

April 5, 2016

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

**APPROVAL OF AGENDA, MINUTES**

**Anderson, seconded by Squyres, moved to approve the agenda as presented. The motion carried 5-0.**

**Loeffler, seconded by Anderson, moved to approve the March 2, 2016 meeting minutes as presented. The motion carried 5-0.**

**PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A SOLAR FARM ON PARCEL NUMBERS 19.032.20.11.0002 AND 20.032.20.22.0001 (SOUTH OF TH 97 BETWEEN MANNING TRAIL AND LOFTON AVENUE). DEAN LEISHOW, SUNRISE ENERGY VENTURES, APPLICANT (RESOLUTION NO. 04-05-16-01)**

Planner Buss presented an overview of the Conditional Use Permit application for a Solar Farm installation on property owned by Kevin and Susan Nickelson and Daniel and Judith Booren. Sunrise Energy Ventures plans to build, own and operate a 5 megawatt solar array on parcels 19.032.20.11.0002 and 20.032.20.22.0001. The project will be located on property south of Highway 97, approximately 400 feet from the roadway. The parcels, currently in agricultural use, will be combined into one lot of approximately 70 acres. The panels will be 10 feet in height and track the sunlight from east to west throughout the day with a design to prevent glare.

Buss noted the comments from MnDOT which will permit one access to the site near the western portion. The City Engineer recommended that right-of-way be secured along the entire northern boundary, and that the site access is constructed to meet MnDOT standards. The Engineer's requirements related to grading and drainage were also addressed.

Buss explained that to meet ordinance requirements, the solar arrays must be screened from Highway 97 to the extent possible with berming and/or vegetation. Staff noted the potential to relocate existing conifers on the Booren parcel which are about 10 feet in height and could provide a screen along 97. The forested areas to the northeast and east areas of the project must be maintained to provide screening for adjacent parcels.

Buss said that the applicants will need approval for an Administrative Permit to construct a fence around the boundary proposed to be 6 feet in height with an additional foot of three strands of barbed wire.

Buss concluded her report with a recommendation to approve the CUP with findings and conditions written into a resolution. Findings concluded that the use is consistent with the Comprehensive Plan, and that impacts are minimal with the required conditions for approval. Twenty-two conditions were proposed, including the completion of a Development Agreement

with the City. Buss noted a correction to #13 (TH97) and adding the date of MnDOT's letter to #15 with language that one site access will be allowed.

Chair Maefsky opened the public hearing at 7:21 p.m.

*Dean Leischow, Sunrise Energy Ventures*, stated that they are prepared to meet the conditions presented in the report. In answer to Chair Maefsky's question about the fence, Mr. Leischow explained a security fence for safety and protection of the site is required for insurance purposes. The opaque fence will be made up of slats to obstruct the view and be taupe in color, but other colors could be available if requested. Mr. Leischow was not sure if transplanting existing trees on the site could be done, as they would prefer to start with new trees, 6'-7' in height, from a nursery that are guaranteed to grow in the first few years. Commissioner Noyes asked how future maintenance of the screen can be guaranteed in the event of tree loss, and Buss stated that language can be added to the conditions to address this.

*Jim Martin, 13860 236<sup>th</sup> Street*, asked where the power from this site will go. Mr. Leischow stated that it will connect to the Scandia substation, but was unsure of its location relative to the site. Mr. Martin noted that the site is listed as scenic viewshed #5 in the City's viewshed plan, and asked how this would be taken into consideration.

*Karen Schik, 13860 236<sup>th</sup> Street*, asked the Commission to stress the use of native trees in the vegetative screening, and a mix of deciduous and conifers would be a more natural planting. In answer to her question about groundcover under the panels, Buss referred to the applicant's vegetative plan composed of native grasses and pollinator mix.

There were no further comments and Chair Maefsky closed the hearing at 7:40 p.m. Maefsky stated that the Commission will continue to deliberate the application following a discussion on the site visit policy.

### **DISCUSSION ON REVISIONS TO THE SITE VISIT POLICY**

City Attorney Pratt recommended an update to the Planning Commission's site visit policy to add a section that ex parte communications (meetings that involve only one side of a topic) are prohibited. Pratt stated that there have been no issues about the Commission's regular use of site visits, but the changes would protect the City from any potential ramifications about the conduct of the site visit. Chair Maefsky stated that the site visits have been posted and open to the public; they are important in order to understand the application being proposed, and that this amendment clarifies the intent of the current policy. Maefsky recommended that the term "interested parties" be added to paragraph 2 of the purpose section.

Attorney Pratt reminded the Commissioners that the site visits are for information gathering only, and they should not take a position on an issue while at the site.

Staff will fine tune the language in the policy and present it at the next meeting for a final review.

**DISCUSSION OF CONDITIONAL USE PERMIT FOR A SOLAR FARM ON PARCEL NUMBERS 19.032.20.11.0002 AND 20.032.20.22.0001 (SOUTH OF TH 97 BETWEEN MANNING TRAIL AND LOFTON AVENUE). DEAN LEISHOW, SUNRISE ENERGY VENTURES, APPLICANT (RESOLUTION NO. 04-05-16-01)**

Review of the CUP application for a Solar Farm proposed by Sunrise Energy Ventures continued.

Chair Maefsky asked about the opaque fencing proposed around the entire perimeter. Planner Buss explained that the solar ordinance neither requires nor prohibits fencing. The solar installation at the former gravel pit plans to install a three-strand fence that would allow wildlife to pass through. Commissioner Noyes reasoned that the type of fence appears to be a non-issue since vegetative screening is required. The Commissioners agreed that it should be earth tone in color.

A lengthy discussion on the type and extent of vegetative screening concluded that condition #7 would be amended to state that the applicants must provide a landscape plan for City approval that includes a mix of conifers and deciduous trees and shrubs to provide for a minimum 95% screening of the project. Initial plant material must be a minimum 6 feet in height and obtain full screening within two years. The applicants will be required to maintain the screening and replace any dead vegetation for the duration of the project. Chair Maefsky noted that this area is identified as a scenic view and pains must be taken to keep it as scenic as possible.

Buss summarized that other conditions in the resolution will be updated to reflect MnDOT's access requirements and the native groundcover requirement.

**Loeffler, seconded by Noyes, moved to adopt Resolution No. 04-05-16-01 as amended.**

Commissioner Anderson recommended the decommissioning plan be looked at to ensure that the value of the financial guarantee for decommissioning is adjusted with an increase in the price index over the next 30 years. Staff agreed that an escalator clause should be included in the development agreement. **Maefsky called for a vote on the above motion. The motion carried 5-0.**

The recommendation to approve the CUP for a Solar Farm on parcel numbers 19.032.20.11.0002 and 20.032.20.22.0001 with conditions as amended in the resolution will be presented to the City Council at their April 19, 2016 meeting.

**DISCUSSION ON THE CUP APPLICATION FOR A COMMUNITY SOLAR GARDEN NORTH OF 23359 OLDFIELD AVENUE. AMERESCO, APPLICANT.**

The Planning Commission reviewed the CUP application for a solar garden on Oldfield Avenue across from 237th Street at their March 2 meeting. A site visit was held at the site prior to this evening's meeting. At the last meeting the applicants were asked to submit additional information related to site topography, visibility of the solar array, existing and proposed screening, and connections to Xcel infrastructure. Planner Buss reviewed the submitted materials along with the City Assessor's comments on impacts to property valuations.

Buss explained that the Assessor concluded that solar farms have not been around long enough to analyze any impacts to property valuations. There is no consistent data to show that solar installations affect values negatively. Buss stated that objective numerical data is necessary to substantiate the CUP criteria that the project could result in a significant reduction to valuations.

Discussion on the ordinance requirement to screen the project to the extent possible continued. Chair Maefsky stated that due to the elevation of the site, there will be no way to screen the entire project and maintain the natural look of the area – it's not possible here. Staff explained that the Commissioners must decide what is feasible and the requirement can be interpreted to have the applicant “do the best you can”. Buss suggested that the Commissioners could request better drawings including use of various allowed types of screening such as berms and mixed vegetation.

Chair Maefsky stated that before a decision on the application is made this evening, the Council would appreciate getting more information, especially due to the strong concerns on screening.

Julie Jorgenson, CEO of Greenmark Solar, addressed the Commissioners. She explained that they interpreted the screening requirement as to the extent feasible, and not needing to be 100% screened, but would be willing to prepare additional visuals, simulations and models. Ms. Jorgenson also stated that they are offering to provide additional screening for the four residences most impacted. It was agreed that the Planning Commission conduct a site visit on April 12, 2016 at 5:00pm with the developers and interested parties to further review models and photo simulations for screening potential. Maefsky announced that nearby property owners send photos to staff from the roadways that they feel are significant views.

Chair Maefsky allowed for public comments.

*Jim Martin, 13860 236<sup>th</sup> Street*, stated that the view from 237<sup>th</sup> Street to the west should be considered as an important perspective to the site. He recommended that the applicants prepare a section drawing to scale of the entire site to better visualize the project. Mr. Martin stated that he is a certified appraiser, and solar installation at this site would likely impair valuations due to external obsolescence – the external factors which influence property values. He stated that he disagreed with the assessment that values will not be significantly impacted.

*Karen Schik, 13860 236<sup>th</sup> Street*, stated that the neighbors have met with the developers and asked if the parcel to the south has been considered instead, as it would have less of a visual impact on the surrounding residences. Ms. Jorgenson replied that their initial reaction to this parcel is that it is higher in elevation and more vegetated, but they are in discussion with the property owners and it would take time to make a conclusion.

*Joe Gabrick, 14190 236<sup>th</sup> Street*, stated his appreciation that the Commissioners have extended their review to address screening issues. He recommended they include views from 237<sup>th</sup> Street heading west and both north and south along Oldfield Avenue to get an accurate idea if screening will work by using pieces of plywood to represent the panels and screening.

*Travis Roddel, 14195 237<sup>th</sup> Street*, stated that this can be looked at as the City gambling with owner's property values.

*Kent Swenson, 14401 Oren Road*, said that the Commissioners should consider consistency between solar applications in terms of screening – the solar installation on Scandia Trail was required to provide 95% screening. He said approval of this would be allowing a money-making project in their backyards and would turn it into a commercial area.

*Bob Johnson, 23935 Oldfield Avenue*, asked if the applicants had determined how the system would be fed to Xcel's substation. Buss explained that this information was reviewed by the engineer and his report can be requested from staff.

**Squyres, seconded by Noyes, moved to table the CUP application until the May 3, 2016 meeting to give the applicants an opportunity to reply to the concerns of screening and to conduct a site visit on April 12, 2016. The motion carried 5-0.**

#### **DISCUSSION ON AN INTERIM ORDINANCE DECLARING A MORATORIUM ON THE DEVELOPMENT OF NEW SOLAR FARMS AND SOLAR GARDENS**

At the March meeting, the Planning Commission requested that a draft of an ordinance placing a moratorium on solar farms and gardens be prepared for discussion at the April meeting.

Attorney Pratt explained that if the presented moratorium is adopted, the City must authorize some type of a land-use study. A stop time may be indicated in the ordinance; if not, it would be in effect for one year. Planner Buss indicated that staff could be asked to conduct the study by providing recommendations for change. She said that state statute does not require a public hearing on the ordinance.

Chair Maefsky stated that she has a concern about not having a hearing since this addresses property rights. Commissioner Squyres countered that there are holes in the ordinance that need to be addressed; applications are coming in quickly and it appears urgent to adopt a moratorium. Commissioner Loeffler stated that a moratorium is not the only way to amend the ordinance – review could begin at the next meeting with recommendations for amendments. He said that they are never going to get it perfect as every new proposal has different factors to consider.

Commissioner Noyes stated that it appears the gray areas in the ordinance can be considered as subjective anyway.

Council member Ness noted that a three month moratorium could be considered so as not to appear that the City is discouraging solar farms, but this would allow time for a review. If necessary, the moratorium could be extended another three months.

**Squyres, seconded by Anderson, moved to recommend to the City Council adoption of the presented moratorium as amended with a 3-month duration. The motion carried 4-1 with Noyes opposed.**

Commissioner Squyres recommended that a study of the solar ordinance be included on the May 3, 2016 meeting agenda.

**DISCUSSION ON THE 2016 HEALTH IN COMPREHENSIVE PLANNING PARTNER PROJECT FUNDING**

Administrator Soltis presented a proposal from Washington County to apply for a grant through the Statewide Health Improvement Program (SHIP) that could be designated towards developing a chapter in the next Comprehensive Plan that identify and develop goals of promoting healthy living. Soltis asked if the Commissioners view this as an important enough issue to apply for the County funds. Chair Maefsky questioned if it's worth the staff time to pursue.

Planner Buss said that the grant funds would not be put towards implementation of the goals, but for an assessment of current conditions and recommendations that would be used in the Comp Plan. Buss noted that the County is looking for unique elements within a community, and the local food focus of the grant could be tied to development of small scale agriculture as economic development.

**Loeffler, seconded by Maefsky, moved to recommend that planning staff prepare the grant application with Washington County. The motion carried 5-0.**

**ADJOURNMENT**

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

The meeting adjourned at 10:35 p.m.

Respectfully submitted,

Brenda Eklund  
Deputy Clerk