



PLANNING COMMISSION MEETING AGENDA
TUESDAY FEBRUARY 20, 2024

7:30 PM REGULAR MEETING

1. Call to Order
2. Roll Call
3. Approval of Minutes:
 - a. December 19, 2023, Planning Commission Meeting Minutes.
 - b. February 6, 2024, City Council Meeting Minutes (For Information Only)
4. **PUBLIC HEARING:** John Bellingham (Applicant) Mary Bellingham (Owner) are requesting the following action for the property located at 2616 CSAH 90 N (PID No. 14-118-24-32-0004) in the City of Independence, MN:
 - a. A minor subdivision to allow a lot line rearrangement which would adjust the property line between the two existing properties.
5. **PUBLIC HEARING:** 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.
6. Open/Misc.
7. Adjourn.



MINUTES OF A MEETING OF THE
INDEPENDENCE PLANNING COMMISSION
TUESDAY, DECEMBER 19TH, 2023

1. **Call to Order**

Pursuant to due call and notice thereof, a work session of the Independence Planning Commission was called to order by Chair Thompson at 7:30 PM.

2. **Roll Call**

Present: Dumas, Volkenant, Thompson and Usset

Absent: Gardner, Tearse, Administrative Services Director Simon

Staff: City Administrator Kaltsas

Visitors: See Sign in sheet

3. **Approval of Minutes**

- a. October 17, 2023, Planning Commission Meeting Minutes.

Motion by Volkenant, seconded by Usset to accept the minutes as written.

Ayes: Dumas, Volkenant, Thompson and Usset.

Nays: None. **Absent:** Tearse, Gardner

Abstain: None.

Motion Approved. 4-0

4. **Public Hearing** (CONTINUED FROM SEPTEMBER PLANNING COMMISSION MEETING) PUBLIC HEARING: Peter Johnson (Applicant/Owner) is requesting the following actions for the property located at 6220 CSAH 11 (PID No. 02-118-24-32-0001) in the City of Independence, MN:

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

Property/Site Information:

The property is zoned Agricultural. Guided by the city as rural residential. In the before condition its 56.95 acres. It exceeds 40 acres and has one rural view lot eligibility under the agricultural zoning. In the proposed condition parcel (a) would be 8 acres and parcel (b) would be 48.95 acres.

The city has provisions for this property as it relates to guided rural residential. The comprehensive plan says that it could be rezoned as rural residential and then under rural residential we have different provisions related to the subdivision. I have talked to a lot of people over the years regarding this property as it has been for sale. There are some challenges with this property. In the aerial view you can see there is a small creek that runs diagonal and cuts off the NE corner of the property. There are also some existing wetlands on this property and then there is this narrow throat that comes down to County Rd 11 where the existing driveway is that approaches 11 and that is how you access the existing farmhouse that is located on the south portion of the property. In looking at how that property lays out, people have shy away from the idea that you could make that one in five work well. We now have a proposal in front of us to consider just breaking off the NE corner with a rural view lot. We do allow 1 rural view lot to be created for each 40 acres of property. The lot size required minimum of 2.5 acres max of 10 acres. They are proposing 8 acres. The minimum lot frontage required for properties between 5-10 acres is 300 lineal feet. In this case the parcel only has 120 lineal feet on Stefanie Way Right of Way. That is where the variance would come in. They are seeking an exception to be able to connect this property with access onto Stefanie Way. We also have a requirement for lot frontage to lot depth ratio 1:4. This is really 1:1 ½ based on what they are proposing as a shape noting there is only 120 feet on Stefanie Way. The remainder of the property does not have any non-conformities in the current or after condition. One thing to note is that the existing septic system is not certified and would require that current system be brought up to current standards. in this case we are recommending that because the house is vacant and likely non-inhabitable the city would allow for the existing tank and pipe to be collapsed and house be tagged as non-inhabitable which is acceptable to the owner of the property. Hennepin County has requested 17 feet of additional right of way. We have complied with that and have required that as a part of the subdivision for all development along County Rd 11. The last thing is there is a park dedication requirement for the new lot as created in the packet.

Proposed survey shows the new property line that really follows the creek that is there the drainage way. They are trying to carve out 8 acres that for the most part the majority of this is upland acreage. For the most part this is cropland / upland that would accommodate a house and a primary and secondary septic tank on that site.

In looking at what they are proposing, I pulled up the national wetland inventory along with an overall picture of a couple of the sections of the city to look at connectivity between the developments. Clearly Stefanie Way was left connected to this property. The 120 ft I don't know how or why it was left with that dimension. In any case that is what is there. It looks like that road was trying to maximize the lots up against the wetland to the North on Stefanie way. If you look at the overall picture, you can see there is a significant wetland that runs on a diagonal through

the NE quadrant of the property that really starts to create a barrier. When you start to do that and look at how a road would lay out and then where does it go and then what do you have on each side as far as development purposes it becomes complicated and it somewhat limiting with what you can develop without building a lot of road that may or may not serve very much property.

If you were looking at Stefanie Way not being extended in the future, that would be a consideration we would have to make. When we are doing large scale or big planning connectivity is what we strive for. We want to interconnect neighborhoods and streets. In looking at the area and how you get through that there are some challenges. If you were to consider this lot being broken off, we would be saying that Stefanie Way is a cul de sac and this would be the completion of the cul de sac. If you look at how you begin to lay this out, there is a road right of way that we preserved off of Lake Sarah Rd when we subdivided this 5-acre property. This provides a little bit of perspective on what does that start to look like. The property on the NE corner of this lot and its location to Stefanie Way, it almost relates better to that than the rest of the property.

The applicant did provide the onsite primary and secondary for this 8-acre lot that is shown on the survey. If you are looking at the variance, ask that is being considered. We have standards for developing a variance. The variance must demonstrate there is practical difficulties in developing or using the property and can't be as a result of the owner. The circumstances are unique to this property and if considered for approval would not unreasonably impact surrounding properties and would fit into the character of the locality.

On a cul-de-sac bulb we require only 50 lineal feet of frontage. This is really close to but made the interpretation that this is not fully on the bulb. We thought this would be better looked at in the whole process, plus given the impacts of maybe closing off the future of Stephanie Way. The way that the lot becomes isolated the 56 acres if/when you look at extending infrastructure / road to the South and so becomes somewhat of a hardship for the property. The city doesn't have an overall master plan and how that property develops. You can look at it both ways. One where it extends through and one where it doesn't. The 5-acre parcel development on this property is challenging. There are probably opportunities to do it and there are probably opportunities for the 45-acre remainder parcel maybe to combine with the one in the east. There is no timing on that. There could be a third possibility that someday the city if this doesn't develop in the next 15-20 years. Maybe there is sewer that becomes available. We know that there is sewer on Co Rd 11 not accessible to this property because there is no capacity in that now but at some point, that could change.

The Planning Commission would need to make a finding that they meet the criteria for granting a variance and then also they meet the requirements to allow a minor subdivision to allow the rural view lot.

Usset – can you please say more regarding how it is not included in bulb the cul-de-sac?

Kaltsas – Typically when we have done the bulb, we look at does the property have a clear point of contact with the bulb part. This is really on the angient line of the bulb. When we looked at it, it wasn't black and white there was a little grey. The ramification of that determination is a better planning determination than a city staff determination.

Manny Day (6275 Stephanie way). 2.5 years ago, my wife and I moved out here. We knew about the 2040 master plan so we knew that this would eventually residences. We just didn't think it would be in our lifetime. We also knew about the rule about the 120 lineal feet. We read through reasons why. Your main issue now is what could the city do to further circumvent the existing rules. One house isn't too bad, when you walk in our front door and look south and southwest it is rolling hills with a very peaceful and tranquil setting. We didn't want to infringe on that, if there were multiple residential houses on that site that is the main way we would be affected. We would have someone in front of us and in back of us. Hopefully there won't be any more development than one house there. That will maintain our way of life and the reason we moved out of Plymouth.

Dan Schumacher (6320 Co Rd 11). What we have an issue with is the creek that is in dire need of cleaning. It has caused a lot of water problems over the years and if a home is built there and it turns from farmland to residential it is going to make the problem worse. We would like to see if this is all approved that the creek is cleaned out so the water can flow better. That effects evey one to the west all the way to Co Rd 92. When we get a heavy snow melt or heavy rain our entire property floods. That is a big problem. We have no objections to one house; we have objections to a number of houses back there. Is there anything the Planning Commission can do to maintain a single home with that 8 acres and prevent in the future that property owner from splitting it off into 2 3-acre lots.

JoAnn Schumacher (6390 Co Rd 11). It is not necessarily a creek it can be a drainage ditch or however it is considered. This was originally a farm drainage ditch. We have no problem with the lot split as long as the ditch is maintained and that can be put into the provisions.

Kaltsas – Ag minimum lot size is 40 acres. No more rural eligibilities on that property after it is subdivided. 7.6 is the threshold for the subdivision. But you would have to have the frontage. You would have to get a variance. This would be highly unlikely. I would be happy to look at the creek and the drainage. It may be worth noting that the Planning Commission as a condition that we place the drainage and utilities easement across that.

Motion by Story, seconded by Volknant to recommending approval of the proposal for 6220 Co Rd 11 with the addition of a drainage and utility easement across the delineated wetland.

Ayes: Dumas, Volkenant, Thompson and Usset.

Nays: None.

Absent: Tearse, Gardner

Abstain: None.

Motion Approved. 4-0

Kaltsas – That will go to city council on January 2nd

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

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

Property/Site Information:

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

Property Information: 7075 Highway 12 (PID No. 22-118-24-24-0001)

Zoning: AG-Agriculture

Comprehensive Plan: AG-Agriculture

Acreage: 42 acres. *In total the applicant owns almost 500 acres. Including properties to the West, South and Southwest of the property.*

Discussion:

The applicant approached the City about the possibility of installing a ground mounted solar system on the subject property. The City provided the applicant with the requirements and

discussed the process for initially developing the City's standards relating to ground mounted solar systems. All ground mounted solar systems require a conditional use permit. Ground mounted solar systems are limited to a maximum square footage of 500 square feet. Ground mounted solar systems have the following requirements:

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

- (a) Ground-mounted systems shall only be allowed on a parcel with an existing principal structure.*
- (b) Ground-mounted systems shall be located only in rear or side yards.*
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District.*
- (d) Ground-mounted systems shall be wholly screened from view from the public right-of-way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.*
- (e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.*
- (f) Ground-mounted systems shall be setback 40 feet from the rear yards.*
- (g) Ground-mounted systems shall be setback 30 feet from the side yards.*
- (h) Ground-mounted systems shall have a maximum area of 500 SF.*
- (i) The maximum height for any component of the system shall be 15 feet.*
- (j) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.*
- (k) Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.*

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

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

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

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

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

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

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

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

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

520.23. Conditions and restrictions. The board of adjustments may recommend, and the City Council may

impose conditions on a variance. Conditions must be directly related to and must bear a rough proportionality to the impact created by the variance. (Amended, Ord. 2011-08)

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

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

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

Neighbor Comments:

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

Recommendation:

Staff is seeking a recommendation from the Planning Commission pertaining to the request for a conditional use permit and variance with the following findings and conditions:

1. The proposed conditional use permit and amendment request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit will include the following conditions:
 - a) The conditional use permit will allow a 500 SF ground mounted solar system 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 City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the city finds the following:
 - a. The proposed residential ground mounted solar system will not take away from the essential character of the property or surrounding properties.
 - b. The proposed variance will allow a larger residential ground mounted solar system that provides energy solely for this residential property.
 - c. Potential impacts resulting from the larger ground mounted solar system are adequately mitigated as a result of the properties location and proximity to surrounding properties.
4. The applicant shall pay for all costs associated with the review and recording of the resolution granting approval of the conditional use permit and variance.

Kaltsas – we had a previous request that was on Hwy 12 that was about 2500 sq feet. We also had another one that came in on a residential basis on Co Rd 90. That one people were concerned about visibility and that you could see it from Hwy 12. Discussion if they could accommodate the additional power they were trying to generate by placing it on the house. There was some limitations on the house with the South facing portions of the roof.

Volkenant - Is there any reason that some of these could be mounted on the structures. Since the structure is new it should be structurally sound.

Usset – the current owners could build a very large pole barn and put this on the roof.

It is very difficult to see into this property.

Open Public Hearing

General consensus was that large scale solar was off the table. Most people were against it. Large scale starts to become scary to some people. This is 32.8 just for their personal use. We really need some criteria and revisit the ordinance as it may be outdated. We didn't have anything to go by.

2 actions tonight. 1) Ground Mounted Solar CUP for 500 Sq Ft. We have granted that one and let them decide. That is our ordinance there is no variance to that. It is a conditional use. 2) Recommendation of denial of the variance as they do not have an economic hardship.

Motion by Usset, seconded by Story to approve CUP for 500 Sq Ft subject to staff recommendations 1 and 2 and denial of the variance #3.

Ayes: Dumas, Volkenant, Gardner and Usset.

Nays: None. Absent: Thompson, Tarse

Abstain: None.

Motion Approved. 4-0

Motion to adjourn by Volkenant, seconded by Story.

Ayes: Dumas, Volkenant, Gardner and Usset.

Nays: None. Absent: Thompson, Tarse

Abstain: None.

Motion Approved. 4-0

Meeting adjourned.

Respectfully Submitted,
Carrie Solien/Recording Secretary



CITY COUNCIL MEETING
MINUTES TUESDAY FEBRUARY 6,
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 Councilor Spencer at 6:30 p.m.

2. Pledge of Allegiance

Councilor Spencer led the group in the Pledge of Allegiance.

3. Roll Call

Present: Councilor Spencer (acting Mayor), Betts, Grotting

Absent: McCoy, Mayor Johnson

Staff: Kaltsas, Simon

Visitors: George Betts

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 January 16, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable; (Batch # 1; Checks Numbered 22584-22595, Batch # 2; Checks Numbered 22597-22607 and Batch # 3; Checks Numbered 22608-22620) NOTE: Check Numbered 22596 was voided due to printing error.

Motion by Grotting, seconded by Betts to approve the Consent Agenda. Ayes: Betts, Grotting and Spencer. Nays: None. Absent: McCoy, Mayor Johnson. 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:

- Pioneer Sarah Creek Watershed Meeting



- Meeting with Chris Getszel Environmental Services
- Loretto Fire District
- LMC Executive Committee

Kaltsas attended the following meetings:

- Meeting with Maple Plain/ Delano about Hwy 12 grant money to discuss how and what grants to apply for.
- Possible Bonding Bill
- Fire District meeting tomorrow morning. Maple Plain, Loretto, Corcoran, Medina, and Independence
- Meeting with LMC Director on Friday to talk about insurance premium costs for police officers and zoning control issues.

7. Public Safety Aid – West Suburban Fire District Request for Funding.

Kaltsas – city received a one-time public safety aid payment. Allocated on population basis between cities. We have talked about this money as it relates to WHPS and Fire. At WHPS commission meeting, they voted to prorate share – formula looked at expenditures for each of the public entities as a percentage. We have approved through fire commission now. We have two fire depts now – MP and West Suburban. West Suburban did ask for the funds if cities were willing. Needs SCBA breathing equip. The two merging departments had different brands that did not work together. Based on the formula, 70/30 split. WS \$13,085.45. Asking for council to authorize those funds to West Suburban, but no decision on the remaining funding.

Motion by Spencer, seconded by Grotting to approve the payment of the share of funding at \$13085.45 be paid to purchase their SCBA apparatus. Ayes: Betts, Grotting and Spencer. Nays: None. Absent: McCoy, Mayor Johnson. Abstain. None.

MOTION DECLARED CARRIED. 3-0

8. Open/Misc.

9. Adjourn.

Motion by Betts, seconded by Grotting to adjourn at 6:40pm. Ayes: Betts, Grotting and Spencer. Nays: None. Absent: McCoy, Mayor Johnson. Abstain. None.

MOTION DECLARED CARRIED. 3-0

Meeting adjourned.

Respectfully Submitted,
Carrie Solien/Recording Secretary

■City of Independence

***Request for a Minor Subdivision to Allow a Lot Line Rearrangement Between
the Properties Located at 2616 County Road 90***

<i>To:</i>	Planning Commission
<i>From:</i>	Mark Kaltsas, City Planner
<i>Meeting Date:</i>	February 20, 2024
<i>Applicant:</i>	John Bellingham
<i>Owner:</i>	Mary Bellingham
<i>Location:</i>	2616 County Road 90

Request:

John Bellingham (Applicant) Mary Bellingham (Owner) are requesting the following action for the property located at 2616 CSAH 90 N (PID No. 14-118-24-32-0004) in the City of Independence, MN:

- a. A minor subdivision to allow a lot line rearrangement which would adjust the property line between the two existing properties.

Property/Site Information:

The properties are located on the east side of County Road 90, just north of Warren Way. The east property has an existing home and detached garage, and the west property has an existing detached accessory structure. The property has the following characteristics:

Property Information: 2616 County Road 90 (PID No. 14-118-24-32-0004)

Zoning: *RR-Rural Residential*

Comprehensive Plan: *RR-Rural Residential*

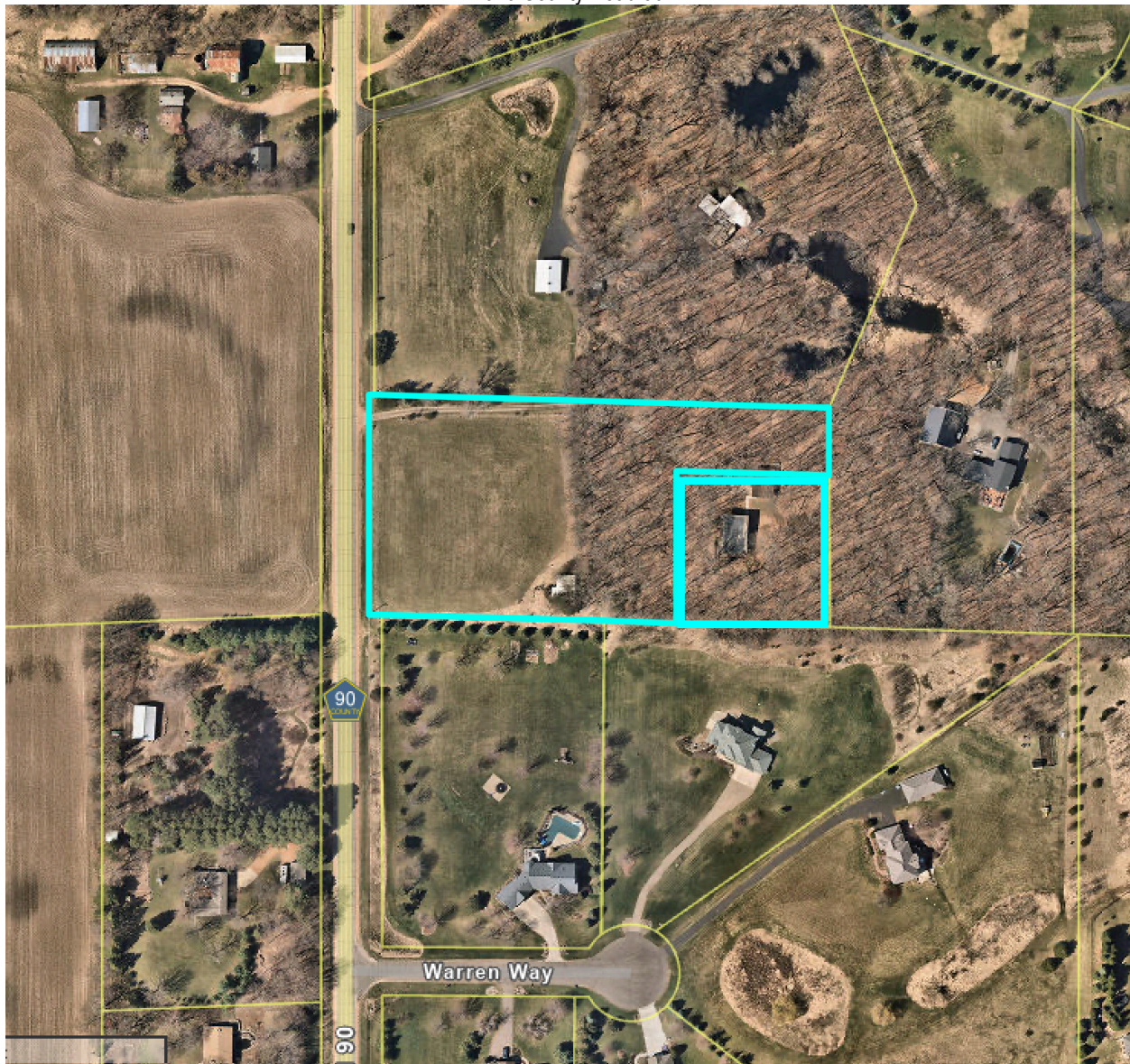
Acreage: Before – .99 acres
 After – 2.50 acres (Proposed – East Lot)

Property Information: Unassigned Address (PID No. 14-118-24-32-0003)

Zoning: *RR-Rural Residential*

Comprehensive Plan: *RR-Rural Residential*

Acreage: Before – 3.56 acres
 After – 2.05 acres (Proposed- West Lot)



