

March 2, 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 7:10 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 7:03 p.m.

APPROVAL OF AGENDA, MINUTES

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

Squyres, seconded by Loeffler, moved to approve the February 2, 2016 meeting minutes as presented. The motion carried unanimously by those present.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR INSTALLATION OF A COMMUNITY SOLAR GARDEN ON PROPERTY LOCATED NORTH OF 23359 OLDFIELD AVENUE (PID 02.032.20.23.0001). AMERESCO, APPLICANT.

Ameresco, in partnership with Greenmark Solar, has submitted an application for a Conditional Use Permit to develop a Community Solar Garden on parcel 02.032.20.23.0001, a 39.93-acre parcel just north of 23359 Oldfield Avenue. The site would consist of five 1-Megawatt Solar Gardens which would connect to Xcel Energy's distribution grid.

Planner Buss provided an overview of the application with an evaluation of the project based on the criteria and performance standards of the City's solar garden ordinance. Buss noted the City Engineer's recommendation to align the access road to 237th Street rather than at its proposed offset location along Oldfield Road. Engineer Goodman also recommended that the applicant obtain right-of-way easements along the boundaries of the property for the installation of transmission lines to the substation, as no ROW currently exists along the roadway. Buss described the Fire Chief's recommendation to revise the access road to eliminate 90° turns and provide radii according to the City's engineering standards, to better accommodate emergency vehicles.

Regarding screening, Buss stated that she based the language on that of the solar garden approval at the Highway 97/Manning Avenue site which required screening 50% of the view from the roadways with a mix of coniferous and deciduous trees and shrubs. Buss recommended the Commissioners discuss what would be appropriate for this site to meet the ordinance requirement to screen the view to the extent possible.

Buss concluded her staff report with findings granting approval of the CUP with 24 conditions for the project.

Chair Maefsky opened the public hearing at 7:24 p.m.

Travis Roddel, 14195 237th Street, stated his opposition to the proposed solar garden project.

Bob Johnson, 23935 Oldfield Avenue, stated his concerns about losing his trees within the potential ROW along Oldfield, glare from the solar panels, and the effect of the project to property valuations.

Darrin Gould, 14045 237th Street, stated that this seems like a commercial industrial use that does not belong in a rural location, and said that land to the east is in a conservatorship to be preserved for open space. Gould noted that May Township has put a moratorium on all solar garden installations. He finished by saying he does not like the idea of this project.

Jim Martin, 13860 236th Street, said that he is a supporter of solar energy but this site is not ideal as it would have multiple impacts to the surrounding residential area. He described it as a commercial industrial installation in a rural part of Scandia on a site that has lots of topography, making it very difficult to screen from view. He said the likelihood of glare and lights on the site adding to night pollution are concerns. Martin stated that this project probably won't benefit Scandia, only the developers, since much of the output can be sourced outside of the County. As a certified appraiser, he said he is quite certain that property valuations in the area would be affected because of external depreciation. Martin asked the Commissioners to deny the project and they should encourage the applicants to find a more suitable site.

Jeff Anderson, 14020 236th Street, stated his concerns that the panels are too close to the road and difficult to screen from view. The project will turn this into an industrial site and vastly devalue properties in the area. Anderson said he is in favor of renewable energy but this belongs at a site that doesn't affect residential areas.

Katie Grabrick, 14190 236th Street, said she is against this project being across the road from their home and has concerns about lights, glare and fencing.

John Maloney, 22190 Olinda Trail, said this project belongs in marginal land, not in open prairie areas that are fresh and clean.

Bob Johnson asked about plans for lighting the site – will it be lit at night? Planner Buss said that no lighting has been proposed, but if it does it must be appropriate to meet the lighting ordinance. Mr. Johnson asked how this project would affect drainage on the site. Buss said that an erosion control plan is needed along with a Watershed permit to address drainage. Johnson reiterated his concerns about losing trees in the proposed ROW along his property. Buss explained that the applicants will need to negotiate and obtain this easement from property owners since the City does not have right-of-way rights along Oldfield to bury transmission lines, and noted that this is a condition of approval. Buss said that eminent domain would not be the route for obtaining this type of easement for a private entity.

Kent Swenson, 14401 Oren Road, said that the buffer trees there now will not last forever and there could be glare issues in the future if that buffer is lost. Swenson did not agree with aligning the access road to 237th Street, in case there is future development making it necessary to extend 237th Street. Buss said this is an engineering comment and additional information could be

requested, but it is reasonable based on safety concerns. Swenson said that this project should be considered as a commercial installation because they are selling product off the property.

Jeff Anderson reiterated that this is a for-profit commercial endeavor similar to a strip mall or manufacturing facility going in at this site. It would be unsightly and the City would be setting precedence if allowing it in a rural residential area.

Darrin Gould pointed out that there is a house for sale directly south of the project site and a newer house on a hill to the south that would have a direct view of the panels.

Merlyn Nelson, 14077 236th Street, said he built here in 1976 and this is not the right spot for a solar installation. He asked what are the property tax implications for the land – a lowered tax break?

Kim Loiland, 14047 236th Street, said she has lived here for 18 years, and asked if this is a done deal. Chair Maefsky said that the Commissioners are hearing this for the first time tonight and no decisions have been made.

Chuck Preisler, 14197 240th Street, said he built here in 1976 on a larger acreage and most of Scandia is a rural community, but the neighborhood across the street is at a higher density of homes that are affected by impacts. He advised that property valuations be considered, and asked the Commissioners to consider the appropriateness if a solar garden were to be built next to them.

Mark Andrew, applicant with Greenmark Solar, introduced John Andrew and John Nevell, engineer with Ameresco. Andrew gave a slide presentation with information about the company and said that they have a number of projects in development.

Commissioner Anderson asked if in the event of an outage in Scandia, could the solar garden provide power to the city? Nevell answered that it may be possible if the transformer is operational. Anderson requested that more information on how this works be sent to him.

Andrew emphasized the pollinator plantings that would be established on the site and said this would have significant environmental benefits. New hybrid seeds will be used that tolerate shading. He explained that they find this to be a good site for the solar garden which would be designed to cover approximately 25 acres. The panels would be 9 feet above the ground at a 30° tilt. Andrew addressed the concerns about glare, and said the flat matte panels are designed to capture and absorb sunlight with minimal light reflection. He said that airports are now allowing solar panel installations.

Andrew noted that there are no plans for lighting at the site and they want this to be as unobtrusive as possible. They will only install warning signage as required by the City. They will not fence the property if it is not required and the neighbors do not want it.

There were no further comments and Chair Maefsky closed the hearing at 8:18 p.m.

The Commissioners began a lengthy discussion concerning the issues addressed by the residents, such as property valuations, visual impacts, questions about the right-of-way, and screening. Chair Maefsky noted that this is the second CUP for a solar garden that they are reviewing in Scandia, and this site appears to be the polar opposite of the Highway 97/Manning Avenue project.

Commissioner Anderson suggested creating a moratorium on any further applications to allow time to assess the ordinance by way of a city-wide public hearing.

Maefsky explained that they did have a hearing on the solar ordinance last year and those who spoke helped shape the ordinance, but it's hard to anticipate all the ensuing issues.

Commissioner Noyes said that the issues with this site should be addressed, such as fencing, glare, visual impacts and the right-of-way issues. Buss stated that a fence is not required, the proposer says there will be no glare, and the remaining issues should be studied.

Buss explained that it is hard to estimate the valuation impacts on individual properties, and she will consult with the Chisago County Assessor to look at more local statistics, as they have dealt with many of these installations in the past few years. Buss said that quantifiable data provided by an expert witness is needed if negative impacts to valuations would be used as a finding to deny the application. The residents in attendance were encouraged to research this issue on their own and report their results.

Chair Maefsky said she needs more clarity about the site and recommended a site visit to the property with the proposers. Buss explained that this would be posted as a public meeting open to anyone to attend.

Buss stated that she will request that the applicants provide a visual simulation that shows the proposed development drawn to scale from all directions, including any existing and proposed screening. The views from the west and south should be the view from the nearest residence and the west view should be that from Oldfield Road approaching the site from the south. Cross-section diagrams throughout the site will also be requested to clearly show the relationship of the topography and solar panels to the roadway and adjacent homes.

The applicants were also asked to work out the road right-of-way issues and clarify the connection to Xcel's substation with a determination of where that substation is located.

The Commissioners discussed the idea of putting a moratorium on any further solar development until the ordinance can be reviewed in order to deal with unforeseen impacts and issues. Buss noted that state law determines the rules on moratoriums and they can be in place for up to one year while an ordinance is in review. The first step is to hold a public hearing to consider an ordinance to establish a moratorium.

Discussion continued on the rules governing approval of a CUP – if an application meets the criteria in the ordinance with the conditions placed on it, the applicant is entitled by law to be granted the CUP, Buss explained.

Maefsky, seconded by Noyes, moved to table the CUP request until the April 5th meeting to address and gather information on the five identified issues:

- **impact on property values**
- **applicants must provide a visual simulation and vertical sketch of elevations**
- **clear up questions about the ROW connection**
- **schedule a site visit with the applicants and walk the property**
- **Commissioners are sent an accurate site plan of the property location**

The motion carried 5-0.

Maefsky, seconded by Travis, moved to place on the April 5th agenda a review of the solar ordinance for the purpose of considering revisions to the ordinance that would better serve the community. Squyres offered a friendly amendment that the Commissioners discuss entering into a moratorium on solar gardens. Maefsky did not accept the amendment to her motion. The motion carried 4-1, with Anderson opposed.

Anderson, seconded by Squyres, moved to recommend to the City Council that staff prepare an ordinance to place a moratorium on further solar development so that the public hearing on a moratorium could be held at the April 5th Planning Commission meeting. Discussion continued and Buss advised that staff could put together a draft ordinance to declare a moratorium for review at the next meeting, and the Commissioners could also begin an evaluation of the ordinance for any revisions that would minimize negative impacts of solar gardens. **The vote on the motion with the staff's recommendation carried 5-0.**

CONTINUATION OF DISCUSSION ON AGRITOURISM ENTERPRISES

Commissioners were in consensus to delay discussion on Agritourism Enterprises until the next meeting.

DISCUSSION ON USES IN THE RURAL COMMERCIAL DISTRICT

Commissioners were in consensus to delay discussion on uses in the Rural Commercial District until the next meeting.

UPDATE ON THE CUP FOR THE SOLAR GARDEN INSTALLATION AT TH 97 AND MANNING AVENUE – FOREST LAKE HOLDCO

Planner Buss provided an update on the Forest Lake Holdco Solar Garden, approved in October 2015 for development at the corner of Highway 97 and Manning Avenue. The landscape plan has met the requirements for screening, with the addition that the added transformer box must be landscaped to screen it from view. Buss reported that the fence will require an Administrative Permit.

Administrator Soltis described the issue that came up regarding the installation of a communication pole that could be up to 85 feet in height. Xcel Energy requires solar farms to provide real-time metering to monitor load flows to the electric grid. Soltis explained that a question on how the development code governs a pole such as this was raised – should the pole be defined as a communication antenna, essential service or essential service-transmission facility? With legal counsel, staff concluded that the equipment could be defined as essential service – transmission facilities, and therefore requiring a CUP in most of the City’s zoning districts. The function of the equipment at the site is to control or switch the transfer of electricity for the solar panels to the utility’s power grid, which falls into the category of equipment/accessories for electric substations.

Soltis explained that an antenna was initially proposed at this site in order to establish a radio connection, but it has been determined that satellite telemetry will work, and the issue of needing a CUP for the pole has resolved itself.

Buss advised that as the Commissioners are considering changes to the solar ordinance, the potential for proposed structures that exceed the height limit should be addressed.

ADJOURNMENT

Loeffler, seconded by Squyres, moved to adjourn. The motion carried 5-0.

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk