



PLANNING COMMISSION MEETING AGENDA  
TUESDAY APRIL 16, 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. March 12, 2024, Planning Commission Meeting Minutes.
  - c. April 2, 2024, City Council Meeting Minutes (For Information Only).
4. **PUBLIC HEARING:** Jackson Striggow (Applicant/Owner) is requesting the following action for the property located at 5760 Drake Drive (PID No. 26-118-24-41-0009) in the City of Independence, MN:
  - a. A variance for a reduced side yard setback to allow an addition to be constructed onto the existing home using the current side yard setback which is non-conforming with the requisite setback.
5. **PUBLIC HEARING:** Mosiah Willis (Applicant) Jared Haley (Owner) is requesting the following action for the property located at 2485 Independence Rd. (PID No. 13-118-24-33-0001) in the City of Independence, MN:
  - b. A conditional use permit to allow an accessory dwelling unit to be located within the existing detached accessory structure.
6. 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.
7. Open/Misc.
8. Adjourn.



MINUTES OF A MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY, FEBRUARY 2/20/2024

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:** Thompson, Tearse, Volkenant, Dumas

**Absent:** Gardner

**Alternates:** Story, Usset

**Staff:** City Administrator Kaltsas, Simon

**Visitors:** Marvin Johnson (See Sign in sheet)

3. **Approval of Minutes**

a. December 19, 2023, Planning Commission Meeting Minutes.

b. February 6, 2024, City Council Meeting Minutes (For Information Only)

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

**Ayes:** Thompson, Tearse Dumas, Volkenant, Story and Usset.

**Nays:** None. Absent: Gardner

**Abstain:** None.

**Motion Approved. 6-0**

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.

***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)11. The last thing is there is a park dedication requirement for the new lot as created in the packet.

**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.

Kaltsas – applicant and owner asked city to consider lot line rearrangement between properties. There is an existing home and garage on 2616 property (square in SE corner). Zoned RR and guided RR. In before .99 acres in overall, in after it would be 2.5 acres. In the West property it is RR, guided as RR. In before it is 3.56 acres, in after it is 2.05 acres. Applicant asked about selling these properties. Owner of them owned them jointly and family is looking at selling. Possibility of making the lots more equal in size and provide access point onto co rd. 90 for eastern lot. Proposant to take existing line and adjust it to west and finger out to 90. More equal lots in size and cleaning up a nonconformity. Existing garage doesn't meet setbacks and crosses over line. Existing lots of record so they are nonconforming lots, western lot would be conforming but eastern would not. They want to create lots closer to conformity. Creating two nonconforming lots but better as a configuration. Another aspect, existing lot at 2616 doesn't have room for a secondary septic site. They would be creating space for both primary and secondary sites for the house. They also provided primary and secondary site for the vacant site for any subdivision to occur. Both are lots of record. Closer to equal. Provides for primary and secondary. Western lot would be less than 2.5 acres so status is nonconforming. There is not enough lineal frontage but right now there is no frontage for the eastern lot. Existing detached structure is recommended that it be removed. WE don't have any permits for that structure. Existing home will require new septic to be installed. They have provided this. They will need to provide D&U easements for both sites. HC would ask for 17' of additional ROW.

Dumas – received some questions related to the alignment.

Kaltsas – a couple residents called about creating a new lot. They weren't aware that there were two lots at this property. They had concerns about another house being built.

Thompson – does the city have history or staff have opinion on which lot is closer to conforming or is conforming?

Kaltsas – the acreage on front or back, if you adjust that line, the front lot could be fully conforming. I don't know that there is a good reason one way or another. Is it better to balance them?

Tearse – does the eastern lot have septic where existing house is?

Kaltsas – yes, but they need to put a new one in. It is original.

Usset – it seems the only way to make it fully conforming is to make it one lot. The current home can't build a septic.

Kaltsas – I don't know for sure that they couldn't do it on the north side. They may have to grant themselves an easement to build the new septic.

Usset – afterwards, the west lot isn't buildable because it's under 2.5?

Kaltsas – it's a lot of record so it is.

Story – what is our frontage?

## PUBLIC HEARING OPEN

John Bellingham – POA for moms property. We tried to balance it out the best we could. The property line over the garage doesn't make sense. They would need driveway access if we sell one of the properties. There isn't enough frontage to make the 200 ft. There is a horse barn on the west lot that will be torn down.

### **Motion by Tearse, seconded by Volkenant to close the public hearing.**

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.

### **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 sq. ft 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.
  - o 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:
  - o Increased property size or minimum large property size – **10 acres minimum** to exceed 500 SF
  - o Increased setbacks from property lines – **100 LF from property lines and 1,000 LF from adjacent residential structures**



Item coming back for discussion and consideration after recent consideration for GM solar was denied. It was recommended that we look at these systems. No vote tonight but get some feedback. We current allow 500sqft max and an array of criteria with those. Only on parcels with principal structure. Only on rear or side yards. Not be located in shoreland overlay. Wholly screened from view of pubic. Located on at least 2.5 acres. Setback 40 from year, 30 side yard and max height of 15 ft. We have had 3 requests for variances since this was adopted in 2016 for exceeding 500sqft. We have denied them all for different reasons. One was visibility from neighbors, one was producing energy in excess of what they needed and the third was denied based on them not having a hardship even though they had a need for the demand even thought they had the best demand for it. Looked at other ordinances and high-level dive into what other cities are. Regulation is broad. Common themes were percentage of lot cover, minimum setbacks, how far away from residential structure or property lines, min sqft, min lot size. The last solar company that made a proposal, they offered to provide additional information. They talked about MN average scale and larger scale example. Does the city want to make any changes for people to be allowed to get more sq. ft. We could either amend the criteria to have additional provisions of size proportionate to size of your property or increase to a flat size. You could increase setbacks as well. Or third-party confirmation that you are creating it for your own personal use, not to sell back. We don't have a size limit on a roof, however this home has a flat roof, so it isn't doable.

Thompson – this wouldn't be the only public hearing?

Kaltsas – I noticed this so we can re notice it or do whatever

JPS – in the past when referenced survey that people don't want ground mounted solar, and it seems like it would take away the rural view.

Kaltsas – we had an application for a community solar garden. We had no provisions in our ordinance about solar. It took 6 months to get public sentiment. It was discussing all ground mounted. A lot of people don't want the landscape or covered with solar. Commercial ground solar was a nonstarter. If someone has a wooded propery and don't have access to solar, could they do ground mounted? We have very little kickback on what we have done so far and no one has complained. There was a public testimony.

Dumas – for the 3 that isn't enough. Indy homes are bigger than most. It's a CUP. I think we could bump the average to match the size of the home or size of lot.

JPS – there's a lot of roof to mount it

Dumas – if it's a flat roof, then you can't

Tearse – I would remind that granting a variance is not due to a hardship by the owner.

Dumas – if you say 750 instead of 500 does that get rid of most of the homes.

Usset – what will the new average be? How can we create less headache for us. I could build a barn and put it on there but that would be a bigger eye sore. I'd be curious about demonstrated usage. If you can shield it on 3 acres, what's the difference if it's on 3 or 10?

Tearse – for people putting hockey rinks in back yard with mag lights doe they need a permit?

Kaltsas – no

Tearse – what about swimming pool?

Kaltsas – yes you do.

Tearse- technology is going to be so different in the next 10 years and they won't be any use in the future.

Kaltsas – we have had a shift where people say they need more. We have had 500 sqft plus some roof mount. I just want direction on expanding the 500 or if there is something we want to change to get around the variance.

Thompson – lets open the Public Hearing

### **PUBLIC HEARING OPEN**

Brandon Jurmu with L. Cramer builders - property 7075 Hwy 12. I can speak to our project. The system designed by greenway solar was purely a result of anticipated use. I read through various packets. Someone noted that it's on a large piece of land and no visibility. You can see the house from the road from the leafless trees. Is there an option to restart the variance request on that property particularly.

Thompson – a variance means you are granted to go another route than our ordinance. Our legal requirement of a variance is that you are suffering something from something that a homeowner did not cause themselves. The house being bigger or uses more energy does not qualify.

Kaltsas – nothing would stop you from reapplying.

Brandon Jurmu – the hardship part of it, is the planning and council the judge of that?

Tearse – yes, we make a recommendation, and the council decides.

Thompson to continue PH until next meeting, Story seconded.

Thompson – there is probably more wiggle room or more thought to put in. Somethings to think about, should these systems be a function of the size of your property and not make it an impact? Should that guide the size of the system or how much does your house really need? In RR if you have some chickens, it's so you can have eggs, it's a personal use. If there is solar for personal use, I don't understand why there isn't an AG conversation why you have chickens to feed your family.

Dumas – does that go back to the solar garden. The comments were against having a big solar garden. The size we have now is too small and they are based on houses we don't have in the city. If you are out on 40 acres and totally screened and for personal consumption, then maybe it is selling it back?

6. Open/Misc.

Thompson – council does a great job. Frustrated with care and thoughtfulness with new and change coming to the community vs maintaining what we have now. Challenges in the community. I am developing something and would like to present it someday. 7 properties that have something that we wouldn't allow as a change but because it's here now or hard to deal with, we don't touch. Some things we point out and don't follow through. I did some data gathering that people can take a look at.

7. Meeting adjourned.

**Motion by Story, seconded by Volkenant to adjourn at 8:44 PM**

**Ayes:** Thompson, Tarse Dumas, Volkenant, Gardner and Usset.

**Nays:** None. Absent: None

**Abstain:** None.

**Motion Approved. 6-0**

Respectfully Submitted,  
Carrie Solien/Recording Secretary



MINUTES OF A MEETING OF THE  
INDEPENDENCE PLANNING COMMISSION  
TUESDAY, MARCH 12<sup>TH</sup>, 2024

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, Story and Usset

**Absent:** Tarse, Administrative Services Director Simon

**Staff:** City Administrator Kaltsas

**Visitors:** See Sign in sheet

3. **Approval of Minutes**

- a. February 20, 2024, Planning Commission Meeting Minutes.
- b. February 20, 2024, City Council Meeting Minutes (For Information Only).

Minutes were not included in the packet, they will be approved at the next meeting.

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.

**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:

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- 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

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### **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:

- 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

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.

1. 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

Meeting adjourned.

Respectfully Submitted,

Carrie Solien/Recording Secretary



CITY COUNCIL MEETING  
MINUTES  
TUESDAY APRIL 2, 2024

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

1. Call to Order

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

2. Pledge of Allegiance

Mayor Johnson led the group in the Pledge of Allegiance.

3. Roll Call

Present: Mayor Johnson, Councilors Spencer, Grotting, McCoy and Betts

Absent: None

Staff: Kaltsas, Simon

Visitors: Attorney Vose

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 March 12, 2024, Regular City Council Meeting.
- b. Approval of Accounts Payable (Batch #1; Checks Numbered 22700-22722, Batch #2, Checks Numbered 22723-22734 and Batch #3, Checks Numbered 22735-22742).
- c. Agriculture Preserve Application for the following property: PID No. 30-118-24-22-0002

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

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

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

**Spencer attended the following meetings:**

- LMCC Executive Committee Meeting
- Planning Commission Meeting
- Joe Baker (out of town) Pioneer Sarah Watershed Management Meeting in his absence
- Board of Appeals and Equalization Meeting



**Grotting attended the following meetings:**

- Board of Appeals and Equalization Meeting

**McCoy attended the following meetings:**

- Board of Appeals and Equalization Meeting

**Betts attended the following meetings:**

- Board of Appeals and Equalization Meeting

**Johnson attended the following meetings:**

- NW League Meeting
- Hwy 55 Corridor Commission Executive Committee Meeting at the State Capital
- Tom Goodwin Meeting
- Local Senate District Convention in Plymouth
- FFA Awards Ceremony for Rockford High School
- MN AG Day Gala at the State Fair Grounds
- Meeting with Orono Healthy Youth
- Met Council State of the Region Meeting
- Sensible Land Use
- Minnehaha Watershed District Hearing regarding County Rd 6 pond
- Board of Appeals and Equalization Meeting
- State of the City LMCC Speech
- Mayor Jerry Rockvam from Spring Park passed away
- Larry Bakken former Golden Valley mayor passed away

7. Open/Misc.

8. Adjourn.

**Motion by Spencer, seconded by McCoy to adjourn at 6:42pm. Ayes: Johnson, Betts, McCoy, Grotting and Spencer. Nays: None. Absent: None Abstain. None.  
MOTION DECLARED CARRIED. 5-0**

9. Meeting adjourned

Respectfully Submitted,

Carrie Solien/Recording Secretary

## City of Independence

### ***Request for a Variance from the Side Yard Setback for the Property Located at 5760 Drake Dr.***

---

*To:* Planning Commission  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* April 16, 2024  
*Applicant:* Jackson Striggow  
*Owner:* Jackson Striggow  
*Location:* 5760 Drake Drive

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

Jackson Striggow (Applicant/Owner) is requesting the following action for the property located at 5760 Drake Drive (PID No. 26-118-24-41-0009) in the City of Independence, MN:

- a. A variance for a reduced side yard setback to allow an addition to be constructed onto the existing home using the current side yard setback which is non-conforming with the requisite setback.

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

The subject property is located on the north side of Drake Drive just west of CSAH 83. There is an existing home and detached accessory building on the subject property.

Property Information: **5760 Drake Dr.**  
Zoning: *RR-Rural Residential*  
Comprehensive Plan: *Rural Residential*  
Acreage: 0.69 acres (30,003 SF)

5760 Drake Drive (blue line)



**Discussion:**

The applicant is seeking approval to construct an addition onto the existing home. The addition includes additional living space and a master bedroom in two-stories. The existing home is currently a legal non-

conforming structure that does not meet all applicable setbacks for this property. Specifically, the home does not meet the east side yard setback (30 feet required) or the front yard setback (85 feet from centerline).

The applicant is asking the City to consider granting a variance from the side yard setback (east property line) to allow an expansion of the existing home that is in line with the existing side yard setback. The City requires a side yard setback of 30 feet for properties zoned RR-Rural Residential. The existing home is located 25.5 feet from the east side property line. The applicant is proposing to construct an addition to the north side of the home that would directly align with the existing outside wall of the home. This would cause the addition to have a proposed setback of 24.7 feet at the northeast corner (closest point). The proposed expansion would be setback slightly more than the existing home. The existing home is not perfectly parallel to the east property line. The resulting variance to the side yard setback would be 5.3 feet. The required setbacks for properties zoned RR-Rural Residential are as follows:

Front Yard Setback:

Required: 85 feet from centerline or 51 feet from edge of the ROW  
Existing: ±53 feet from centerline

Rear Yard Setback:

Required: 40 feet  
Existing: ±238 feet

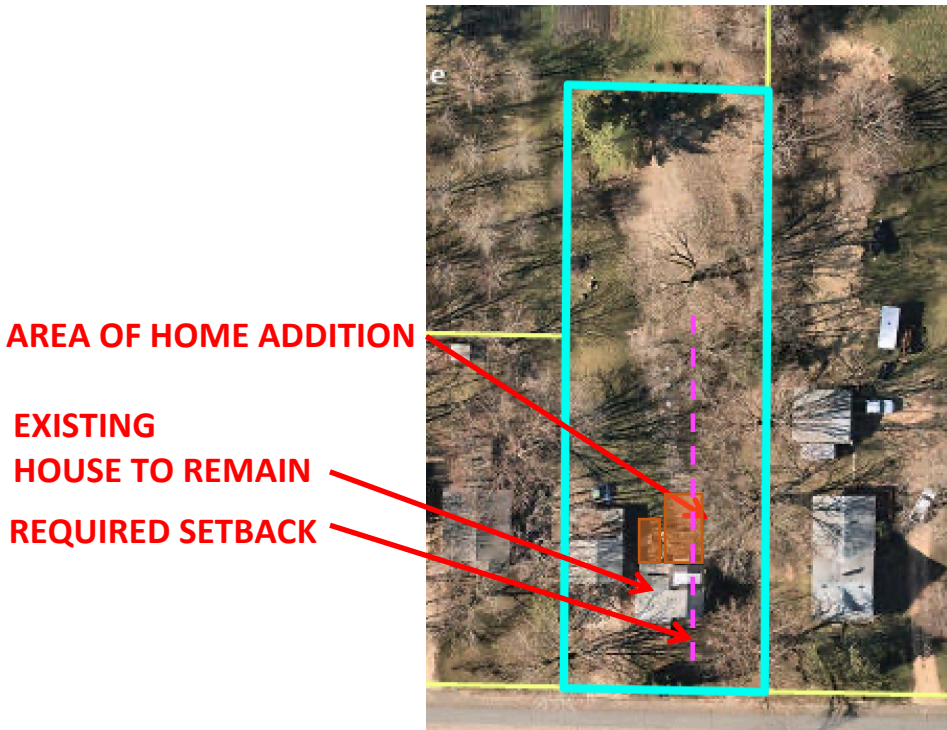
Side Yard Setback (West Side):

Required: 30 feet  
Existing: ±42 feet

Side Yard Setback (East Side):

Required: 30 feet  
Existing: 25.5 feet  
**Proposed: 24.7 feet (variance of 5.3 feet)**





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. Residential use of the property is consistent with the RR-Rural Residential Zoning District.
- b. The existing house is currently a legal non-conforming structure.
- c. The character of the surrounding area is residential. The proposed expansion and remodel of a single-family home is in keeping with the surrounding area. It should be noted that the adjacent properties to the east and west have legal non-conforming structures.

There are several additional items that could be considered by the City:

1. The proposed addition stays in line with the existing structure and allows for the remodel of the existing home without jogging the house 5.3 feet to the west to comply with applicable setbacks.
2. The applicant is purposing to construct an addition that does not increase the non-conforming setback of the existing structure.
3. The proposed remodel of the existing home would likely increase the value of and bring an update to this property.

Ultimately the City will need to find that the criteria for granting a variance have been met by the applicant. Due to the configuration of the house on the property and the layout of the existing house itself, there are limited ways to expand the structure without jogging the addition.

**Public Comments:**

The City did receive correspondence from the neighboring property owner to the southeast.

**Recommendation:**

Staff is seeking a recommendation or direction from the Planning Commission pertaining to the request for a variance. Should the Planning Commission consider granting a variance, the following findings and conditions should be considered.

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 City finds that the criteria for granting a variance have been satisfied by the applicant. Specifically, the City finds the following:

- a. Residential use of the property is consistent with the RR-Rural Residential Zoning District. The applicant is seeking a variance to allow a building addition to the existing home on the property.
  - b. The location of the proposed addition/remodel is in line with the existing home and building setback from the east property line. The alignment, updated building architecture and exterior finishes appears to mitigate some of the potential impacts resulting from the addition.
  - c. The character of the surrounding area is residential. The proposed building addition and remodel would be in keeping and consistent with the surrounding uses found in this neighborhood.
3. The variance will permit a 5.3-foot reduction (from 30 feet to 24.7 feet) of the east side yard setback to allow the proposed addition to the existing structure as depicted on the site plan and building plans attached hereto as Exhibit A. Any modification changes or alteration to the structure that does not meet applicable setbacks in the future would require additional review and approval in the form of a variance.
  4. The Applicant shall pay for all costs associated with the City's review of the requested variance.
  5. The Applicant shall record the City Council Resolution with the county within six (6) months of approval.

***Attachments:***

1. Application
2. House Plans/Elevations
3. Site Survey



**CITY OF  
INDEPENDENCE  
MINNESOTA**

Date Submitted: 03-04-2024

**Applicant Information**

Name: Jackson Striggow  
Address: 5760 Drake Drive  
Maple Plain, Minnesota  
55359  
Primary Phone: 7636148093  
Email: jacksonstriggow@endisys.com

**Owner Information**

Name: Jackson Striggow  
Address: 5760 Drake Drive  
Maple Plain, Minnesota  
55359  
Primary Phone: 7636148093  
Email: jacksonstriggow@endisys.com

Property Address:

PID:

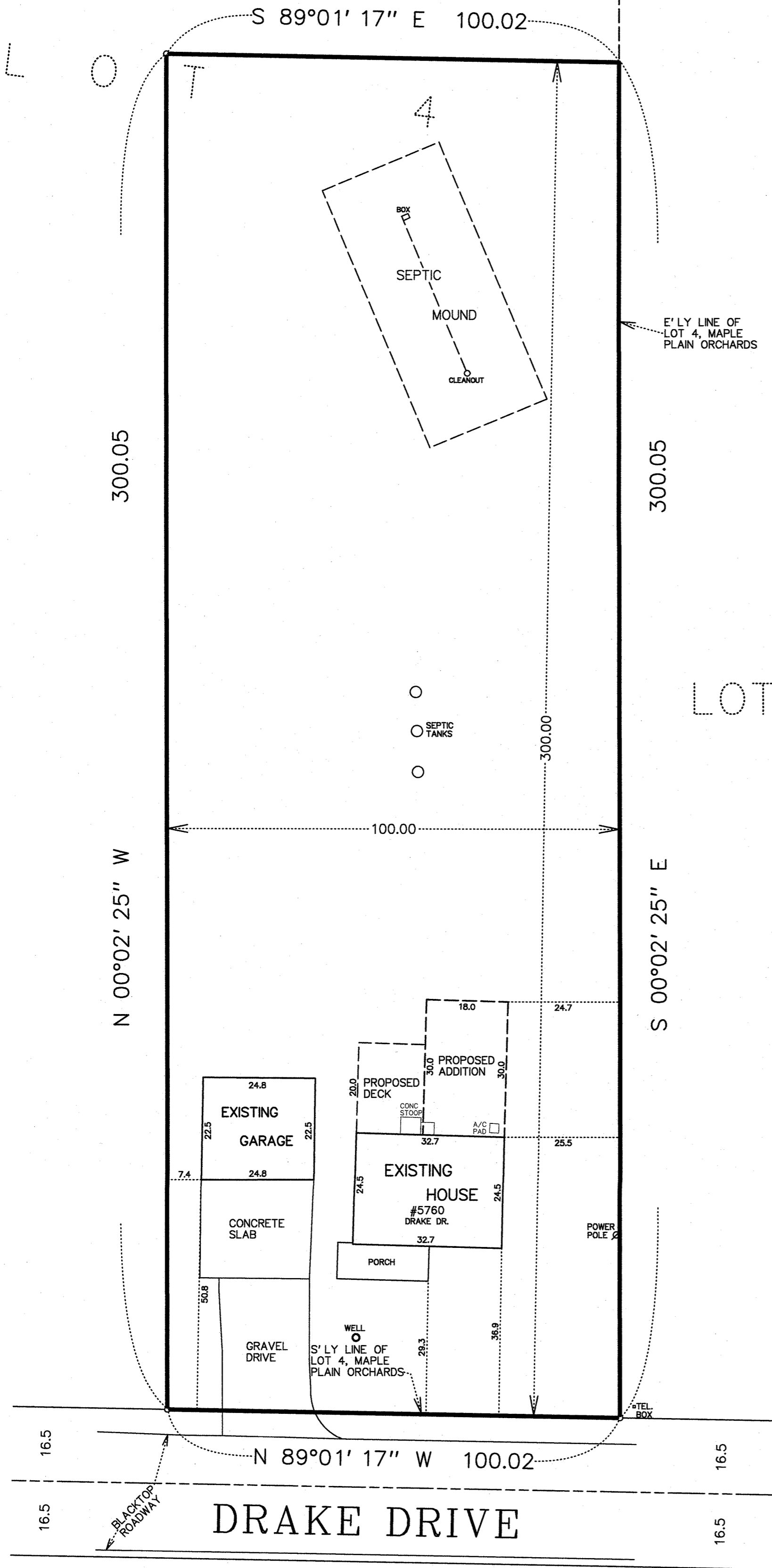
Planning Application Type: Variance

Description:

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

Signature:

CERTIFICATE OF SURVEY FOR  
**JACKSON STRIGGOW**  
 IN LOT 4, MAPLE PLAIN ORCHARDS  
 HENNEPIN COUNTY, MINNESOTA



LEGAL DESCRIPTION OF PREMISES :

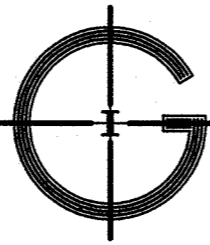
The East 100.0 feet of the South 300.0 feet of Lot 4, Maple Plain Orchards.

o : denotes iron marker

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, and the location of an existing house, garage, driveway, porch, stoop and existing visible features, and the proposed location of a proposed addition and deck thereon. It does not purport to show any other improvements or encroachments.

DATE	DESCRIPTION

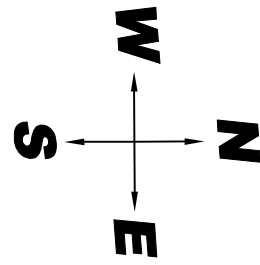


**GRONBERG AND ASSOCIATES, INC.**  
 CONSULTING ENGINEERS, LAND SURVEYORS, & SITE PLANNERS  
 445 NORTH WILLOW DRIVE  
 LONG LAKE, MN. 55356  
 952-473-4141

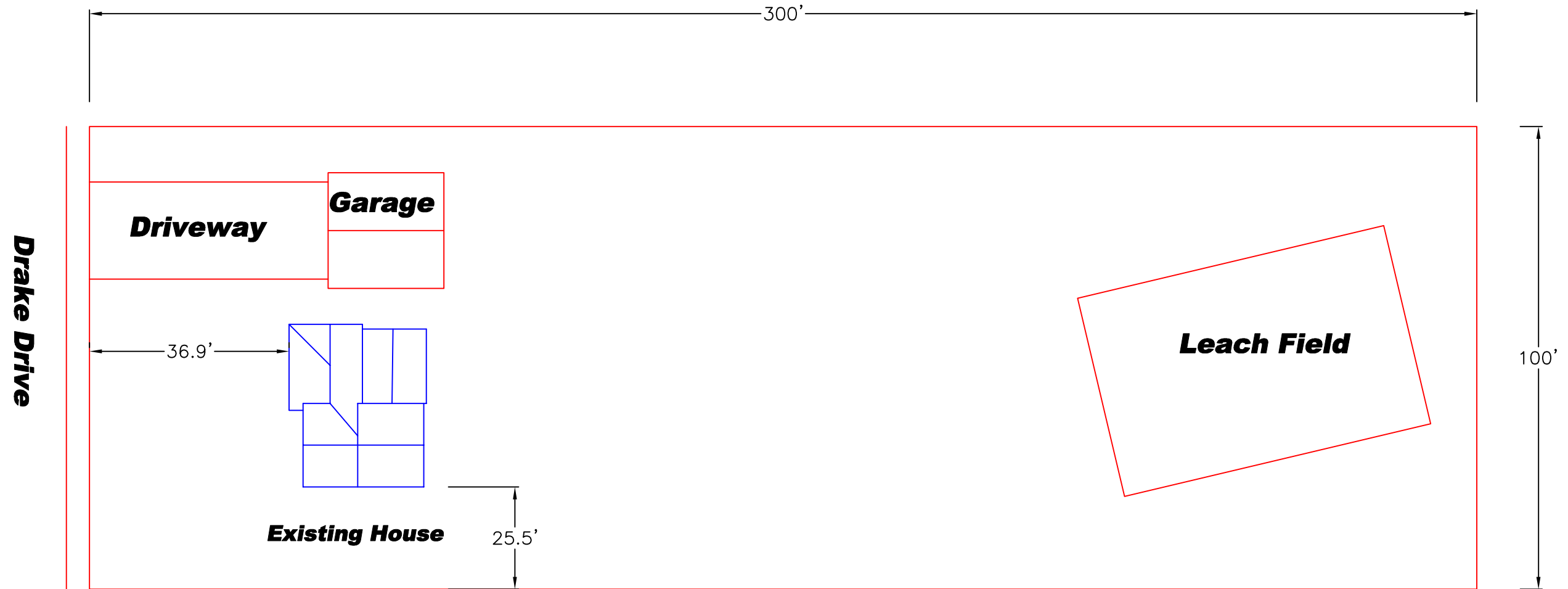
I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

*Mark S. Gronberg*  
 Mark S. Gronberg Minnesota License Number 12755


SCALE  
 1"=20'  
 DATE  
 1-2-24  
 JOB NO.  
 23-214

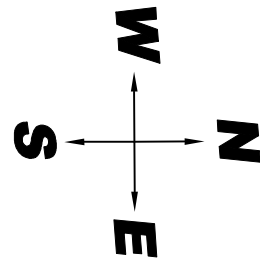


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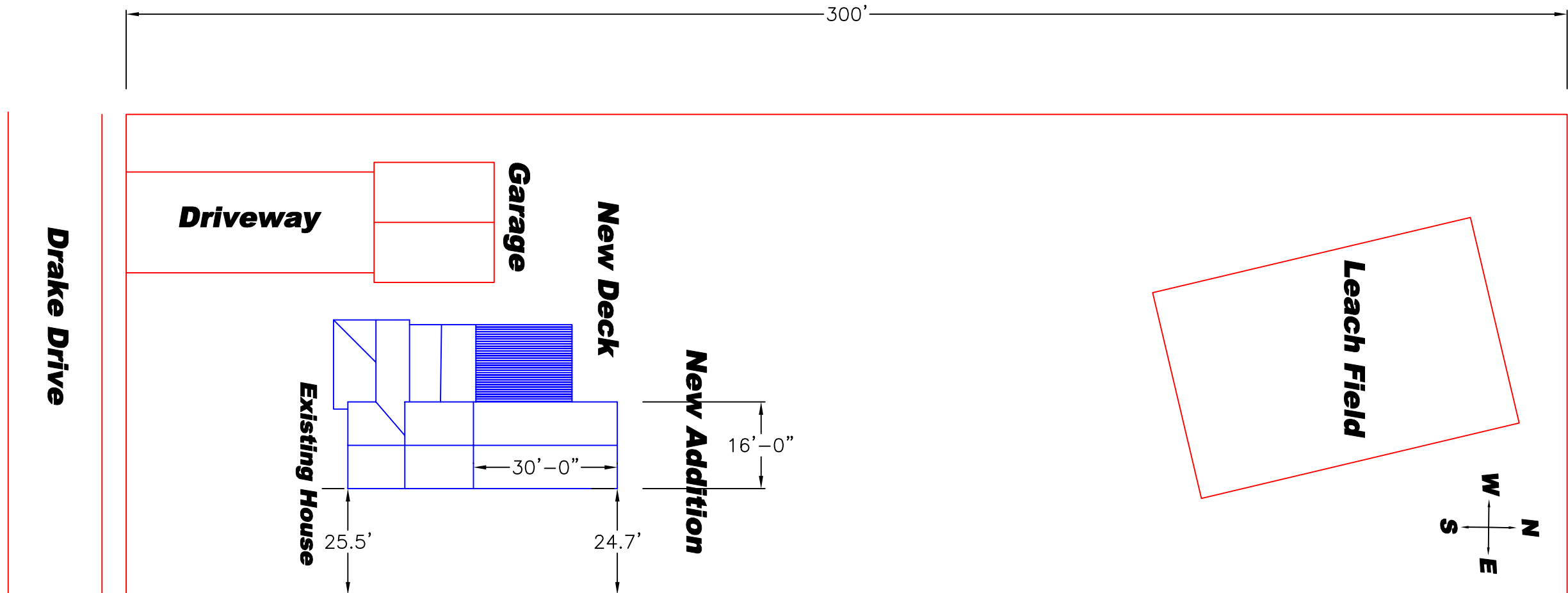


## EXISTING LAYOUT: (2) BEDROOMS (2) BATHROOMS

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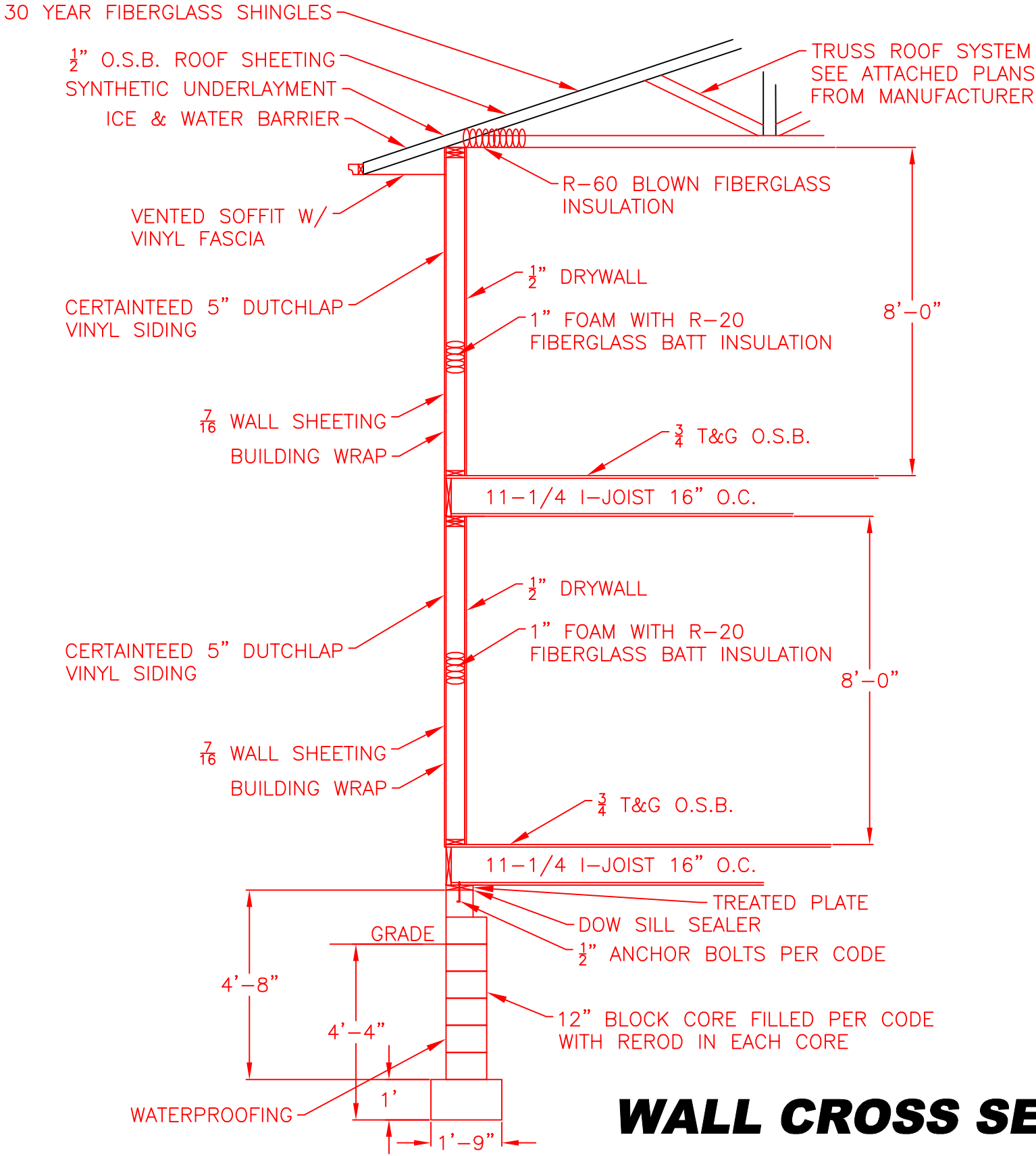


## NEW ADDITION LAYOUT (3 BEDROOMS, 3 BATHROOMS)

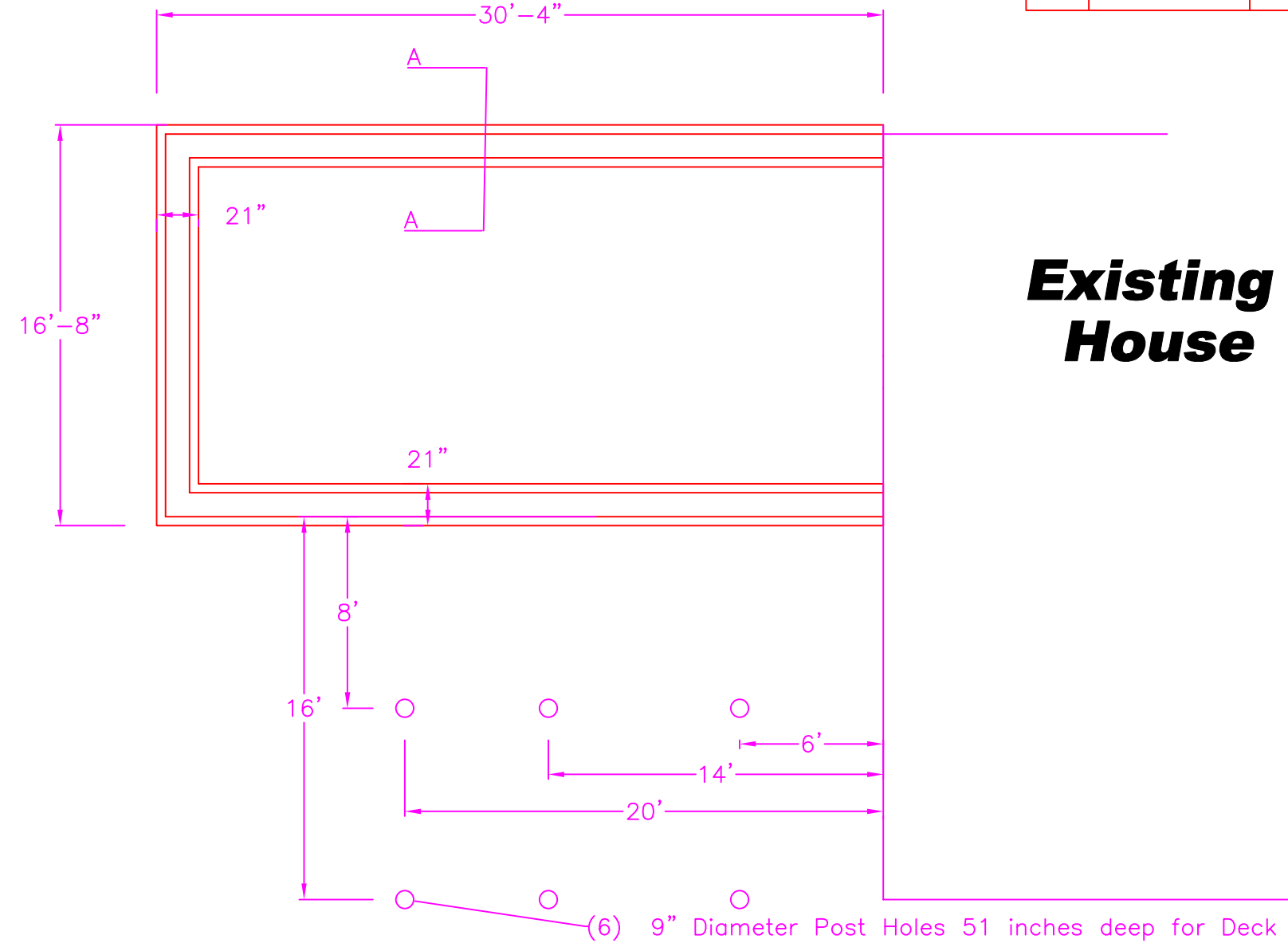
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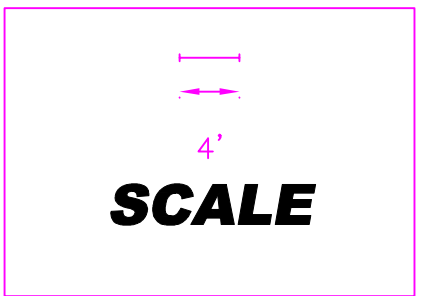
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# WALL CROSS SECTION



**Existing House**



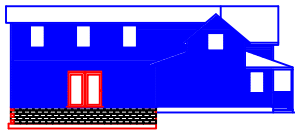
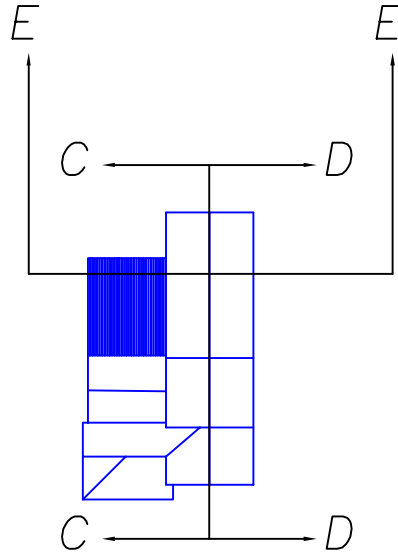
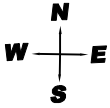
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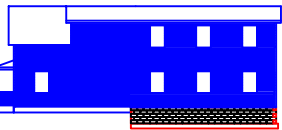


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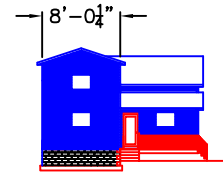
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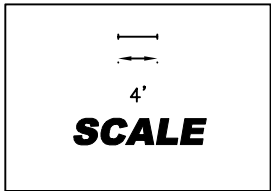
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**SECTION "D-D"**



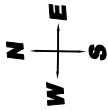
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**SIDE VIEWS**

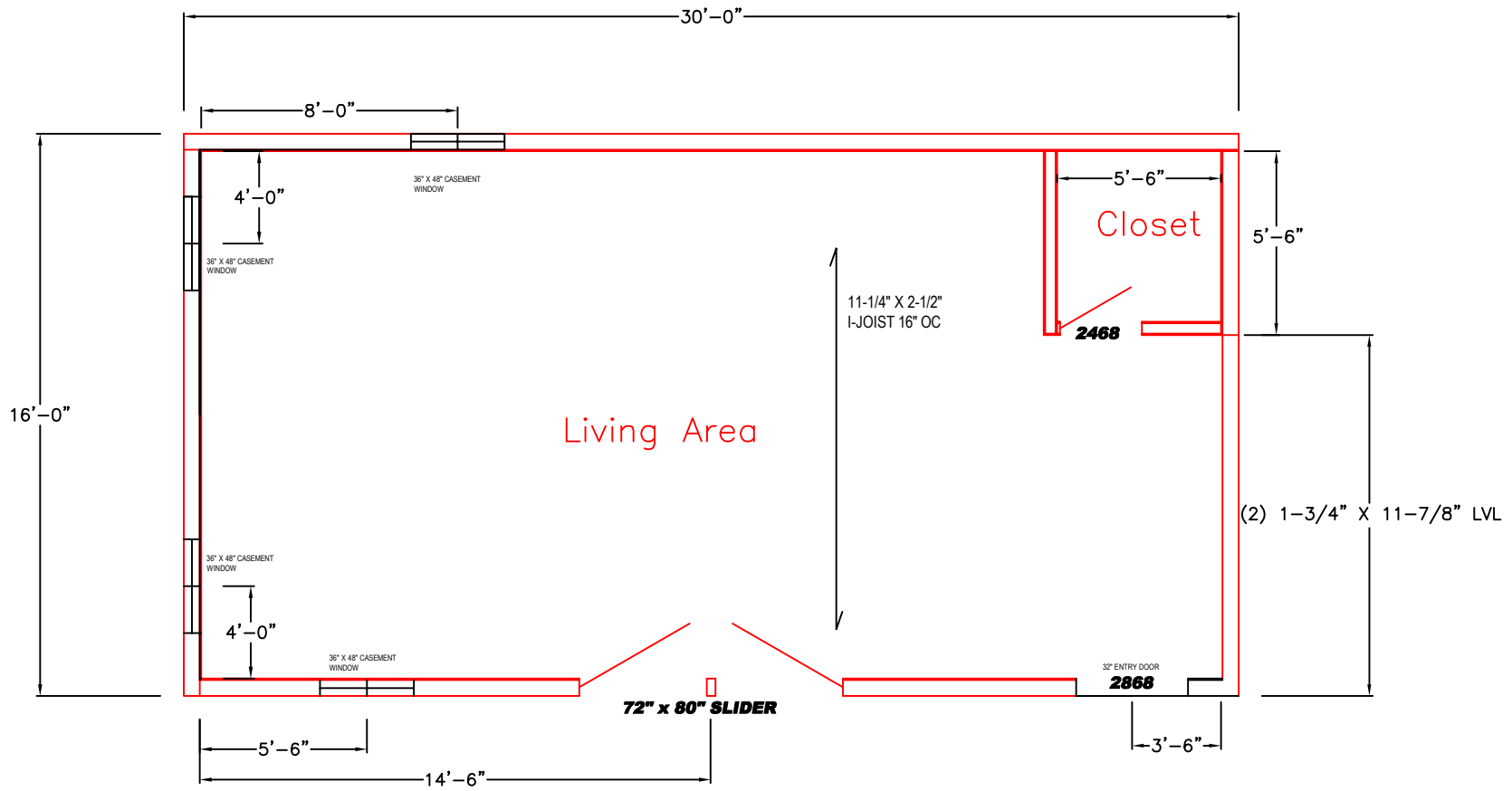
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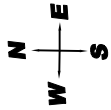
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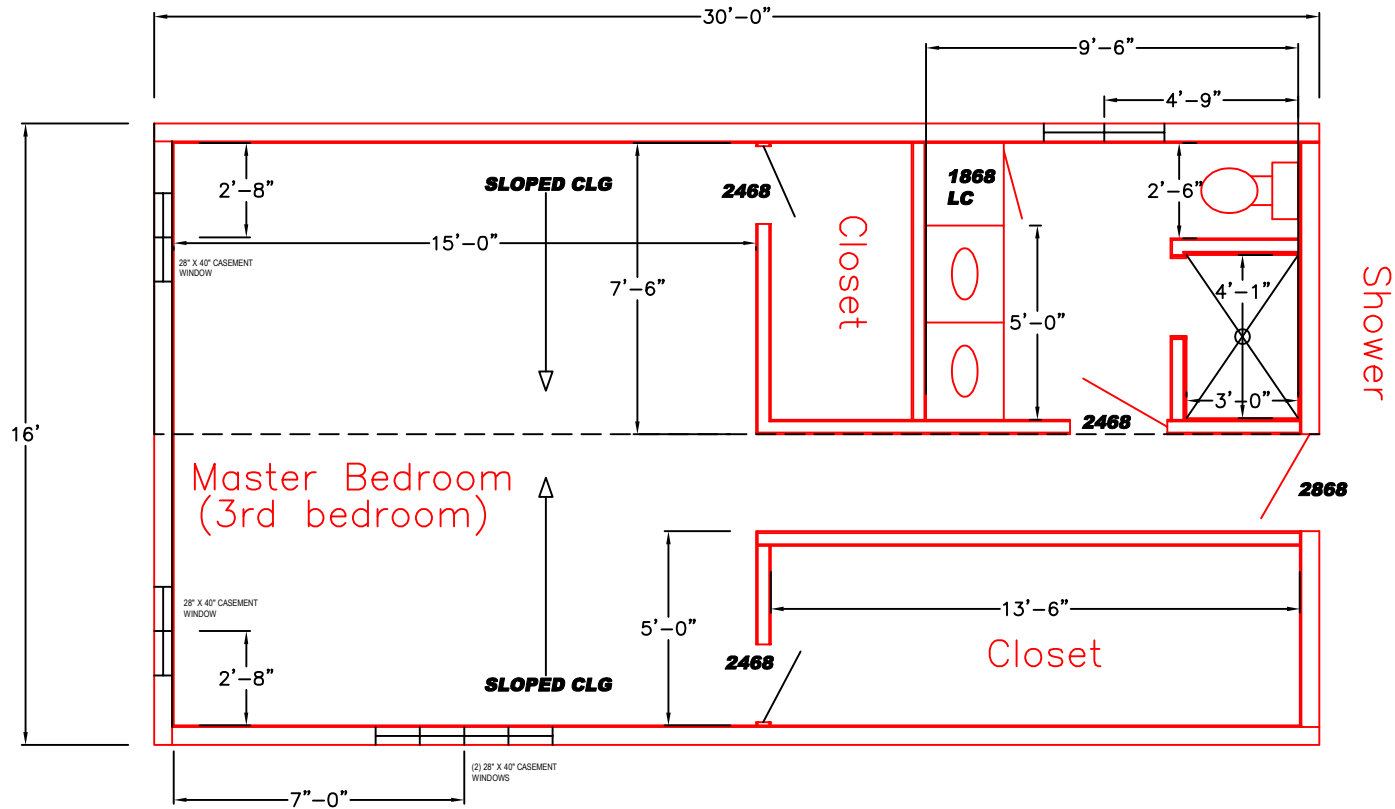
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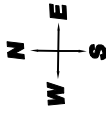
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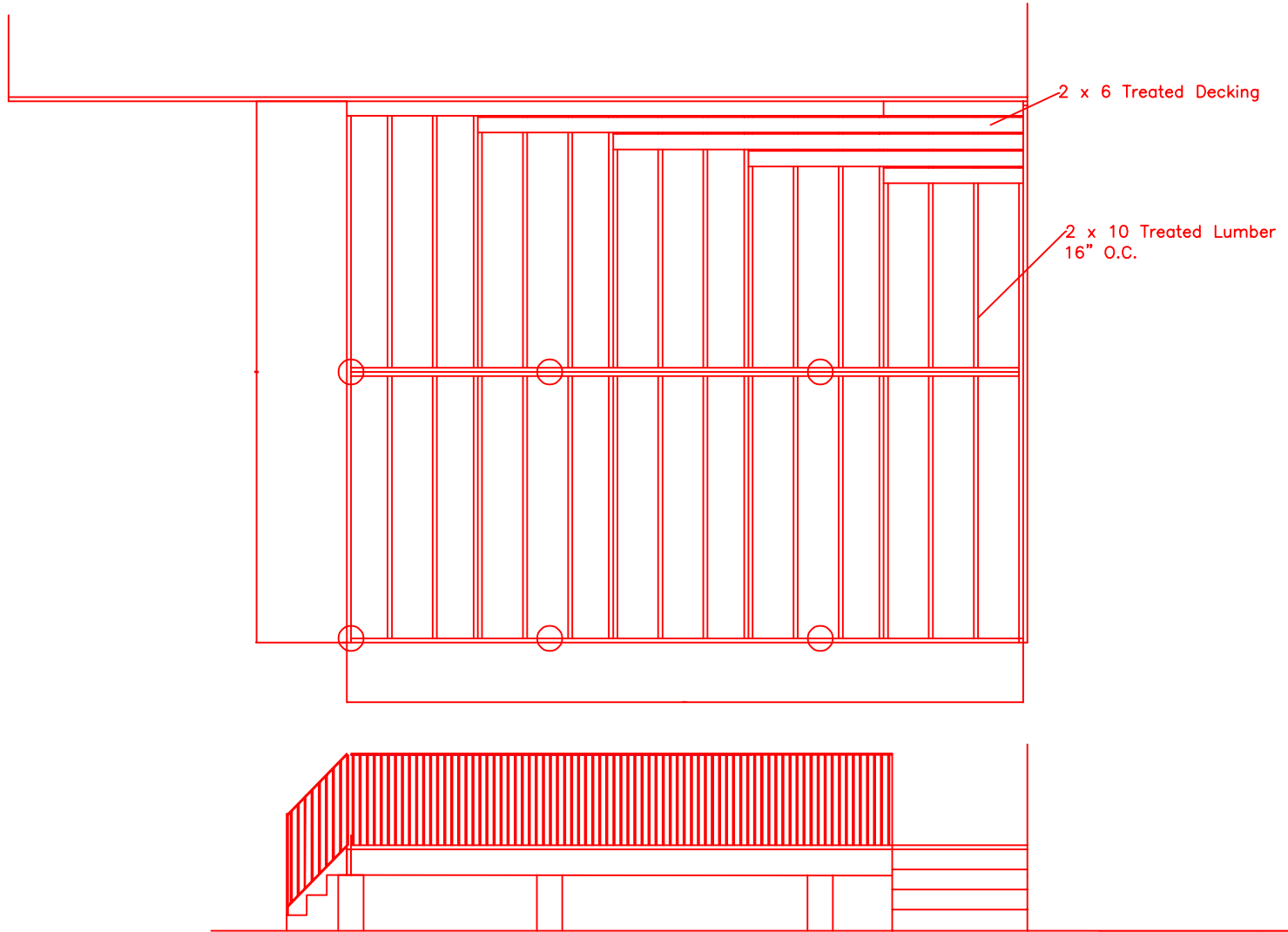
## 2ND FLOOR VIEW

UNLESS OTHERWISE NOTED, DIMENSIONS ARE IN INCHES		DRAWING SCALE: 1/16		CONFIDENTIAL	
PLOT SCALE: 1/16		CAD Designer: JAS		THIS DRAWING SHALL BE USED ONLY AS SPECIFIED BY EDC. ANY OTHER USE, REPRODUCTION OR DISCLOSURE TO OTHERS WITHOUT WRITTEN PERMISSION IS PROHIBITED.	
ENGINEER: JAS		CLASS/SBU CODE: None		FIRST USED ON: None	
MATERIAL and SPEC. NO.: None		NEXT ASSEMBLY: None		TITLE: STRIGGOW RESIDENCE, ADDITION	
FINISH and SPEC. NO.: None		REFERENCE: None		5760 DRAKE DRIVE, MAPLE PLAIN	
AutoCAD: LT or 12		SIZE: B		SHEET: 6 OF 7	
				NUMBER: 2023DRAKE	

ADDED DETAIL	DATE		
	2/12/24		
LT	DESCRIPTION	ECO	DATE
REVISIONS			



NUMBER 2023DRAKE07		
ITEM	PART NUMBER	QTY



# DECK LAYOUT

UNLESS OTHERWISE NOTED: DIMENSIONS ARE IN INCHES	
DECIMALS .X .XX .XXX .03 .01 .005	ANGLES 0.5
MATERIAL and SPEC. NO. None	
FINISH and SPEC. NO. None	

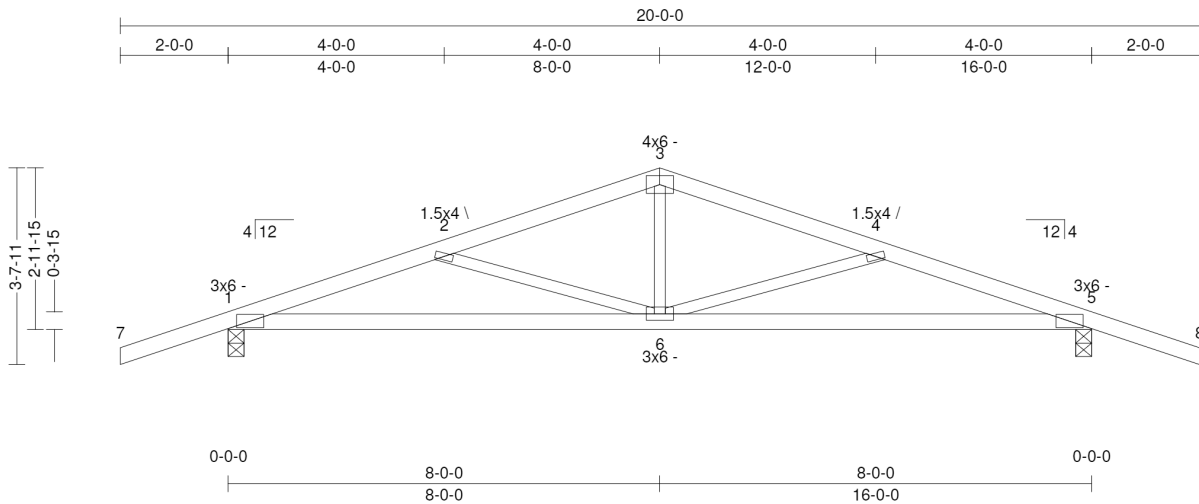
DRAWING SCALE: 1/16
PLOT SCALE: 1/16
CAD Designer JAS
ENGINEER JAS
CLASS/SBU CODE None
NEXT ASSEMBLY None
REFERENCE None
AutoCAD: LT or 12

	CONFIDENTIAL	
	THIS DRAWING SHALL BE USED ONLY AS SPECIFIED BY EDS. ANY OTHER USE, REPRODUCTION OR DISCLOSURE TO OTHERS WITHOUT WRITTEN PERMISSION IS PROHIBITED.	
FIRST USED ON None	TITLE STRIGGOW RESIDENCE, ADDITION 5760 DRAKE DRIVE, MAPLE PLAIN	
SIZE B	SHEET 7 OF 7	NUMBER 2023DRAKE

LTR	DESCRIPTION	ECO	DATE
REVISIONS			

	<b>Midwest Manufacturing</b> 5311 Kane Road Eau Claire, WI 54703	Truss: C11016 JobName: RES STOCK Date: 06/14/19 15:42:54 Page: 1 of 1
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SPAN 16-0-0	PITCH 4/12	QTY 1	OHL 2-0-0	OHR 2-0-0	CANT L 0-0-0	CANT R 0-0-0	PLYS 1	SPACING 24 in	WGT/PLY 50lbs
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All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General	CSI	Deflection	L/	(loc)	Allowed
TCLL : 42	Bldg Code : IRC 2015/	TC : 0.70 (1-2)	Vert TL: 0.18 in	L / 999	(5-6)	L / 180
TCDL : 10	TPI 1-2014	BC : 0.69 (5-6)	Vert LL: 0.1 in	L / 999	6	L / 240
BCLL : 0	Rep Mbr : Yes	Web : 0.47 (4-6)	Horz TL: 0.05 in		5	
BCDL : 10	Lumber D.O.L. : 115 %					

**Reaction**

JT	Brg Combo	Brg Width	Rqd Brg Width	Max React	Max Grav Uplift	Max MWFRS Uplift	Max C&C Uplift	Max Uplift	Max Horiz
1	1	3.5 in	1.88 in	1,200 lbs			-413 lbs	-413 lbs	8 lbs
5	1	3.5 in	1.88 in	1,200 lbs			-413 lbs	-413 lbs	

**Material**

TC: SPF#2 2 x 4  
 BC: SPF#2 2 x 4  
 Web: SPF Stud 2 x 3

**Bracing**

TC: Sheathed or Purlins at 3-10-0, Purlin design by Others.  
 BC: Sheathed or Purlins at 8-2-0, Purlin design by Others.

**Loads**

- 1) This truss has been designed for the effects of balanced (41.6 psf) and unbalanced sloped roof snow loads in accordance with ASCE7 - 10 with the following user defined input: 60 psf GSL, Terrain B, Exposure (Ce = 0.9), Risk Category II (I = 1.00), Thermal (Ct = 1.10), DOL = 1.15. Unventilated. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
- 2) This truss has been designed to account for the effects of ice dams forming at the eaves.
- 3) This truss has been designed for the effects of wind loads in accordance with ASCE7 - 10 with the following user defined input: 115 mph (Factored), Exposure B, Enclosed, Gable/Hip, Risk Category II, Overall Bldg Dims 25 ft x 60 ft, h = 15 ft, End Zone Truss, Both end webs considered. DOL = 1.60
- 4) Minimum storage attic loading has been applied in accordance with IRC 301.5

**Member Forces**

Table indicates: Member ID, max CSI, max axial force, (max compr. force if different from max axial force). Only forces greater than 300lbs are shown in this table.

TC	1-2	0.700	-2,225 lbs	3-4	0.376	-1,641 lbs			
	2-3	0.376	-1,641 lbs	4-5	0.700	-2,225 lbs			
BC	5-6	0.695	2,065 lbs (-544 lbs)	6-1	0.695	2,065 lbs (-544 lbs)			
Web	2-6	0.468	-783 lbs	3-6	0.298	494 lbs (-39 lbs)	4-6	0.468	-783 lbs

**JSI**

1 = 0.92, 2 = 0.64, 3 = 0.94, 4 = 0.64, 5 = 0.92, and 6 = 0.74

**Notes**

- 1) Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
- 2) The fabrication tolerance for this roof truss is 0 % (Cq = 1.00).
- 3) Brace bottom chord with approved sheathing or purlins per Bracing Summary.
- 4) A creep factor of 1.00 has been applied for this truss analysis.
- 5) Listed wind uplift reactions based on MWFRS & C&C loading.

ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.	TrueBuild® Truss Software V5.6.335 Eagle Metal Products
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■ City of Independence

***Request for a Conditional Use Permit to Allow an Accessory Dwelling Unit in the Existing Accessory Structure on the Property Located at 2485 Independence Road***

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*To:* City Council  
*From:* Mark Kaltsas, City Planner  
*Meeting Date:* April 12, 2024  
*Applicant:* Jared Haley  
*Owner:* Jared Haley  
*Location:* 2485 Independence Road

***Request:***

Mosiah Willis (Applicant) Jared Haley (Owner) is requesting the following action for the property located at 2485 Independence Rd. (PID No. 13-118-24-33-0001) in the City of Independence, MN:

- a. A conditional use permit to allow an accessory dwelling unit to be located within the existing detached accessory structure.

***Property/Site Information:***

The property is located on the west side of Independence Road and north of Pagenkopf Road. The property is mostly wooded with some wetlands to the east and west. The property has an existing home and two detached accessory buildings.

Property Information: 2485 Independence Road

Zoning: *Agriculture*

Comprehensive Plan: *RR-Rural Residential*

Acreage: *15 acres*



***Discussion:***

The applicant is seeking a conditional use permit to allow an accessory dwelling unit (ADU) inside of a portion of the most westerly existing detached accessory structure on the property. The detached

accessory structure appears to have already been converted into living space. The applicant would like to use the structure for the purpose of housing an adult family member on the subject property. Accessory dwelling units are a conditional use within the AG-Agriculture zoning district.

In order to allow an accessory dwelling unit, the applicant will need to demonstrate how they meet all applicable criteria for granting a conditional use permit. The City has criteria broadly relating to Conditional Use Permits and then more focused criteria relating specifically to accessory dwelling units.

An accessory dwelling unit must meet the following criteria:

*Subd. 2. "Accessory Dwelling Unit." A secondary dwelling unit that is:*

- (a) *Physically attached to or within a single-family dwelling unit or within a detached<sup>a</sup> accessory building that has a principal structure on the parcel; and*

**The applicant is proposing to use the accessory dwelling unit located within the existing detached accessory structure.**

- (b) *Subordinate in size to the single-family dwelling unit; and*

**The proposed accessory dwelling unit would be subordinate in size to the single-family dwelling unit. The existing structure is a two-story structure with a storage space on the first level.**

- (c) *Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door; and*

**The proposed accessory dwelling unit would be separated from the single-family home.**

- (d) *Architecturally compatible with the principal structure (using materials, finishes, style and colors similar to the principal structure); and*

**The proposed accessory structure is existing and appears to be generally similar to the principal home on the property.**

- (e) *The lesser of 33% of the above ground living area of the principal structure or 1,200 square feet, and no less than 400 square feet; and*

**The principal structure has ~2,658 square feet of above ground space not including the basement (1,727 SF main floor, 958 SF upper floor). 33% of 2,658 square feet equals 877 square feet. The existing detached accessory structure is 44 x 28 feet (outside dimensions) or 1,232 SF. The applicant is proposing that the accessory dwelling unit would be constructed on the upper floor and would be limited to only 877 SF of the floor. Staff has reviewed the plans and notes that the proposed SF exceeds the 877 SF; however, the proposed finished square footage can be modified to meet the 877 SF**



**maximum. It should also be noted that the remaining square feet is proposed to be used as unfinished storage.**

- (f) *Not in excess of the maximum square footage for accessory structures as permitted in this code; and*

**There is not a limitation on the total amount of accessory structure square footage for properties zoned Agriculture and greater than 10 acres. The maximum size for any individual accessory structure is 5,000 SF. The existing building is approximately 1,232 SF (28 x 44) and therefore would comply with applicable standards.**

- (g) *Has permanent provisions for cooking, living and sanitation; and*

**The existing structure has permanent provisions for cooking; living and sanitation (see attached depiction).**

- (h) *Has no more than 2 bedrooms; and*

**The existing structure has one bedroom within the accessory dwelling unit.**

- (i) *Limited to relatives of the homesteaded owner occupants or the homesteaded owners of the principal structure. The total number of individuals that reside in both the principal dwelling unit and accessory dwelling unit may not exceed the number that is allowed by the building code; and*

**The applicant is proposing that the accessory dwelling unit be occupied solely by family members.**

- (j) *Uses the existing on-site septic system<sup>b</sup> or an approved holding tank; and*

**The applicant would need to confirm septic compliance for the existing structure.**

- (k) *Respectful of the future subdivision of the property and the primary and secondary septic sites. The City may require a sketch of the proposed future subdivision of a property; and*

**The detached accessory building is a conforming structure that is currently in existence.**

- (l) *In compliance with the adopted building code relating to all aspects of the dwelling unit.*

**The proposed accessory structure will meet all applicable building codes and may be required to obtain requisite after-the-fact permits.**

<sup>a</sup> *On lots less than 2.5 acres, the accessory dwelling unit must be attached to the principal dwelling unit or located/constructed within an existing detached accessory structure that meets all criteria of this section.*

*<sup>b</sup> The existing on-site septic system will be required to be inspected by the City to ensure compliance with all applicable standards. Any system that does not meet all applicable standards shall be brought into compliance as a part of the approval of the accessory dwelling unit.*

The location of the existing accessory building and its proximity to the surrounding properties does mitigate potential impacts of allowing a portion of the space to be used as an accessory dwelling unit. The surrounding properties have limited visibility and or site lines to the existing property due to the large wetland surrounding the property and the lake to the east.. The City will need to confirm that the accessory dwelling unit meets all applicable building codes and building regulations. The applicant will be required to apply for and receive all applicable and requisite building permits/after-the-fact permits.

In addition to the requirements for allowing an accessory dwelling unit, the City has additional criteria which need to be considered for granting a conditional use permit.

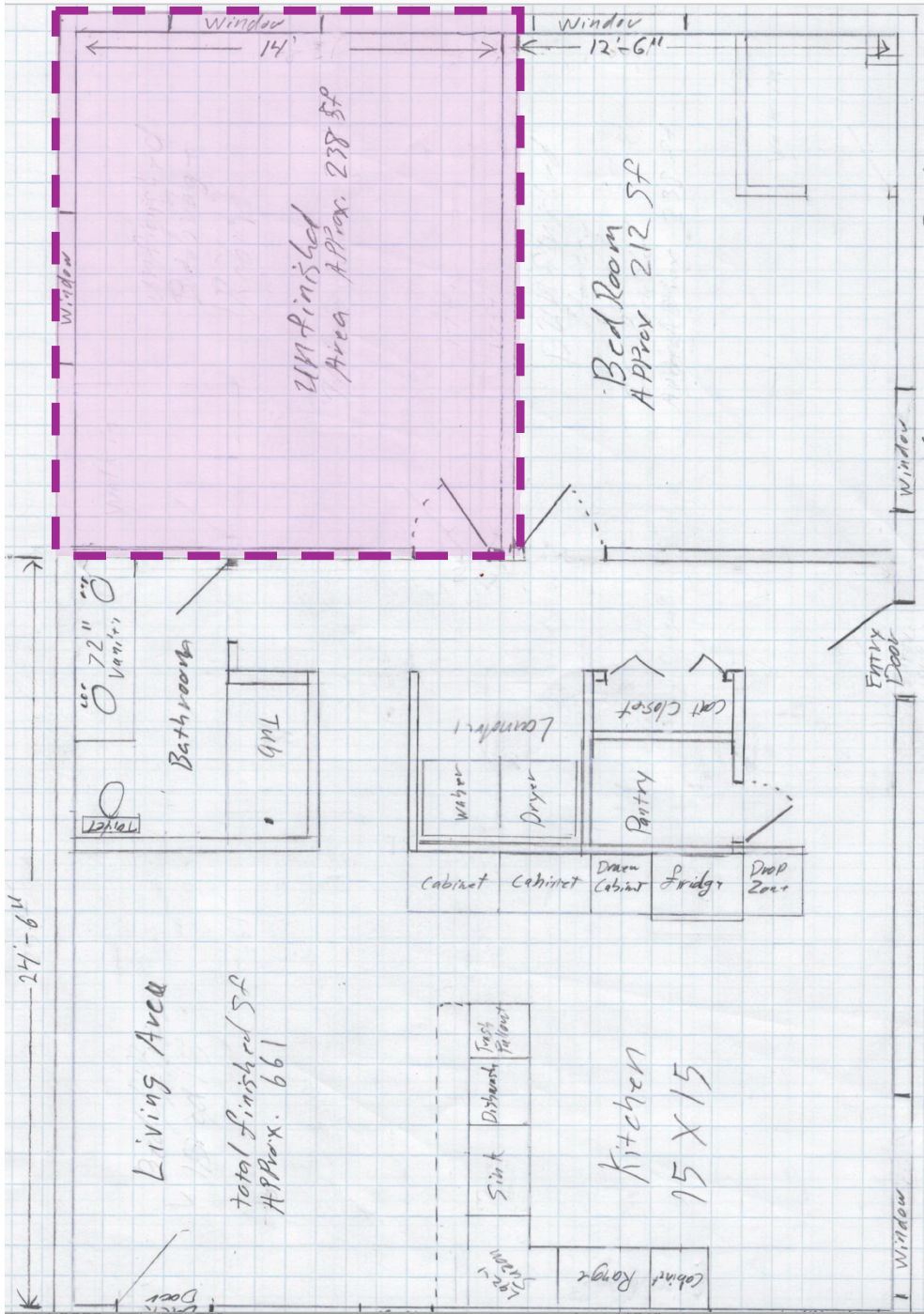
The criteria for granting a conditional use permit are clearly delineated in the City's Zoning Ordinance (Section 520.11 subd. 1, a-i) as follows:

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

Consideration for the proposed conditional use permit should weigh the impact of having an accessory dwelling unit located on this property. The location of the proposed accessory dwelling unit and its compliance with all applicable setbacks appears to mitigate potential impacts resulting from the construction of the accessory dwelling unit. The City will need to consider if the accessory dwelling unit meets the requirements and criteria for granting a conditional use permit.

The Planning Commission should provide feedback and direction relating to the following issues noted:

- The applicant is proposing to locate an ADU within the existing detached accessory structure. The size of the detached accessory structure is larger than the allowable square footage for an ADU on this property. The applicant is proposing to meet the allowable ADU square footage by limiting the finished space within the ADU. The remaining space does not have a secondary access and could easily be converted into additional ADU space and or blurs the line between the proposed storage and finished ADU. Staff is seeking direction from the Planning Commission relating to this issue.



- Should the Planning Commission consider an approval recommendation, the following conditions should be included:
  - The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City and all new improvements.
  - The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.

***Neighbor Comments:***

The City has not received any comments.

***Recommendation:***

The Planning Commission recommended approval for a CUP to allow an accessory dwelling unit with the following findings and conditions:

1. The proposed Conditional Use Permit request meets all applicable conditions and restrictions stated in Chapter V, Section 510, Zoning, in the City of Independence Zoning Ordinance.
2. The conditional use permit is to allow an accessory dwelling unit to be located within the existing accessory structure on the property. The criteria for permitting an accessory dwelling unit shall be perpetually satisfied by the owner of the property. Any change in the use of the accessory dwelling not in compliance with the applicable criteria for the accessory dwelling unit will cause the conditional use permit to be revoked by the City.
3. The conditional use permit will be issued subject to the following items being completed:
  - The Conditional Use Permit will be subject to the applicant successfully obtaining and completing a building permit for all applicable improvements already made to the dwelling unit that were not previously approved by the City and all new improvements.
  - The proposed ADU space and corresponding detached accessory structure cannot be expanded or enlarged without the review and approval of the City. Any expansion will require an amendment to the conditional use permit following all applicable procedures.
4. The Applicant shall pay for all costs associated with the City's review of the requested conditional use permit.

***Attachments:***

1. Application
2. Site Survey
3. Proposed Accessory Dwelling Unit Floor Plan



**CITY OF  
INDEPENDENCE  
MINNESOTA**

Date Submitted: 01-31-2024

**Applicant Information**

Name: Mosiah Willis  
Address: 2485 Independence RD  
Independence , Minnesota 55359  
Primary Phone: 6127080871  
Email: Willisbrothersconstruction@gmail.com

**Owner Information**

Name: Jared Haley  
Address: 2485 Independence RD  
Independence ,  
Minnesota 55359  
Primary Phone: 7634391410  
Email: jaredh@c-axis.com

Property Address:

PID:

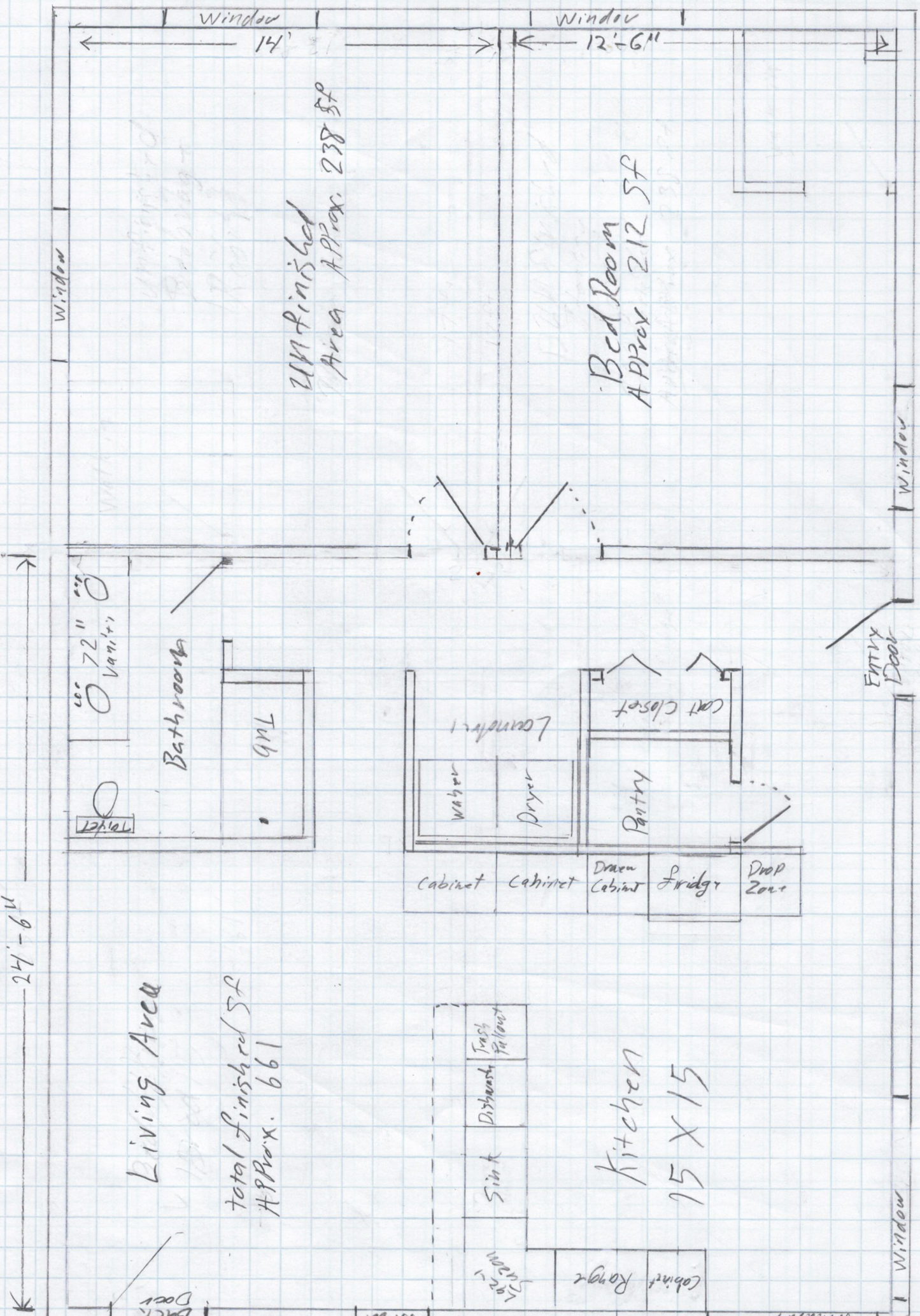
Planning Application Type: Accessory Building Review

Description:

Supporting Documents: Construction Plans

Signature:

24'-6"



Willis Brothers Con.  
 Mosiah Willis  
 612-708-0871

2485 Independance Rd  
 APPROX. 873 finished SF

Daved Haky  
 763-439-1410

# 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:* April 16, 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 a new option (Option C) that can be considered by the City.

**Option C** - this option would consider amending the existing ordinance as recommended at the last Planning Commission Meeting. Proposed amendments are noted below. The change would provide additional criteria that would be used to consider allowing a larger solar energy system – up to 2,500 SF. The majority of the existing ordinance would remain intact and apply to a high percentage of properties in the City. The supplemental criteria would be available to the City within the provisions and framework of a CUP and would not require a variance. Additional criteria could be added to the list.

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 ~~30~~ a minimum of 50 feet from all property lines ~~the rear yards.~~
- ~~(g) Ground-mounted systems shall be setback 30 feet from the side yards.~~
- (h) The maximum height for any component of the system shall be 15 feet.
- (i) Ground-mounted systems shall be in compliance with any applicable local, state and federal regulatory standards, including building, electrical and plumbing codes.
- (j) Ground-mounted systems and their support structures shall be designed by a certified professional to meet applicable professional standards for the local soil and climate conditions.
- (k) The city may permit ground mounted solar energy systems to be constructed up to a maximum size of 2,500 SF if it is determined that the applicant that the proposed system satisfies the supplemental criteria established. The following criteria shall be used by the City to determine if a ground mounted solar energy system will be permitted to exceed the maximum size limitations established in this code:
  - 1. The ground mounted solar energy system is located on a property that is 5 acres or larger.
  - 2. 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.
  - 3. The ground mounted solar energy system shall not be visible from any public street or from adjacent properties. Screening can be used to meet this standard.

4. 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.

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.

***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 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:***

Based on the feedback and direction, it is anticipated that a formal ordinance amendment would be forwarded to the City Council for consideration.