

City of Winsted
Planning Commission
Winsted City Hall - City Council Chambers
June 13, 2016
6:00 p.m.

Planning Commission Members Present: Ms. Jolynn Cafferty
Mr. Marvin Ebensperger
Mr. Mike Guggemos
Mr. Mike Henrich
Ms. Allison Moses

Planning Commission Members Absent: Mr. Tom Ollig, City Council Liaison

Staff Present: Mr. Daniel Tienter, City Administrator
Ms. Amanda Zeidler, Utility Billing & Payroll Clerk

1) Call the Meeting to Order

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

2) Approval of Minutes – May 9, 2016

Ms. Jolynn Cafferty motioned to approve the minutes of the Planning Commission Meeting on May 9, 2016. Ms. Allison Moses seconded the motion. Motion carried 5-0.

3) Public Hearings

a) Planning Commission Resolution PCR-16-04 – Interim Use Permit – Minnesota Solar, LLC

Mr. Ebensperger opened the public hearing.

Mr. John Anderson, Municipal Development Group, LLC, stated that a public hearing was scheduled at the June 13, 2016 Planning Commission meeting to allow for an interim use permit (IUP) for the construction of a community solar energy system (SES), otherwise known as a solar garden, on property located in the I-1 Industrial District at 23121 Babcock Avenue (McLeod County Road 1). He added that there are a few outstanding items that the applicant, Minnesota Solar, LLC, has not addressed, and the applicant made a request for the public hearing to be continued for the following month.

Mr. Anderson stated that the west half of the property is guided for 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 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 Industrial. This could be a condition of approval if the City feels it should be changed to match the zoning.

Mr. Anderson stated that 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 a three (3) garden array with each garden being one (1) megawatt, for a total of three (3) megawatts in size. The solar arrays are named Highlander One (1), Highlander Two (2), and Highlander Three (3). Mr. Anderson stated that a sixteen (16) foot service road access is proposed on Babcock Avenue that gives access to each solar array. Babcock Avenue is a county road so McLeod County will be required to review the site plan. He added that array inter-row spacing is proposed at thirty-three (33) feet and the tilt angle is thirty (30) degrees. Screening is proposed along the east and south property lines.

Mr. Anderson stated that the adjacent property to the east, across Babcock Avenue consists of Industrial uses and is zoned I-1. Property to the north consists of open space and industrial uses beyond that, both

within and outside the City limits. The industrial uses are zoned I-1 within the City and part of the open space is zoned Airport. Property to the west consists of the Winsted Municipal Airport and is zoned Airport. An access road for the Airport is immediately adjacent to the west property line, so special attention will need to be paid to this location. Property to the south across 230th Street (McLeod County Road 1) consists of industrial uses and the Winstock property and is zoned I-1. Mr. Anderson stated that in general, the use fits within the area.

Mr. Anderson stated that Melissa Underwood, Senior Aviation Planner from Bolton & Menk, Incorporated, forwarded the comments that were received from the Minnesota Department of Transportation (MnDOT), stating:

MnDOT has completed their solar panel analysis of the proposed project. MnDOT runs an FAA approved Solar Glare Hazard Analysis Tool (SGHAT) program to determine if there are any impacts to the airport with the proposed solar panel project. MnDOT stated that 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. A sketch of the project is also attached to the online form.

Ms. Underwood stated in an email to Mr. Anderson that overall, the project is okay from MnDOT's point of view and they recommend a FAA 7460-1 form be completed prior to construction. Mr. Anderson added that there should be no major problems with the Airport, since it is adjacent to the proposed property.

Mr. Anderson stated that he has communicated with McLeod County, because the applicant has currently proposed an access to Babcock Avenue (County Road 1) and the south property line also abuts 230th Street (County Road 5) so McLeod County has been asked to review the site plan as part of this review. Mr. Anderson stated that the only comments that McLeod County had regarding the proposal was that no solar panels block the site lines at the intersection of the county roads. Mr. Anderson stated that Mr. John Brunkhorst, McLeod County Engineer, stated the City of Winsted's thirty (30) inch requirement in the sight triangle will be sufficient. Mr. Anderson added that any access-related permits from McLeod County will be the responsibility of the applicant.

Mr. Anderson stated that an interim use permit (IUP) shall terminate upon the occurrence of any of the following events; whichever occurs first:

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.*

Mr. Anderson added that at this time, the community solar energy system has proposed a twenty-five (25) year lease with an option to extend another five (5) years. The termination date for this IUP shall be thirty (30) years from the date of the IUP approval by the City Council, to coincide with the lease.

Mr. Anderson stated that the 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:

	<u>Requirement</u>	<u>Proposed</u>
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
Lot Coverage:	50%	Assumed well under 50%

Mr. Anderson stated that since access to the site is coming from the east off of Babcock Avenue, that is considered the front yard. In fact, the property address is listed on Babcock Avenue. The north and south property lines are considered the side property lines; however, the south property line abuts a roadway so it acts as a front yard as well. The west property line is considered the rear property line.

Mr. Anderson stated that at this time a storm water management plan has been submitted for review. The site plan does show that numerous service 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. At this time no grading plan has been submitted and prior to approval a grading plan will be required to be submitted for review.

Mr. Anderson stated that 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 and it is expected that when the service roads are constructed wetlands will be impacted. Additional information will be required to be submitted prior to approval.

Mr. Anderson stated that landscape screening is proposed along the east property line or Babcock Avenue (County Road 1) and along the south property line or 230th Street (County Road 5). This screening is proposed to be ten (ten) feet wide and within the twenty-five (25) 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 prior to approval.

Mr. Anderson stated that a seven (7) foot tall security fence that is chain link is proposed along the east, south and west property lines. According to the site plan, it does not appear to be located on the north property line; however, in the application it does state the fence will be located around the entire perimeter. This fence will need to meet the requirements of section 1402.005 of the Winsted City code. Fencing requirements from this section are as follows:

1. All fencing located within the front yard, shall not exceed four (4) feet in height. Fences located within the front yard setback may not be chain link. Fences located on the side or back yards may not exceed six (6) feet in height.
2. Fences shall not exceed thirty (30) inches in height within a corner sight triangle. A sight triangle is defined as a triangle at the intersection of two (2) streets that is twenty-five (25) feet back both property lines.
3. The finished side of the fence shall face neighboring properties or the street. The finished side is described as the side of the fence without exposed supports or posts.
4. Approved residential fences include: stone, brick, finished wood, vinyl and chain link.

Mr. Anderson stated that the applicant will need to move the fence out of the site triangle unless the fence is only thirty (30) inches high. This will satisfy the McLeod County requirements for visibility at that intersection, as well. The proposed height of the fence will also have to be reduced from seven (7) feet to six (6) feet. All fences along both Babcock Avenue and 230th Street (the east and south property lines shall only be four (4) feet and chain link fences are not allowed in the front yard setback. Both the south and east property lines are considered front yards. This will be a condition of approval.

Mr. Anderson outlined the issues that are outstanding at this time:

- Verify the rear-yard setback on the west property line
- Verify the screening
- Verify the fence materials and height required by the applicant
- Verify the grading of the sight and how it will work with the existing wetlands

Mr. Anderson reviewed the following items with the Planning Commission:

INTERIM USE PERMIT FINDINGS

No interim use permit shall be approved by the City council unless the Council finds:

1. That the interim use will not create a public nuisance or a health hazard.
2. That the interim use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for the purposes already permitted.
3. That the establishment of the interim use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
4. The use and the site in question shall be served by a street of sufficient capacity to accommodate the type and volume of traffic which would be generated.
5. That adequate utilities, access roads, drainage and necessary facilities have been or are being provided.
6. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
7. The proposed use is in compliance with the Winsted Comprehensive Plan and any other sub-area plan, transportation plan, park plan, land use plan, and the like adopted by the City, as may be amended.

PERFORMANCE STANDARDS INTERIM USE PERMIT

The following performance standards are applicable to interim uses although many of these will not apply to this IUP.

1. The site design for access and parking shall minimize internal as well as external traffic conflicts and shall be in compliance with the off street parking requirements.
2. If applicable, a pedestrian circulation system shall be clearly defined and appropriate provisions made to protect such areas from encroachment by parked or moving vehicles.
3. Adequate off street parking and off-street loading shall be provided in compliance with the off street parking requirements of the zoning ordinance.
4. Loading docks and drive-up facilities shall be positioned so as to: minimize internal site access problems and maneuvering conflicts; to avoid visual or noise impacts on any adjacent residential use or district; and be in compliance with the off street parking requirements of this Ordinance.
5. Whenever a non-residential use abuts or is across the street from a lot or area guided to future residential development within the Comprehensive Plan, the non-residential use shall employ landscaping and/or landscape treatments that soften the visual impact of the structure containing the non-residential use pursuant to a plan approved by the City.
6. All exterior lighting shall be directed so as not to cast glare toward or onto the public right-of-way or neighboring residential uses or districts.
7. Potential exterior noise generated by the use shall be identified and mitigation measures as may be necessary shall be employed.
8. The site drainage system shall be subject to the review and approval of the City Engineer.
9. The architectural appearance and functional design of the building and site shall not be so dissimilar to the existing or potential buildings and area so as to cause impairment of property values or a blighting influence. All sides of the principal and accessory structures are to have essentially the same or coordinated, harmonious exterior finish materials and treatment.
10. Provisions shall be made for an interior location for recycling and trash handling and storage or if exterior to a structure said recycling and trash shall be placed in an outdoor, enclosed receptacle. Fencing and/or landscaping are required around the enclosed receptacle.
11. All signs shall be in compliance Section 1501.022 of the Zoning Ordinance.
12. The use and site shall be in compliance with any federal or state laws or regulations which are applicable. As such, any related permits are obtained and documented to the City.
13. Any/all outdoor storage proposed shall be in compliance with the provisions pertaining to outdoor storage for similar uses in the applicable underlying zoning district.
14. The hours of operation may be restricted when there is potential negative impact upon a residential use or district.

SITE PLAN CONSIDERATION

In considering applications for site plan approval under the zoning ordinance, the Planning Commission and the City Council shall consider the following:

1. Interrelationship with the plan elements to conditions both on and off the property, that the use event, or activity will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
2. Consistency with and effect on the City's Comprehensive Plan, facility plans, park/trail plans, and other planning documents approved by the City.
3. Whether or not the establishment, maintenance or operation of the use, event or activity will maintain or enhance the general public welfare and will not be detrimental to or endanger the public health, safety or welfare.
4. Whether or not the establishment of the use, event or activity will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
5. Whether or not adequate public facilities and services including but not limited to, adequate transportation facilities, open space, parkland, trails, drinking water, and sewerage are available or can be reasonably provided to accommodate the use, event or activity which is proposed.
6. Whether or not the use, event or activity shall, in all other respects, conform to the applicable regulations of the district in which it is located, including but not limited to performance standards, parking standards, ingress/egress standards, signage, screening, site drainage, and exterior lighting.

CONDITIONS

Interim Use Permit

The following conditions are recommended to be included if the Planning Commission recommends approval of the IUP. These conditions may be subject to modification depending upon the outcome at the Planning Commission meeting:

1. City Engineer Review. The interim use permit request shall satisfactorily address any issues raised by the City.
2. Stormwater Management. A storm water 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. Grading Plan. That a grading plan is submitted for review and approval prior to approval.
7. 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.
8. Fence. The fence is removed from the site triangle and that the fence along the east and south property lines is constructed of some other approved material than chain link and is no taller than four feet. That a fence permit is approved prior to the installation of the fence to be located around the community solar energy system.
9. 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.
10. 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.
11. 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.

12. 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. Screening details shall be provided prior to approval.
13. 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.
14. 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.
15. 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.
16. Underwriters Laboratory Listing. Electric SES components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
17. Electric Code. All solar energy systems shall meet the standards of the Minnesota and National Electric Code.
18. 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.
19. 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.
20. Jurisdictional Requirements. All solar energy systems shall meet all federal and state requirements including the Public Utilities Commission (PUC) requirement and size requirements.
21. 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.
22. 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.
23. Documentation. That the applicant provide all required materials and information as stated in the zoning ordinance.
24. 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.
25. 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.

