



PLANNING COMMISSION MEETING AGENDA  
TUESDAY MARCH 12, 2024

**7:30 PM REGULAR MEETING**

1. Call to Order
2. Roll Call
3. Approval of Minutes:
  - a. February 20, 2024, Planning Commission Meeting Minutes.
  - b. February 20, 2024, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING (Continued):** A text amendment to the City's zoning ordinance Chapter 5, Section 515, Solar energy systems.
  - a. The City will consider an amendment that will look at possible allowing an increase in the maximum square footage of residential scale ground mounted solar energy systems. The current maximum is 500 square feet.
5. Open/Misc.
6. Adjourn.



CITY COUNCIL MEETING  
MINUTES  
TUESDAY FEBRUARY 20, 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, Councilor Spencer, Betts,

Absent: Councilor Grotting and McCoy

Staff: Kaltsas, Simon

Visitors: Bill Stoddard

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 February 6, 2023, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch # 1; Checks Numbered 22624-22644, Batch # 2; Checks Numbered 22645-22660) NOTE: Check Numbered 22621-22623 were voided due to printing error.
- c. Approval of Additional Election Judges for 2024 PNP, Primary General Elections.
- d. Approval of annual liquor/tobacco license renewals for the following establishments:
  - i. Ox Yoke Inn - Off Sale, On Sale and Sunday License
  - ii. Windsong Farm Golf Club LLC - Off Sale, On Sale, Sunday and Tobacco License
  - iii. Pioneer Creek Golf LLC - On Sale and Sunday License

**Motion by Spencer, seconded by Betts to approve the Consent Agenda. Ayes: Johnson, Betts and Spencer. Nays: None. Absent: Grotting and McCoy. Abstain. None.**  
**MOTION DECLARED CARRIED. 3-0**

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:**

- Fire district at Loretto Fire Station 1
- Mayor Julie Mass Kuske
- LMC experienced leaders conference
- LMCC commission meeting

**Johnson attended the following meetings:**

- Orono Healthy Youth
- Delano School Board meeting
- Police Commission
- Quarterly West Suburban Fire Dept
- Interviews for police candidate
- LMC training
- Chamber of Commerce
- Zoom - small cities council National League of Cities
- NW League
- Former Council Member Harlan Strong's Funeral service

**Kaltsas attended the following meetings:**

- Luke Fisher with LMC to go over items on our agenda going on with legislative session, met with administrators about fire services.  
Johnson – anything productive come from the fire meeting?  
Kaltsas – nothing productive. There's a lot of questions and uncertainty. What is the process and financial pieces. That's the reason for the administrators meeting.  
Spencer – I'd be happy to go to the next meeting. People are concerned about the taxing. People have a lot of different concerns.  
Johnson – we are dealing with MP as city fire and WS as private.  
Spencer – people want different roles and a lot to work through. There is unified interest.  
Johnson – On Thursday I am supposed to give a state of the city at LMCC.

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

Kroells – tragedy that happened in Burnsville police and paramedics. The city of Independence and Maple Plain, our thoughts and prayers go out to them and their families. Gave ultimate sacrifice running towards gun fire instead of away. It's a bad time in MN and our country.

Johnson – my sister called from Iowa, her family is very close friends with one of the officers.  
Kroells – 27 year olds and 40. They just started their law enforcement careers. Earlier today we laid Sergeant Pieper to rest. Struggled with cancer. Really amazing turn out for the local area. Leaves behind wife and two kids. He was a resident of MP in his youth. He lived with Sergeant Denneson and was on MP Fire Dept. He gave training on citizens academy.

January – 377 incident complaints (241 Independence/95 Maple Plain)

\*See full police report

Citizen's academy started last Thursday. Largest group so far. This is our 25<sup>th</sup> year of doing this.



Tomorrow we have a swearing in ceremony for officer Nick Eldred

8. William Stoddard (Applicant) Breck Farm, LLC (Owner) requests that the City consider the following actions for the property located at 9285 US Hwy 12, Independence, MN (PID No. 18-118-24-21-0001):

Final plat and rezoning tonight. Development we are looking at received a recommendation from planning. A few items needed to be completed by applicant. We are at a point where we have a final plat and rezoning that can be looked at. It is zoned AG currently but guided by comp plan as UC/residential. We approved a CUP for planned unit development which it will fall under for guiding this commercial portion. Residential will remain under AG standards for those individual lots.

Residential lots on the East side (7) will mirror lots on Nelson Rd. It will create division between residential along both sides of road and on the west side will go all the way to the corner of Hwy 12. MnDOT needed to approve right in right out access, and we just received approval temporary until a frontage road can be constructed to county line rd. We have had discussion about that and can reconstruct that with the roundabout or reconstruction of Hwy 12. There isn't anything set or determined. Where does it make sense to build this. We do have ROW.

Johnson – is that at the hands of the city or county, or MnDOT

Kaltsas – it isn't defined. It will be triggered by development to the west of this property or triggered as a part of the MnDOT project. We show this as a preferred project.

Johnson – but the property owner in the corner is not interested in selling?

Kaltsas – no they have no interest. There are still a couple of final engineering comments being revised. Stormwater and wetland mitigation. Mitigation of wetlands on the property to accommodate the property. Minimize wetland impact as much as possible. Applicant has been working with the panel that reviews this information. Out of 15 acres, they are impacting less than an acre. In the prelim plat, applicant proposed to use small stormwater ponds and in talking through that, the city recommended eliminate those small ponds. Primary and secondary septic sites are on all the lots. On site septic and well will service this property until we get to the point to serve this area. It would probably need another development to come in to get to that point. Developer provided a phasing plan on how they intend to develop the commercial properties. Residential properties can start at any point. The way the applicant is platting the property is an overall plat, lots 1 being commercial, lot 2 second phase and lot 3 be final. As they built these, they would break it into their own PID. They are all separate plats broken down into individual PIDS. There is park dedication broken down by residential and commercial. In the prelim plat, developer noted they intended to keep the storage barn. Once we got all the sizing figured out, the building does meet setbacks, but it is a nonconforming building. It was noted at prelim, but we didn't know how it would fit. Applicant would like to keep it and then sell it with the highway lot. That lot is closer to highway, it does have some buffer with evergreen screen around it. Developers' agreement would finalize phasing of buildings and securities and brought back to council.

Betts – refresh mind on materials

Kaltsas – architectural for condominiums it is a mixture of siding, steel, and glass.

Johnson – I have no concerns about it remaining there.

Spencer – I just worry about it not having a house on it, and just a pole building. Maybe we make



an expectation that a house be built within a timeframe and update the color or aesthetic of it to match. It should be conforming and an accessory to something. It is a waste to tear it down.

Kaltsas – condos are a steel building with wood finish and glass.

Betts – contemporary and clean.

Johnson – how many home lots have joint driveways?

Kaltsas – lots 1 & 2, lots 3 & 4 and lots 6&7. 3 of the 7.

Betts – do any of the properties have shared driveways?

Kal – they are all separate, but they don't have any of the wetland issues. They are identical sizing though.

- a. **ORDINANCE 2024-01** – Considering approval of rezoning of a portion of the property (~28 acres) from AG-Agriculture to UC-Urban Commercial, consistent with the approved Comprehensive Plan.

**Motion by Spencer seconded by Betts to approve ordinance 2024-01. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: Grotting, McCoy. Abstain. None.**

**MOTION DECLARED CARRIED. 3-0**

- b. **RESOLUTION 24-0220-01** – Final Plat for the proposed subdivision consistent with the approved preliminary plat; and the development agreement as recommended by City Council.

**Motion by Johnson seconded by Spencer to approve resolution 24-0220-01. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: Grotting, McCoy. Abstain. None.**

**MOTION DECLARED CARRIED. 3-0**

9. Open/Misc.

10. Adjourn.

**Motion by Spencer, seconded by Betts to adjourn at 7:15pm. Ayes: Johnson, Betts, and Spencer. Nays: None. Absent: McCoy, Grotting. Abstain. None.**

**MOTION DECLARED CARRIED. 3-0**

11. Meeting adjourned

Respectfully Submitted,

Carrie Solien/Recording Secretary

City of Independence

***Consideration of a Text Amendment to the  
Zoning Ordinance Relating to Solar Energy Systems***

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*To:* Planning Commission  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* March 12, 2024

***Request:***

A text amendment to the City's zoning ordinance Chapter 5, Section 515, Solar energy systems.

- a. The City will consider an amendment that will look at possible allowing an increase in the maximum square footage of residential scale ground mounted solar energy systems. The current maximum is 500 square feet.

**UPDATED DISCUSSION:**

Based on the discussion and direction provided by the Planning Commission at our last meeting, I prepared two options that can be considered for how the City could potentially amend the ground mounted solar energy ordinance to provide for systems that are more proportional to the energy demands generated by homes in Independence. While there is not an established "home size average", it was noted that the average home size directly correlates to energy demand which directly correlates to solar energy system size. In looking at our current language, language relating to similar structures (i.e. accessory structures), it was noted that we have often used proportionality between lot size or principal home size as a metric in permitted allowances. With this in mind, the City has also been successful in using the "review committee" (ABRC) as a way to vet potential impacts of certain entities.

**Option A** – this option would utilize the already established ABRC review committee to consider ground mounted solar energy systems. With this concept, the committee could consider approval of a ground mounted system up to 2,500 SF. For discussion, I proposed to increase the minimum lot size to 5 acres. The remaining criteria would have to be complied with fully in order for the ABRC to consider approving. If the ABRC does not approve, a property owner could appeal to the Planning Commission and City Council but only under the CUP rules. The City could keep the rules the same as now or amend to be consistent with the proposed changes below. This concept also requires the sign-off of all adjoining property owners.

(1). The city council may establish a ground mounted solar energy system review committee to review construction and site plans submitted for any proposed ground mounted solar energy system to ensure compliance with the following:

- a. Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.
- b. The property is 5 acres or larger.
- c. The maximum size of any ground mounted solar energy system is 2,500 SF.
- d. 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.
- e. The ground mounted solar energy systems shall not be located in the Shoreland Overlay District.
- f. The ground mounted solar energy system shall not be visible from any City, County or State roadway. Screening can be installed to mitigate visibility as determined necessary by the committee.
- g. Properties that share a property line with an Outlot, can be granted a reduction in the applicable 100 foot property line setback. In no case shall the setback be less than 50 feet.
- h. The applicant shall provide with the application, the written consent of 100 percent of the owners of privately or publicly owned real estate directly abutting the premises for which the permit is being requested (on forms provided by the city). Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners of property located on the opposite side of the street. Where an abutting property consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.

**Option B** - this option would consider amending the existing ordinance. Proposed amendments are noted below. The biggest change would be to provide a proportional scale between lot size and solar energy system size. This could be done in a multitude of ways; however, I provided one way as an example for discussion. I also believe that separation from property lines and adjoining residential structures should be increased to ensure minimal impacts.

Subd. 5. Ground-Mounted Solar Energy Systems - shall conform to the following standards:

- (a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.
- (b) Ground-mounted systems shall be located only in rear or side yards.
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District.
- (d) Ground-mounted systems shall be wholly screened from view from the public right of way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- ~~(e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.~~
- ~~(f) Ground-mounted systems shall be setback 40 feet from the rear yards.~~
- ~~(g) Ground-mounted systems shall be setback 30 feet from the side yards.~~
- (h) Ground-mounted systems shall be setback 100 feet from all property lines.
- (i) Ground mounted solar energy systems shall be located a minimum of 500 LF from any residential structure on an adjoining property.
- (j) The maximum height for any component of the system shall be 15 feet.
- (k) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.



(l) 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.

(m) Ground-mounted solar energy systems shall have a maximum allowable area as follows:

Properties with a minimum of 2.5 acres up to 3.49 acres: 500 SF

Properties with a minimum of 3.49 acres up to 4.99 acres: 1,000 SF

Properties with a minimum of 5.0 acres up to 7.49 acres: 1,500 SF

Properties with a minimum of 7.5 acres up to 9.99 acres: 2,000 SF

Properties with a minimum of 10.0 acres: 2,500 SF

Staff will be looking for additional direction and discussion pertaining to potential amendments to the ordinance. As noted at the meeting, I am also providing the address of the only existing system that has been constructed in Independence.

***Existing systems (note – one located in Minnetrista):***

7297 Co Rd No 6,  
Independence, MN 55359

9226 U S Hwy No 12,  
Independence, MN 55328

4885 Co Rd No 151,  
Minnetrista, MN 55364

**Discussion:**

Since the adoption of the solar energy ordinance in 2016, the City has considered 3 variance applications relating to ground mounted solar energy systems. All three of the applications considered asked for more than 500 SF of ground mounted surface area which is the maximum size allowed by the City's currently solar energy ordinance. The current ordinance stipulates the following relating to ground mounted solar energy systems:

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.
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- (e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.
- (f) Ground-mounted systems shall be setback 40 feet from the rear yards.
- (g) Ground-mounted systems shall be setback 30 feet from the side yards.
- (h) Ground-mounted systems shall have a maximum area of 500 SF.
- (i) The maximum height for any component of the system shall be 15 feet.
- (j) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- (k) Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.

Staff has discussed the possibility of increasing the size of allowed residential scale ground mounted solar energy systems based on the demonstrated need of a particular property. In addition to demonstrated need, the City could consider additional criteria similar to those already contemplated in the current

ordinance. Criteria such as lot size, separation or setbacks from adjacent or neighboring properties, maximum size, etc.