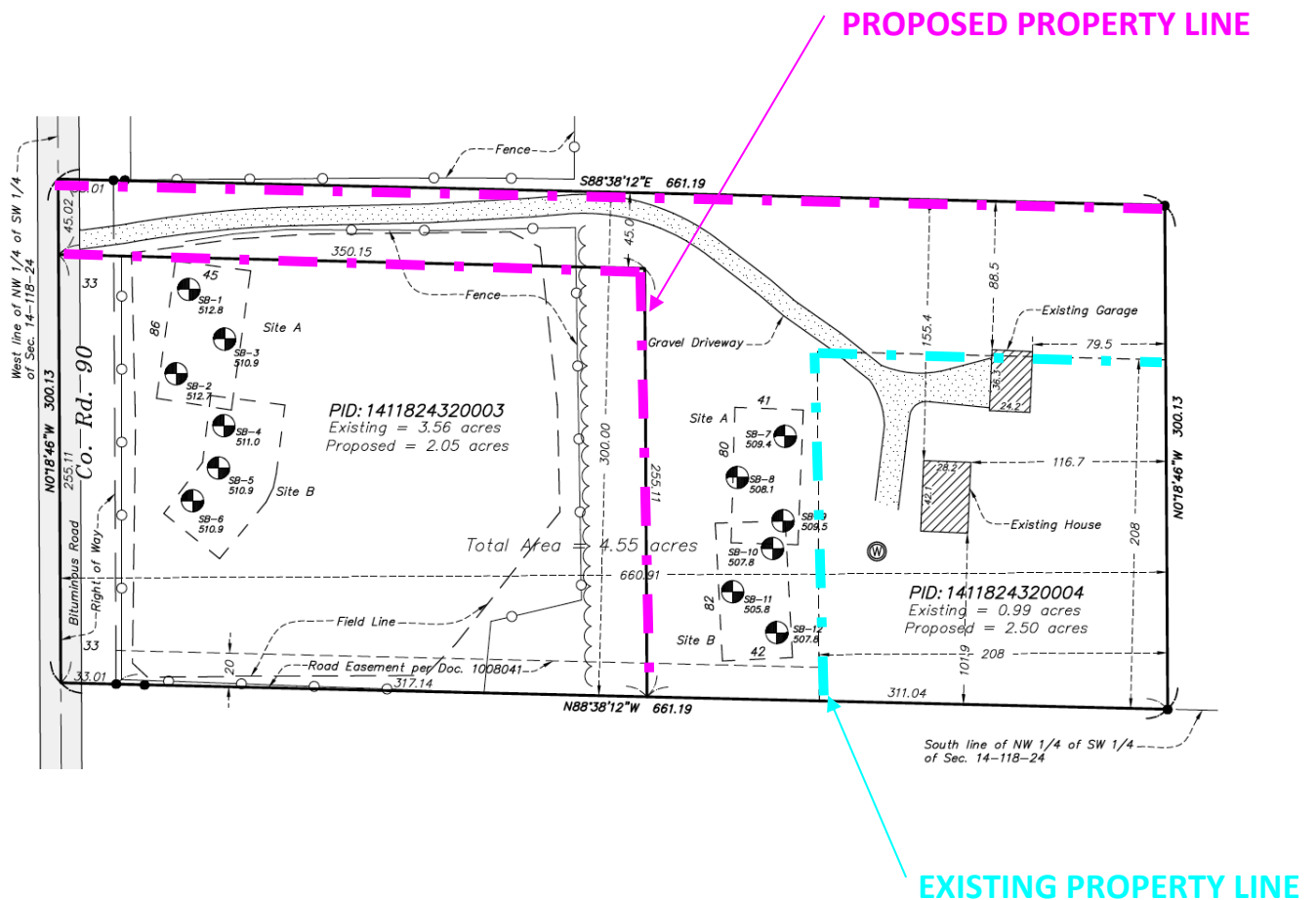
Discussion:

The applicant is seeking a minor subdivision to allow a lot line rearrangement that would more equally divide the two existing lots of record. The east lot is considered a legal non-conforming lot of record due to not meeting the minimum lot size or minimum lot frontage requirements. The west lot is a conforming lot of record. The owner has historically owned both properties and lived in the existing home located on the east property. The owner is seeking to sell the properties and would like to adjust the lot line currently dividing the properties.

The proposed lot line rearrangement would shift the lot line separating the properties to the west. This shift would increase the size of the east lot from approximately 1 acre to 2.5 acres. It would also decrease the

size of the west property from approximately 3.5 acres to 2 acres. There are several potential benefits that could be obtained as a result of the proposed lot line rearrangement.

- In the proposed condition, the east property would now have frontage (approximately 45') on County Road 90.
- The east property would gain additional property to accommodate primary and secondary septic sites.



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

1. In the before condition, both lots are considered lots of record with a building entitlement for each lot. The requested lot line rearrangement will not change the total number of building entitlements.

2. The lot line rearrangement would adjust the lot lines so that the lots would nearly be equal in size.
3. The increased size of the east lot would bring that lot closer to conformance with applicable standards while providing space for a primary and secondary septic system and frontage on CSAH 90.
4. In the after condition, the western lot would be less than 2.5 acres which will change the conforming status of the property to non-conforming.
5. The minimum frontage required by ordinance for properties that are between 2.5 and 3.49 acres is 200 LF. There is not enough frontage to make both properties fully conforming. The proposed lot line rearrangement would provide some frontage for the east lot without reducing the frontage of the west lot below the minimum.
6. There is an existing detached accessory structure located on the western parcel that is in poor condition. It is recommended that a condition be added to the approval requiring the removal of the structure by the owner.
7. The existing home located on the eastern lot will require a new septic system to be installed. The applicant has provided the City with information showing a primary and secondary on-site septic system for both of the proposed properties.
8. The applicant will be required to dedicate the requisite perimeter drainage and utility easements for both properties.
9. Driveway access to the properties is subject to Hennepin County. It is unlikely that any additional driveway connections to County Road 90 will be permitted. It is likely that both properties will have a shared driveway. The applicant should prepare a shared driveway easement for the western property and provide a draft maintenance agreement to be reviewed by the City.

Neighbor Comments:

The City has received questions relating to the requested lot line rearrangement.

