

WABASHA PLANNING COMMISSION

October 13, 2020 6:00 PM

Join Zoom Meeting

<https://us02web.zoom.us/j/82834009088>

MEETING AGENDA

- 1) Call to Order
- 2) Approval of Minutes-
 - a) Approval of Minutes from 9-08-2020
- 3) Changes or Additions to Agenda
- 4) Public Comment
- 5) Public Hearings
- 6) Old Business
 - a) Solar Ordinance
- 7) New Business
- 8) Board of Adjustment Business
- 9) Other Business
- 10) Next Regular Meeting Date - November 10, 2020
- 11) Adjourn

Planning Commission

2) a)

Meeting Date: 10/13/2020

SUBJECT: Approval of Minutes from 9-08-2020

DEPARTMENT: Planning & Zoning

TITLE:

Approval of Minutes from 9-08-2020

PURPOSE:

Attachments

Minutes 9-8-2020

DRAFT

WABASHA PLANNING COMMISSION

September 8, 2020 6:00 PM

MEETING MINUTES

Commission Members: Tim Wallerich, Chair Sara Carrels, Vice Chair
 Scott Durand Sharon Burke
 Ozzie Goodman Jeff Sulla
 Kris Kruse

Present: Scott Durand; Chair Tim Wallerich; Sharon Burke; Jeff Sulla; Ozzie Goodman; Kris Kruse

Absent: Sara Carrels

Also Present: Alex Conzemius, Contracted City Planner; Wendy Busch, City Clerk

1) Call to Order

The meeting was called to order by Chair Wallerich at 6:01 p.m. The meeting was conducted via video conference.

2) Approval of Minutes

a) Minutes 6-9-2020

Motion made by Sharon Burke, seconded by Jeff Sulla to approve the meeting minutes, as presented. A roll call vote was conducted.

Vote: 6 - 0 Adopted - Unanimously

Other: Sara Carrels (ABSENT)

3) Changes or Additions to Agenda

There were no changes or additions to the agenda.

4) Public Comment

City Planner Conzemius introduced his colleague, Harry Davis, from Bolton & Menk. He indicated that Mr. Davis will be transitioning into a role focusing on the Wabasha region. Mr. Davis described his background and experience.

There was no public comment with regard to items not listed on the agenda.

5) Public Hearing

a) CUP - 1000 Coulee Way Guest Cottage

City Planner Conzemius stated that the request involves a recently subdivided property at 1000 Coulee Way. He stated that an after-the-fact Conditional Use Permit is being requested for the living space within a pole shed type building. It was noted that structure has met all set-backs and lot requirements. City Clerk Busch provided additional background information. She stated that the applicant is considering constructing a separate home on the property. She noted that the City Code allows only one principal structure per parcel, with a CUP required for the habitable space in the pole shed. The location of the pole shed structure on the property was clarified.

Chair Wallerich opened the public hearing at 6:08 p.m. No one spoke during the public hearing. Chair Wallerich closed the public hearing at 6:09 p.m.

The proposed resolution of approval was discussed. It was suggested to remove the words "if approved" from paragraph C. Water and sewer utilities were discussed. It was suggested to revise the wording of paragraph H to state "Site requires City sewer and water service, if applicable." City Clerk Busch reviewed the permitting process. Reasons for the guest cottage CUP requirement were reviewed. It was noted that the guest cottage will need to adhere to the Building Code.

Motion made by Scott Durand, seconded by Sharon Burke to adopt a resolution approving the requested conditional use permit for 1000 Coulee Way:

WHEREAS, the property numbered PID # R27.01630.00 located at 1000 Coulee Way, Wabasha, MN; and

WHEREAS, the site is currently undeveloped but zoned RR/GT – Rural Residential Growth/Transitional, which allows Guest Cottages as a conditional use. WHEREAS, The Planning Commission provides the following findings:

- a) Chris Richardson has submitted a complete Conditional Use permit application
- b) The use, if approved, will not have a negative impact on the health, welfare or safety of the area or the community in general.
- c) The guest cottage will act as a second dwelling on the Richardson Property, as the property owner plans to build a home or principal structure on the lot as well.
- d) Conditions placed in this CUP will protect the health, safety & general welfare of the community and neighbors use and enjoyment of property and their property values.
- e) The applicant will complete and comply with all other state and federal regulatory agencies and obtain all necessary permits.
- f) The proposed use is consistent with the City comprehensive land use plan.
- g) Ingress and egress is provided off Coulee Way.
- h) The site requires City water and sewer service, if applicable.

NOW THEREFORE, IT IS HEREBY RESOLVED, the Planning Commission approves the Conditional Use Permit for a guest cottage, allowing the applicant to submit plans for a building permit.

A roll call vote was conducted.

