

January 8, 2019

The Scandia Planning Commission held their regular monthly meeting on the above date. The following were in attendance: Commissioners Greg Amundson, Jan Hogle, Perry Rynders, Travis Loeffler and Chair Dan Squyres. Staff present: City Planner Merritt Clapp-Smith, City Administrator Neil Soltis, and Deputy Clerk Brenda Eklund. City Council liaison Jerry Cusick was also present.

Chair Squyres called the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA, MINUTES

Loeffler, seconded by Rynders, moved to approve the agenda as presented. The motion carried 5-0.

Commissioner Rynders recommended 2 corrections to the November 13, 2018 minutes. Under discussion of regulation of animal noise and accessory structures, paragraph 2:

- The Commissioners ~~concluded~~ noted that the noises from the animals are agricultural related...
- Commissioner Rynders stated that based on publications from the League this appears to be a private issue...

Loeffler, seconded by Rynders, moved to approve the November 13, 2018 meeting minutes as corrected. The motion carried 5-0.

DISCUSSION ON AMENDMENT TO DEVELOPMENT CODE FOR COMMUNITY SOLAR

Administrator Soltis explained that at the City Council's December 18, 2018 meeting, they recommended that the Planning Commission study the issues that led to the repeal of the community solar garden ordinance for potentially reinstating it. Among the issues are the aesthetics, visibility, total number of installations, power poles, and fencing.

Soltis introduced representatives from US Solar, Reed Richerson and Jane Qualey, who have attended past meetings and proposed changes to the solar ordinance to limit sites based on separation buffers and to address power lines. Richerson explained that community solar gardens are limited to 1-MW which cannot be collocated to adjacent installations and can be built on 7 to 10 acres. The ordinance updates he provided incorporate a buffer zone, a solar overlay district, reduced system height, rural fencing requirements, increased setbacks, and limited interconnection poles to one within the solar area and one additional pole within Xcel's line of existing distribution. He said he understands the community is upset about past actions. Richerson said with proper design, solar gardens can be integrated into the community with features that have been done by US Solar on other installations throughout the state.

Chair Squyres stated that the Commission needs to decide if the solar ordinance should be brought back, and if so, what restrictions should go into the ordinance. Commissioner Hogle emphatically stated her position that the City do what is right; they have an obligation to the community to do what's needed to address climate change and its negative impacts to the

environment such as future tree loss due to rising temperatures. She said that saying no to solar gardens may be a legal issue because the federal farm bill defines solar as an ag commodity that cannot be restricted. Hogle added that the ordinance can control the views and that enforcement of screening and fencing requirements need teeth.

Chair Squyres said this is a valid argument, but the City also has a responsibility for the greater good of the people of Scandia, a uniquely beautiful area that residents want kept that way with limitations to solar. There have been comments that solar installations are an industrial wasteland, replacing fields and open space. Squyres said that it's not possible to completely control the views, and he is arguing for the person who has to look at these. Commissioner Loeffler said if the ordinance is brought back, they can make it as strict as they want, such as requiring zero tree removal and wooden fences.

Planner Clapp-Smith said the Commissioners should ask themselves if a balance can be struck by incorporating standards in an ordinance that address health, safety and aesthetics. The infrastructure will always look industrial, but can there be ways to mitigate these concerns. Administrator Soltis noted the excerpt from the City's Comp Plan policy to promote renewable energy. The Commissioners could question how to fit this into the landscape with minimal impacts.

Joselyn Leonhart, 19740 Manning Trail, said that she lives adjacent to the proposed solar garden site that US Solar would build if the City reinstates the ordinance. She said her goal throughout the process is to ensure there is oversight of the plan and all information is covered so that it will not be like the other installations where poles were installed without knowledge of them; the numerous power poles affect the entire community.

Chair Squyres asked for the Commissioners' decisions on whether to proceed with crafting a new solar ordinance. Commissioners Amundson, Hogle, Loeffler and Rynders stated yes, with rules and enforcement, they are in favor of proposing an ordinance. Chair Squyres said that he is on the fence and has doubts.

Commissioner Rynders questioned if solar gardens could operate under a license, and if not passing an annual inspection could be shut down if not meeting conditions. Administrator Soltis said that the solar developers have long-term commitments that probably couldn't be shut down, but an Annual Operating Permit similar to that required by mining operations, which are annually inspected, could be possible. Commissioner Hogle said that it is unconstitutional to require ag production to be licensed. Planner Clapp-Smith said this is an area where an attorney should be consulted.

Planner Clapp-Smith suggested a public information meeting as a first step to gather the community's input on what to include in a solar ordinance, as it appears to be a controversial issue. An open-house could collect the ideas and concerns of the public for the Commissioners to use to craft an ordinance to address the issues. The Commissioners were in favor of scheduling a public meeting the week of January 28th, depending on the availability of a third-party

representative from the Met Council or Great Plains as a resource expert. Staff will solidify the details and publicize the meeting.

DISCUSSION ON REGULATION OF FENCES IN SHORELAND

At its November 13, 2018 meeting, the Commissioners approved the addition of language into the development code that was left out of the updated shoreland ordinance, to limit construction of a fences within lake and river setbacks. Administrator Soltis presented a draft ordinance incorporating this language into Chapter 2, Section 3.5(2), Fences, explaining that adding it into the development code simplifies the procedure rather than amending the shoreland ordinance, and it is most logical here.

Rynders, seconded by Loeffler, moved to call for a public hearing on an amendment to Chapter 2, Section 3.5 of the development code. The motion carried 5-0.

Staff will schedule the public hearing for the February 5, 2019 Planning Commission meeting.

DISCUSSION ON THE DEFINITION AND REGULATION OF ACCESSORY STRUCTURES

At the November meeting, staff was asked to research what defines an accessory structure, based on a situation where a number of small sheds used to house animals exceeds the allowed number of accessory structures for that sized property. Planner Clapp-Smith explained that typically on hobby farms between 5 and 10 acres, one could need multiple sheds or coops and asked the Commissioners to consider if the ordinance should allow more and under what conditions. The development code defines a structure as anything constructed on the ground or attached to the ground. Clapp-Smith provided an example of West St. Paul's code that allows structures under 120 square feet for animals to not qualify as accessory structures and are allowed without meeting accessory structure requirements.

Chair Squyres asked if the City should care about number of sheds if no adverse environmental hazards are occurring, but also noted the rights of adjacent property owners to not have cluttered views. Commissioner Rynders suggested the definition needs to be worked on.

Commissioners were tasked with sending their thoughts to staff on what's most important to focus on for further discussion at the next meeting.

Another topic Planner Clapp-Smith introduced was a question which arose about having multiple small buildings as dwelling units for temporary guests experiencing a farm visit, and if the Commissioners would consider allowing this in the development code. The code allows for one accessory dwelling unit, but not multiple cottages.

Clapp-Smith said the focus should be on non-profits or volunteers to a community farm, and not a commercial use. Commissioners were asked to prepare for further discussion at a future meeting.

REPRESENTATIVE TO CAPITAL IMPROVEMENT COMMITTEE

Every two years a Capital Improvement Committee is formed to develop a Capital Improvement Plan for projects that will have a major impact on the city's finances. The 2019-2024 CIP will be reviewed by the Planning Commission in mid-year for consistency with the Comprehensive Plan.

At their January 2nd Work Session, the Council determined that there should be one Planning Commission member on the Committee in addition to staff, 1 Council member and 3 citizen members.

Loeffler, seconded by Amundson, moved to designate Commissioner Rynders as representative to the Capital Improvement Committee. The motion carried 5-0.

ITEMS FOR FUTURE AGENDAS

A solar ordinance, accessory structures, and potential zoning applications will be topics of the next meeting.

ADJOURNMENT

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

The meeting adjourned at 9:16 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk