

June 7, 2016

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Chair Christine Maefsky, Commissioners Travis Loeffler, Tom Noyes and Dan Squyres. Commissioner Walt Anderson arrived at 8:30 p.m. Staff present: City Planner Sherri Buss, City Administrator Neil Soltis and Deputy Clerk Brenda Eklund. Chair Maefsky called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

Loeffler, seconded by Squyres, moved to approve the agenda as presented. The motion carried unanimously by those present.

Loeffler, seconded by Squyres, moved to approve the May 3, 2016 meeting minutes as presented. The motion carried unanimously by those present.

PUBLIC HEARING: MINOR SUBDIVISION AT 14340 205TH STREET. DAVID AND JANICE SALMINEN, APPLICANTS.

David and Janice Salminen have applied for a minor subdivision to create a new 2.5-acre parcel from an existing 12-acre parcel at 14340 205th Street. The remaining area will continue as a single 9.5-acre parcel with the current house and 5 accessory buildings, and the new lot will be developed in the future with a single-family home. The property is located in the Village Neighborhood district.

Planner Buss explained that the minor subdivision meets the dimensional standards of the development code but the number of accessory structures on the remaining 9.5-acre lot exceeds the number permitted. Buss explained that the development code allows for an exception for the preservation of historic buildings, but this exception does not apply in the VN zoning district. An option to allow the buildings to remain would be to amend the code to allow exceptions for historic buildings in the VN district, and have the applicant apply for the exception following the ordinance update.

Buss continued to present the staff report with comments that a wetland delineation must be completed with boundaries and easements shown on the final plat. Other adjustments to the preliminary plat need to be made regarding the centerline and septic area setbacks. Buss recommended the City collect the \$3,000 park fee for creation of the new lot in lieu of parkland, as the property is not within a park search area as identified in the Comprehensive Plan.

Chair Maefsky opened the public hearing at 7:07 p.m. There were no comments and the hearing was closed.

The Commissioners were in consensus that the existing buildings on the property meet the definition of historic structures and it would be acceptable to add the VN District to the exception section of the development code. Buss explained that a public hearing could be held on this ordinance amendment at the next meeting. Tabling the application would also give the applicant time to revise the survey to address the setback requirements.

Loeffler, seconded by Noyes, moved to table the minor subdivision application for David and Janice Salminen until an amendment to the development code is made to include the Village Neighborhood District in the exception for historic structures section. Maefsky added that it be made clear that the Commissioners are otherwise in approval of the minor subdivision as presented. The motion carried unanimously by those present.

CONTINUED DISCUSSION ON THE CONDITIONAL USE PERMIT FOR A COMMUNITY SOLAR GARDEN LOCATED AT 23359 OLDFIELD ROAD, AMERESCO, APPLICANT.

The public hearing for a Conditional Use Permit to develop a community solar garden at 23359 Oldfield Road, a 40-acre parcel, was held on March 2, 2016 and tabled to address screening concerns due to the site topography. The application was further reviewed on April 5, 2016. The Commissioners extended the review period to allow the applicants' time to provide revised plans for screening the solar arrays from the public right-of-way to meet the ordinance requirements.

Mary Matze, Planner with Landform, presented visual simulations of proposed screening with landscaping and berms. She noted that the property is a challenging site due to its topography and that it would not be possible to screen the panels 100%, but that the proposal offered meets the intent of the standard to screen the solar garden from view from the public right of way to the extent possible by setbacks, berming, existing vegetation, landscaping or a combination thereof.

Planner Buss explained that the Commissioners have been provided with two options: a resolution to approve the CUP and a resolution to deny. They must determine if the proposal meets the screening standard in the ordinance "to the extent possible" based on facts provided.

Commissioner Squyres asked the applicant to address a resident's concern that the site is not capable of providing 3-phase power for the project. Ms. Matze explained that the 3-phase wiring will be installed using the Xcel energy's existing infrastructure and will not change the poles at the site.

Chair Maefsky stated that she still has concerns that the project cannot be screened from views on the northern end as one travels south on Oldfield and she cannot support what the project is doing to the scenic viewshed. Buss noted that this roadway is not identified in the City's Viewshed Analysis as a Scenic Viewshed Corridor.

Jake Stein, attorney with Larkin Hoffman representing Ameresco, stated that the proposal meets the legal definition of what the ordinance requires, although the applicants could explore suggestions for reasonable screening, but they must be feasible. Chair Maefsky said that within the spirit of the ordinance, this is not a good site for a solar installation. Planner Buss stated that the ordinance does not say it must be totally screened, but to the degree possible. She said this is the language in most ordinances to account for access roads, wetlands and other features that could not be feasibly screened.

Commissioner Loeffler said that this proposal is a dramatic improvement from the initial plan that showed a fence and sporadic trees. He said the panels will still be seen, but they must base their decision on the language in the current ordinance.

Commissioner Squyres asked if there could be a mid-field berm with trees to screen the panels on the higher elevation. Julie Jorgenson, Greenmark Solar, replied that this creates shade and would not be feasible. Commissioner Noyes suggested that more trees be planted along the northern boundary to screen the view.

Commissioner Squyres stated that he doesn't like the idea of solar installation at this site and there is no community support, but the ordinance has holes as written. The landowner has development rights and the ordinance is being followed in this case, although he would like to see more landscaping to the north. Commissioner Loeffler said that they really have no choice but to approve based on the ordinance language.

Chair Maefsky explained that her interpretation of the ordinance is that the panels on the hill cannot be screened to any extent and therefore this standard is not met.

Planner Buss stated that a condition could be added to increase the plantings along the north boundary of the property to create continuous or nearly-continuous screen of the views from the north on Oldfield Road. Ms. Matze stated they would be willing to meet this stronger condition. Buss also noted that the condition related to the entry road should be revised so that the applicant work with the developer to permit implementation of the revised screening plan while finding an appropriate location for the site access road.

Squyres, seconded by Loeffler, moved to approve Resolution No. 06-07-16-01, Approving a Conditional Use Permit for a Community Solar Garden on Parcel Number 02.032.20.23.0001 on Oldfield Avenue as amended with 1) additional language to reflect the revised plans submitted on May 27, 2016; 2) amend Condition #5 to reflect the City Engineer's recommendations on the site access road; 3) add a condition to require increased plantings along the north boundary to create continuous or near-continuous screen of the views from the north on Oldfield Avenue with a mix of coniferous and deciduous trees and shrubs.

Discussion on initial height and tree variety continued. 4) add a condition that coniferous trees must be a minimum of 6-8 feet in height, deciduous trees a minimum 2-1/2 caliper, and shrubs a minimum 10-gallon size; 5) add a condition that the landscape screening must be maintained for the life of the project.; 6) add a condition that the vegetative groundcover must be a native seed mix and pollinator friendly.

Karen Schik and Jim Martin, 13860 236th Street, addressed the Commissioners with concerns that the landscaping will not provide adequate screening and said the site is wrong for this project, especially since it is adjacent to a residential neighborhood. Commissioner Squyres responded that the landowner is a Scandia citizen and the Commissioners are legally obligated to protect the landowners' development rights since they are complying with the current solar

ordinance. Squyres stated that there was no public input at the meetings when the ordinance was discussed and adopted.

Chair Maefsky called for a vote on the above motion. Voting yes: Loeffler, Noyes, Squyres. Voting no: Maefsky. The motion carried 3-1.

The recommendation for approval will be presented to the City Council at their June 21, 2016 meeting.

Commissioner Anderson arrived during the following discussion.

DISCUSSION ON SOLAR GARDEN MORATORIUM, CONTINUED

A 3-month moratorium on solar farms and community solar garden installations went into effect on April 28, 2016 to allow for a study on changes to the development code that would address issues and concerns, especially related to screening. At last month's meeting, the Commissioners identified items in the current ordinance that should be further studied. Planner Buss asked the Commissioners if there was any interest in repealing the solar ordinance that was approved in June 2015. Consensus was to keep the ordinance but work on standards that would protect surrounding landowners from any negative impacts.

Planner Buss provided a staff report that included excerpts from model ordinances and adopted ordinances from across the U.S. Increased setbacks and buffer requirements from adjacent properties were noted for potential changes to Scandia's ordinance. Buss offered language that the city may require greater setback and wider buffers based on the site or other circumstances to be determined. Current setbacks follow structure setbacks of 20' from side property lines, 50' from rear property lines, and 40' from road right-of-way. Commissioners approved of Stillwater Township's language that buffers may be required between the solar farm and adjoining properties.

Discussion continued on allowed zoning districts and minimum property size. Solar farms and community solar gardens are currently allowed in the AG CORE and GR districts on minimum lot sizes of 5 acres. Buss said that all approved solar projects have been located in the AG CORE so far. Increasing lot size to 20 acres minimum and 80 acres maximum was proposed. Staff was asked to bring back examples of site plan diagrams for typical solar arrays up to 5 megawatts with various setbacks to better visualize the configurations.

The Commissioners were in favor of the recommended language that addressed grades and elevations. If the elevations of the site are higher than adjacent roadways, then it must be demonstrated that the project can be effectively screened from view with landscaping, berming or a combination.

Regarding fencing, it was recommended to use DNR language that it be a wildlife friendly design.

Planner Buss explained that limiting the number of solar installations in the city is too arbitrary as it must be based on objective criteria, and it would be unfair to landowners.

Andy Melka, solar developer with MN Solar Connection, was present to comment on the discussion of amending the solar ordinance. He said from the tone of the discussion, he does not see a future for solar farms and gardens in Scandia. If the ordinance gets too restrictive, developers would not take the risk to apply, especially with unknown buffers to be determined once the application is discussed at the meetings. He said it appears that scenic views are more important than the landowners' right to develop.

Planner Buss summarized the comments that will be incorporated into a draft ordinance amendment for next month's meeting. The timeline for moving ahead on the ordinance was reviewed, and Chair Maefsky asked staff to see if the Council can extend the moratorium for an additional month.

DISCUSSION ON AGRITOURISM ENTERPRISES, CONTINUED

In January, the Commissioners began a discussion on adding performance standards for Agritourism Enterprises to the development code. Planner Buss explained that the approach appeared to be that less regulation would be required of these as compared to Rural Event Facilities, for which there are performance standards. So as not to duplicate Rural Event Facilities use, Buss suggested that Agritourism be an allowed use when defined as educational and agricultural in nature. A Special Event Permit could be issued for events when required or when events are amplified. If 6 or more special events occur in one year, or regularly use amplified sound, the use would then be classified as a Rural Event Facility and would need to meet the ordinance requirements for that.

Chad Feldman addressed the Commissioners with concerns of a potential agritourism use of property that he shares a driveway with. It was speculated that the new owner was going to use the property as a day camp for troubled youth from the cities known as Tree Top Farms, and he was worried about the travel along the shared driveway and potential for trespassing. Planner Buss explained that the driveway issue is a private agreement between the property owners and not something the city could regulate. Buss explained that if the use is classified as an educational facility per the draft ordinance, it would be an allowed use not needing a permit unless it meets the point of having enough large events that moves it into a Rural Event Facility use. Mr. Feldman said he totally disagreed with this approach, since the neighbors would have no opportunity to comment at a public hearing.

Jeff Gacek, renovating a farmstead at 12680 Scandia Trail, said that he would be applying for a Rural Event Facility to use his buildings as an event center for weddings, worship events and celebrations. Planner Buss agreed that his use is a better fit with the Rural Event Facility use.

Planner Buss summarized that the Rural Event Facility use will focus on large events while the Agritourism Enterprise use will be less regulated with the standards as presented in the draft. The Commissioners were in consensus to schedule a public hearing on the Agritourism Use ordinance at the July 5th meeting.

ITEMS FOR FUTURE AGENDAS

Discussion on uses in the Rural Commercial District will be on a future agenda.

ADJOURNMENT

Loeffler, seconded by Anderson, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk