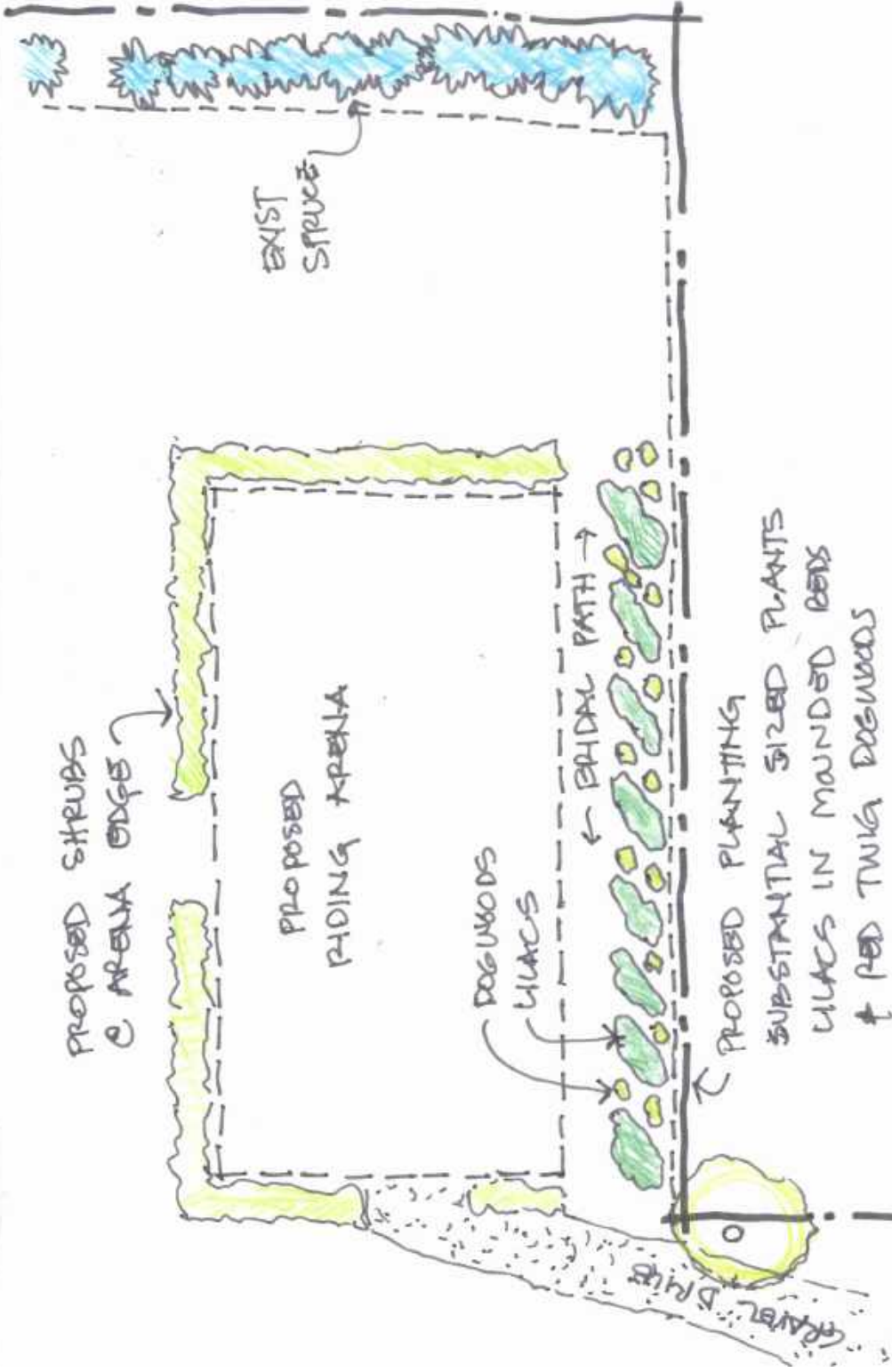
Boundary Description (Doc. 11009440)

*That part of the Southwest Quarter of the Northeast Quarter of Section 28, Township 118, Range 24 West of the 5th Principal Meridian lying East of the West 327.39 feet thereof, EXCEPT the East 350.00 feet of the South 750.00 feet of said Southwest Quarter of the Northeast Quarter, Hennepin County.*

*Subject to any and all easements of record.*

*(Approved Plans)*





WINDAMANN STABLES LLC  
 AT BLUE VALLEY FARM LLC  
 7.23.24

## **Landscape Plans for the Outdoor Riding Arena at Blue Valley Farm, LLC**

This is an update to plans for the landscaping surrounding the outdoor arena project at Blue Valley Farm, LLC, 7550 Turner Road.

Windamawr Stables, LLC, is the independent horse training program that rents the barn at the property. With the prior property owner, there was also a horse training school that rented the property. Horses have always been in this fenced field and practice jumps have been placed there outdoors.

At the first public hearing with the City of Independence on May 21, 2024, and unbeknownst to us before the meeting, our neighbor, Tom Bren, spoke publicly about his deep displeasure/dismay with the location of an outdoor riding arena for training purposes for the tenants (approx. 10 people) on our property. His main objections are that the north view from his house will change.

The location of this outdoor riding arena was selected with great care and in consultation with several outdoor arena building consultants, keeping in mind other issues on the property including: land elevation, water run-off areas, existing water tiles/lines, septic system, well location, etc. We are simply levelling the field, adding a particular footing to the arena area for the jumping safety of the horses/tenants, adding soil to level the surrounding field, and addressing water pooling issues. We are not adding any out-buildings, lighting or sound equipment, or formal seating for viewers.

The location chosen is partially within the north view from Tom Bren's home/property, though there exists a distance to the border line. As a result, at the end of the public hearing on May 21<sup>st</sup>, we were asked to make some modifications to the outdoor arena plans including moving the arena 60 feet to the west (to keep it more out of view by the Brens) and to create landscaping that would help create greater privacy for the Brens.

We worked directly with Mark Kaltsas, to remedy any issues that needed to be addressed. We remedied any lingering issues related to the arena: we obtained confirmation from Hennepin County that we are not located on a wetland; we are willing to move the outdoor arena 96 feet to the west, exceeding the 60 foot Planning Committee request; we addressed and have plans for water mitigation issues between our properties and including run-off issues from the Brens' property; we researched and found a more organic/beneficial footing that is environmentally friendly and meets SDS/EPA standards; we ensured that we are in full compliance with our existing CUP; and we offered a re-design of the landscaping in this area in particular where the property borders meet (southeast portion of our property/north border of the Bren's property).

We came to the next Planning Commission meeting on July 16<sup>th</sup> and Tom Bren again objected to the re-design plans. At the end of the meeting, we were asked to make further revisions/adding a

greater tree border to the landscape design and to have it ready for the July 30<sup>th</sup> City Council meeting.

I called a meeting the next day with two landscape designers from Otten Bros. (Howie Shriver and Sarah Nettleton), Tom Bren, and myself (Jenny Harris and Rachel Wolf couldn't be there). We met at Otten Bros. (see meeting notes) and discussed several options/solutions. Key points at this meeting were: Tom Bren doesn't want a "thick" tree border at all (he dislikes trees as they make him feel "claustrophobic," and that he is essentially a "prairie guy" and prefers openness and less rigid borders (his words). We want to ensure that we maintain the horse "Bridal Path" between our properties which has been long-established and leads to other horse paths in the region. As well, we want the plantings chosen to be sustainable given the water issues along this corridor. It was a friendly and positive meeting.

So you will see the attached plans. Hopefully, we have come to a reasonable agreement.

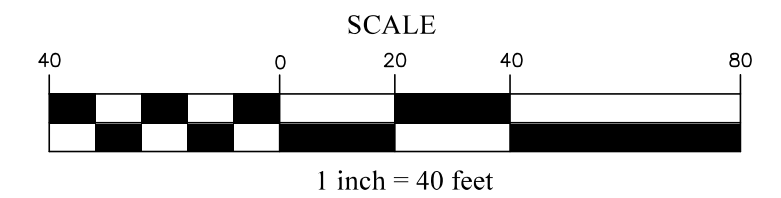
Jeanne Hoene Fayfield

952/412-5157 (cell #)

Co-owner with my husband, Ty Fayfield, of Blue Valley Farm, LLC

# Site Plan

Prepared for:  
Windamawr Stables



Boundary Description (Doc. 11009440)  
That part of the Southwest Quarter of the Northeast Quarter of Section 28, Township 118, Range 24 West of the 5th Principal Meridian lying East of the West 327.39 feet thereof, EXCEPT the East 350.00 feet of the South 750.00 feet of said Southwest Quarter of the Northeast Quarter, Hennepin County.

Subject to any and all easements of record.

Site Address:  
7550 Turner Road,  
Maple Plain, MN

## Legend

- Found Iron Monument
- × 000.0 Existing Elevation
- (000.0) Proposed Elevation
- Drainage
- Existing Tree
- DS Existing Manure Dump Site
- CB Catch Basin

Benchmark:  
Hennepin County Control Point "CREEK", located approx. 220 ft Easterly of the intersection of County Road 92 and Pioneer Creek Road  
Elevation (NAVD88) = 953.66

Note:  
For the purposes of this survey, only a portion of the subject property is shown.

Bearings based on Hennepin County Coordinate System.

**SCHOBORG  
LAND SERVICES  
INC.**

763-972-3221  
www.SchoborgLand.com

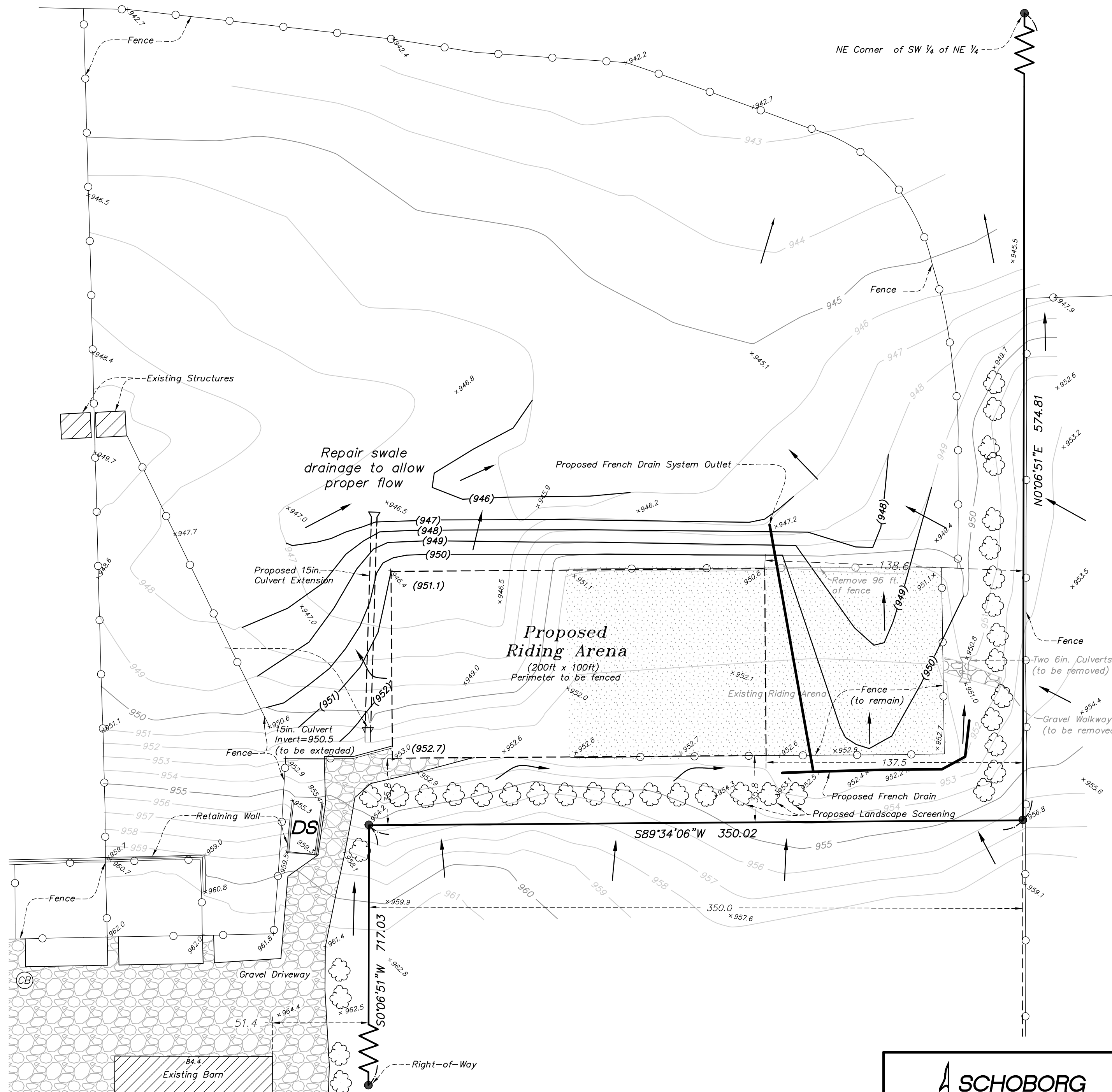
8997 Co. Rd. 13 SE  
Delano, MN 55328

I hereby certify that this certificate of survey was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

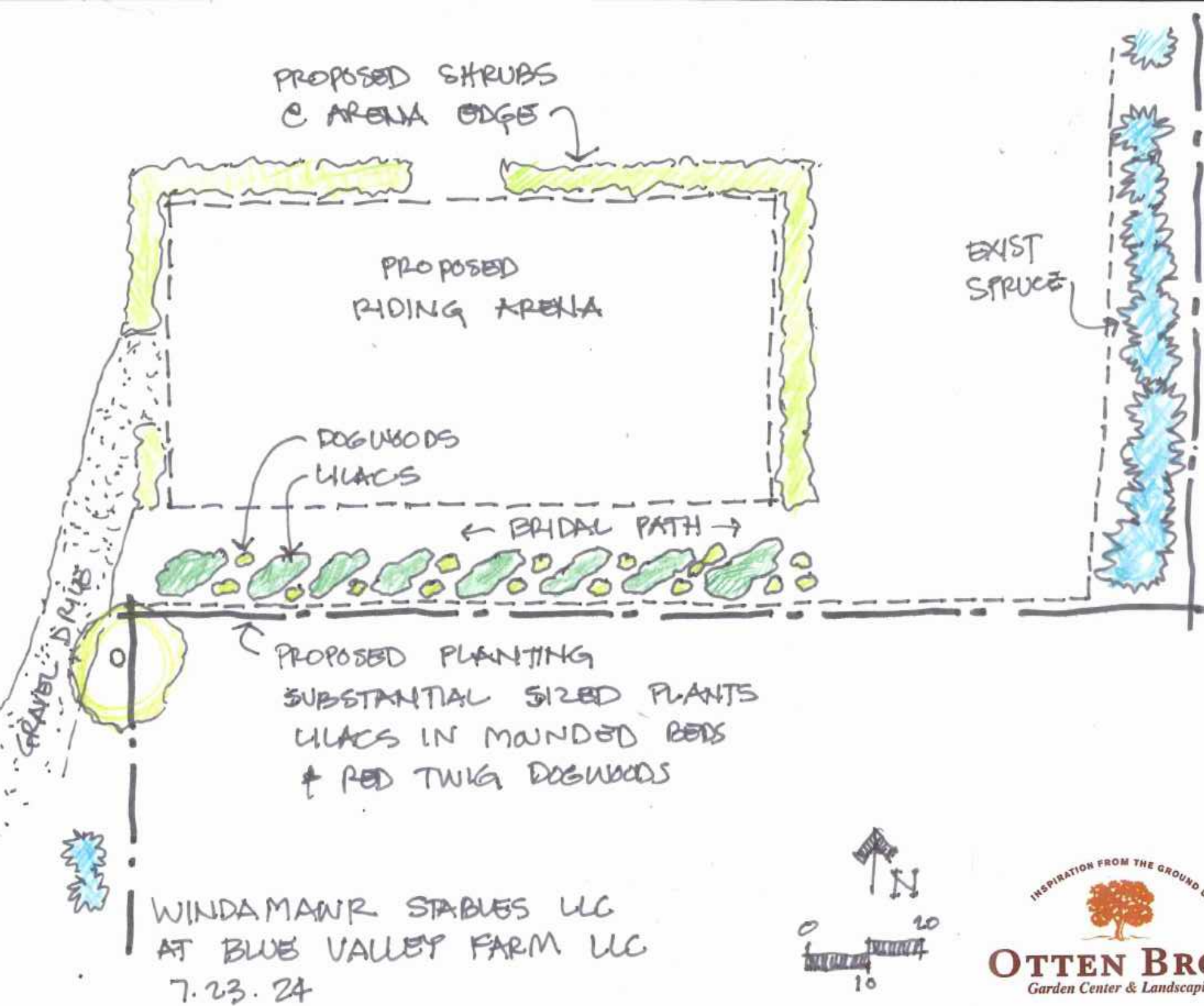
*Kelly L. Brouwer*  
Kelly L. Brouwer

Date: June 26, 2024 Registration No. 48328

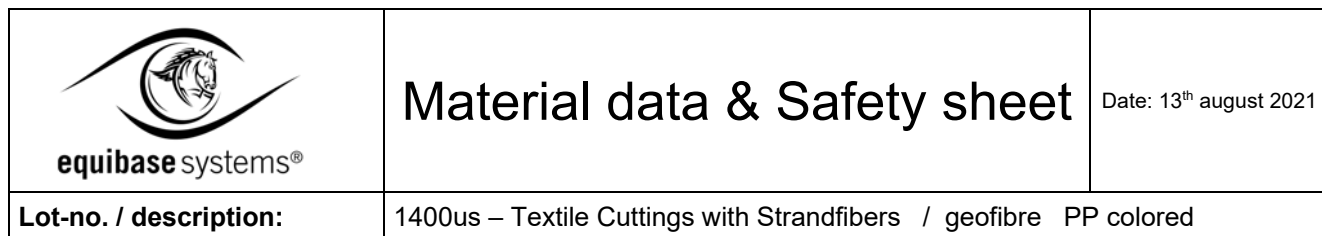
Job Number:	9717
Survey Date:	3/12/24, 6/3/24
Drawing Name:	Windamawr.dwg
Drawn by:	SKH
Revisions:	Proposed Riding Arena (6/11/24)
	Site Plan (6/26/24)











## SECTION 1: Identification of the substance/mixture and of the company/undertaking

1.1. Product identifier	
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Trade name/designation:	Geofibre PP colored
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1.2. Relevant identified uses of the substance or mixture and uses advised against
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Main use category:	Industrial use,Professional use
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### 1.3. Details of the supplier

Company	EquibaseSystems,
---------	------------------

## SECTION 2: Hazards identification

## 2.1. Classification of the substance or mixture

### 2.1.1. Classification according to Regulation (EU) 1272/2008

CLP-Classification	This mixture is classified as not hazardous according to regulation (EC) 1272/2008 [CLP].
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Not classified
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### 2.1.2. Classification according to EU Directives 67/548/EEC or 1999/45/EC

Classification	This mixture is classified as not hazardous according to 1999/45/EC
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Not classified	
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2.2. Label elements	
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### 2.2.1. Labelling according to Regulation (EU) 1272/2008

Not applicable.	
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### 2.2.2. Labelling according to Directives (67/548 - 1999/45)

Not relevant	
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2.3. Other hazards	
--------------------	--

Other hazards	PBT/vPvB data. This information is not available
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### SECTION 3: Composition/information on ingredients

 <b>equibase systems®</b>	<h1>Material data &amp; Safety sheet</h1>	Date: 13 <sup>th</sup> august 2021
<b>Lot-no. / description:</b>	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

<b>3.1. Substances</b>			
Not applicable			
<b>3.2. Mixtures</b>			
Substance name	Product identifier	%	Classification according to Directive 67/548/EEC
Ethane, 1,2-dichloro-, manufacture of, by-products from, distillation lights	(CAS No.) 68608-59-3 (EC No) 271-788-3	70 - 90	Not classified
2,5-Furandione, polymer with 1-octadecene	(CAS No.) 25266-02-8	1 - 20	Not classified
Substance name	Product identifier	%	Classification according to Regulation (EC) No. 1272/2008 [CLP]
Substance name	(CAS No.) 68608-59-3 (EC No) 271-788-3	70 - 90	Not classified
Ethane, 1,2-dichloro-, manufacture of, by-products from, distillation lights	(CAS No.) 25266-02-8	1 - 20	Not classified
2,5-Furandione, polymer with 1-octadecene			

Identification of the substance or mixture:      Synthetic material  
Polyolefine (plastics)

SECTION 4: First aid measures	
<b>4.1. Description of first aid measures</b>	
Inhalation	If inhaled, remove to fresh air. Keep at rest. When in doubt or if symptoms are observed, get medical advice
Skin contact :	Wash with plenty of water. When in doubt or if symptoms are observed, get medical advice.
Eye contact :	Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. When in doubt or if symptoms are observed, get medical advice.
In case of ingestion :	Rinse mouth. Get medical advice/attention.
Additional advice :	First aider: Pay attention to self-protection! See also section 8 . Never give anything by mouth to an unconscious person or a person with cramps. Show this safety data sheet to the doctor in attendance. Treat symptomatically.
<b>4.2. Most important symptoms and effects, both acute and delayed</b>	
Inhalation	Health injuries are not known or expected under normal use.
Skin contact :	Health injuries are not known or expected under normal use
Eye contact :	Health injuries are not known or expected under normal use.
Ingestion :	Health injuries are not known or expected under normal use.


