

MINUTES OF A REGULAR MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY APRIL 19, 2016 – 6:30 P.M.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT: Chair Phillips, Commissioners Olson and Palmquist (arrived at 7:00 p.m.).

STAFF: City Planner Kaltsas, City Administrative Assistant Horner

ABSENT: Commissioner Thompson

VISITORS: Ruth Clark, Kathy Pluth, David Rogers, Ray McCoy, Patrick Burns, Peter Brasket, Laverne Dunsmore, LuAnn Brenno, Jack Wegman, Tom Janas

3. Approval of Minutes from the March 15, 2016 Planning Commission Meeting.

**Moved by Phillips until three votes would be presented.**

4. **PUBLIC HEARING:** Jim and Kathy Ostvig (Applicant/Owner) request that the City consider the following action for the property located at 1575 County Road 90, Independence, MN (PID No. 27-118-24-11-0001):

- a. An amendment to the existing Conditional Use Permit to allow additional employees in association with the business on the property.

Kaltsas said the property is located on the west side of County Road 90 and just south of US Highway 12. The property is comprised of an existing house, large accessory building, outdoor storage area and wetlands on the west side of the property.

Kaltsas stated the property is currently zoned Agriculture, but is guided by the City's comprehensive plan for Commercial-Light Industrial. The applicant currently lives on the property in the existing house. The subject property has an existing conditional use permit to allow a landscaping and tree service business. The applicant is seeking an amendment to the existing conditional use permit to allow additional employees to be permitted on the property. The current conditional use permit allows up to 12 employees as a part of the commercial business. The applicant would like the City to consider allowing up to 38 employees in association with the conditional use permit.

The applicant has prepared a narrative which describes how the employees are utilized in the business. There are no proposed changes to the existing buildings. Essentially, the additional employees need a location to park on the site. The majority of employees leave the site to perform their work. The applicant has a large "construction yard" located on the property. Employees currently park in a location to the north of the large accessory building and behind the existing residence.

He said Staff has reviewed the request and found that the site is in compliance with applicable City requirements. There have not been any known issues relating to the operation of the business on this property or pertaining to the conditions of the conditional use permit.

Any amendment to an existing CUP must meet the same requirements established for granting a new CUP. 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.

This property is guided for commercial use. Should the applicant wish to expand the buildings or make other material improvements to the business in the future, the City would likely want to consider rezoning the property to CLI and requiring other aspects of the business to be brought into compliance with applicable commercial standards (i.e. paved parking and loading areas, lighting, etc.). The nature and geographic location of the applicants business generally mitigates potential impacts on surrounding properties. The City will need to determine if the proposed amendment to the CUP meets the requirements for granting a conditional use permit. Commissioners can provide further direction relating to any additional provisions if recommended for approval.

Staff is seeking a recommendation from the Planning Commission for the requested amendment to the Conditional Use Permit. Should the Planning Commission make a recommendation to approve the requested action, the following findings and conditions should be considered:

1. The proposed Conditional Use Permit amendment request meets all applicable conditions and restrictions stated Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will be reviewed annually by the City to ensure conformance with the conditions set forth in the resolution.
3. The Conditional Use Permit would be amended as follows:
  - a. Permit up to 38 employees in association with the business.

4. The applicant shall pay for all fees associated with the City's processing and review of the Conditional Use Permit.

Olson asked if there was formula as to employees/ car ratio. Kaltsas said there was not a particular formula. He said he was looking at it as a ratio of 1-1 and feels there is more than enough room to accommodate a total of 38. Phillips asked if there was going to be a recommendation for delineation of the wetland. Kaltsas said he wants to make sure expansion doesn't happen over time but he is not concerned with the wetland's specifically. Olson asked if the CUP would pass to a new owner if it was sold. Kaltsas stated it would.

#### Public Hearing Open

**Motion by Gardner to close the Public Hearing, second by Olson.**

#### Public Hearing Closed

**Motion by Gardner to approve the amendment to the Conditional Use Permit at 1575 County Road 90 based on staff recommendations with the addition of #5 for the delineation of outdoor storage, second by Olson. Ayes: Gardner, Olson and Phillips. Nays: None. Absent: Thompson and Palmquist. Motion approved.**

5. **PUBLIC HEARING:** Leslie Peterson (Applicant/Owner) requests that the City consider the following actions for the property located at 2810 Nelson Road, Independence, MN (PID No. 18-118-24-13-0010):
  - a. A minor subdivision to allow a lot line rearrangement that would remove the "L shaped" portion of the eastern part of the subject property and combine it with the property to the north.

Kaltsas stated the property is located south of TH 12 and east of Nelson Road. The property has an existing residence and two detached accessory buildings. The applicant is seeking a minor subdivision to allow a lot line rearrangement so that the one acre "dogleg" can be deeded back and combined with the original owner's property to the north. The applicant was recently working with the adjacent property owner to clean up a title issue that existed on the subject property. During this process, it was found that the one acre slice of property was not correctly deeded many years ago and is now no longer needed by the owner of 2810 Nelson Road. In order to clean up the title, the owners of 2810 Nelson Road would like to square off their property and essentially return the one acre slice of property back to the owners of 9085 US Highway 12.

Staff has reviewed the request and offers the following information for consideration by the Planning Commission:

1. There are two existing accessory buildings located on this property (3,000 SF and 1,600 SF). When the buildings were constructed, the ordinance restricted accessory structure size to 2,600 SF for lots less than 10 acres. The ordinance now permits accessory structures to be no more than 2% of the buildable area of a lot. With the removal of the one acre slice of property, the lot has approximately 8 acres of buildable area. Based on the remaining 8 acres, the property would support approximately 7,000 SF. The applicant meets applicable criteria relating to the existing accessory structures.

2. The maximum number of animal units permitted on the property will be reduced to eight from nine.
3. The lot line rearrangement will not have any impacts on the existing buildings relating to setbacks.

Kaltsas said the City has not received any written comments pertaining to the request for a lot line rearrangement. He noted Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision to allow a lot line rearrangement with the following findings and conditions:

1. The proposed minor subdivision to allow a lot line rearrangement request meets all applicable conditions and restrictions stated Chapter V, Sections 500 and 510, Planning and Land Use Regulations and Zoning, in the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

Public Hearing Open

**Motion by Gardner to close the Public Hearing, second by Olson.**

Public Hearing Closed

**Motion by Gardner to approve the minor subdivision to allow the lot line rearrangement for 2810 Nelson Road, second by Olson. Ayes: Gardner, Olson and Phillips. Nays: None. Absent: Thompson and Palmquist. Motion approved.**

6. **PUBLIC HEARING:** Ruth and Stephen Clark (Applicant/Owner) requests that the City consider the following actions for the property located at 2365 Nelson Road, Independence, MN (PID No. 19-118-24-21-0008):
  - a. A variance to allow a detached accessory structure that exceeds the height of the principal structure.

Kaltsas said the subject property is located at 2365 Nelson Road which is on the west side of the road and approximately half way between US Highway 12 and Dean Lane. The property is approximately 10 acres in area. The property has a mix of wetlands, wooded areas and open space. The applicant would like to construct a detached accessory structure on the property. There is currently an existing home located on the property. The City regulates the total square footage permitted for detached accessory structures using a formula. The formula allows a property owner to construct an accessory building which does not exceed 2% of the upland square footage of the property. In this particular case the City has determined that the upland portion of the property is 8 acres. Based on this determination, the total allowable square footage for a detached accessory structure is 6,970 SF (8 acres - 348,480 sf \* .02 = 6969.50).

The applicant is proposing to construct a 2,088 square foot detached accessory structure which is less than the maximum size permitted. In addition to the limitation on building size, the City regulates the maximum height of detached accessory structures. The maximum height of an accessory structure shall not exceed the height of the principle structure.

<sup>3</sup> The height of an accessory structure shall not exceed the height of the principle structure. The height of the principle and accessory structure shall be measured in accordance with the definition provided in this ordinance, Section 510.05, Subdivision 10.

