

City of Winsted
Planning Commission
City Council Chambers
May 9, 2016
6:00 p.m.

Present: Jolynn Cafferty
Marvin Ebensperger
Mike Guggemos
Mike Henrich
Allison Moses
Tom Ollig – City Council Liaison

Staff Present: Daniel Tienter, City Administrator
Raquel Kirchoff, Deputy City Clerk

1) Call the Meeting to Order

Mr. Ebensperger called the meeting to order at 6:00 p.m.

2) Approval of Minutes

Ms. Moses motioned to approve the minutes from the Planning Commission Meeting on March 14, 2016. Mr. Guggemos seconded the motion. Motion carried 5-0.

3) No Public Hearings

4) No Old Business

5) New Business

a) Interim Use Permit – Minnesota Solar, LLC

Mr. John Anderson, Municipal Development Group, stated that the City has received an Interim Use Permit application and a site plan for the construction of a community solar system on property located in the I-1 Industrial District at 23121 Babcock Avenue. Mr. Anderson stated that a Public Hearing will be conducted at the June 13, 2016 Planning Commission regarding this application.

Mr. Anderson stated that the site is approximately 40 acres and reviewed some of the information that he provided in his staff report to the Planning Commission members as follows. Mr. Anderson stated that one of the items that will be need to be added for the approval of the application is a fence condition.

Zoning Requirements: The property is zoned I-1 Industrial District and the proposed community solar energy system is listed as an interim use in that district.

Land Use Plan: The west half of the property is guided for IND - Industrial, so the proposed community solar energy system does not conflict with the future land use of that part of the property. The east half of the property is guided for C- Commercial/Retail. The proposed use is in conflict with the future land use of the property. It is recommended that the applicant apply for an amendment to the land use plan map changing the east half of the property to IND - Industrial. This will be a condition of approval.

Background: The applicant is proposing to install a community solar energy system or solar garden on property zoned I-1 Industrial District. The SES is proposed to be three garden array with each garden being one megawatt for a total of three megawatts in size. The arrays are named Highlander 1, Highlander 2 and Highlander 3. The main site access will be off of the west property line. A sixteen foot service road access is proposed on Babcock Avenue that gives access to each solar array.

Wetlands: There are wetlands located on this site and the SES are not allowed in wetlands. At this time no SES or service road is proposed to be located in a wetland. No impacts are proposed on any wetlands but there are numerous areas where the service road is within a foot or two of the wetland boundary. A grading plan should be submitted that details the grading of the site. The applicant did provide a drainage study for engineer review.

Mr. Anderson stated that he provided a great deal of information regarding the process for an Interim Use Permit (IUP) in his staff report for the Planning Commission members to review. He stated that an IUP is similar to a Conditional Use Permit (CUP) except that an IUP has a sunset date and once that date arrives, the permit terminates. A CUP does not expire and stays with the property.

Airport Review: Mr. Anderson stated that there were no negative comments provided from an Airport review.

Termination: An interim use permit shall terminate upon the occurrence of any of the following events; whichever first occurs.

1. *The date specified in the permit.*
2. *A violation of the conditions under which the permit was issued.*
3. *A change in the City's zoning regulations which render the use nonconforming.*

Setbacks: Setbacks are to meet the setback and coverage limitations for the zoning district in which the system is located, in this case the I-1 district. Those setbacks are listed as follows. Mr. Anderson stated that the applicant intends to meet the front and side yard setbacks.

Requirement Proposed

Front yard: 25 feet 25 feet

Side yard: 10 feet 33 feet

Side yard street side: 25 feet 25 feet

Rear yard: 25 feet 10 feet – Mr. Anderson stated that the applicant is proposing a 10 feet rear yard setback; However this will need to be moved back approximately 15 feet because the rear yard is from the west property line.

Lot Coverage: 50%. Mr. Anderson stated that this proposal is well under 50%.

Stormwater Management: At this time a stormwater management plan has been submitted for review. The site plan does show that numerous services roads are to be installed and in multiple cases these will be within a few feet of the wetland boundaries. A grading plan will be required that shows all grading details for the installation of the service road and drainage patterns.

Screening: Landscape screening is proposed along the east property line or Babcock Avenue (County Road No. 1) and along the south property line or 230th Street or (County Road No. 5). This screening is proposed to be ten feet wide and within the twenty-five foot front yard setback directly adjacent to the property line. The type of screening is not shown so detail of this screening needs to be provided.

Mr. Anderson believes that a seven feet high chain link fence is proposed. When a fence is used for screening, it has to be 15 feet from the property line.

Mr. Anderson reviewed the following 25 conditions and stated that a fence condition should be added to these.

1. City Engineer Review. The interim use permit request shall satisfactorily address any issues raised by the City Engineer.
2. Stormwater Management. A stormwater management plan will need to be submitted for the site and reviewed by the City Engineer.

3. Mcleod County Review. The community solar energy system shall satisfactorily address any issues raised by Mcleod County. If any access related permits are required it shall be the responsibility of the owner or applicant to receive approval of these permits prior to construction of the community solar energy system.
4. MnDOT Comments. That all comments are satisfied from MnDOT in an email dated January 29, 2016.
5. Wetlands. The wetland report and delineation need to be verified prior to approval of the interim use permit.
6. Building Permit. All community solar energy systems shall meet the standards of the Minnesota Building Code and all applicable local, state and federal regulatory standards. The owner or applicant shall receive a building and/or mechanical permit before installation.
7. Signage. If any signs are required or installed, they shall meet the requirements of section 1501.023 of the zoning ordinance and no signs shall be replaced, installed or constructed until the appropriate sign permits have been issued by the City of Winsted.
8. Interconnection Agreement. An interconnection agreement must be submitted to the utility company and proof be provided to the City that the utility company has deemed the agreement complete.
9. Emergency Shutdown. The owner or applicant of the system must submit to the City a detailed emergency shutdown plan as part of the review process.
10. Screening. Community solar energy systems shall be screened from adjacent residential uses in accordance with section 1501.014 (General Regulations and Performance Standards), letter I (Screening Provisions) of the zoning ordinance.
11. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels meets the accepted professional standards, given local soil and climate conditions.
12. Power and Communication Lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground on premise. The City may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines.
13. Decommissioning Plan. The City requires the owner or applicant to submit a decommissioning plan for the community solar energy system to ensure that the owner or applicant properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or applicant shall decommission the solar panels in the event they are not in use for twelve consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet all applicant, federal, state and local requirements. The City may require the owner or applicant to provide a current day decommissioning cost estimate and shall post a bond, letter of credit or establish an escrow account, including an inflationary escalator, in an amount determined by the City Council, to ensure proper decommissioning.
14. Underwriters Laboratory Listing. Electric SES components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
15. Electric Code. All solar energy systems shall meet the standards of the Minnesota and National Electric Code.

16. Glare. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the north side of the solar array, reducing use of the reflector system or other remedies that limit glare.
17. Abandonment. Any solar energy systems which is inoperable for twelve successive months shall be deemed to be abandoned and shall be deemed a public nuisance. The owner or applicant shall remove the abandoned system at their expense after obtaining a demolition permit.
18. Jurisdictional Requirements. All solar energy systems shall meet all federal and state requirements including the Public Utilities Commission (PUC) requirement and size requirements.
19. Comprehensive Plan Amendment. A comprehensive plan amendment shall be required to change the east half of the property from C- Commercial/Retail to IND - Industrial.
20. Rear Yard Setback. The setback along the west property line shall be increased from ten feet to twenty-five feet or a variance will be required.
21. Documentation. That the applicant provide all required materials and information as stated in the zoning ordinance.
22. Recording. A certified copy of the interim use permit shall be filed with the McLeod County Recorder. The interim use permit shall include the legal description of the property involved.
23. Fees. To defray administrative costs of processing requests for interim use permits, a fee, as established by the City Council, shall be paid by the applicant at the time the application is requested. The City shall also be reimbursed for any additional costs associated with review of a proposal as set by the City Council.
24. Lapse of Interim Use Permit by Non-Use. Whenever within one year after granting the interim use permit the work permitted has not been started, then such permit shall become null and void unless a petition for an extension has been provided by the Planning Commission.
25. Annual Audit of Interim Use Permits. The Planning Commission or designee shall audit compliance with each interim use permit on an annual basis. This annual compliance audit will be held at the regular meeting closest to this anniversary date. The Commission or its designee shall monitor the compliance of the use to determine if the Property Owner is in keeping with the conditions and purpose that were imposed.