SECTION 5: Firefighting measures
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 equibase systems®	<h1>Material data &amp; Safety sheet</h1>	Date: 13 <sup>th</sup> august 2021
<b>Lot-no. / description:</b>	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

<b>5.1. Extinguishing media</b>	
Suitable extinguishing media	Water spray, alcohol resistant foam, Carbon dioxide, Dry extinguishing powder
Extinguishing media which must not be used for safety reasons	Strong water jet
<b>5.2. Special hazards arising from the substance or mixture</b>	
Fire hazard :	Non-flammable.
Specific hazards :	Do not allow run-off from fire-fighting to enter drains or water courses. Dispose according to legislation.
<b>5.3. Advice for firefighters</b>	
Advice for firefighters :	Special protective equipment for firefighters. Wear a self-contained breathing apparatus and chemical protective clothing. Use water spray jet to protect personnel and to cool endangered containers. Do not allow run-off from fire-fighting to enter drains or water courses. Dispose according to legislation.

<b>SECTION 6: Accidental release measures</b>	
<b>6.1. Personal precautions, protective equipment and emergency procedures</b>	
For non-emergency personnel	Evacuate area Provide adequate ventilation. Use personal protective equipment as required. Personal protection equipment: see section 8 Do not breathe dust. Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking.
For emergency responders	Ensure procedures and training for emergency decontamination and disposal are in place. Personal protection equipment: see section 8.
<b>6.2. Environmental precautions</b>	
Environmental precautions	No special environmental measures are necessary
<b>6.3. Methods and material for containment and cleaning up</b>	
Methods for cleaning up	Stop leak if safe to do so. Sweep up or vacuum up spillage and collect in suitable container for disposal. Dispose according to legislation
<b>6.4. Reference to other sections</b>	
Personal protection equipment: see section 8	
Disposal: see section 13.	

## SECTION 7: Handling and storage

 <b>equibase systems®</b>	<h1>Material data &amp; Safety sheet</h1>	Date: 13 <sup>th</sup> august 2021
<b>Lot-no. / description:</b>	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

<b>7.1. Precautions for safe handling</b>	
Handling	Provide adequate ventilation. Use personal protective equipment as required. Personal protection equipment: see section 8 Do not breathe dust. Take any precaution to avoid mixing with incompatible materials. See also section 10
Advices on general occupational hygiene	Keep good industrial hygiene. Wash hands and face before breaks and immediately after handling of the product. When using do not eat, drink or smoke. Wash contaminated clothing before reuse
<b>7.2. Conditions for safe storage, including any incompatibilities</b>	
Storage	No specific measures identified.
Packaging materials	Keep/Store only in original container.
<b>7.3 Specific end use(s)</b>	
No data available.	

<b>SECTION 8: Exposure controls/personal protection</b>	
<b>8.1. Control parameters</b>	
Exposure limit values	No data available
<b>8.2. Exposure controls</b>	
Personal protection equipment :	The type of protective equipment must be selected according to the concentration and amount of the dangerous substance at the specific workplace.
Respiratory protection :	In case of insufficient ventilation, wear suitable respiratory equipment. Effective dust mask. (EN149) Filter type: type P1
Hand protection :	Not required under normal use.
Eye protection :	In case of dust production: protective goggles (EN 166)
Body protection :	Wear suitable working clothes.
Thermal hazard protection:	Not required under normal use.
Engineering control measures :	Organisational measures to prevent /limit releases, dispersion and exposure See also section 7 .
Environmental exposure controls:	Comply with applicable Community environmental protection legislation.

<b>SECTION 9: Physical and chemical properties</b>	
<b>9.1. Information on basic physical and chemical properties</b>	
Appearance	solid,Fibres
Colour :	various
Odour :	Odourless
Odour threshold :	No data available
pH :	Not applicable
Melting point/freezing point	≈ 220 °C
Initial boiling point and boiling range :	Not applicable



# Material data & Safety sheet

Date: 13<sup>th</sup> august 2021

**Lot-no. / description:** 1400us – Textile Cuttings with Strandfibers / geofibre PP colored

Flash point :	No data available
Evaporation rate :	Not applicable
Flammability (solid, gas) :	Non-flammable.
Upper/lower flammability or explosive limits :	No data available
Vapour pressure :	Not applicable
Vapour density :	Not applicable
Relative density :	No data available
Water solubility :	Insoluble (25°C)
Partition coefficient n-octanol/water (log P O/W) :	No data available
Auto-ignition temperature :	No data available
Decomposition temperature:	No data available
Viscosity :	No data available
Explosive properties :	Not applicable The study does not need to be conducted because there are no chemical groups associated with explosive properties present in the molecule.
Oxidising properties :	Not applicable. The classification procedure needs not to be applied because there are no chemical groups present in the molecule which are associated with oxidising properties.
<b>9.2. Other information</b>	
No data available	

## SECTION 10: Stability and reactivity

### 10.1. Reactivity

Reactivity : None under normal processing.

### 10.2. Chemical stability

Stability : The product is stable under storage at normal ambient temperatures.

### 10.3. Possibility of hazardous reactions

Possibility of hazardous reactions : None under normal processing.

### 10.4. Conditions to avoid

Conditions to avoid : Avoid generation of dust.


### 10.5. Incompatible materials

Incompatible materials : None known.

### 10.6. Hazardous decomposition products

Hazardous decomposition products : None under normal conditions

## SECTION 11: Toxicological information

 <b>equibase systems®</b>	<h1>Material data &amp; Safety sheet</h1>	Date: 13 <sup>th</sup> august 2021
<b>Lot-no. / description:</b>	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

<b>11.1. Information on toxicological effects</b>	
Acute toxicity :	Not classified (Based on available data, the classification criteria are not met.)
Skin corrosion/irritation	Not classified (Based on available data, the classification criteria are not met.) pH: Not applicable
Serious eye damage/eye irritation :	Not classified (Based on available data, the classification criteria are not met.) pH: Not applicable
Respiratory or skin sensitisation :	Not classified (Based on available data, the classification criteria are not met.)
Germ cell mutagenicity :	Not classified (Based on available data, the classification criteria are not met.)
Carcinogenicity :	Not classified (Based on available data, the classification criteria are not met.)
Reproductive toxicity :	Not classified (Based on available data, the classification criteria are not met.)
STOT-single exposure :	Not classified (Based on available data, the classification criteria are not met.)
STOT-repeated exposure :	Not classified (Based on available data, the classification criteria are not met.)
Aspiration hazard :	Not classified (Based on available data, the classification criteria are not met.)

#### Other information

Symptoms related to the physical, chemical & toxicological characteristics, Reference to other Sections: 4.2

<b>SECTION 12: Ecological information</b>	
<b>12.1. Toxicity</b>	
Toxicity :	Ecological injuries are not known or expected under normal use.
<b>12.2. Persistence and degradability</b>	
Persistence & degradability	: No data available
<b>12.3. Bioaccumulative potential</b>	
Bioaccumulation :	No data available
Partition coefficient n-octanol/water (log P O/W):	No data available
<b>12.4. Mobility in soil</b>	
Mobility :	No data available
<b>12.5. Results of PBT and vPvB assessment</b>	
PBT/vPvB data :	No data available
<b>12.6. Other adverse effects</b>	
Other information :	No data available

<b>SECTION 13: Disposal considerations</b>	
<b>13.1. Waste treatment methods</b>	
Product waste: :	Refer to manufacturer/supplier for information on recovery/recycling
Contaminated packaging :	If recycling is not practicable, dispose of in compliance with local regulations.
List of proposed waste codes/waste designations in accordance with EWC	Waste codes should be assigned by the user based on the application for which the product was used.

<b>SECTION 14: Transport information</b>
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 <b>equibase systems®</b>	<h1>Material data &amp; Safety sheet</h1>	Date: 13 <sup>th</sup> august 2021
<b>Lot-no. / description:</b>	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

<b>14.1. UN number</b>	
UN number :	NA
<b>14.2. UN proper shipping name</b>	
Proper Shipping Name :	NA
<b>14.3. Transport hazard class(es)</b>	
<b>14.3.1. Overland transport</b>	
ADR/RID :	Not classified for this transport way.
Class(es) :	Not applicable
<b>14.3.2. Inland waterway transport (ADN)</b>	
ADN :	Not classified for this transport way.
<b>14.3.3. Transport by sea</b>	
IMDG :	Not classified for this transport way.
Class or Division :	Not applicable
<b>14.3.4. Air transport</b>	
ICAO/IATA :	Not classified for this transport way.
Class or Division :	Not applicable
<b>14.4. Packing group</b>	
Packing group :	NA
<b>14.5. Environmental hazards</b>	
Other information :	Not applicable.
<b>14.6 Special precautions for user</b>	
Special precautions for user:	No data available.
<b>14.7 Transport in bulk according to Annex II of MARPOL 73/78 and the IBC Code</b>	
Code: IBC :	Not applicable.

<b>SECTION 15: Regulatory information</b>	
<b>15.1. Safety, health and environmental regulations/legislation specific for the substance or mixture</b>	
<b>15.1.1. EU-Regulations</b>	
Restrictions on use :	No data available
This product contains an ingredient according to the candidate list of Annex XIV of the REACH Regulation 1907/2006/EC.	: none
Authorisations :	Not applicable
<b>15.1.2. National regulations</b>	
DE :	WGK : nwg
<b>15.2. Chemical safety assessment</b>	

<b>SECTION 16: Other information</b>
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 <b>equibase systems®</b>	<h1>Material data &amp; Safety sheet</h1>	Date: 13 <sup>th</sup> august 2021
<b>Lot-no. / description:</b>	1400us – Textile Cuttings with Strandfibers / geofibre PP colored	

<b>Abbreviations and acronyms:</b>	<p>CLP = Classification, Labelling and Packaging Regulation according to 1272/2008/EC</p> <p>IATA = International Air Transport Association</p> <p>IMDG = International Maritime Dangerous Goods Code</p> <p>LEL = Lower Explosive Limit/Lower Explosion Limit</p> <p>UEL = Upper Explosion Limit/Upper Explosive Limit</p> <p>REACH = Registration, Evaluation, Authorisation and Restriction of Chemicals</p> <p>EC50 = Median Effective Concentration</p> <p>ErC50 = EC50 in terms of reduction of growth rate</p> <p>LC50 = Median lethal concentration</p> <p>LD50 = Median lethal dose</p> <p>NA = not applicable</p> <p>PBT = persistent, bioaccumulating and toxic (PBT).</p> <p>TLV = Threshold limits</p> <p>TWA = time weighted average</p> <p>STEL = Short term exposure limit</p> <p>vPvB = very persistent and very bioaccumulating</p> <p>WGK = Wassergefährdungsklasse (Water Hazard Class under German Federal Water Management Act)</p>
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The contents and format of this SDS are in accordance with EEC Commission Directive 1999/45/EC, 67/548/EC, 1272/2008/EC and EEC Commission Regulation 1907/2006/EC (REACH) Annex II.

**DISCLAIMER OF LIABILITY** The information in this SDS was obtained from sources which we believe are reliable. However, the information is provided without any warranty, express or implied, regarding its correctness. The conditions or methods of handling, storage, use or disposal of the product are beyond our control and may be beyond our knowledge. For this and other reasons, we do not assume responsibility and expressly disclaim liability for loss, damage or expense arising out of or in any way connected with the handling, storage, use or disposal of the product. This SDS was prepared and is to be used only for this product. If the product is used as a component in another product, this SDS information may not be applicable.



CITY OF  
*Independence*  
HENNEPIN COUNTY

**RESOLUTION NO. 08-0908-02**

**RESOLUTION FOR A CONDITIONAL USE PERMIT FOR PETER AND TRACY KOOMAN  
FOR THE OPERATION OF A COMMERCIAL HORSE BOARDING FACILITY**

WHEREAS, the City of Independence is a municipal corporation, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City of Independence has adopted zoning regulations per Section 530 of the City Code, which allows for conditionally permitted uses in the agriculture zoning district; and

WHEREAS, Peter and Tracy Kooman (the "Applicants"), have applied for a conditional use permit to operate a commercial horse boarding facility at property located at 7550 Turner Road (the "Property"); and

WHEREAS, the City Council and Planning Commission reviewed the application as submitted, and have made the following findings of fact:

- 1) That the commercial horse boarding facility was a favorable business in the neighborhood; and
- 2) That best management practices were being upheld at the Property; and
- 3) That no employees of the business resided at the residence; and
- 4) The proposed conditional use will not adversely affect the health, safety, morals, and general welfare of occupants of surrounding lands; and
- 5) The proposed conditional use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Independence hereby approves the conditional use permit for Peter and Tracy Kooman to allow for a commercial horse boarding facility.

BE IT FINALLY RESOLVED, that the approval of the conditional use permit shall be subject to the following conditions:

1. The applicants shall continue to have manure removed on a timely basis.
2. The facility hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. weekly.

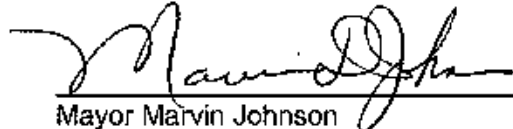
RES. NO. \_\_\_\_\_

Kooman Commercial Horse Facility CUP

Page 2

3. No horse shows, training clinics, or similar special events may occur on the property without the prior written approval of the City. In no case shall there be more than two horse shows, training clinics, or similar special events in any one calendar year.
4. No horse shall be ridden on adjacent private property without the written consent of the property owner.
5. Hack horses may not be rented at or from the property at any time.
6. No resident of, employee at, or visitor to the property shall park any vehicles on any public street, highway, or right-of-way.
7. Adequate measures must be taken and maintained to prevent or control offensive odors, fumes, dust, noise, and vibration in order that none of these will constitute a nuisance.
8. All feed and bedding materials must be stored at all times in a covered, completely enclosed building or structure with the exception of bales used for feed.
9. Appropriate management practices shall be utilized to control flies and odor.
10. Best efforts shall be made to maintain grass cover in paddock and pasture areas on the property and paddocks may not be used unless there is adequate ground cover.
11. Signage shall be consistent with city code standards.
12. The applicants shall have no more than 20 horses at the property at any given time.
13. The applicants must pay to the city a fee in the amount determined by the staff to represent the actual cost to the city for reviewing this conditional use permit application.
14. The Conditional Use Permit shall be reviewed annually for compliance.

This resolution was adopted by the City Council of the City of Independence on the 8th day of September 2008, by a vote of 5 Ayes and 0 Nays.

  
\_\_\_\_\_  
Mayor Marvin Johnson

ATTEST:

  
\_\_\_\_\_  
Toni Hirsch  
City Administrator

(SEAL)

The undersigned, Peter and Tracy Kooman, owners of the property and applicant for the

RES. NO. \_\_\_\_\_

Kooman Commercial Horse Facility CUP

Page 3

conditional use permit, has read and understood the conditions of the above resolution and agrees to be bound by the conditions therein.

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public within and for said County, personally appeared Peter and Tracy Kooman, known to me to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

This document was drafted by:

City of Independence  
1920 County Rd. 90  
Independence, MN 55359

## City of Independence

### ***Request for a Conditional Use Permit 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>	July 30, 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 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, but can now be expanded up to a total of 2,500 SF if additional criteria are satisfied by the applicant. 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 have a maximum area of 500 SF.
- (g) Ground mounted systems shall be setback a minimum of 50 feet from all property lines.
- (h) The maximum height for any component of the system shall be 15 feet.
- (i) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- (j) 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.
- (k) The city may permit a ground mounted solar energy system which exceeds 500 SF, if the following additional criteria are wholly satisfied:
  - 1. The ground mounted solar system does not exceed 2,500 SF.
  - 2. The ground mounted solar energy system is located on a property that is 5 acres or larger.

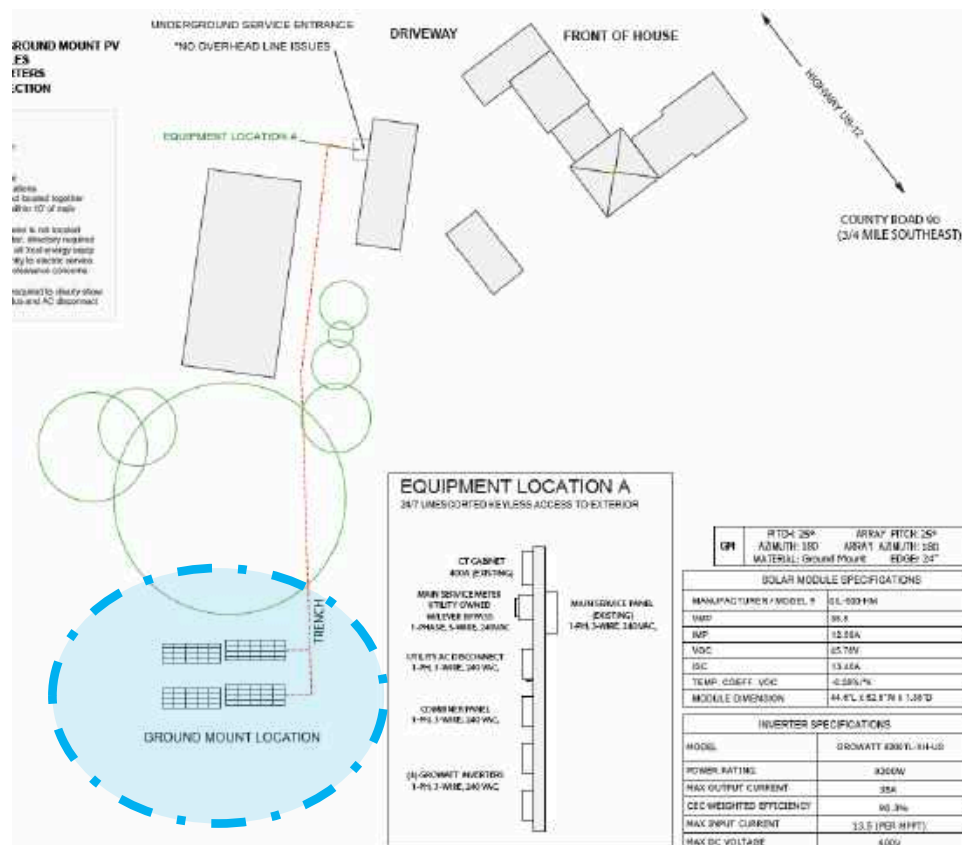


3. The ground mounted solar energy system shall be located a minimum of 100 LF from any property line and 500 LF from any residential structure on an adjoining property.
- (l) The city will also consider the following additional criteria to determine if a ground mounted solar energy system will be permitted to exceed the maximum size limitations established in this code:
  1. The ground mounted solar energy system is not visible from any public street or from adjacent properties. Screening can be used to meet this standard.
  2. The applicant has provided with the application, the written consent of the owners of privately or publicly owned real estate directly abutting the premises for which the permit is being requested.
  3. The city finds that granting permission for a ground mounted solar energy system, that exceeds 500 SF, will not be detrimental to the public or take away from the reasonable use and enjoyment of the surrounding property.

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 2,070 SF. The arrays would be setback approximately 230 feet from the west (side) property line and 375 feet from the south property line (rear yard). The required setback from any property line is 50

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. It is also noted that the owner owns all abutting properties to the subject property. 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.*

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 City recently updated the solar energy ordinance to allow for ground mounted systems that are larger than 500 SF if they can meet the additional criteria provided. The applicant has demonstrated that they can meet the additional criteria. discussed the proposed ground mounted solar system with the applicant.
- 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 will need to consider the requested CUP as presented and determine if it meets applicable criteria and can be supported. 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 and Recommendation:***

Commissioners reviewed the request and asked questions of staff. Commissioners noted that the ordinance was amended to consider this type of request. Commissioners noted that the applicant was satisfying all applicable requirements and recommended approval to the City Council.

***Recommendation:***

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

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. The conditional use permit will include the following conditions:
  - a) The conditional use permit will allow a 2,070 SF ground mounted solar system that is installed in accordance with the approved plans attached hereto as Exhibit A.
  - b) The ground mounted solar system shall be constructed in accordance with all applicable zoning code, building code and other applicable standards.
3. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit.

***Attachments:***

1. Application
2. Ground Mounted Solar Site Plan
3. Ground Mounted Solar Plans and Details



RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 24-0730-02**

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO  
ALLOW A GROUND MOUNTED SOLAR SYSTEM THAT EXCEEDS 500 SQUARE  
FEET (2,070 SF) 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 2022 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 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 July 16, 2024 to review the application for a conditional use permit, 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 ground mounted solar system that exceeds 500 SF on the property per the City's zoning regulations and with the findings provided within this resolution.

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 2,070 SF ground mounted solar system in accordance with the approved plans 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 applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit.
4. 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 30<sup>th</sup> day of July 2024, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

\_\_\_\_\_  
Marvin Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Mark Kaltsas, City Administrator



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

DESCRIPTION OF PROPERTY SURVEYED

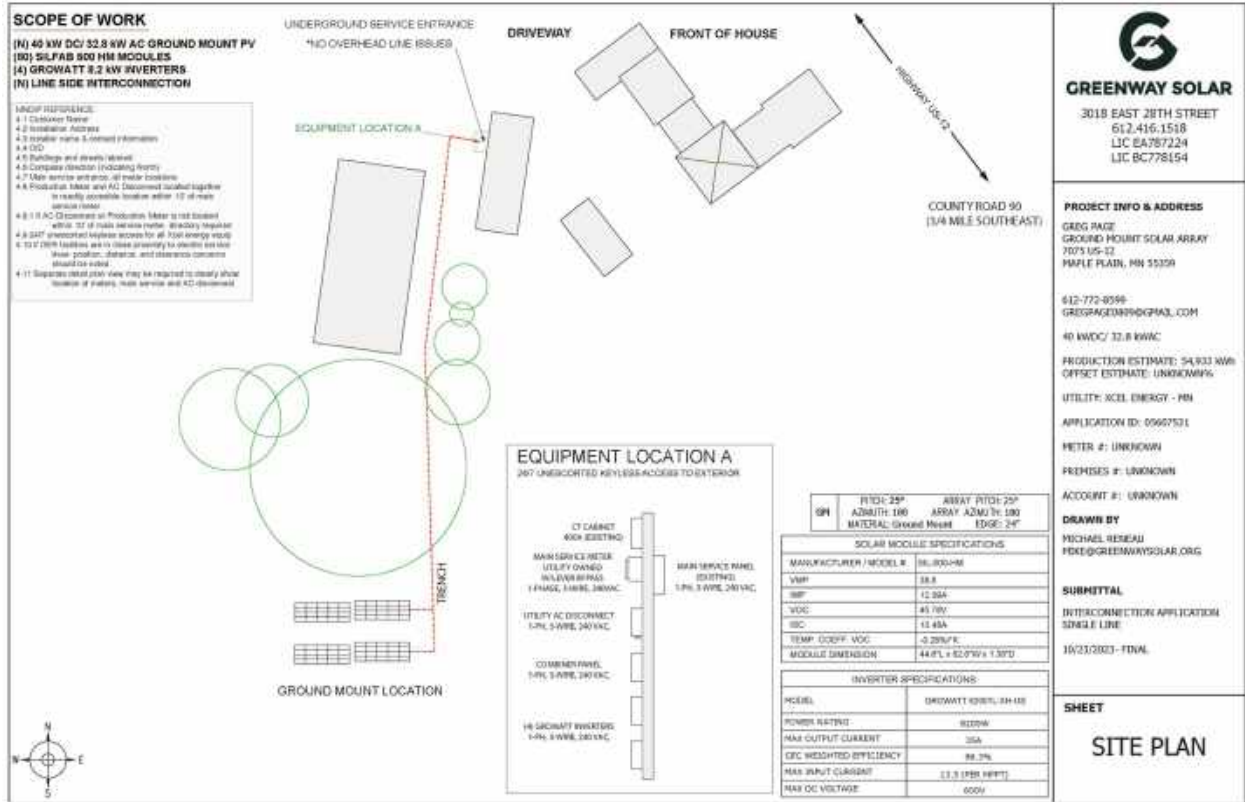
(Per Certificate of Title No. 1455929)

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:

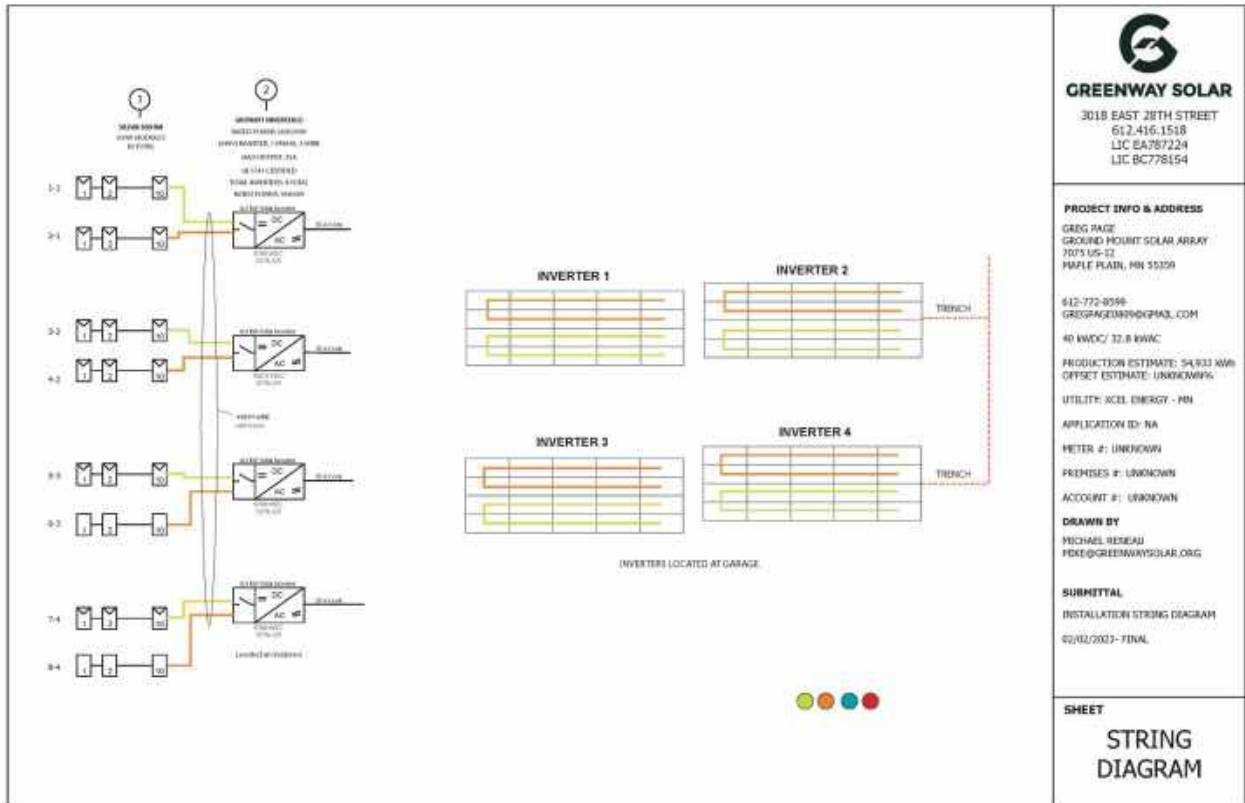
Commencing at the Southeast corner of the Southwest Quarter of Northwest Quarter, Section 22, Township 118, Range 24; thence West along the South line of said Quarter-Quarter 900 feet; thence deflecting to the right 115 degrees for 1100 feet; thence deflecting to the right 30 degrees, 550 feet, more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

Property is located in Hennepin County, Minnesota.

## EXHIBIT B (Approved Plans)







**GREENWAY SOLAR**

3018 EAST 28TH STREET  
612.416.1518  
LIC EA787224  
LIC BC778154

**PROJECT INFO & ADDRESS**

GREG PAGE  
GROUND MOUNT SOLAR ARRAY  
7075 US-52  
MAPLE PLAIN, MN 55359

612-772-8598  
GREGPAGE@GMAIL.COM

40 kWDC/ 32.8 kWAC

PRODUCTION ESTIMATE: 34,933 kWh  
OFFSET ESTIMATE: UNKNOWN%

UTILITY: XCEL ENERGY - MN

APPLICATION ID: NA

METER #: UNKNOWN

PREMISES #: UNKNOWN

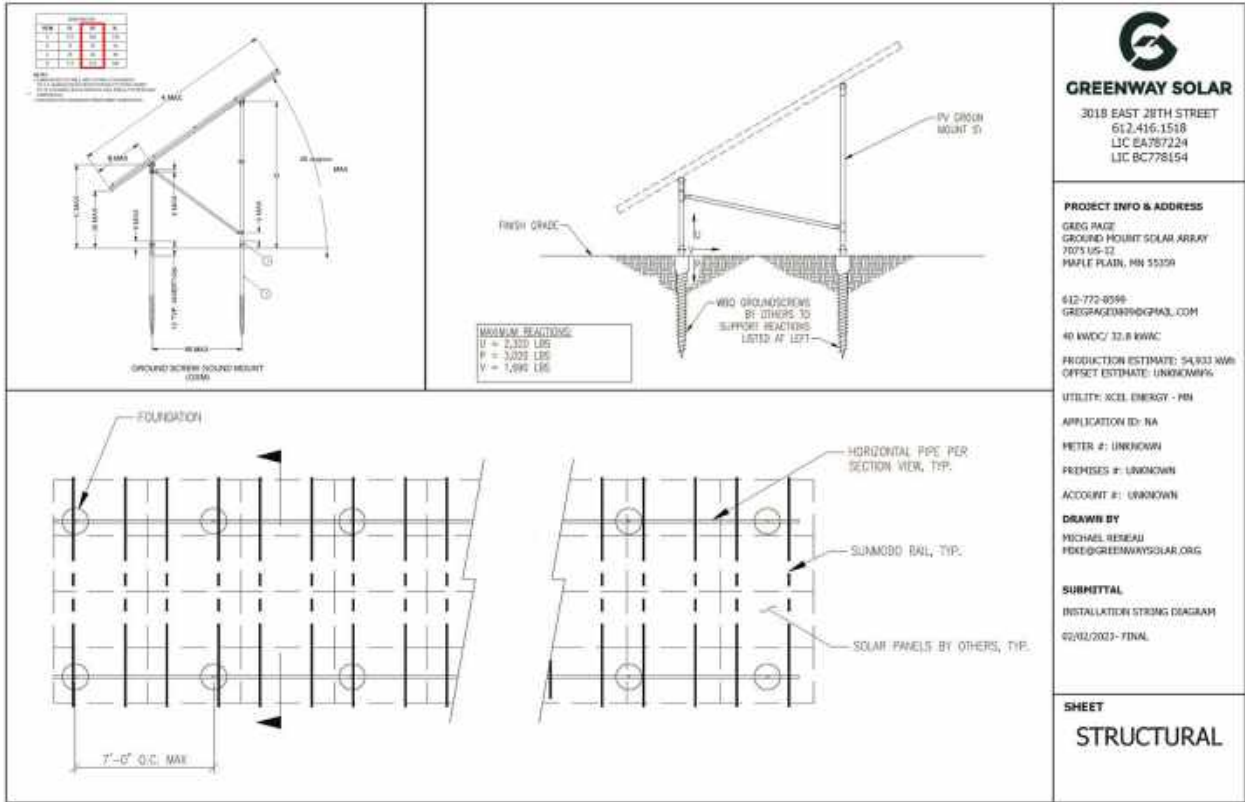
ACCOUNT #: UNKNOWN

**DRAWN BY**  
MICHAEL RESEAU  
MRX@GREENWAYSOLAR.ORG

**SUBMITTAL**  
INSTALLATION STRING DIAGRAM  
02/02/2023 - FINAL

**SHEET**

**STRING  
DIAGRAM**



**GREENWAY SOLAR**

3018 EAST 28TH STREET  
612.416.1518  
LIC EA787224  
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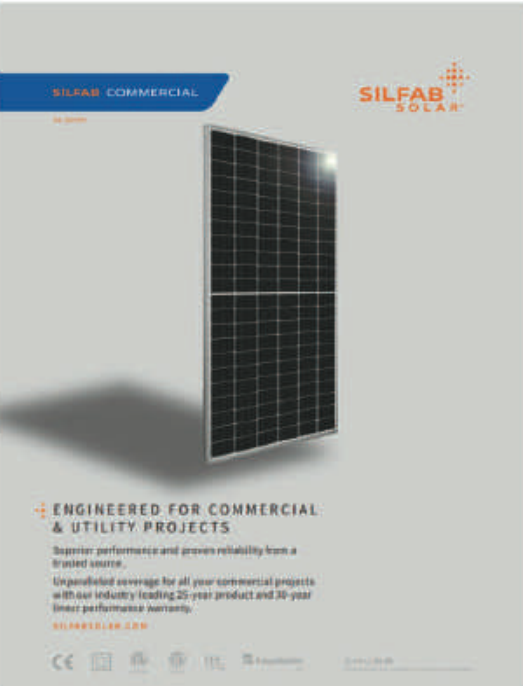
ACCOUNT #: UNKNOWN

**DRAWN BY**  
MICHAEL RESEAU  
MRX@GREENWAYSOLAR.ORG

**SUBMITTAL**  
INSTALLATION STRING DIAGRAM  
02/02/2023 - FINAL

**SHEET**

**STRUCTURAL**



**SILFAB COMMERCIAL**

**SILFAB SOLAR**

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[silfab.com](http://silfab.com)

SILFAB SOLAR PANELS		SILFAB SOLAR PANELS	
Model	Power (W)	Model	Power (W)
Silfab 300W	300	Silfab 350W	350
Silfab 400W	400	Silfab 450W	450
Silfab 500W	500	Silfab 550W	550
Silfab 600W	600	Silfab 650W	650
Silfab 700W	700	Silfab 750W	750
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Silfab 16700W	16700	Silfab 16750W	16750
Silfab 16800W	16800	Silfab 16850W	16850
Silfab 16900W	16900	Silfab 16950W	16950
Silfab 17000W	17000	Silfab 17050W	17050
Silfab 17100W	17100	Silfab 17150W	17150
Silfab 17200W	17200	Silfab 17250W	17250
Silfab 17300W	17300	Silfab 17350W	17350
Silfab 17400W	17400	Silfab 17450W	17450
Silfab 17500W	17500	Silfab 17550W	17550
Silfab 17600W	17600	Silfab 17650W	17650
Silfab 17700W	17700	Silfab 17750W	17750
Silfab 17800W	17800	Silfab 17850W	17850
Silfab 17900W	17900	Silfab 17950W	17950
Silfab 18000W	18000	Silfab 18050W	18050
Silfab 18100W	18100	Silfab 18150W	18150
Silfab 18200W	18200	Silfab 18250W	18250
Silfab 18300W	18300	Silfab 18350W	18350
Silfab 18400W	18400	Silfab 18450W	18450
Silfab 18500W	18500	Silfab 18550W	18550
Silfab 18600W	18600	Silfab 18650W	18650
Silfab 18700W	18700	Silfab 18750W	18750
Silfab 18800W	18800	Silfab 18850W	18850
Silfab 18900W	18900	Silfab 18950W	18950
Silfab 19000W	19000	Silfab 19050W	19050
Silfab 19100W	19100	Silfab 19150W	19150
Silfab 19200W	19200	Silfab 19250W	19250
Silfab 19300W	19300	Silfab 19350W	19350
Silfab 19400W	19400	Silfab 19450W	19450
Silfab 19500W	19500	Silfab 19550W	19550
Silfab 19600W	19600	Silfab 19650W	19650
Silfab 19700W	19700	Silfab 19750W	19750
Silfab 19800W	19800	Silfab 19850W	19850
Silfab 19900W	19900	Silfab 19950W	19950
Silfab 20000W	20000	Silfab 20050W	20050
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Silfab 20500W	20500	Silfab 20550W	20550
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Silfab 21000W	21000	Silfab 21050W	21050
Silfab 21100W	21100	Silfab 21150W	21150
Silfab 21200W	21200	Silfab 21250W	21250
Silfab 21300W	21300	Silfab 21350W	21350
Silfab 21400W	21400	Silfab 214	





**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: Conditional Use Permit

Description:

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

Signature:

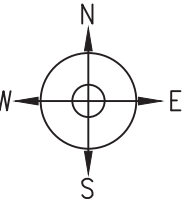
We would like to install a 40kW ground mount solar system to support the electrical loads at the residence. The array will be located behind a tree line that obscures it from the residence and all surrounding properties. The planned arrays will have a total surface area of 2,070, requiring a CUP per 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)

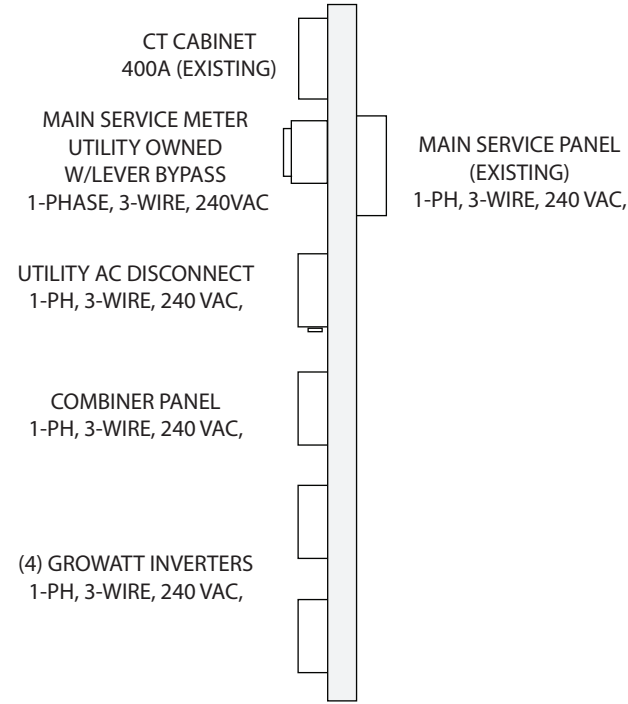
EQUIPMENT LOCATION A

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

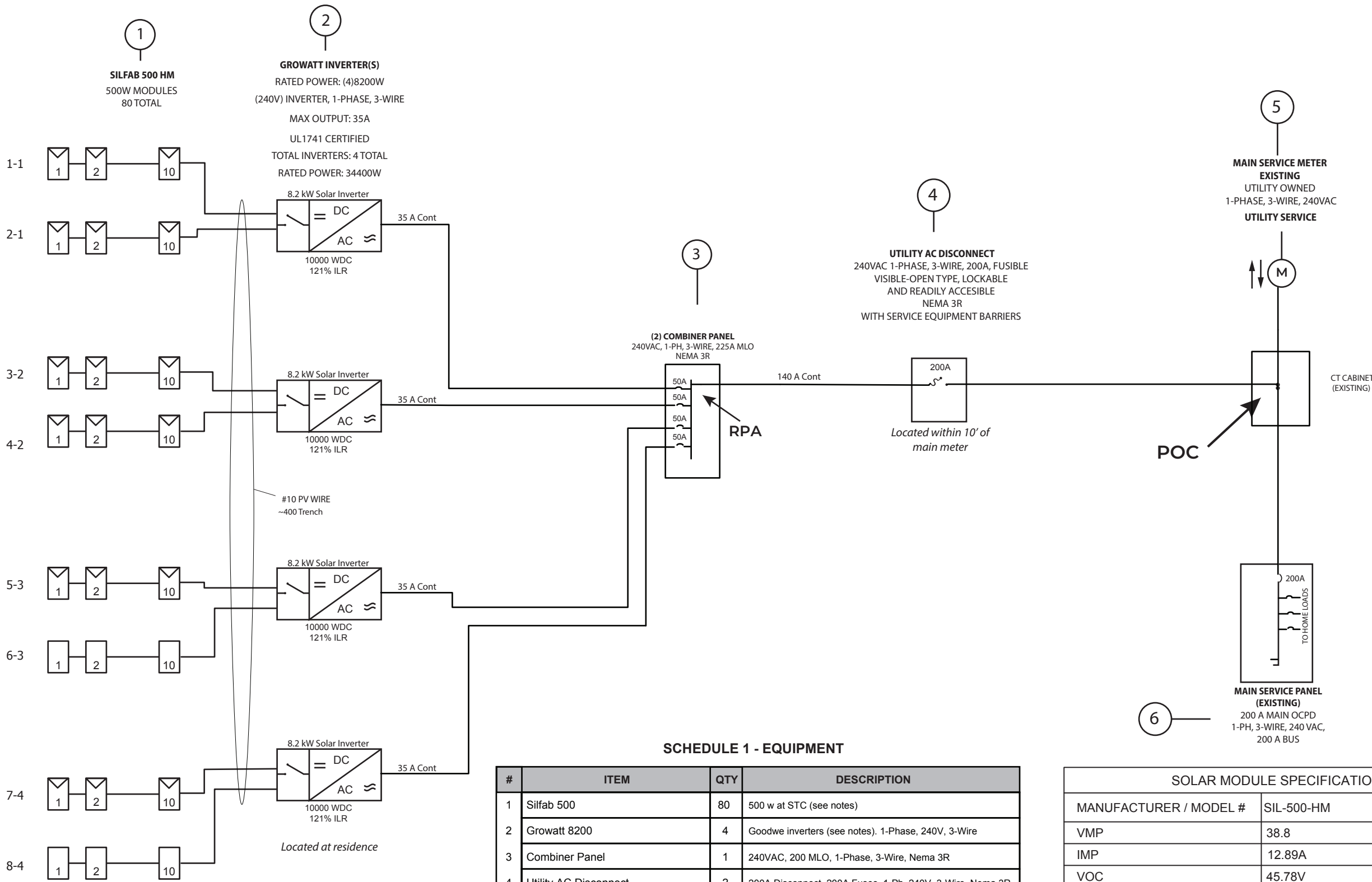
SUBMITTAL

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	
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  
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ACCOUNT #: UNKNOWN

### DRAWN BY

MICHAEL RENEAU  
MIKE@GREENWAYSOLAR.ORG

## SUBMITTAL

INTERCONNECTION APPLICATION  
SINGLE LINE

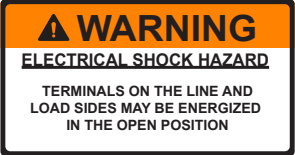
05/19/2023- DRAFT

## SHEET

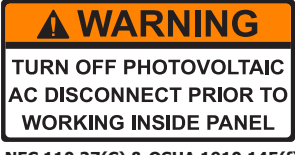
# SINGLE LINE

2023 NEC LABELING REQUIREMENTS/PLACEMENT

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

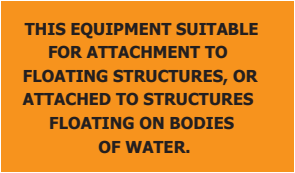


NEC 705.20(7) and NEC 690.13(B)

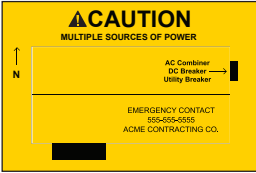


NEC 110.27(C) & OSHA 1910.145(f)(7)

2 Building / Structure

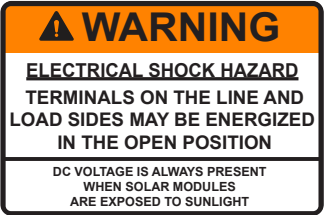


NEC 690.4(G)



NEC 705.10 & NEC 710.10

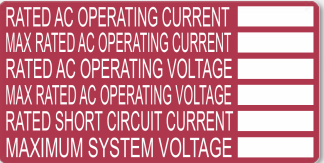
3 DC Disconnect / Breaker / Recombiner Box



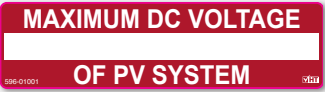
NEC 705.20(7) & NEC 690.13(B)



NEC 690.13(B)

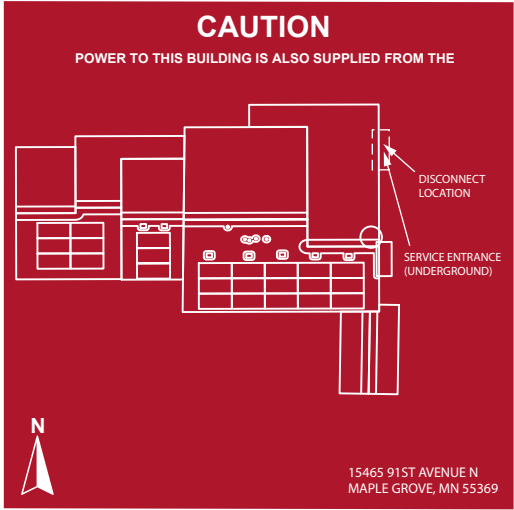


FOR MARKING DC BACKUP SYSTEMS



NEC 690.53

12 Service/System Disconnects



NEC 690.56(C)(1)(a)

4 EMT / Conduit Raceways



NEC 690.31(D)(2)



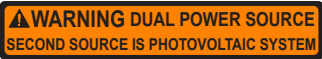
NEC 690.31(D)(2)

5 Inverter



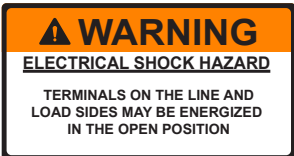
NEC 690.31(E)

6 Production / Net Meter (Bi-directional)



NEC 705.30(C) & NEC 690.59

7 AC Disconnect / Breaker / Points of Connection

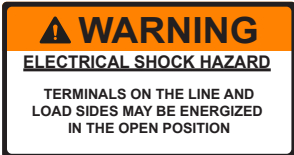


NEC 706.20(7) & NEC 690.13(B)



NEC 705.12(B)(3)

8 Breaker Panel / Pull Boxes

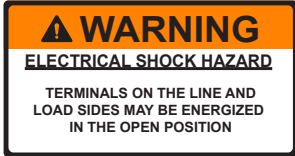


NEC 705.20 (7) & NEC 690.13(B)



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)



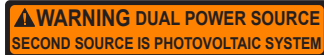
NEC 705.82 & NEC 710.15(C)



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)



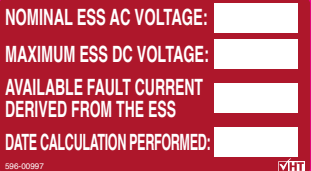
NEC 690.13(B)

10 Main Service Disconnect / Utility Meter

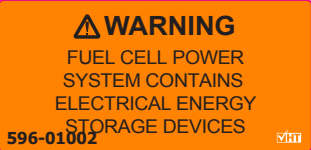


NEC 690.13(B)

11 Energy Storage Systems



NEC 706.15(C)



NEC 692.52



NEC 706.15(C)

13 Utility Specific Labeling Requirements



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: NA

METER #: UNKNOWN

PREMISES #: UNKNOWN

ACCOUNT #: UNKNOWN

DRAWN BY

MICHAEL RENEAU  
MIKE@GREENWAYSOLAR.ORG

SUBMITTAL

INTERCONNECTION APPLICATION  
SINGLE LINE

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

SHEET

LABELING



GREENWAY SOLAR

3018 EAST 28TH STREET  
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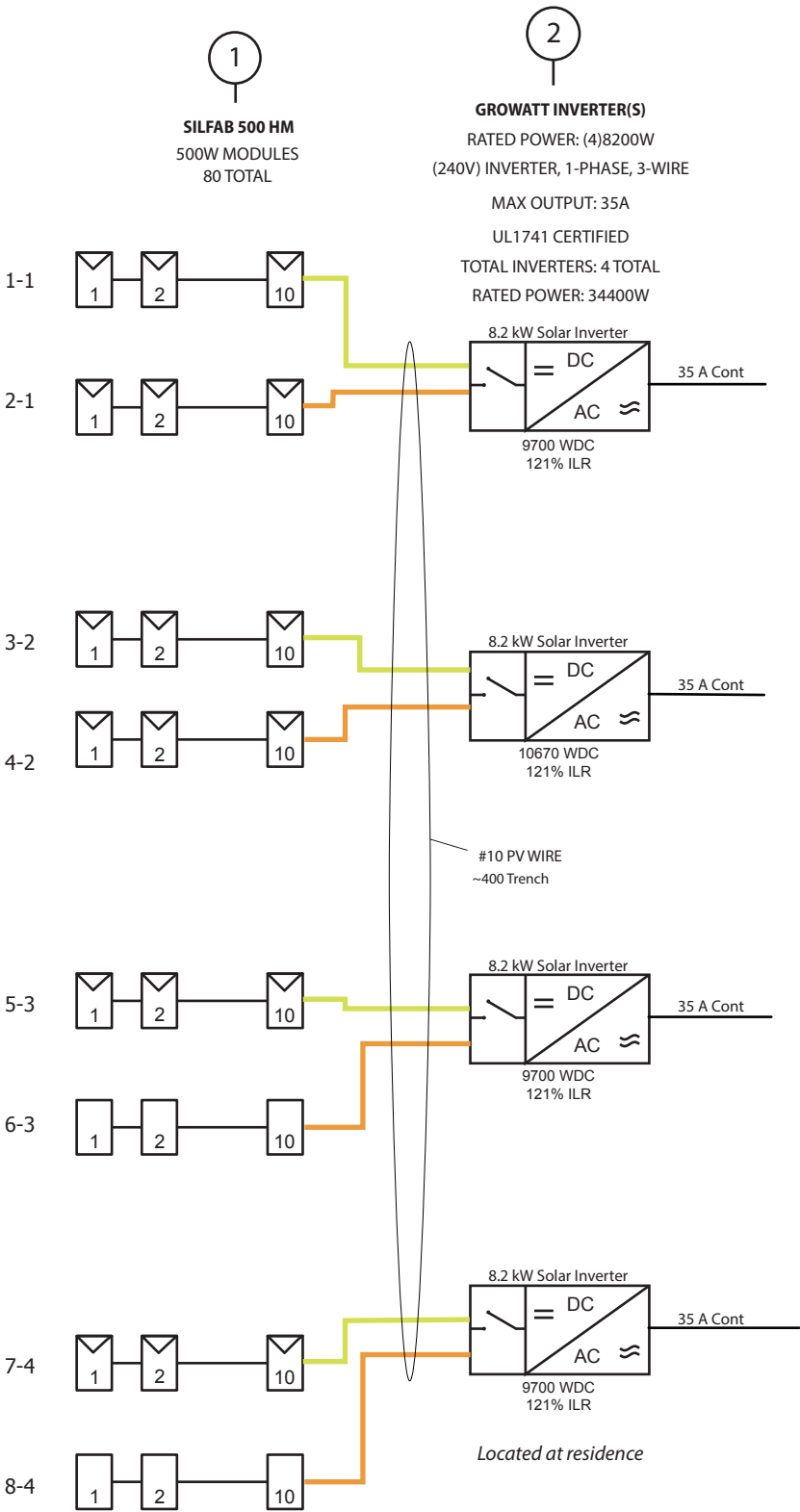
SUBMITTAL

INSTALLATION STRING DIAGRAM

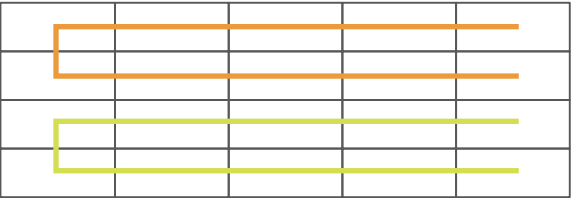
02/02/2023- FINAL

SHEET

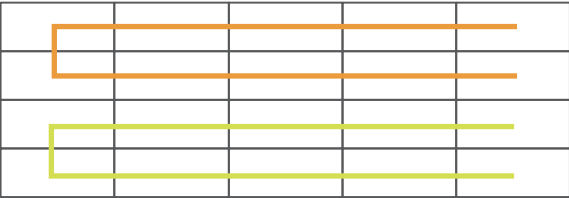
STRING  
DIAGRAM



INVERTER 1

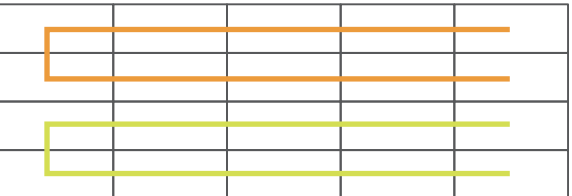


INVERTER 2

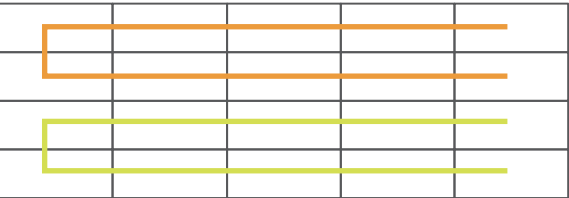


TRENCH

INVERTER 3



INVERTER 4



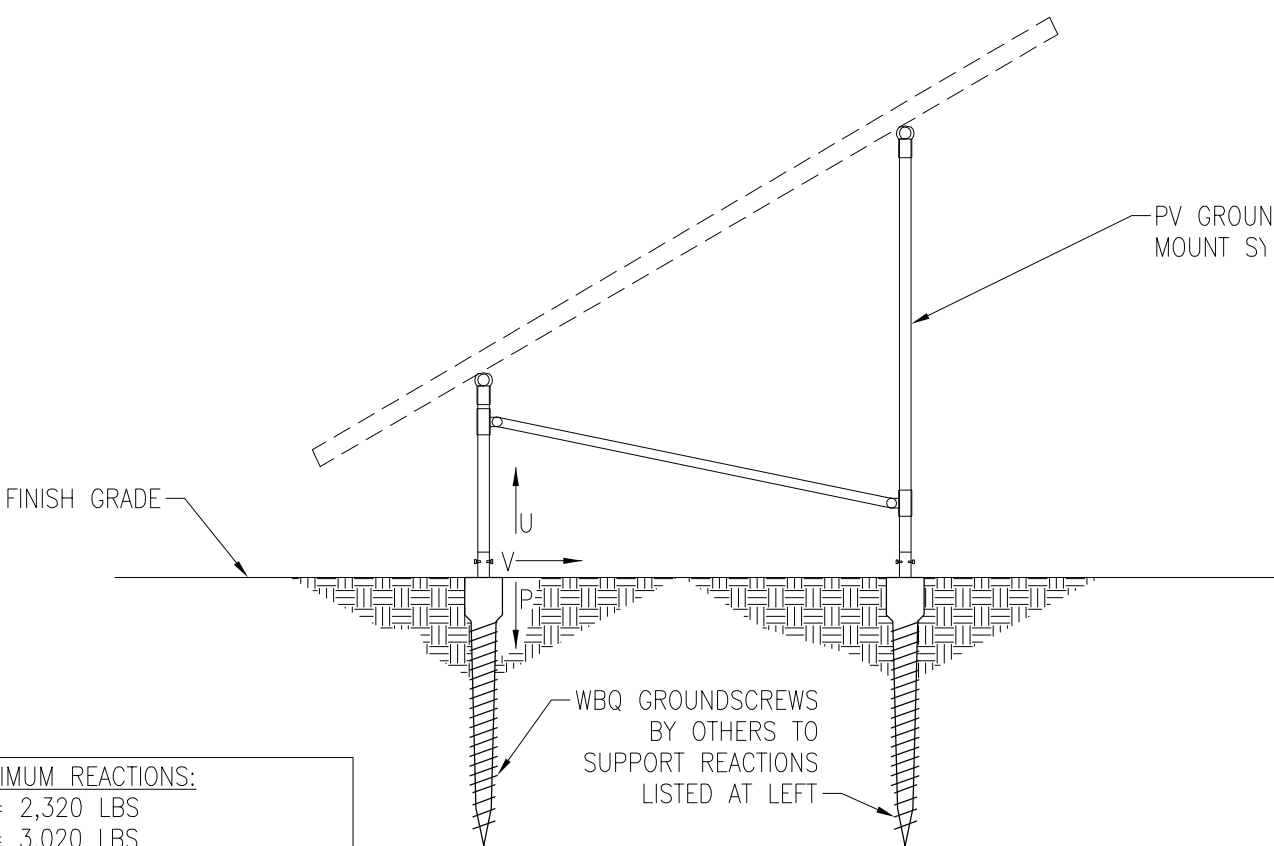
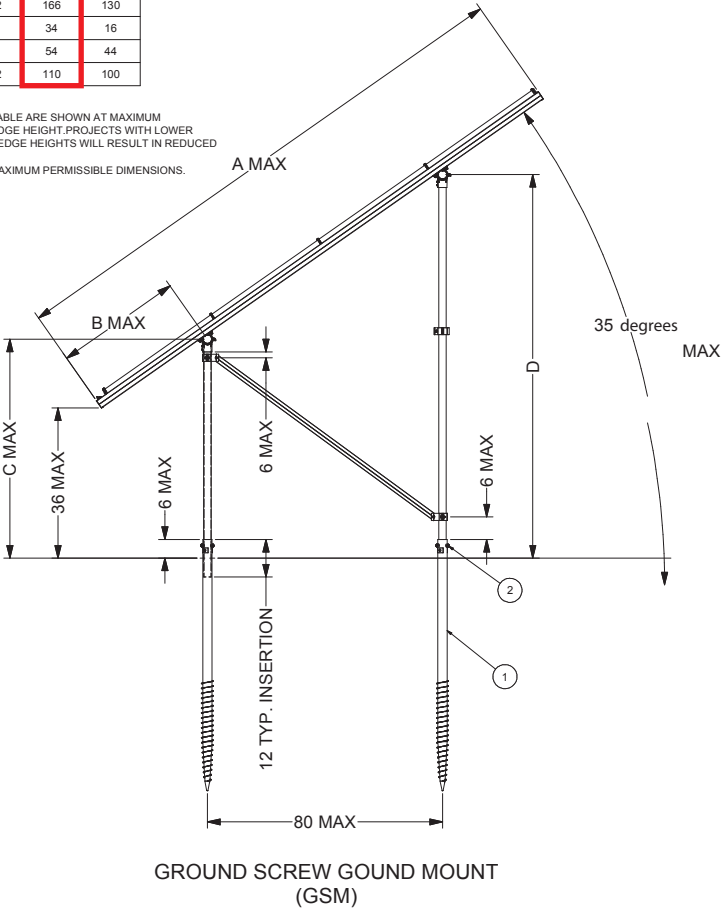
TRENCH

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

3018 EAST 28TH STREET  
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ACCOUNT #: UNKNOWN

### DRAWN BY

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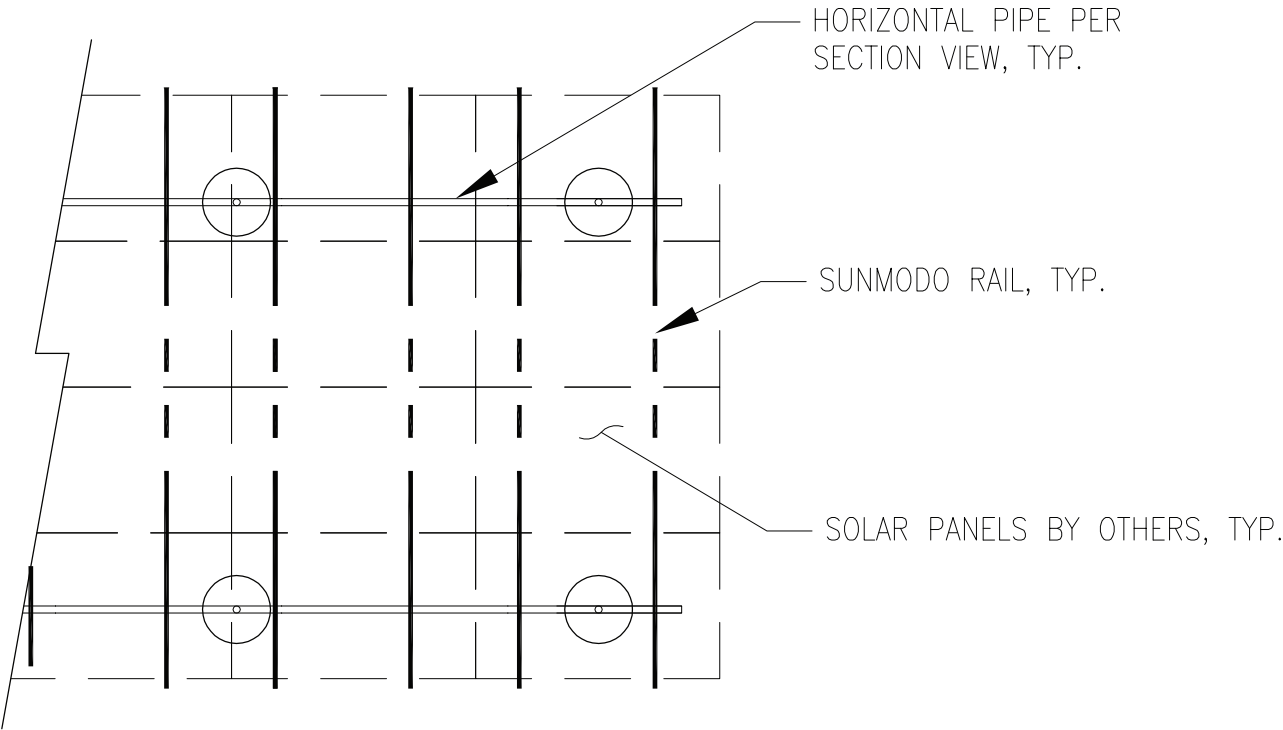
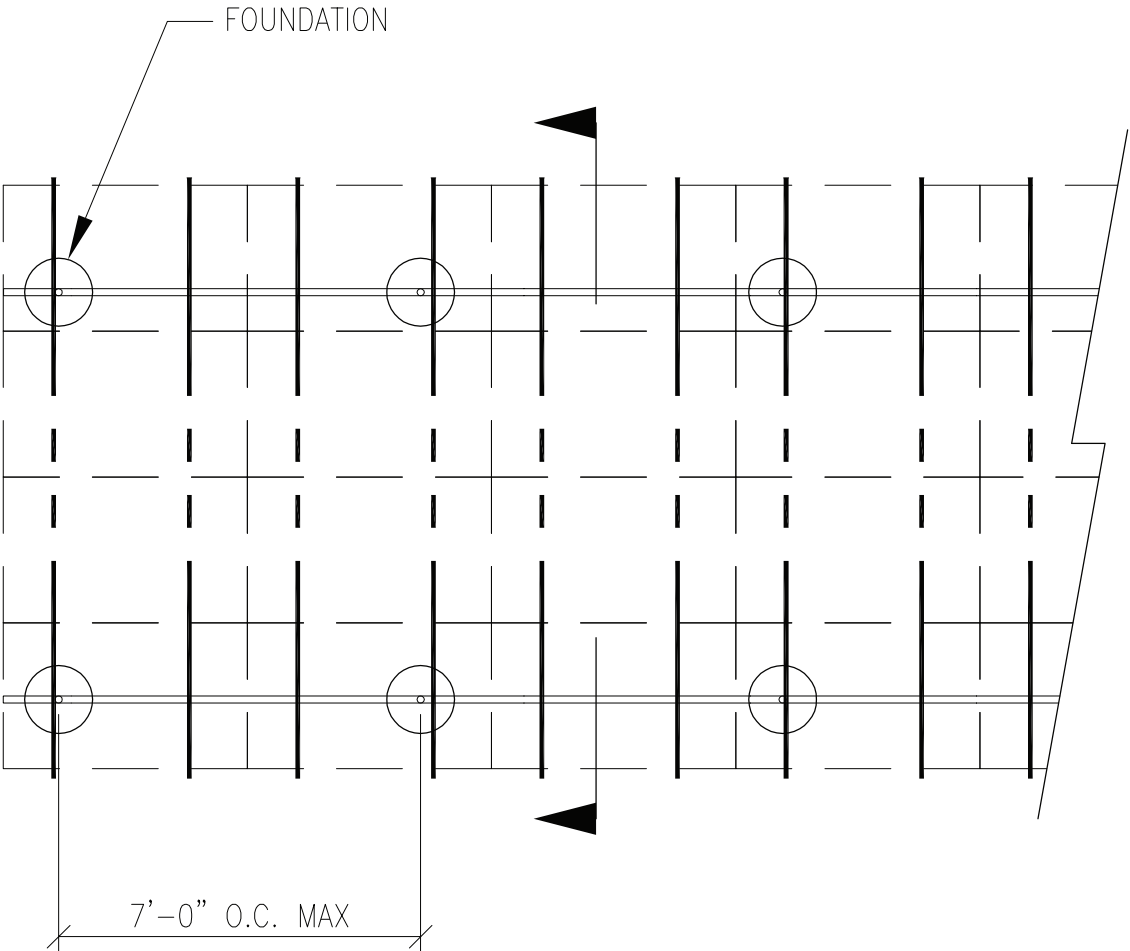
### SUBMITTAL

INSTALLATION STRING DIAGRAM

02/02/2023- FINAL

### SHEET

# STRUCTURAL





SILFAB COMMERCIAL

SIL-500 HM



## ENGINEERED FOR COMMERCIAL & UTILITY PROJECTS

Superior performance and proven reliability from a trusted source.

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

[SILFABSOLAR.COM](http://SILFABSOLAR.COM)



ELECTRICAL SPECIFICATIONS		500 HM	
Test Conditions		STC	NOCT
Module Power (P <sub>max</sub> )	Wp	500	369
Maximum power voltage (V <sub>pmax</sub> )	V	38.80	35.68
Maximum power current (I <sub>pmax</sub> )	A	12.89	10.34
Open circuit voltage (V <sub>oc</sub> )	V	45.78	42.13
Short circuit current (I <sub>sc</sub> )	A	13.48	10.82
Module efficiency	%	21.0%	19.4%
Maximum system voltage (V <sub>DC</sub> )	V	1500	
Series fuse rating	A	25	
Power Tolerance	Wp	0 to +10	

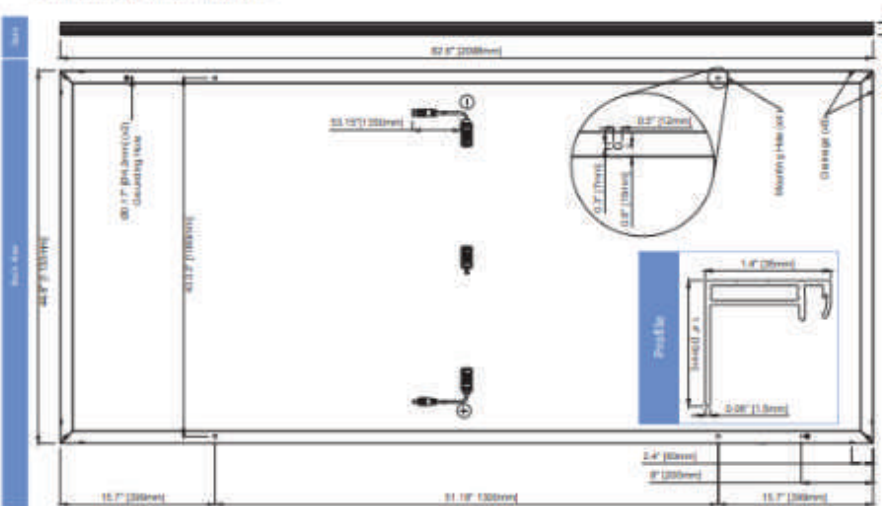
Measurement conditions: STC 1000 W/m<sup>2</sup> • AM 1.5 • Temperature 25 °C • NOCT 800 W/m<sup>2</sup> • AM 1.5 • Measurement uncertainty ± 3%  
Sun simulator calibration reference modules from Fraunhofer Institute. Electrical characteristics may vary by ±5% and power by 0 to +10%.

MECHANICAL PROPERTIES / COMPONENTS	METRIC	IMPERIAL
Module weight	26.2kg ± 0.2kg	57.8lbs ± 0.4lbs
Dimensions (H x L x D)	2098 mm x 1133 mm x 35 mm	82.6 in x 44.6 in x 1.37 in
Maximum surface load (wind/snow)*	2400 Pa rear load / 5400 Pa front load	50.1 lb/ft <sup>2</sup> rear load / 112.8 lb/ft <sup>2</sup> front load
Hail impact resistance	ø 25 mm at 83 km/h	ø 1 in at 51.6 mph
Cells	132 Half cells - Si mono PERC 10 busbar - 182 mm x 91 mm	132 Half cells - Si mono PERC 10 busbar - 3.58 x 7.16 in
Glass	3.2 mm high transmittance, tempered, DSM antireflective coating	0.126 in high transmittance, tempered, DSM antireflective coating
Cables and connectors (refer to installation manual)	1350 mm, ø 5.7 mm, EVO2 from Staubli	53.15 in, ø 0.22 in (12AWG), EVO2 from Staubli
Backsheet	High durability, superior hydrolysis and UV resistance, multi-layer dielectric film, fluorine-free PV white backsheet	
Frame	Anodized Aluminum (Silver)	
Bypass diodes	3 diodes • GF5045 (45V max DC blocking voltage, 50A max forward rectified current)	
Junction Box	UL 3730 Certified, IEC 62790 Certified, IP68 rated	

TEMPERATURE RATINGS		WARRANTIES	
Temperature Coefficient I <sub>sc</sub>	+0.064 %/°C	Module product workmanship warranty	25 years**
Temperature Coefficient V <sub>oc</sub>	-0.28 %/°C	Linear power performance guarantee	30 years
Temperature Coefficient P <sub>max</sub>	-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.2***, 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.1***, IEC 61730-2:2016 Ed.2***, IEC 61701:2020 (Salt Mist Corrosion), IEC 62716:2013 (Amperic Corrosion), CEC Listing***, UL Fire Rating: Type 1	Modules Per Pallet:	29 or 29 (California)
Factory	ISO9001:2015	Pallets Per Truck:	24 or 23 (California)
		Modules Per Truck:	696 or 667 (California)

\* ⚠ Warning: Read the Safety and Installation Manual for mounting specifications and before handling, installing and operating modules.  
\*\* 12 year extendable to 25 years subject to registration and conditions outlined under "Warranty" at [silfab.com](http://silfab.com)  
\*\*\* PAN files generated from 3rd party performance data are available for download at: [silfab.com/downloads](http://silfab.com/downloads)  
\*\*\*\* Certification and CEC listing in progress.



### SILFAB SOLAR INC.

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Bellingham WA 98225 USA  
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info@silfab.com

[SILFABSOLAR.COM](http://SILFABSOLAR.COM)

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Burlington WA 98233 USA  
T +1 360.569.4733

240 Courtneypark Drive East  
Mississauga ON L5T 2Y3 Canada  
T +1 905.255.2501  
F +1 905.696.0267

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## 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: NA

METER #: UNKNOWN

PREMISES #: UNKNOWN

ACCOUNT #: UNKNOWN

### DRAWN BY

MICHAEL RENEAU  
MIKE@GREENWAYSOLAR.ORG

### SUBMITTAL

INTERCONNECTION APPLICATION  
SITE PLAN

02/02/2023- FINAL

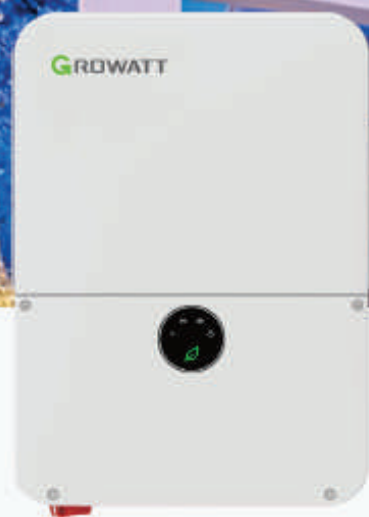
### SHEET

# 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 II		
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		
ARCI 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: 186 6 686 0298  
Email: usa@growatt.com



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## DRAWN BY

MICHAEL RENEAU  
MIKE@GREENWAYSOLAR.ORG

## SUBMITTAL

INTERCONNECTION APPLICATION  
SITE PLAN

02/02/2023- FINAL

## SHEET

RESOURCE  
DOCUMENT



Project Number: U2716-0231-201

April 2, 2021

Sunmodo  
14800 NE 65<sup>th</sup> Street  
Vancouver, WA 98682

**REFERENCE: Sunmodo Sunturf Ground Mount A5a  
Ground Mount PV Array Installation**

To Whom It May Concern:

Per request of Sunmodo, we have been asked to prepare the structural design of a ground-mounted PV solar array system with several foundation options as shown in the attached calculations. The adopted building code in this jurisdiction is the International Building Code, 2018 Edition. Vector Structural Engineering requires that we review each site specific install, and we are not liable for installs at site specific locations we have not reviewed. The following design parameters are used in our analysis:

- Minimum Design Loads for Buildings and Other Structures (ASCE 7-16)
- Design wind speed for risk category I structures: 140 mph
- Wind exposure: B
- Ground snow load: 70 psf
- The ground screws and helical piers must be tested to 1.5 times uplift and 2.0 times lateral reactions found in the table below. A minimum of one ground screw or helical pier must be tested.

Load (ASD)	Value (lbs)	Factor of Safety	Test Value (lbs)
UPLIFT	2711	1.5	4067
LATERAL	1908	2	3816

Foundation concrete shall have a minimum compressive strength of 2500 psi at 28 days. Cement for all concrete shall be Type I or II with a minimum of 6% entrained air with a water/cement ratio of 0.50. Maximum aggregate size shall be 3/4". No special inspection of concrete strength is required.

Footings are designed based on an allowable soil bearing pressure of 1500 psf an allowable skin friction of 250 psf, an allowable lateral bearing pressure of 150 pcf, and a coefficient of friction of 0.3. Vector Structural Engineering strongly recommends independent soils testing be performed by a licensed geotechnical engineer to verify the assumed soil parameters.

All ground mounts are to be installed per manufacturer's recommendations. The use of solar panel support span tables provided by the manufacturer is allowed only where the site conditions and solar panel configuration match the description of the span tables. Electrical engineering is beyond our scope. All work performed must be in accordance with accepted industry-wide methods and applicable safety standards. Vector Structural Engineering assumes no responsibility for improper installation of the solar panels.

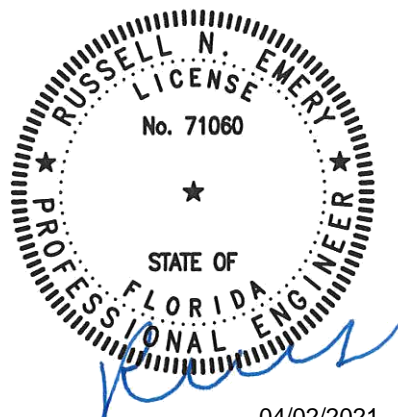
Very truly yours,

VECTOR STRUCTURAL ENGINEERING, LLC  
FL Firm License Number: COA 26626

Russell Emery, P.E.  
License: 71060 - Expires: 02/28/2023  
Project Engineer

Enclosures

RNE/stb

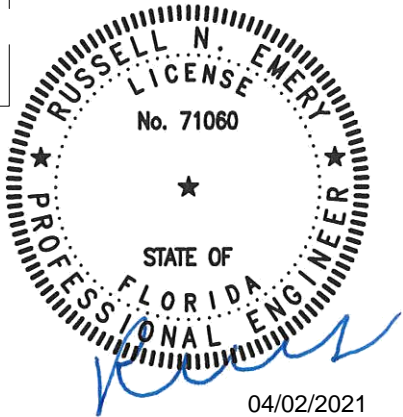
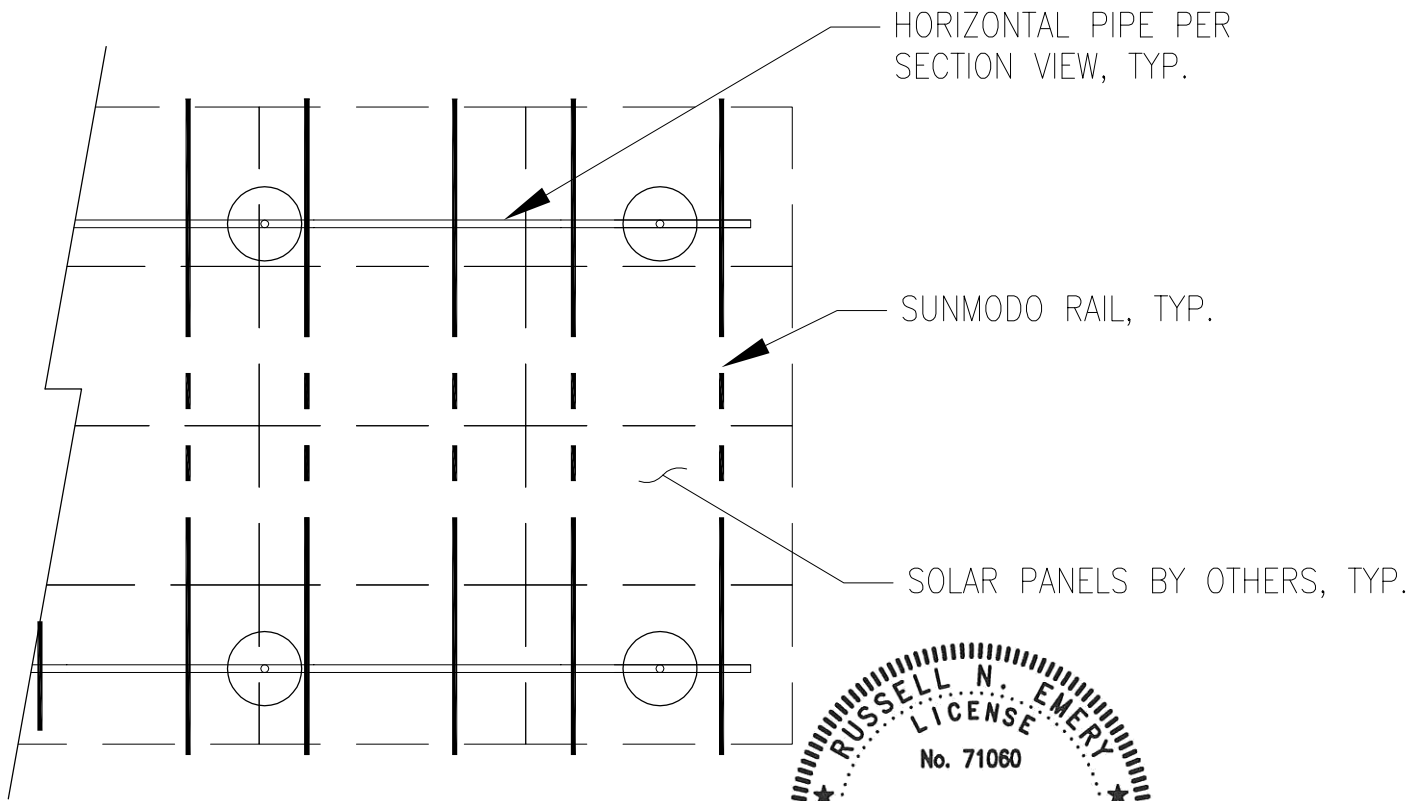
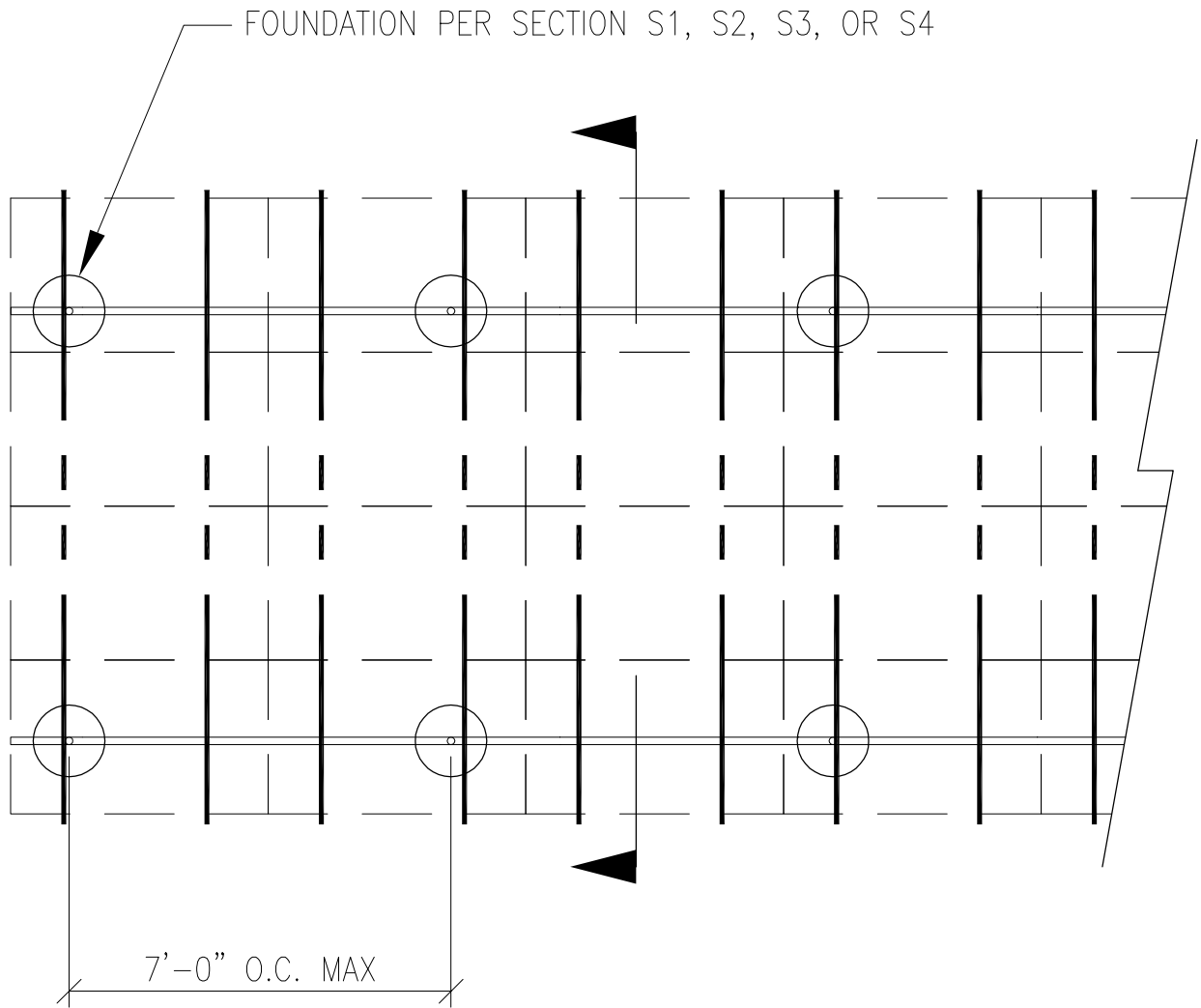


04/02/2021



JOB NO. U2716-0231-201  
PROJECT SUNMODO SUNTURF GROUND MOUNTS A5a  
SUBJECT ALL OPTIONS

651 W GALENA PARK BLVD. #101 (801) 990-1775  
DRAPER, UTAH 84020 (801) 990-1776 FAX



PV ARRAY PLAN

N.T.S.

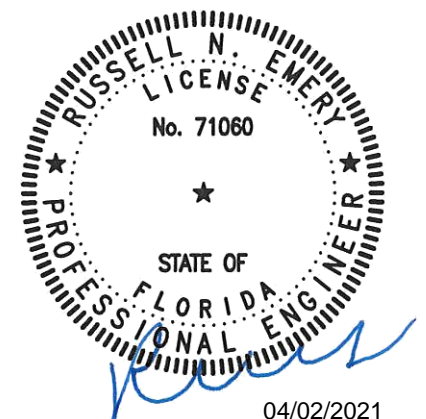
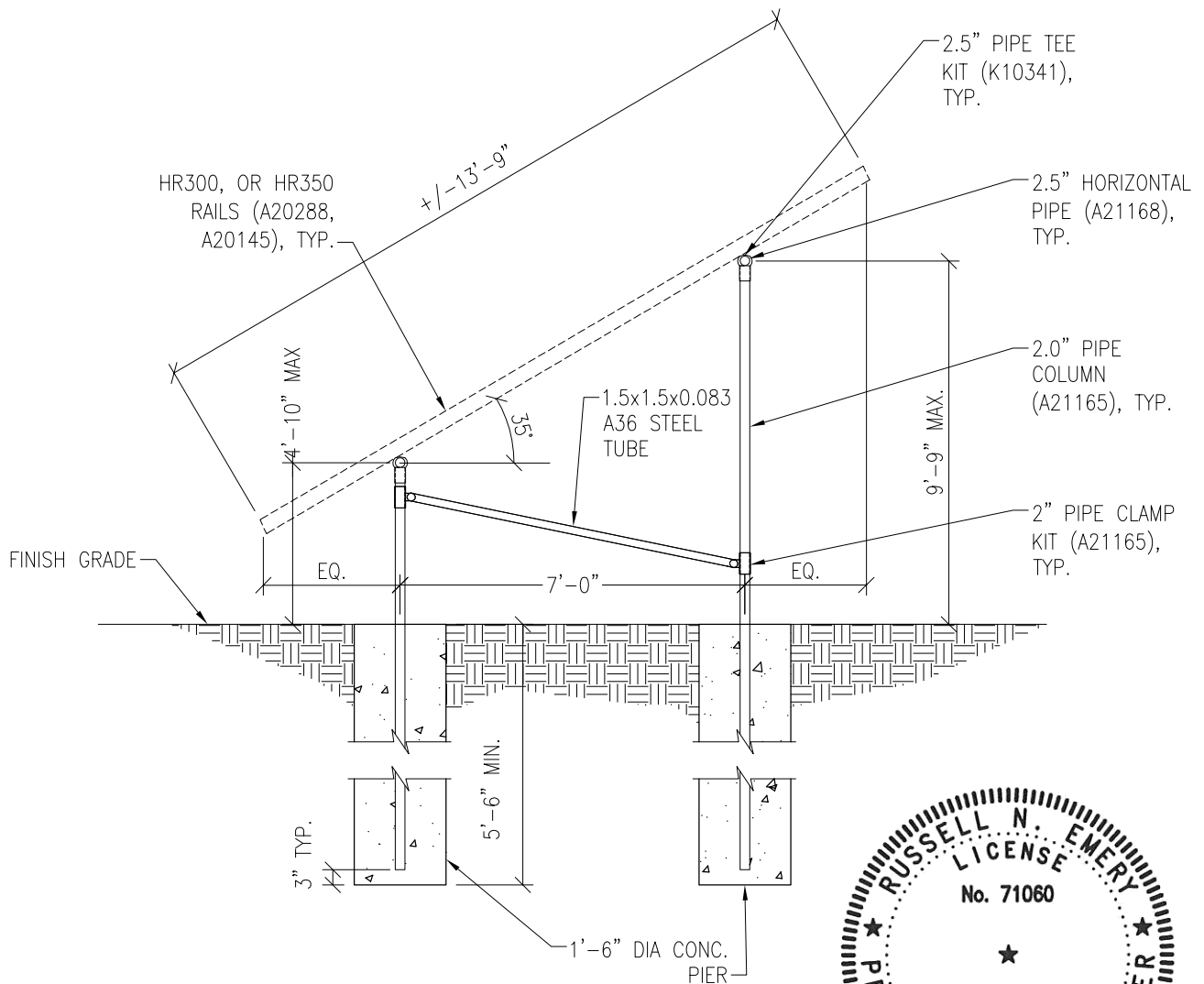
P1



JOB NO. U2716-0231-201

PROJECT SUNMODO SUNTURF GROUND MOUNTS A5a

SUBJECT DRILLED PIER OPTION



04/02/2021

Vector Engineers requires that we review each site specific install and is not liable for installs at site specific locations we have not reviewed.

### PV ARRAY SECTION

N.T.S.

S1

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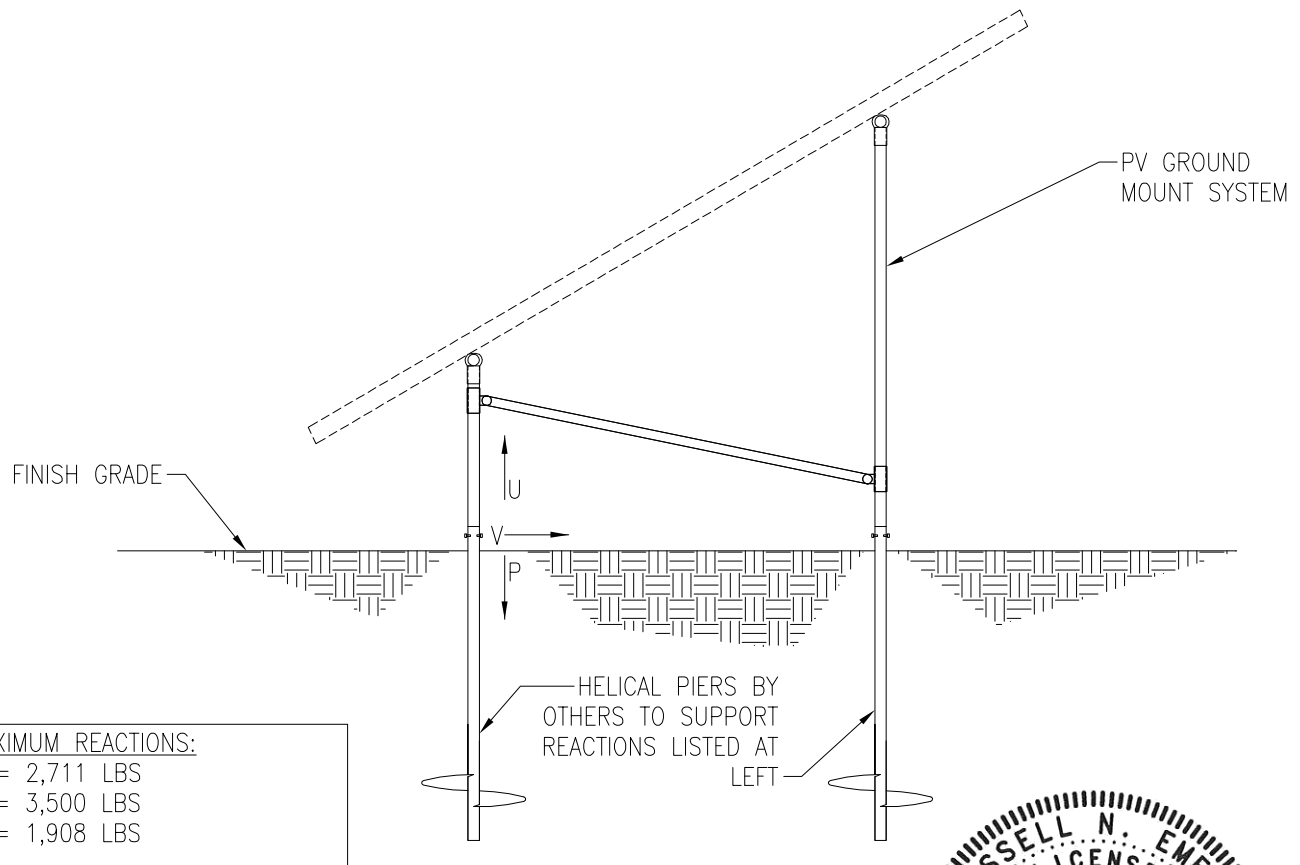
JOB NO. U2716-0231-201

PROJECT SUNMODO SUNTURF GROUND MOUNTS A5a

SUBJECT HELICAL PIER OPTION

NOTES:

1. For ground mount components see Section S1.
2. A minimum of (1) helical pier must be load-tested as follows:
  - 2.1. Safety factor for uplift = 1.5,
  - 2.2. Safety factor for lateral loads = 2.0
  - 2.3. Upward deflection limit = 1/2"
  - 2.4. Lateral deflection limit = 1"
  - 2.5. The load tests must be performed by an approved contractor.



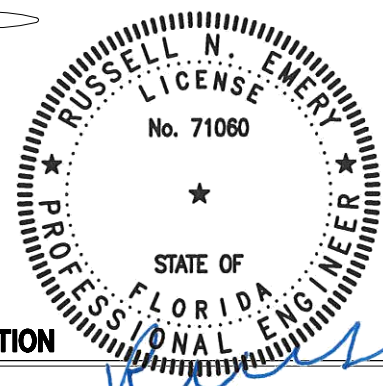
MAXIMUM REACTIONS:

U = 2,711 LBS  
P = 3,500 LBS  
V = 1,908 LBS

Vector Engineers requires that we review each site specific install and is not liable for installs at site specific locations we have not reviewed.

PV ARRAY SECTION

N.T.S.



S2

651 W GALENA PARK BLVD. #101

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04/02/2021



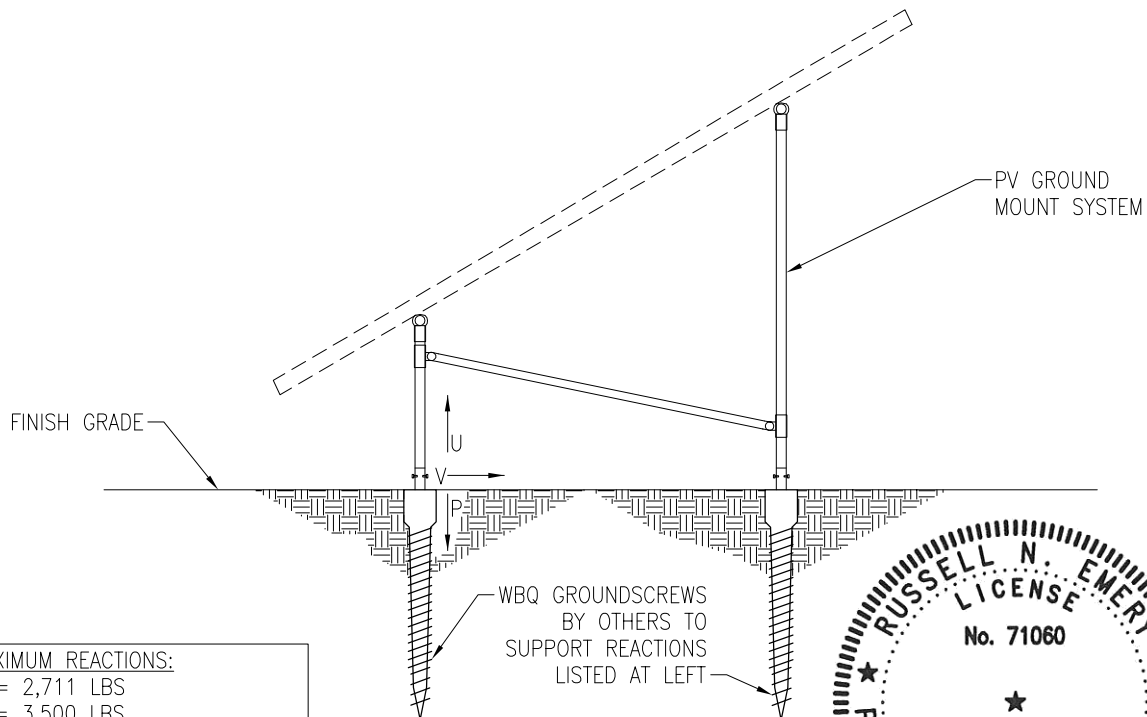
JOB NO. U2716-0231-201

PROJECT SUNMODO SUNTURF GROUND MOUNTS A5a

SUBJECT GROUND SCREW OPTION

NOTES:

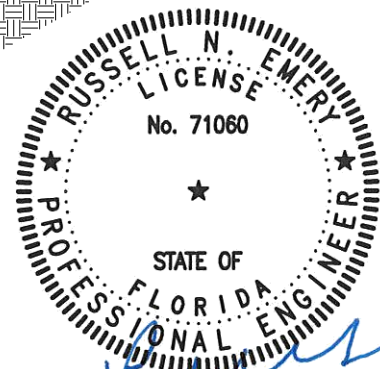
1. For ground mount components see Section S1.
2. A minimum of (1) ground screw must be load-tested as follows:
  - 2.1. Safety factor for uplift = 1.5,
  - 2.2. Safety factor for lateral loads = 2.0
  - 2.3. Upward deflection limit =  $1/2"$
  - 2.4. Lateral deflection limit =  $1"$
  - 2.5. The load tests must be performed by an approved contractor.



MAXIMUM REACTIONS:

U = 2,711 LBS  
P = 3,500 LBS  
V = 1,908 LBS

Vector Engineers requires that we review each site specific install and is not liable for installs at site specific locations we have not reviewed.



**PV ARRAY SECTION**

N.T.S.

04/02/2021

**S3**

651 W GALENA PARK BLVD. #101  
DRAPER, UTAH 84020

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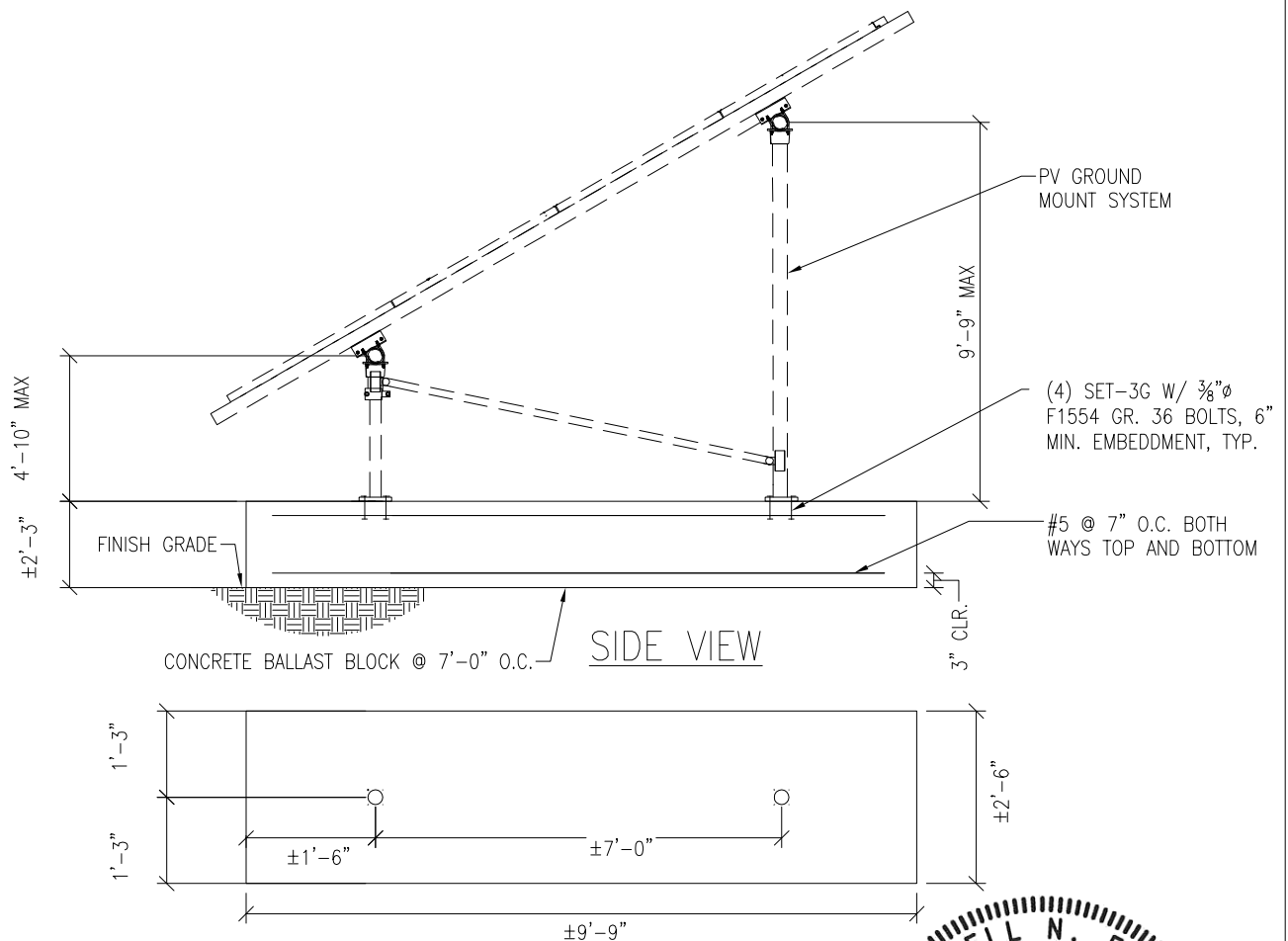
JOB NO. U2716-0231-201

PROJECT SUNMODO SUNTURF GROUND MOUNTS A5a

SUBJECT BALLASTED BLOCK OPTION

NOTES:

1. For ground mount components see Section S1.



Vector Engineers requires that we review each site specific install and is not liable for installs at site specific locations we have not reviewed.

PV ARRAY SECTION

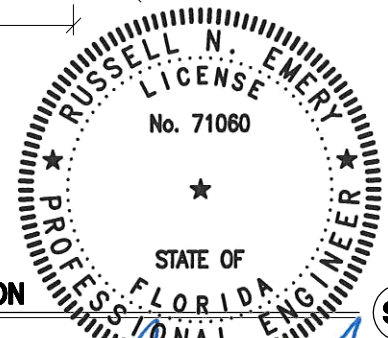
N.T.S.

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DRAPER, UTAH 84020

(801) 990-1775

(801) 990-1776 FAX

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04/02/2021

S4

■City of Independence

***Request for a Conditional Use Permit to Allow a Detached Accessory Structure  
Larger than 5,000 SF on the Property located at 2510 County Road 92***

---

<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	July 30, 2024
<i>Applicant:</i>	Karen Ann Malinak
<i>Owner:</i>	Karen Ann Malinak
<i>Location:</i>	2510 County Road 92

***Request:***

Karen Ann Malinak (Applicant/Owner) is requesting the following action for the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) in the City of Independence, MN.

- a. A conditional use permit to allow an accessory structure greater than 5,000 SF.

***Property/Site Information:***

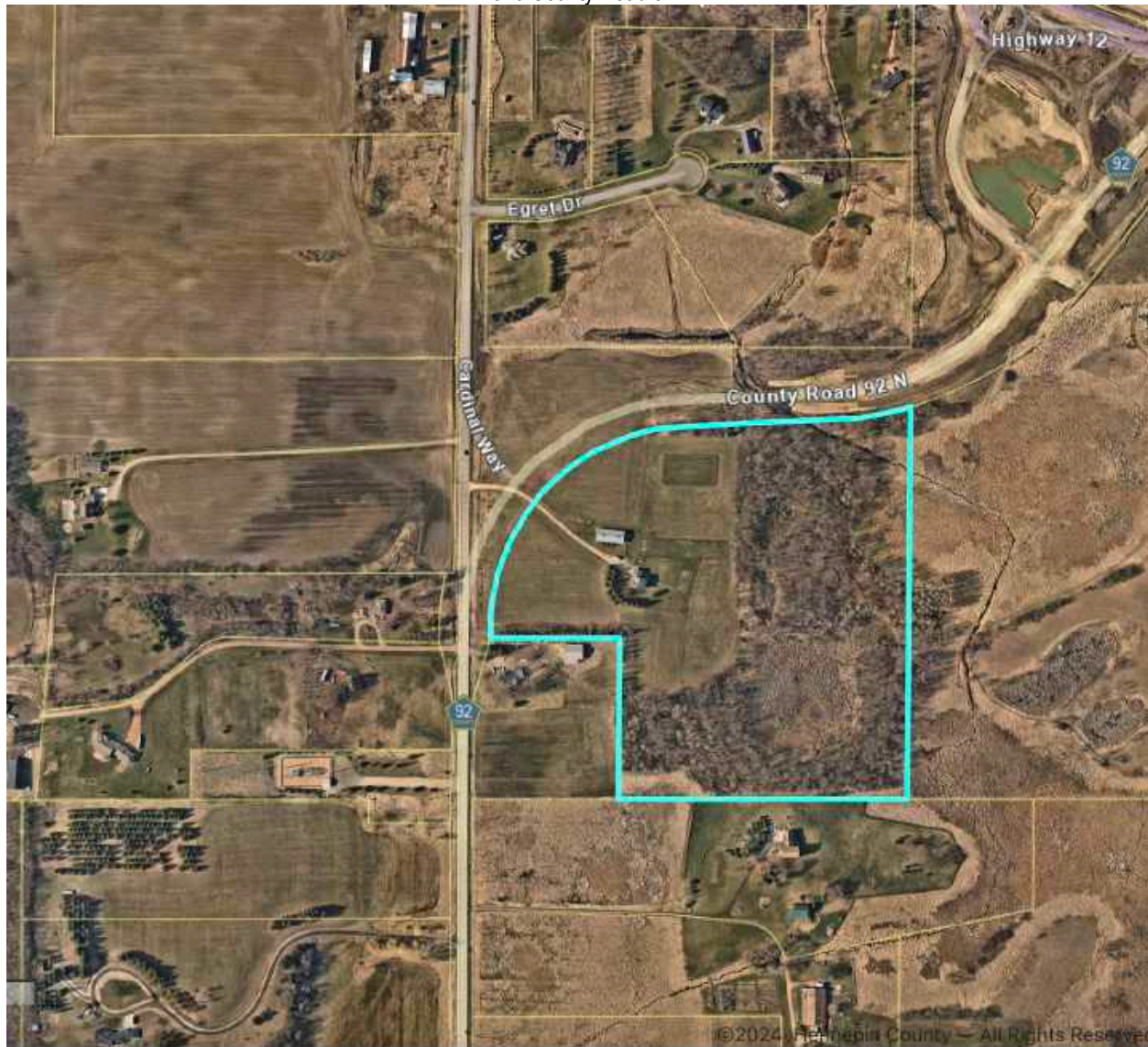
The property is located south of Highway 12 and on the west side of County Road 92 near Cardinal Way. The property has pasture, woodlands and a substantial wetland along the east property line. The property has the following characteristics:

Property Information: 2510 County Road 92

Zoning: *Agriculture*

Comprehensive Plan: *Agriculture*

Acreage: *23.06 acres*



**Discussion:**

The applicant is seeking a Conditional Use Permit to allow the expansion of the existing detached accessory structure “barn” which would exceed 5,000 SF. The applicants recently purchased this property and moved into the subject home. In May of this year, the applicant was granted a IUP to allow a dog kennel to be housed within the principal structure on the property. The applicant would like to now expand the existing detached accessory structure on the property. The existing detached accessory structure is 36 x 80 (2,880 SF). The applicant would like to add a 30 x 80 addition onto the structure (2,400 SF) which would bring the total square footage of the building to 5,280 SF (see attached plans). This would exceed the maximum amount of SF permitted for a single building by 280 SF.

The total square footage of all detached accessory structures for properties greater than 10 acres is not limited. The applicant has livestock and other animals (not the dogs) that would be housed inside of the

building. The existing building is also located in the center of the property and not near an edge or adjacent property (closest property line is approximately 250'+).

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.

Consideration for the proposed Conditional Use Permit should weigh the impact of constructing an accessory building that is 280 square feet larger than that which is otherwise permitted by the zoning ordinance. The location, additional driveway area, building setbacks, building height and other features of the building are permitted in the A-Agriculture zoning district. Given the size of the property and the applicant's ability to meet and exceed all applicable setbacks, the impact of the proposed structure relating to the standards for issuing a conditional use permit appear to have been met.

The proposed amendment is generally consistent with the use of similar Agriculture zoned properties in this area. Should the CUP be approved by the City Council, the Planning Commission has recommended that the following conditions be noted by the City:

- Any modifications to the structure or intensification of the use will be reviewed by the City and will be subject to all applicable standards and requirements.
- The use of this building will need to conform to all applicable standards in the A-Agriculture zoning district.
- The proposed building cannot be used for commercial indoor storage.

- The proposed building must be used in accordance with all applicable laws and regulations.
- The applicant shall ensure that all work related to the grading, drainage and restoration activities previously commenced on this property be completed in accordance with all applicable standards prior to issuance of final building approval.

The City Council will need to review the request and determine that all criteria for granting a conditional use permit have been satisfied by the applicant.

***Planning Commission Discussion and Recommendation:***

Planning Commissioners reviewed the request and asked questions of staff and the applicant. Commissioners asked about the space and confirmed that it had a lower height than the existing shed. Commissioners confirmed that no dogs would be kenneled in the building and that the IUP pertaining to the dog kennel was clear in that regard. Commissioners found that the request met applicable criteria and recommended approval to the city council with the findings and conditions noted.

***Neighbor Comments:***

The City has not received any written comments regarding the proposed conditional use permit.

***Recommendation:***

The Planning Commission recommended approval of the request for a Conditional Use Permit with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Any modifications to the structure or intensification of the use will be reviewed by the City and will be subject to all applicable standards and requirements.
3. The use of this building will need to conform to all applicable standards, regulations and laws of the A-Agriculture zoning district.
4. The proposed building cannot be used for commercial indoor storage (including but not limited to boats and recreational vehicles).



5. The applicant shall ensure that all work related to the grading, drainage and restoration activities previously commenced on this property be completed in accordance with all applicable standards prior to issuance of final building approval.
6. The applicant shall pay for all costs associated with processing, reviewing and recording the conditional use permit.

***Attachments:***

1. Property Pictures
2. Application
3. Building and Site Plans

**Attachment #1**

*2510 County Road 92 (Looking west)*



*2510 County Road 92 (Looking north)*







■ RESOLUTION OF THE  
CITY OF INDEPENDENCE  
HENNEPIN COUNTY, MINNESOTA

**RESOLUTION NO. 24-0730-03**

**A RESOLUTION GRANTING APPROVAL OF A CONDITIONAL USE PERMIT TO  
ALLOW AN ACCESSORY STRUCTURE GREATER THAN 5,000 SF  
LOCATED AT 2510 COUNTY ROAD 92**

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 2022 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, Karen Ann Malinak (“Applicant/Owner”) is requesting an Conditional Use Permit to allow an accessory structure to be greater than 5,000 SF on the property located at 2510 County Road 92 (PID No. 16-118-24-33-0003) (the “Property”); and

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

WHEREAS, proposed building plan is further depicted on **Exhibit B** attached hereto; and

WHEREAS, the Property is zoned AG-Agriculture; and

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

WHEREAS the Planning Commission held a public hearing on July 16, 2024 to review the application for a Conditional Use Permit, 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 Karen Ann Malinak for a Conditional Use Permit per the City's subdivision and zoning regulations with the following conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. Any modifications to the structure or intensification of the use will be reviewed by the City and will be subject to all applicable standards and requirements.
3. The use of this building will need to conform to all applicable standards, laws and regulations of the A-Agriculture zoning district.
4. The proposed building cannot be used for commercial indoor storage (including but not limited to boats and recreational vehicles).
5. The applicant shall ensure that all work related to the grading, drainage and restoration activities previously commenced on this property be completed in accordance with all applicable standards prior to issuance of final building approval.
6. The applicant shall pay for all costs associated with processing, reviewing and recording the conditional use permit.

This resolution was adopted by the City Council of the City of Independence on this 30<sup>th</sup> day of July 2024, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

---

Marvin Johnson, Mayor

ATTEST:

---

Mark Kaltsas, City Administrator

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

**PROPERTY DESCRIPTION:**

*The Southwest Quarter of the Southwest Quarter of Section 16, Township 118, Range 24, Hennepin County, Minnesota, except the West 460.00 feet of the South 474.00 feet thereof, as measured along the West and South lines thereof.*

**EXCEPT:**

*All that part of the following described tract:*

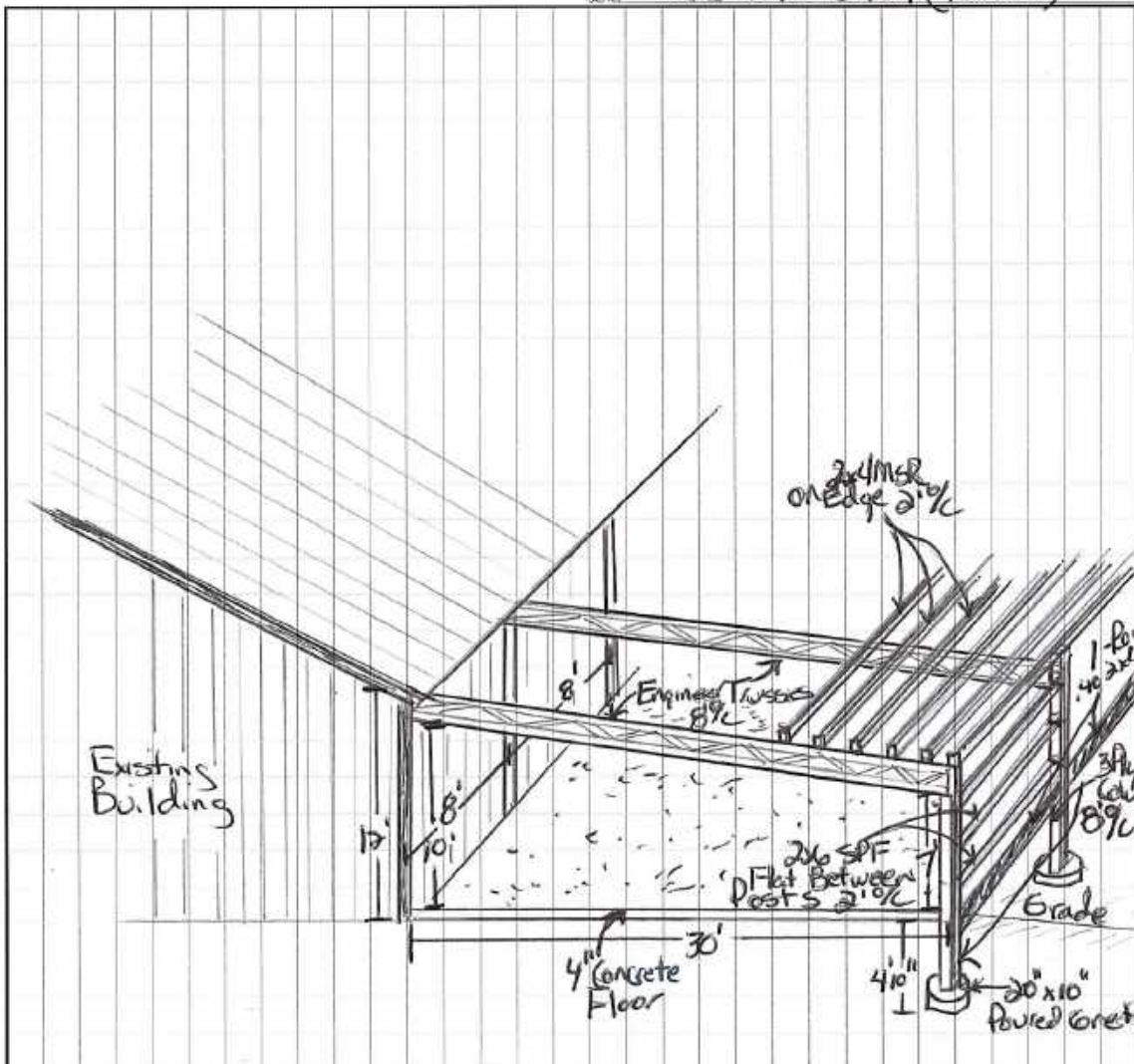
*The Southwest Quarter of the Southwest Quarter, except the West 460.00 feet of the South 474.00 feet of the Southwest Quarter of the Southwest Quarter of Section 16, Township 118 North, Range 24 West of the 5th Principal Meridian, according to the United States Government Survey thereof, and situate in Hennepin County, Minnesota, which lies westerly, northwesterly and northerly of a line parallel with and distant 80.00 feet easterly, southeasterly and southerly of the following described Line 1.*

*Line 1 is described as commencing at the southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 16; thence easterly along the south line of said Southwest Quarter of the Southwest Quarter on an assumed bearing of North 89 degrees 42 minutes 28 seconds East a distance of 1.58 feet to the point of beginning of Line 1 to be described; thence North 00 degrees 03 minutes 23 seconds West a distance of 505.89 feet; thence northerly and northeasterly a distance of 1025.89 feet along a tangential curve, concave to the southeast having a radius of 675.00 feet and a central angle of 87 degrees 04 minutes 47 seconds; thence North 87 degrees 01 minute 24 seconds East tangent to said curve a distance of 479.13 feet; thence northeasterly a distance of 561.75 feet along a tangential curve, concave to the northwest having a radius of 660.00 feet and a central angle of 48 degrees 46 minutes 01 second and said Line 1 there terminating.*

*(Approved Plan)*

[illegible]

JOB Rapha Farms  
2510 Co Rd 92 No  
Independence MN  
 DATE 4-10-24  
 SCALE 763-242-6427 (Karen)





**WRIGHT  
LUMBER  
&  
MILLWORK**

- NEW HOMES
- POLE BUILDINGS
- REMODELING
- DOORS / WINDOWS
- BUILDING MATERIALS
- DRAFTING / DESIGN
- CABINETS & TOPS

**Brent Nelson**

(763) 682-4441 Office  
 (763) 682-6980 Fax  
 (320) 221-0528 Cell

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 brent.nelson@wrightlumber.com

901 Central Avenue, Buffalo, MN 55313





**CITY OF  
INDEPENDENCE  
MINNESOTA**

Date Submitted: 06-03-2024

**Applicant Information**

Name: Karen Malinak  
Address: 2510 county road 92 n  
Independence, Minnesota  
55359  
Primary Phone: 763-242-6427  
Secondary Phone: 6125978032  
Email: rapha.farms@yahoo.com

**Owner Information**

Name: Karen Malinak  
Address: 2510 county road 92 n  
Independence, Minnesota  
55359  
Primary Phone: 763-242-6427  
Secondary Phone: 6125978032  
Email: rapha.farms@yahoo.com

Property Address:

PID:

Planning Application Type: Conditional Use Permit

Description:

Supporting Documents: Building Plans

Signature:



JOB

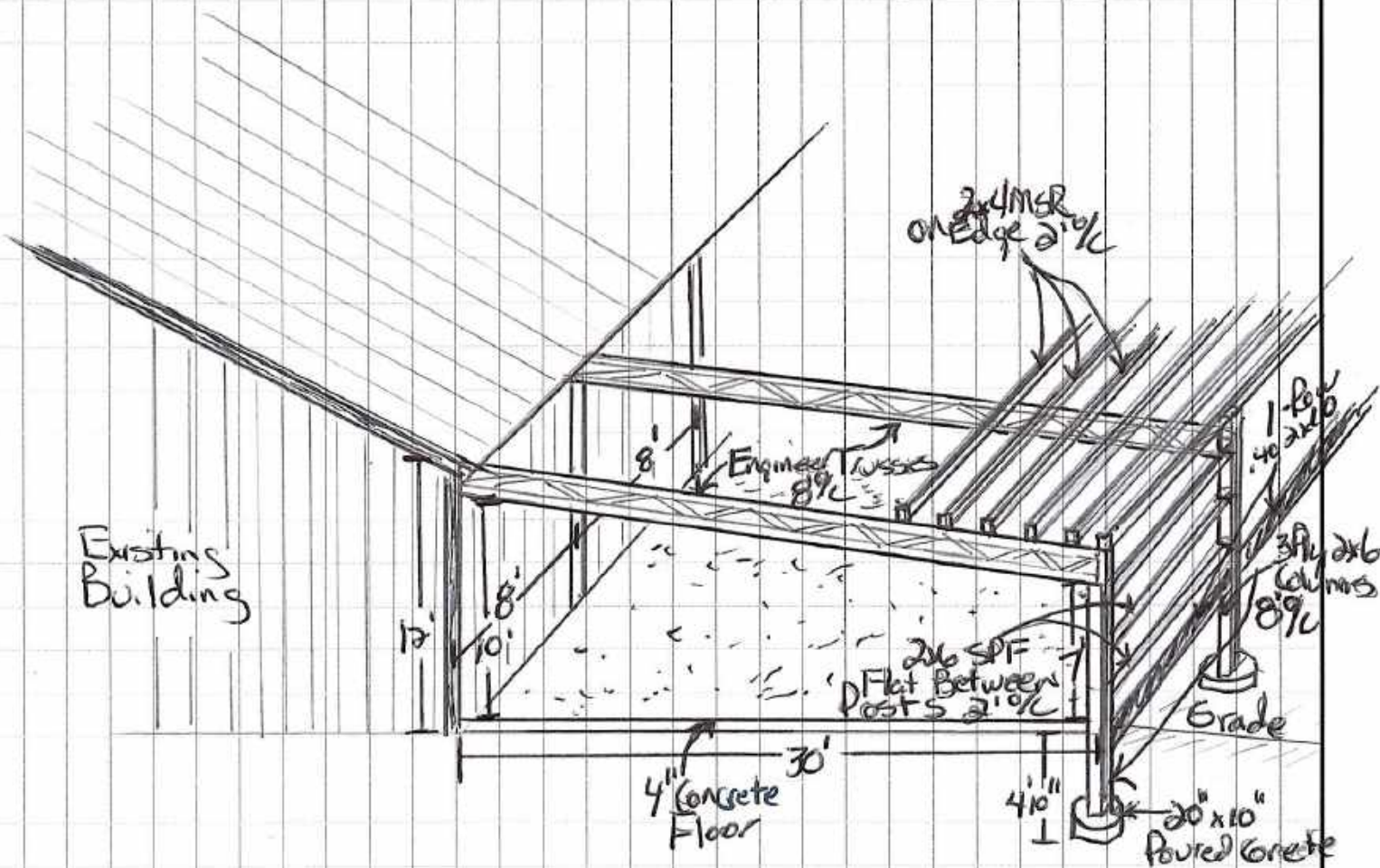
Rapha Farms  
2510-Co Rd 92 No  
Independence mn

DATE

4-10-24

SCALE

763-242-6427 (Karen)



- NEW HOMES
- POLE BUILDINGS
- REMODELING
- DOORS / WINDOWS
- BUILDING MATERIALS
- DRAFTING / DESIGN
- CABINETS & TOPS

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901 Central Avenue, Buffalo, MN 55313

# City of Independence

## Community Center Flooring

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<i>To:</i>	City Council
<i>From:</i>	Mark Kaltsas, City Administrator
<i>Meeting Date:</i>	July 30, 2024

### ***Discussion:***

As a part of the city hall renovation, the community center/council chambers flooring was upgraded from the old linoleum tiles. The LVL flooring that was installed has experienced significant failures due to moisture accumulating below the flooring surface on the concrete subfloor. The city discussed this issue with the general building contractor, flooring contractor and project architect as well as with several outside flooring contractors. Each point to errors on the part of the other parties involved and staff has not been able to identify with certainty which party is responsible for the failure. In order to move forward without lawsuits, testing costs and similar third-party investigations, the city has obtained two quotations for the installation of ceramic tile to replace the LVL. It is believed that this will provide the city with the best and most durable long-term solution.

The two quotations provided include the removal of the existing LVL, glue/residue, adjustment of the baseboards/base shoe and cleaning of the floor. In addition, the recommended contractor would prime and waterproof the concrete subsurface before installing the new tile. Staff is seeking direction relating to the proposed flooring replacement from Council.

### ***Recommendation:***

The City Council is being asked to consider approval of the quotation to replace the community center/council chamber floor with ceramic tile and authorizing staff to execute all applicable contracts with Trophy Flooring, Inc. for \$35,976.00. The funds would be taken from the capital building fund.

***Attachments:*** Tile Flooring Quotations

# City of Independence

## Cannabis Interim Ordinance

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*To:* City Council  
*From:* Mark Kaltsas, City Administrator  
*Meeting Date:* July 30, 2024

***Discussion:***

Staff has discussed the adoption of an interim ordinance with legal counsel regulating cannabis in the city until such time as the state works through all aspects of the recent changes to the law. Kennedy & Graven has prepared a memo detailing the current state of the issue and has also prepared a draft ordinance. The city would have to notice a public hearing (to be held at City Council Meeting) prior to considering adoption. Based on Council discussion relating to the issue and draft ordinance, a public hearing could be held at our Special Council Meeting at the beginning of August.

***Recommendation:***

Council can discuss the issue with our City Attorney at the meeting and provide direction to staff relating to next steps.

***Attachments:*** Memo from Kennedy & Graven  
Draft Interim Ordinance





Kennedy & Graven  
Fifth Street Towers  
150 South Fifth Street, Suite 700  
Minneapolis, MN 55402  
(612) 337-9300 direct

## MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Joseph L. Sathe, Assistant City Attorney

**DATE:** July 26, 2024

**RE:** Consider Updating Cannabis Business Moratorium

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### **Summary**

The purpose of this memo is to provide a brief overview of the types of businesses addressed in the cannabis business moratorium as well as explain why the enclosed ordinance refers to authority to enact an ordinance under the Cannabis Act as well as the City's general authority to adopt a moratorium.

### **Cannabis Business Definition Change**

In 2023, HF 100 (2023 Cannabis Act) allowed cities to enact moratoria on the operation of Cannabis Businesses, defined as a business needing one of the many licenses authorized under the 2023 Cannabis Act. In 2023, the only way to operate a business that deals with cannabis was to obtain a Cannabis Business license.

The statutory language authorizing the moratoria (Minn. Stat. 342.13 (e)) provides that a unit of local government may adopt an interim ordinance to "regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction or a portion thereof until January 1, 2025."

In 2024, HF 4757 (2024 Cannabis Update) amended the definition of Cannabis Business and established a process for certain businesses to obtain a license preapproval intended to allow social equity applicants to begin certain business processes prior to obtaining a license (such as leasing property, obtaining zoning approval, and raising capital for business operations). The 2024 Cannabis Update also allows some entities with a license preapproval and meeting the current growing requirements for the state's Medical Marijuana Program to begin grow operations without a license as Early Cultivators.

The enclosed table is provided as a reference showing the difference between the 2023 Cannabis Act and the 2024 Cannabis Update.

### **Enacting the Moratorium**

With the changes to the definition of cannabis business there are now two categories of businesses associated with cannabis that can operate without a cannabis business license (medical cannabis businesses) or a license at all (license preapproval-Early Cultivator).



Therefore, the attached moratorium includes language intended to confirm the city's intent to have the moratorium adopted apply to every type of business related to cannabis within the city. Adding the references to the authority cities use for interim ordinances normally is to avoid two claims:

1. A claim that the authority to impose a moratorium under Minn. Stat. 342.13 is tied to the statutory definition of cannabis business, which is defined as a licensed business and the 2024 Cannabis Update authorizes businesses without a license to operate under a license preapproval/early cultivator approval; and
2. A claim that the 2024 Cannabis Update removal of Medical Cannabis Businesses from the definition of Cannabis Business means that the moratorium no longer applies to those businesses.

The language in the attached draft can be amended to only cover businesses that the City wants subject to the moratorium (e.g., the language on Medical Cannabis Businesses can be removed).

### **Timeline**

Businesses seeking to obtain a license preapproval need to apply and then be selected as part of a lottery. The first application window will begin on July 24 and end August 12. The Office of Cannabis Management (“OCM”) has not announced the date it will begin granting Early Cultivator approvals but it likely will be after August 12. However, since businesses may begin applying for the Early Cultivator prerequisite (the license preapproval) on July 24, having the amendment in place earlier may help address any confusion and provide staff and businesses with clear direction on the city’s intention.

A public hearing is required under Minn. Stat. 342.13(e) prior to adopting the moratorium, therefore, it would be prudent to hold a public hearing prior to adopting the amendment as well.

**Table Showing Differences Between 2023 and 2024 Cannabis Businesses**

<b>2023</b>	<b>2024</b>			
<u>Cannabis Business</u>	<u>Cannabis Business</u>	<u>Medical Cannabis Business</u>	<u>License Preapproval</u>	<u>Early Cultivator</u>
<p>Minn. Stat. 342.01, Subd.14.</p> <p>"Cannabis business" means any of the following licensed under this chapter:</p> <p>(1) cannabis microbusiness;  (2) cannabis mezzobusiness;  (3) cannabis cultivator;  (4) cannabis manufacturer;  (5) cannabis retailer;  (6) cannabis wholesaler;  (7) cannabis transporter;  (8) cannabis testing facility;  (9) cannabis event organizer;  (10) cannabis delivery service;  (11) medical cannabis cultivator;  (12) medical cannabis processor;  (13) medical cannabis retailer;  and  (14) medical cannabis combination business.</p>	<p>Minn. Stat. 342.01, Subd.14.</p> <p>"Cannabis business" means any of the following licensed under this chapter:</p> <p>(1) cannabis microbusiness;  (2) cannabis mezzobusiness;  (3) cannabis cultivator;  (4) cannabis manufacturer;  (5) cannabis retailer;  (6) cannabis wholesaler;  (7) cannabis transporter;  (8) cannabis testing facility;  (9) cannabis event organizer;  (10) cannabis delivery service; <u>and</u>  <del>(11) medical cannabis cultivator;</del>  <del>(12) medical cannabis processor;</del>  <del>(13) medical cannabis retailer;</del>  <u>and</u>  <del>(14)</del><u>(11)</u> medical cannabis combination business.</p>	<p>The three businesses that were removed from the Cannabis Business definition in column 1 (the 2023 definition of Cannabis Business) are still licensed by the OCM but are not considered Cannabis Businesses since that term seem to now be reserved for businesses that are part of the recreational cannabis regulatory framework.</p> <p>Medical Cannabis Businesses, likely any other business, must adhere to the city's general zoning and regulatory authority.</p>	<p>The OCM may issue a license preapproval to certain businesses to assist that business in obtaining legal control of property, receive zoning approval from the unit of local government, and raising capital for business operations.</p> <p>The license preapproval does not allow a person to engage in any activity that would require a license including purchasing, possess, cultivating, manufacturing, distributing, dispensing, or selling products.</p> <p>License preapprovals will be granted to entities who meet the requirements as a social equity applicant and will be granted based on a lottery system.</p> <p>The first window for license preapprovals will open on July 24 and close on August 12. The OCM has not announced when the first lottery will be held, but it should be soon after August 12.</p>	<p>If an entity has received a license preapproval for a business that will be able to grow cannabis (a cannabis microbusiness, cannabis mezzobusiness, or cannabis cultivator license) that business may apply for an approval to begin "early cultivation" without a full license.</p> <p>The entity must meet the following criteria:</p> <p>(1) has provided documentation in a form and manner prescribed by the Office of Cannabis Management from the applicable local unit of government that states the social equity applicant is in compliance with local zoning ordinances and state fire and building codes; and</p> <p>(2) complies with Minnesota Rules, parts 4770.0100 to 4770.4030. These are the current rules that apply to the Medical Marijuana Program</p>

**CITY OF INDEPENDENCE  
COUNTY OF HENNEPIN  
ORDINANCE NO. 2024-\_\_\_\_\_**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND  
IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS  
BUSINESSES WITHIN THE CITY OF INDEPENDENCE**

**THE CITY COUNCIL OF THE CITY OF INDEPENDENCE HEREBY ORDAINS AS  
FOLLOWS:**

**Section 1. Legislative Findings and Authority.**

- (A) The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products.
- (B) The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) prohibit the operation of a Cannabis Business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- (C) The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the city of Independence (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.
- (D) The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering

adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.

- (E) On May 24, the Governor signed 2024 Minnesota Session Laws, Chapter 121 (HF 4757) amending the Act (“2024 Amendment”). The 2024 Amendment included two amendments to the Act. The first of those amendments creates a license preapproval for certain businesses that will authorize a business to begin certain processes without a Cannabis Business license under Minnesota Laws, chapter 121, section 148 (“License Preapproval”), including in some instances allowing a business to begin cultivation without a license under Minnesota Laws chapter 121, section 151 (“Early Cultivation”). The second of those amendments removes medical cannabis business, medical cannabis processor, and medical cannabis retailer (“Medical Cannabis Businesses”) from the definition of Cannabis Business in Minnesota Statutes 324.01, subdivision 14.
- (F) The Legislature’s decision to change the definition of Cannabis Business in the 2024 Amendment does not preclude the City from having a moratorium on businesses related to cannabis that will be subject to city zoning and operational regulations and which are Cannabis Businesses; Medical Cannabis Businesses; businesses with a License Preapproval, including Early Cultivators; or other businesses that must confirm compliance with city regulations.
- (G) To provide clear communication to businesses seeking to operate within the City and to create a clear record, the City Council desires to adopt this Ordinance to explicitly list and include License Preapproval, Early Cultivation, and Medical Cannabis Business in the businesses that are subject to the interim ordinance.
- (H) This Ordinance is intended to confirm that if a court of competent jurisdiction finds that License Preapproval, Early Cultivators, or Medical Cannabis Businesses are not subject to the authority granted to units of local government in Minnesota Statutes, section 342.13 (e) that this Ordinance invokes the authority granted under Minnesota Statutes, section 462.355, subdivision 4(a) “to regulate, restrict, or prohibit any use ... within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective” by enacting an interim ordinance.
- (I) Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of

protecting the planning process and the health, safety, and welfare of its citizens.

- (J) The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.
- (K) On [REDACTED], after providing at least 10 days published notice, the city council held a public hearing regarding the consideration and adoption of an interim ordinance prohibiting the operation of Cannabis Businesses within the City until

**Section 2. Definitions.** For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (A) “2024 Amendment” refers to 2024 Minnesota Session Laws, Chapter 121 (H.F. 4757).\_
- (B) “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- (C) “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14. Cannabis Business also includes Medical Cannabis Businesses, Early Cultivators, and License Preapprovals.
- (D) “City” means the city of Independence, a Minnesota municipal corporation.
- (E) “Early Cultivator” means a business authorized to begin cultivating/growing cannabis prior to receiving a license as provided under 2024 Minnesota Session Laws, chapter 121, section 151.
- (F) “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (G) “License Preapproval” means a business authorized to begin certain business operations related to cannabis under 2024 Minnesota Session Laws, chapter 121, section 148.
- (H) “Medical Cannabis Business” means medical cannabis business, medical cannabis processor, and medical cannabis retailers as defined in the Act and any business requiring a license or endorsement under Minnesota Statutes, Chapter 342.
- (I) “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.

- (J) “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e) and Minnesota Statutes, section 462.355, subdivision 4(a).

**Section 3. Study Authorized.** The city council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the city council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the city council’s consideration of this matter. The report may also include City staff’s recommendations on whether the city council should adopt regulations and, if so, the recommended types of regulations.

**Section 4. Moratorium.** A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City. The moratorium also includes Early Cultivators, License Preapprovals, and Medical Cannabis Businesses to the extent they are considered to be outside of the definition of Cannabis Business.

**Section 5. Exceptions.** The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health and the OCM that was lawfully operating within the City prior to the effective date of this Ordinance; or (ii) the sale of Edible Cannabinoid Products, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions.

**Section 6. Enforcement.** Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City’s general penalties prescribed in the city code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The city council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.



**Section 7. Severability.** Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

**Section 8. Effective Date and Term.** This Ordinance shall become effective on [REDACTED] 2024. Unless earlier rescinded by the City Council, this Ordinance shall remain in effect until January 1, 2025, or until the city council expressly repeals it .

\_\_\_\_\_  
Marvin Johnson, Mayor

ATTEST:

\_\_\_\_\_  
Mark Kaltas, City Administrator