26. 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.
27. 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.

Site Plan

The following conditions are recommended to be included if the Planning Commission recommends approval of the Site Plan. These conditions may be subject to modification depending upon the outcome at the Planning Commission meeting:

1. Developer's Agreement. Prior to issuing a building permit, the City Council may require the developers to sign an agreement with the City which assures that particular elements of the Site Plan application, either proposed by the applicant or imposed by the City, shall be carried out.
2. Time Limit from Site Plan Approval until Building Permit is Issued. From the time the applicant receives site plan approval from the City Council, the applicant must be issued a building permit within twelve (12) months from the site plan approval date. Failure to do so will require the applicant to obtain a new site plan approval, with appropriate fees, to receive a building permit. The applicant may apply for one (1) six (6) month extension before the expiration date. Application for an extension is an administrative process.

Mr. Dan Tienter, City Administrator, stated that City staff have not received any written or verbal comments regarding this public hearing.

Mr. Mike Guggemos asked for clarification regarding the site plan, and screening requirements. He also asked how skydivers would be affected if they were to land on a solar panel, and if they would receive a shock of electricity. Mr. Gerardo Ruiz, Minnesota Solar, LLC, stated that a skydiver will not receive a shock, and provided an explanation of how the electricity works in regards to the solar panel. Mr. Guggemos also asked how skydivers would be able to exit the secure facility. Mr. Ruiz stated that the local fire and law enforcement agencies will have access to the site for emergency purposes, so the skydiver would be required to call 911 to be let out of the site. Mr. Guggemos asked if liability insurance would cover the cost of a similar incident. Mr. Tienter stated that as part of the operation agreement with Skydive the Lakes to operate out of the Winsted Municipal Airport, they are required to carry property damage and liability insurance to cover situations like these. Mr. Anderson stated that the site is a fairly wooded site, and there will be significant clearing of trees to the proposed site for the installation of the panels.

Mr. Mike Henrich asked if the proposed service road that provides access to the solar garden will have a secured gate, without allowing public access. Mr. Ruiz stated that it is important to maintain security at the site, and this is one of the issues they are facing when trying to accommodate the fence requirements. Mr. Henrich also inquired about the installation of a lock box at the site to allow access for emergency personnel. Mr. Anderson stated that a stipulation can be included to require a lock box, in addition to the existing emergency shut-down requirement.

The Planning Commission discussed the proposed fence and the potential to allow a variance to allow the applicant to exceed the existing fence requirements.

Mr. Anderson stated that he had a conversation with the City Engineer, and there were no additional comments other than addressing the storm water, wetland, and drainage questions.

Mr. Guggemos made a motion to continue the public hearing for the proposed interim use permit (IUP) to July 11, 2016. Mr. Henrich seconded the motion. Motion carried 5-0.

4) No Old Business.

5) No New Business.

6) Other

a) Parking in Cul-de-sacs

Mr. Tienter stated that the City Council has directed the Planning Commission to examine the ordinance regarding parking in cul-de-sacs and similar areas throughout the City, based on concerns from Winsted residents. He informed the Commission members that they can expect to see some follow-up information regarding proposed changes to the parking ordinance.

Mr. Henrich asked if they have been asked to only examine parking in cul-de-sacs, or if they are to examine the entire parking ordinance. Mr. Tienter responded by stating that the question was initiated by parking in cul-de-sacs; however, it would be appropriate to examine other parking questions that have come up recently, including the parking of recreational vehicles on certain city streets. Mr. Tienter stated that changing parking rules in one area will affect the entire city.

7) Adjournment

Ms. Moses motioned to adjourn the meeting. Ms. Cafferty seconded the motion. Motion carried 5-0. The meeting adjourned at 6:30 p.m.

Daniel Tienter

Daniel Tienter
City Administrator
City of Winsted

ATTEST:

Amanda Zeidler

Amanda Zeidler
Utility Billing & Payroll Clerk
City of Winsted