Mr. Ebensperger stated that the Planning Commission members had discussed stray voltage at the last Planning Commission meeting and asked who would monitor for stray voltage and how it would be reported.

Mr. Tienter stated that at the last meeting, there was discussion on whether or not stray voltage was a concern. He continued by stating that stray voltage is not necessarily more of a concern with a solar garden. Any improperly grounded facility using electrical service, even a home or barn, for example, can generate stray voltage. At the previous meeting it was discussed in what situations would testing be warranted. In other communities, if testing is requested, and stray voltage was identified, then the developer would pay for the cost of the test and cost to mitigate the stray voltage. In the event that a third party requested a test and no stray voltage was determined, then the third party would pay for the test.

Mr. Ebensperger stated that for the comfort of the people in the surrounding area, is there not a requirement to test for stray voltage on an annual basis, with published information available to the public.

Mr. Tienter stated that he does not know of a mandated requirement. As a condition of the IUP, the City could require them to test on a regular schedule and make the reports available to the local jurisdiction. Mr. Tienter continued by stating that the applicant may be willing to do this testing, but ultimately, they would prefer not to have this requirement.

Mr. Guggemos stated that this should be addressed at the Public Hearing when Mr. Ruiz, Minnesota Solar, LLC, is present because this is the first solar energy system within the City and testing should be required. The testing should not place undue hardship on the company.

Mr. Tienter stated that if this facility is not more likely to produce stray voltage compared to other facilities using electrical service, he would not give a staff recommendation to require the testing. He continued by stating that he will continue to investigate the subject with the City Engineer, the developer and other parties as needed.

Mr. Henrich asked if the proposed fence would be secured from the road. Mr. Anderson stated that he did not see the answer for that within the plan and that he would check into that further.

Mr. Henrich stated that the Airport has no issues with the garden, even with the skydivers that use the Airport.

Mr. Anderson read the comments from MnDOT as follow, *“the analysis looks good for the panels in the location provided assuming they are pointed 180 degrees (or perpendicular to the runway). MnDOT does not have a formal approval process for solar panels, but they appreciate the opportunity to comment on and be a part of the discussion when considering solar panels near an airport. The only FAA review would be filing a 7460-1 form, Notice of Proposed Construction. It is an online submittal form that allows the FAA to comment if the construction of the objects will affect the navigable airspace around the airport. The FAA does not approve or deny construction of the project, but will ask that items be lit if they are potential hazards to air navigation. Being that the proposed project is not located directly in the approach to the runway, MnDOT did not think this would be an issue but it would be beneficial to at least submit the information to FAA. The form requires the latitude and longitude of the project location, the ground elevation, and the tallest point of the constructed solar panels.”*

Mr. Anderson stated that the questions he has involve the potential impact to wetlands and the potential screening and fencing, and access.

Mr. Anderson asked the Planning Commission to consider the Land Use Map regarding changing the guidance of the eastern portion of this property to Industrial. Currently it is guided as Commercial.

Ms. Moses asked if the sunset date was determined. Mr. Anderson stated no. Mr. Tienter stated that they will be proposing a 25 year IUP with a five year renewal, for a total of 30 years.

Mr. Tienter reviewed that more research should be done for the following:

- stray voltage and testing of
- whether or not the guidance of commercial in the Land Use Plan should be changed.

Mr. Tienter stated that Minnesota Solar, LLC is open to moving panels around to comply with the City's requirements so the rear setback issue should not be a hindrance.

b) Planning Commission Resolution PCR-16-03 – Minor Subdivision – 230 Main Avenue West

Mr. Anderson stated that the City received a request for a minor subdivision of property located at 230 Main Avenue West to divide a lot from a larger tract of land.

The property has street frontage on Main Avenue West and on 3rd Street. At the corner of Main Avenue and 3rd Street is a separate property. This property will be following the property to the north, so it will be approximately 60 feet deep.

Mr. Anderson reviewed the following information from his staff report that he provided to the Planning Commission members.

Zoning Classification: The current zoning is C-1 Commercial Downtown Business District.

Classification: CBD - Central Business District.

Public Comments: No comments have been received as of the date of this memo.

Mr. Anderson stated that there are no minimum lot area or minimum length or depth requirements so the lot size meets the requirements of the ordinance. No variances are required.

Mr. Anderson stated that a minor subdivision is a means to split a lot without going through the complete planning process if it meets certain qualifiers. Mr. Anderson stated that in this case they are dividing one lot off from an existing lot and the application meets the requirements to qualify for a minor subdivision. Mr. Anderson stated that City staff is recommending that the Planning Commission recommend approval of this minor subdivision to the City Council.

Mr. Anderson stated that he provided the following comments regarding the minor subdivision:

- City Engineer should review the minor subdivision.
- It should be determined if the divided lot will be combined with an existing parcel.

Mr. Tienter asked Mr. Al Cafferty to comment on whether or not the lot would be combined in the future or stand on its own. Mr. Cafferty stated that the parcels would be connected. Mr. Anderson recommended that they then be combined into one parcel to avoid a building crossing property lines.

Mr. Tienter reviewed the process of whether or not there are any existing mortgages, liens or past tax assessments against the property and how this would affect the subdivision. Mr. Anderson stated that these items are between the purchaser, potentially Mr. Cafferty and the seller to resolve. Mr. Anderson stated that McLeod County would not record the subdivision until these were paid.

Mr. Guggemos motioned to adopt Planning Commission Resolution PCR-16-03 to allow the subdivision of the property as written. Mr. Henrich seconded the motion. Motion carried 4-0. Ms. Cafferty abstained from voting.

c) 2016 Winsted Pride Award

Mr. Tienter stated that in the past, the Planning Commission members requested changes to the Winsted Pride Award scoring sheets and stated that a revised scoring sheet was included in their packet for comments. Mr. Tienter stated that City staff would also like to discuss the timeline for judging the 2016 Winsted Pride Award.

The Planning Commission members discussed the timeline and decided that the Winsted Pride Award nominations would be due in early July and that the Planning Commission would judge the nominated properties on the date of their August, 2016 meeting. This will give time to notify the nominated properties by letters mailed to them.

The Planning Commission members discussed the scoring sheets and requested that a scoring category regarding curb appeal be added to both the Residential Score Sheet and the Commercial Score Sheet, and to remove "The property shows good use of landscaping materials (walls, edging, mulch, decorative gardens, etc.)" and "The maintenance of the drive/walkway areas is very evident." from the Commercial Score Sheet.

6) Other

Mr. Ollig stated that the City has hired an Administrative Intern who recently graduated from Minnesota State University, Mankato who will start on May 23, 2016.

Mr. Tienter stated that the Police Department will have a Bike Rodeo on Thursday, May 12, 2016 at the Howard Lake-Waverly-Winsted Elementary School. Mr. Tienter continued by stating that the Winsted Police Department will conduct an Open House on Saturday, May 21, 2016 at 1:00 p.m. at the Winsted Police Department.

7) Adjourn

Ms. Cafferty motioned to adjourn the meeting. Mr. Henrich seconded the motion. Motion carried 5-0. Meeting adjourned at 7:00 p.m.

Daniel Tienter

Daniel Tienter
City Administrator
City of Winsted

ATTEST:

Raquel Kirchoff

Raquel Kirchoff,
Deputy City Clerk
City of Winsted