The City measured the height of the principle structure to be approximately 14 feet. The applicant would like the City to permit the detached accessory building to be 18 feet in height. In order for the applicant to construct a building higher than that which is permitted, the City will need to consider a 4 foot variance. The applicant is proposing to locate the building to the east of the principle structure. The accessory structure is proposed to meet all applicable building setbacks. Setbacks for the property are as follows:

*Subd. 3. Setbacks. All buildings and structures, including houses with attached garages, must meet or exceed the following setbacks:<sup>a</sup>*

- |     |   |   |
|-----|---|---|
| (a) | Front yard setback  | <sup>b</sup> 85 ft. from centerline of road         |
| (b) | Side yard setback   | <sup>b c</sup> 30 ft. from side lot line.           |
| (c) | Rear yard setback   | <sup>b</sup> 40 ft. from rear lot line.             |
| (d) | Setback from lakes, rivers and streams  | <sup>b</sup> 100 ft. from ordinary high water mark. |
| (e) | Setback from wetlands   | 25 feet from delineated wetland boundary            |
| (f) | Fences, trees, shrubs, or other appurtenances are not allowed within any road right-of-way. |   |

<sup>a</sup> *Substandard lots of record in the shoreland district, as defined in subsection 505.25, may be allowed as building sites provided they meet or exceed 60% of the setback requirements of this subdivision.*

<sup>b</sup> *Except buildings housing livestock which may not be located closer than 150 feet from an existing residential structure on all adjacent property.*

The applicant is proposing the following setbacks:

Front yard setback: 87 feet  
Side yard setback: 77 feet  
Rear yard setback: greater than required

The applicants would access the accessory structure from a new driveway access off of their existing driveway.

There are several factors to consider relating to granting a variance. The City's ordinance has established criteria for consideration in granting a variance.

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

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

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

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

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

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

Consideration of the criteria for granting a variance:

- a. The applicants are proposing to use the property in a manner consistent with the Rural Residential District. The applicants have attempted to locate the building to meet all other applicable setbacks for property zoned Agriculture.
- b. The applicant has provided the City with information regarding accessory structures and the heights of similar style homes on Nelson Road (see applicants Exhibits 7 and 8). The information provided shows that the proposed accessory building height would be in keeping with the general character of the surrounding properties.
- c. The character of the surrounding area is mixed residential/agricultural and guided for long term agriculture. The proposed detached accessory building is in keeping with the City's comprehensive plan.

This variance request represents the second height variance for an accessory structure since the adoption of the revised ordinance in 2013. At the time of adoption, the City contemplated initiating a limitation on accessory structure height in an effort to limit potential impacts on surrounding properties and had a proportional relationship to the principle structure. The City additionally reviewed a number of surrounding communities' ordinances to understand context for considering a height limitation. It was noted that many communities limited accessory structure height in residential or rural residential zoning districts. Agricultural zoning districts had less restrictive height limitations. The Planning Commission could recommend a future review of the accessory height limitations. The Planning Commission will need to determine if the requested variance meets the requirements for granting a variance.

Kaltsas said Staff is seeking a recommendation from the Planning Commission for the requested Variance with the following findings and conditions:

1. The proposed Variance request meets all applicable conditions and restrictions stated in Chapter V, Section 520.19, Procedures on variances, in the City of Independence Zoning Ordinance.
2. The 4 foot variance will allow the detached accessory building to have a maximum height of 18 feet as measured in accordance with City standards.
3. The proposed building cannot be used for a commercial business or storage.
4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
5. Any future improvements made to this property will need to be in compliance with all applicable standards relating to the Rural Residential and Shoreland Overlay zoning districts.

Phillips stated it is a 30% variance and the height of the door is the critical mass. Olson stated it made sense.

#### Public Hearing Open

Ruth Clark stated they built their rambler keeping the style of Frank Lloyd Wright in mind. She stated the 12' door height is due to having the foresight of someone may potentially want to store a motor home in the structure sometime in the future.

Kathy Pluth stated she is a neighbor to this property and does not have a problem with the proposed structure.

#### **Motion by Gardner to close the Public Hearing, second by Olson.**

#### Public Hearing Closed

**Motion by Gardner to approve the variance for an attached accessory structure at 2365 Nelson Road, second by Olson. Ayes: Gardner, Olson, Phillips and Palmquist. Nays: None. Absent: Thompson. Motion approved.**

7. **PUBLIC HEARING:** Evan Carruthers (Applicant/Owner) requests that the City consider the following actions for the unaddressed property located on Copeland Road and identified by PID No.s 29-118-24-23-0004 and 29-118-24-23-0005:
  - a. A minor subdivision to allow a lot combination which would combine the two parcels into one parcel.

Kaltsas stated the subject property is located north of CSAH 6, on the east side of Copeland Road. The property is currently undeveloped with a creek, wetlands and upland areas making up the parcel. The applicant is seeking a minor subdivision to allow a lot combination for the two subject properties. The applicant currently owns both properties and would like to combine the properties for the purpose of

constructing a single family residence on the combined properties. The City does not allow subdivisions of property in the Agriculture zoning district with the exception of lot line rearrangements, combinations and rural view lots subdivisions.

Kaltsas said there is currently an approximately 25 acre parcel and 6 acre parcel that would be combined to form an approximately 30 acre parcel. The applicant has plans to ultimately construct a single family home on the combined parcel. There does not appear to be any adverse effects on the surrounding properties as a result of the proposed lot combination. The larger parcel is in keeping with the intent of the City's Comprehensive Plan.

The proposed lot combination is generally in keeping with the City's zoning and subdivision regulations. The applicant owns several lots that are surrounding this property and located along the non-developed right of way. Standards for development of the combined parcel does not change in the after condition.

The City has not received any written comments regarding the proposed minor subdivision. Kaltsas said Staff is seeking a recommendation from the Planning Commission for the requested minor subdivision to allow a lot combination with the following findings:

1. The proposed minor subdivision for a lot combination meets all applicable criteria and conditions stated in Chapter V, Section 500, Planning and Land Use Regulations of the City of Independence Zoning Ordinance.
2. The Applicant shall pay for all costs associated with the City's review of the requested minor subdivision.
3. The Applicant shall record the subdivision and City Council Resolution with the county within six (6) months of approval.

#### Public Hearing Open

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

#### Public Hearing Closed

**Motion by Palmquist to approve the minor subdivision to allow a lot combination for the PID Nos 29-118-24-23-0004 and 29-118-24-23-0005, second by Olson. Ayes: Gardner, Olson, Phillips and Palmquist. Nays: None. Absent: Thompson. Motion approved.**

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

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

At the last Planning Commission Meeting staff presented information pertaining to decision points that could be considered by the City in adopting a solar energy ordinance. Commissioners spoke in favor of moving forward with an ordinance that addresses solar energy systems in Independence. Commissioners



discussed the general types of solar energy systems and how they relate to land uses and design standards. Commissioners were presented with public input relating primarily to where and what type of systems should be considered by the City.

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

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

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

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

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

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

Medina

*Definition of Community Solar Garden – NO*

*Structure/Roof Mounted*

- Permitted in all zoning districts.
- Height is limited to no more than 5 feet above finished roof.
- Cannot exceed 5% steeper pitch than roof.
  
- Permitted only in Business and Industrial Park Zoning districts.
- Conditional use in specified residential zoning districts.
- Counts towards total lot impervious surface coverage.
- Height is limited to 20 feet.
- Limited to 20% of lot area.
- 300 foot setback from residential properties.
- 100 foot minimum setback.
- 5 acre minimum parcel size.
- 1,000 foot maximum area of solar system.
- Screening can be required, but not stipulated.

Orono

*Definition of Community Solar Garden – NO*

*Structure/Roof Mounted*

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

*Ground Mounted/Free Standing*

- Not permitted in any Zoning Districts.

Minnetrista

*Definition of Community Solar Garden – NO*

*Structure/Roof Mounted*

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

*Ground Mounted/Free Standing*

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

St. Michael

## *Definition of Community Solar Garden – YES*

### *Structure/Roof Mounted*

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

### *Ground Mounted/Free Standing*

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

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

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

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

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

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

### Public Hearing Open

Nathan Rogers, Project Manager with Ecoplexes, outlined what a solar garden may look like and the benefits to the community it may contribute. He said Ecoplex was founded in 2008 and is based out of San Francisco. Rogers said they have developed 55 projects thus far. Rogers explained how solar is transported

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across the grid and how it ultimately becomes a source of power for the end user whether it be an individual or business.

Rogers stated the maximum height of the panels in a solar garden is 8-10". He noted they are simple yet complex systems. Rogers stated the systems are safe and are a nuisance-free land use.

Rich Kirkland, appraiser, said in his experience the impact of home sales next to a solar farm is no different than if the home was not next to the solar farm. The homes he has analyzed have sold for the same price. Kirkland said the main criteria he looked at were the impact on the property value, odor, noise, stigma, appearance and screening.

Palmquist stated he is trying to be objective as he possible can but there are studies that show negative impacts from solar gardens as well as the positive aspects. He stated he is concerned about property values.