The City reviewed similar ordinances for surrounding communities and noted that the following methods are being utilized:

- Percentage of lot coverage (i.e., counts towards maximum lot coverage requirements – 20%)
- Minimum setbacks (i.e., 300 LF from adjacent residential structures and 100 LF from property line)
- Maximum SF (i.e., 4,000 SF – anything over 1,500 SF is a CUP)
- Minimum lot size (i.e., 5 acres minimum lot size)

The City also reached out to several solar installers to discuss energy usage and solar array sizes typical for today's technology. The City obtained the following information:

**Large Residence Example**

Conditioned Square Footage: 14,750 sqft  
Usage Estimate per Sq/Ft: 0.45 kWh/sqft/month  
Estimated Monthly Usage: 6,637 kWh  
Estimated Annual Usage: 79,650 kWh

Proposed Solar Installation production estimate: 56,169 kWh  
Estimated offset: 71%

**MN Average Single-Family Home Example**

Square Footage: 2,026 sq.ft.  
Average Monthly Usage: 1,013 kWh  
Average Annual Usage: 12,156 kWh

The relationship between size of home and usage has been a dependable starting point for determining estimated usage on new construction. In instances where utility bills can be used to see historical usage, the estimate for most homes tracks still tracks within 10% of actual usage. With the addition of electric vehicles and the trend to electrify homes, we have been seeing a trend upwards in average home usage. Electric vehicles alone will add an average of 270 kWh/month per vehicle.

Current 500 sqft CUP limit for ground mounts

- Allows for 22 x 420 modules or 9.24 kWDC system (using the most efficient module in the marketplace)
- Production when optimally placed and tilted, and with no shade would produce approximately 11,916 kWh/yr

Based on the information obtained and considered by the City in reviewing this issue, the following considerations are provided to Planning for further discussion:

- Increase the allowable size of ground mounted solar arrays allowed by conditional use permit to be commensurate with demonstrated usage. This could include utilizing a third-party consultant to prepare and document demonstrated need for each application.
  - Maximum size of ground mounted systems meeting the following additional criteria and showing demonstrated need **is 2,500 SF**
- Provide additional criteria that would be used to review applications:
  - Increased property size or minimum large property size – **10 acres minimum** to exceed 500 SF
  - Increased setbacks from property lines – **100 LF from property lines and 1,000 LF from adjacent residential structures**

***Recommendation:***

It should be noted that the solar energy ordinance has been utilized for many roof or structure mounted systems and has accommodated more than 5 ground mounted systems that all have met the applicable requirements. The issue relating to the maximum size of residential scale ground mounted systems has been identified and warrants further discussion. Staff is seeking feedback and direction from the Planning Commission relating to this issue. Based on the feedback and direction, it is anticipated that a formal ordinance amendment would be brought back for formal recommendation to the City Council.

**Option A**

- (1). The city council may establish a ground mounted solar energy system review committee to review construction and site plans submitted for any proposed ground mounted solar energy system to ensure compliance with the following:
- i. Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.
  - j. The property is 5 acres or larger.
  - k. The maximum size of any ground mounted solar energy system is 2,500 SF.
  - l. 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.
  - m. The ground mounted solar energy systems shall not be located in the Shoreland Overlay District.
  - n. The ground mounted solar energy system shall not be visible from any City, County or State roadway. Screening can be installed to mitigate visibility as determined necessary by the committee.

- o. Properties that share a property line with an Outlot, can be granted a reduction in the applicable 100 foot property line setback. In no case shall the setback be less than 50 feet.
- p. The applicant shall provide with the application, the written consent of 100 percent of the owners of privately or publicly owned real estate directly abutting the premises for which the permit is being requested (on forms provided by the city). Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners of property located on the opposite side of the street. Where an abutting property consists of a multiple dwelling, the applicant need only obtain the written consent of the owner or manager, or other person in charge of the building.

## **Option B**

Subd. 5. Ground-Mounted Solar Energy Systems - shall conform to the following standards:

- (n) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.
- (o) Ground-mounted systems shall be located only in rear or side yards.
- (p) Ground-mounted systems shall not be located in the Shoreland Overlay District.
- (q) 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.
- ~~(r) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.~~
- ~~(s) Ground-mounted systems shall be setback 40 feet from the rear yards.~~
- ~~(t) Ground-mounted systems shall be setback 30 feet from the side yards.~~
- (u) Ground-mounted systems shall be setback 100 feet from all property lines.

(v) Ground mounted solar energy systems shall be located a minimum of 500 LF from any residential structure on an adjoining property.

(w) The maximum height for any component of the system shall be 15 feet.

(x) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.

(y) 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.

(z) Ground-mounted solar energy systems shall have a maximum allowable area as follows:

Properties with a minimum of 2.5 acres up to 3.49 acres: 500 SF

Properties with a minimum of 3.49 acres up to 4.99 acres: 1,000 SF

Properties with a minimum of 5.0 acres up to 7.49 acres: 1,500 SF

Properties with a minimum of 7.5 acres up to 9.99 acres: 2,000 SF

Properties with a minimum of 10.0 acres: 2,500 SF