Recommendation:

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. City Council approval of the requested minor subdivision shall be subject to the following:
 - a. The applicant providing and executing the requisite drainage and utility easements.
 - b. The applicant shall prepare a shared driveway easement for the western property and provide a draft maintenance agreement to be reviewed by the City and recorded against the property.
 - c. The applicant shall remove the existing detached accessory structure prior to conveying the property.
4. The applicant shall record the subdivision, easements, maintenance agreement and City Council Resolution with the county within six (6) months of approval.

Attachments:

1. Application
2. Survey (Before and After Conditions Shown on the Same Survey)



**CITY OF
INDEPENDENCE
MINNESOTA**

Applicant Information

Name: John A Bellingham
Address: 8 Westwood Circle
Minnetonka, Minnesota
55305
Primary Phone: 7634437255
Email: jbellingham09@gmail.com

Owner Information

Name: Mary L Bellingham
Address: 2616 County Road 90
Maple Plain, Minnesota 55359
Primary Phone: 7634791537
Email: john.a.bellingham@medtronic.com

Property Address:

PID:

Planning Application Type: Subdivision

Subdivision Type: Minor Subdivision (3 lots or less)

Description: Updating/redrawing lots- Payment Check # 18132 submitted for \$2000 on
1/17/2024 at city desk

Supporting Documents: Site Survey (Existing Conditions), Site Survey (Proposed Conditions)

Signature:

Certificate of Survey

Prepared for:
Mary Bellingham

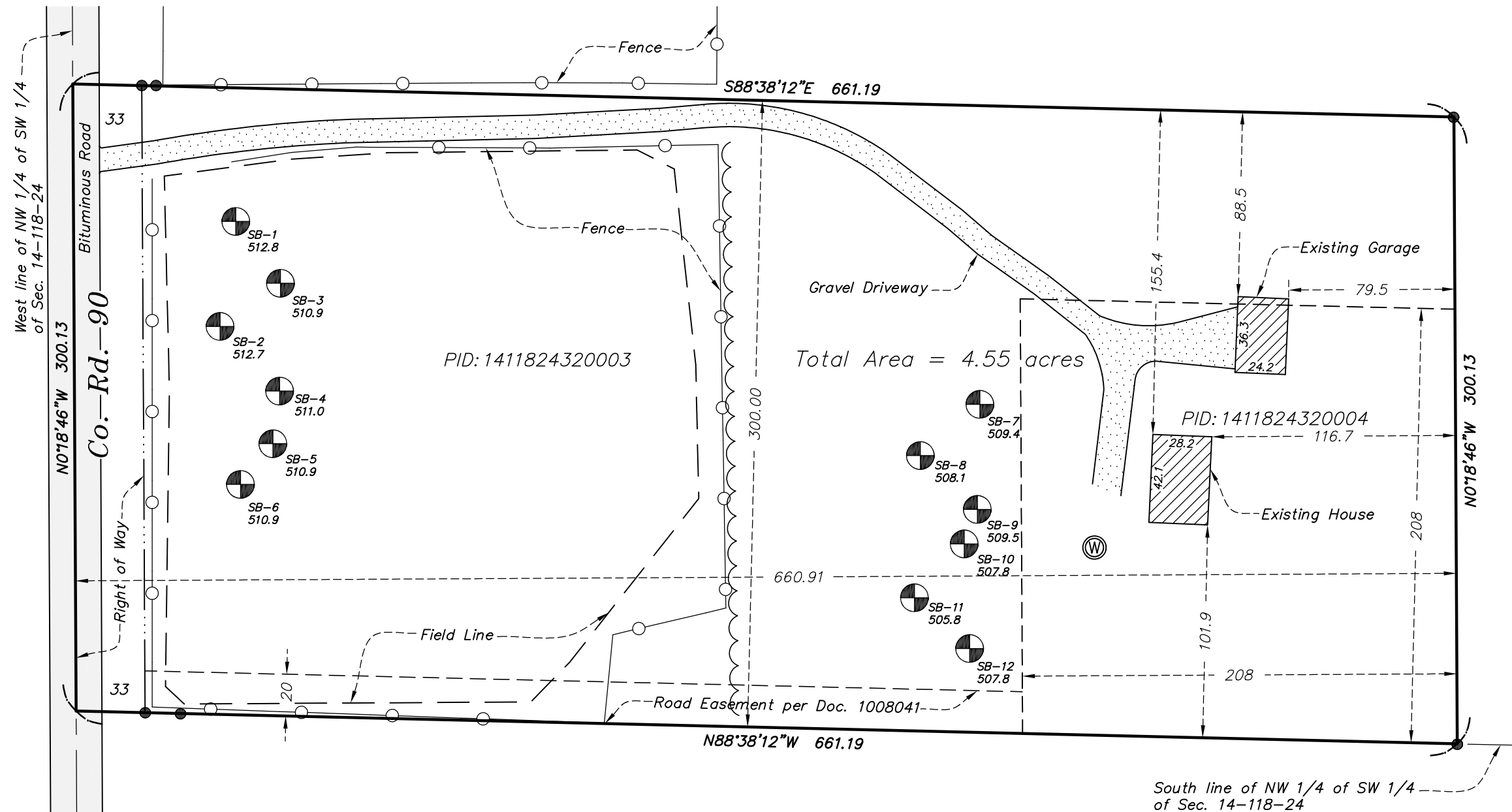
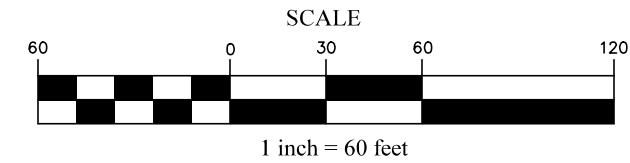
Site Address:
2616 Co. Rd. No. 90
Independence, MN 55359

Legend

- Found Iron Monument
- ⊕ Soil Boring (with boring # & grade elevation labels)
- Ⓢ Existing Well
- ⌒ Tree Line

Boundary Description (Doc. No. 1097390)

The South 300 feet of the West 600.91 feet (as measured at right angles to the South and West lines respectively) of the Northwest Quarter of the Southwest Quarter of Section 14, Township 118, Range 24, Hennepin County, Minnesota.



Bearings based on
Hennepin County
Coordinate system.

Elevations based on
assumed datum.

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: December 26, 2023 Registration No. 48328

**SCHOBORG
LAND SERVICES
INC.**

763-972-3221
www.SchoborgLand.com
8997 Co. Rd. 13 SE
Delano, MN 55328

West line of NW 1/4 of SW 1/4
of Sec. 14-118-24

N0°18'46"W 300.13

Bituminous Road

Co. Rd. 90

Right of Way

Fence

S88°38'12"E 661.19

PID: 1411824320003
Existing = 3.56 acres
Proposed = 2.05 acres

Total Area = 4.55 acres

Field Line

Road Easement per Doc. 1008041

N88°38'12"W 661.19

Gravel Driveway

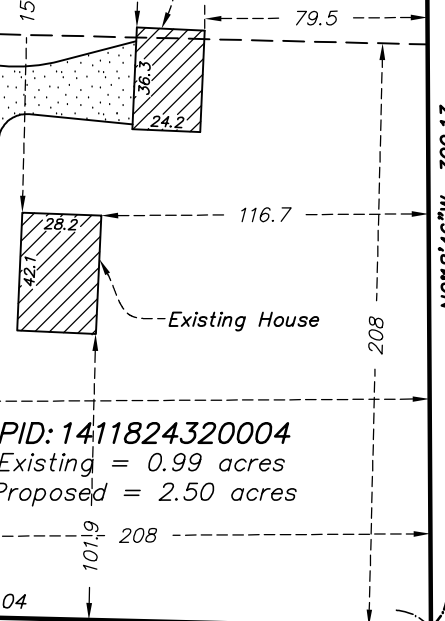
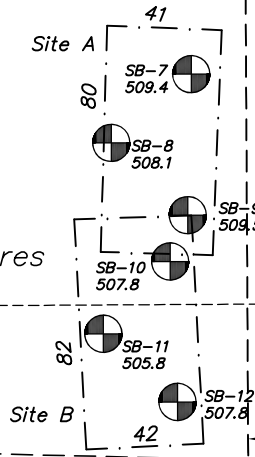
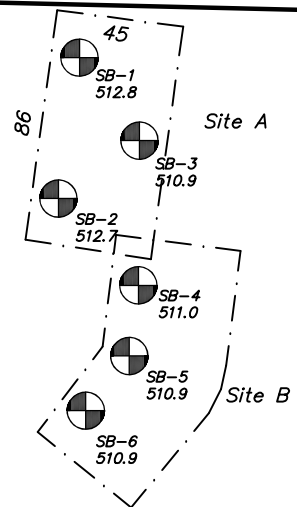
Existing Garage

Existing House

PID: 1411824320004
Existing = 0.99 acres
Proposed = 2.50 acres

South line of NW 1/4 of SW 1/4
of Sec. 14-118-24

N0°18'46"W 300.13



City of Independence

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

To: Planning Commission
From: Mark Kaltsas, City Planner
Meeting Date: February 20, 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.

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.
- (c) Ground-mounted systems shall not be located in the Shoreland Overlay District.
- (d) Ground-mounted systems shall be wholly screened from view from the public right of way and adjacent residential structures. Methods for screening shall include berming, fencing, landscaping and/or combination thereof.
- (e) Ground-mounted systems shall be located on a parcel of at least 2.5 acres.

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

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 sqft

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.