Phillips asked for questions from the public audience.

A resident who did not identify herself asked about what happens after the 20 year time span and the recycling of these panels? Rogers stated it would be up to the landowner if they wanted to renew the lease or if they want to have the land back for other uses. He noted there are programs that take these units back to be recycled.

Jack Wegman asked the property values of the homes that were studied and noted this area would be of much higher values. He said aesthetically at high property values this would have more of an impact than on lower values homes. He noted there is also a smaller pool of applicants that would be available to purchase homes of these values. Wegman asked what would happen if a tornado were to hit the panels. Rogers said there would be minimal environmental harm.

Patrick Burns, 10390 Fenner Ave SE, said his property lies directly behind the applicant property. He said he is opposed to this application. Burns said real estate is about location. He noted the Franklin Township board recently rejected an application for a solar farm, which would have been in close proximity to this proposal. Burns said Delano rejected a solar farm in the business park. Burns stated the only one that would not be looking at this solar farm would be the applicant. He said he has a shooting range and hunts on his property but he would no longer be able to do that with this proposed solar farm. Burns said Kirkland is not qualified to speak about Minnesota properties and he rejects his comments. Burns said if the City commissioners would not want in their backyard then do not put it in his backyard.

Kathy Pluth, 2223 Nelson Road, said she came out to Independence 23 years ago and she loves the quiet, peaceful, rural atmosphere of the City. She is against solar farms and feels they are a commercial endeavor in an ag zoned area. Pluth said it would affect property values.

Peter Brasket, Lake Sarah Road, asked if there was going to be motion to amend the ordinance tonight. Phillips said this is a recommendation that goes to the City Council. He said there is no difference between a solar garden and a solar farm.

Laverne Dunsmore, Fenner Avenue, noted that when traveling you have different choices when paying for your view from your hotel. He said you pay more for an ocean view than a parking lot view and this is the same scenario with a solar farm.

LuAnn Brenno, 7676 Turner, said she is opposed to solar farms. Brenno said the ordinances presented show that they are not allowed. She said Medina, Greenfield and Orono have all said no. She said anyone

who buys property around here knows that farming is an integral part of the community. Brenno suggested there should be a “prohibited” category included on the proposed chart of solar definitions.

Jack Wegman said using matched pairs is the least desirable way to get property values. He said this is a flawed technique and gives little weight to Kincaid’s comments. Wegman said this proposal defies common sense and he feels his property would be harmed.

Tom Janis, 1350 Nelson Road, said looking at land use and the rights of the property owner versus the community the property lies within. He feels this would adversely affect property values. He noted they moved out here to get away from the city. Janis asked where the obligation to participate in the rural community stops and the right of the landowner lay. He said it is an interesting dilemma and he appreciates being part of the discussion.

Ruth Cark, 2365 Nelson, said she lives 1 ½ miles south of this property. She said this is a tough issue. Clark said this has been awesome presentation and she sees the need for solar but in the right location.

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

Public Hearing Closed

Phillips said they should start with the building integrated definition and work their way down the list. Palmquist said for building integrated solar they could use the accessory definition across the board. Kaltsas noted if needed they could pull an electrical permit. Olson said he agreed with Palmquist.

Phillips asked for comments on ground-mounted solar systems. Palmquist said ground-mounted should be conditional use permits with conditions to be further defined. Phillips said he has them in commercial and ag as an accessory but not in residential. He noted the reason was due to lot size being a condition. Phillips said he had a definition of 500 square feet for the maximum for ground-mounted.

Palmquist said he defers to the comp plan as they address the question of whether to allow solar farms. He respects the rural feel of Independence and feels the City does not to lead the charge by allowing solar farms.

Kaltsas noted they could get into specifics at the next meeting. Phillips said the ground-mounted definitions by Medina make a lot of sense. Kaltsas asked for feedback on the setbacks or minimum parcel size as they begin to draft language.

**Motion by Olson to approve the Planning Minutes from March 15, 2016, second by Palmquist. Ayes: Olson, Phillips and Palmquist. Nays: None. Absent: Thompson. Abstain: Gardner. Motion approved.**

9. Open/ Misc.

10. Adjourn.

Respectfully Submitted,

Trish Bemmels  
Recording Secretary

DRAFT