Vote: 6 - 0 Adopted - Unanimously

Other: Sara Carrels (ABSENT)

6) Old Business

a) Solar Garden Moratorium

City Planner Conzemius provided an update. He summarized discussions by the Solar Subcommittee relating to the solar garden moratorium and potential ordinance revisions. He stated that the subcommittee reviewed the Comprehensive Plan, looked at housing projections for the next 20 years, considered existing residential lots, and determined the areas that would most logically be used for solar purposes. He stated that the subcommittee discussed options for reserving prime residential areas for residential purposes while allowing for additional solar development. He noted that one option would involve the development of a new solar overlay district. He noted that another option would involve performance standards that would ensure that properties with direct access to City water and sewer would be prohibited from solar development. He noted that a third option would be to tighten the residential zoning districts by removing some of the R-1 and R-2 land and rezoning this into a growth area, where solar development would be allowed. He added that a final option would be to do nothing and let property owners determine the highest and best use of their property. He noted that the six-month moratorium was approved in April of 2020.

Planning Commission members commented regarding the capacity of the solar grid system. It was suggested to limit the types of solar panels that can be used and develop more stringent screening guidelines. City Planner Conzemius noted that these requirements could be added to the performance standards. It was suggested to do public outreach as part of the ordinance update process. Current restrictions on the size of a solar garden were clarified, per State statute. Existing solar gardens were discussed. It was noted that future solar garden proposals will be regulated as part of the permitting process.

City Planner Conzemius noted that the Solar Subcommittee has suggested consideration of an ordinance amendment in terms of requiring a financial surety. The process of amending the ordinance language was discussed.

City Planner Conzemius suggested an Interim Use Permit requirement, as opposed to a Conditional Use Permit, for future solar gardens. Planning Commission members expressed agreement with this suggestion.

Next steps were discussed. It was suggested to schedule a public hearing during the October Planning Commission meeting for discussion of the proposed ordinance changes.

7) New Business

There was no new business.

8) Board of Adjustment Business

There was no Board of Adjustment business.

9) Other Business

10) Next Regular Meeting Date - October 13, 2020

The agenda for the next meeting was discussed. It was noted that Shawn Kohner may be submitting a concept plan for some of his properties.

11) Adjourn

Motion made by Scott Durand, seconded by Sharon Burke to adjourn the meeting. The meeting adjourned at 6:38 p.m.

Vote: 6 - 0 Adopted - Unanimously

Other: Sara Carrels (ABSENT)

Respectfully submitted by: _____
Wendy Busch, City Clerk

Adopted Date

Planning Commission

6) a)

Meeting Date: 10/13/2020

SUBJECT: Solar Ordinance

DEPARTMENT: Planning & Zoning

TITLE:

Solar Ordinance

PURPOSE:

Attachments

Staff Report



Memorandum

Office of the City Planner

To: Wabasha Planning Commission
From: Harry Davis, AICP
Date: October 13, 2020
Subject: Solar Moratorium and Proposed Ordinance Revisions

MEETING DATE: October 13, 2020

I.A Staff Report – Solar Moratorium

Zoning Summary – Following three meetings of the Solar Sub-committee and one meeting of the full Planning Commission, members have put ideas together on how to move forward and achieve the objective of allowing Solar in the Wabasha Community while at the same time, protecting prime residential development to maintain compatible land uses within the City of Wabasha.

A moratorium on further solar development was approved in late April to last for a maximum of 6 months. Planning Commissioners are asked to give guidance on the form of public outreach that should be held. Ultimately, if zoning ordinance revisions are pursued, a public hearing will be required. No decisions need to be made as part of this public hearing meeting.

The solar committee believes that codifying the need for a financial surety for solar garden developments, and permitting them as an Interim Use Permit (as opposed to a Conditional Use Permit) would be wise policy. The full Planning Commission has made some additional comments about screening, solar farm capacity limits, and requiring solar farms use sun-tracking technology. Staff has attached proposed changes to the solar code that address comments from the solar committee and Planning Commission.

Attachments:

- 162.106 Solar Ordinance Existing
- 162.106 Solar Ordinance Mark-up
- 162.060 Use Chart Mark-up

§ 162.106 SOLAR STRUCTURES AND SOLAR GARDENS/FARMS.

(A) Solar structures.

(1) Buildings or roof-mounted structures shall not exceed above the maximum height requirement for the principal building and shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

(2) Solar structures must meet the accessory structure setback and locations for the district if not attached to a roof when oriented at minimum design tilt.

(B) Solar garden/farm. The minimum lot size for a solar garden/farm is five acres with a maximum lot size of 30 acres.

(C) Screening. Solar garden/farm shall be screened from view of adjacent residential zoning districts and public roads to the extent possible without affecting their function.

(D) Abandonment. Any solar garden/farm which is inoperable for 12 successive months shall be deemed abandoned and a public nuisance. The owner shall remove the abandoned system at his or her expense. A decommissioning plan outlining the removal of all structures and electrical components will be required as part of the conditional use permit.

(E) Power, communication lines. All on-site site power and communication lines running between solar panels and buildings shall be buried underground on the premises.

(F) Jurisdiction. Solar farms that generate capacity of 50 megawatts or more shall fall under the jurisdiction of the state's Public Utilities Commission.

(Prior Code, § 305.07) (Ord. passed 12-18-2007; Ord. passed 7-2-2018) Penalty, see § 162.999

§ 162.106 SOLAR STRUCTURES AND SOLAR GARDENS/FARMS.

(A) Solar structures.

(1) Buildings or roof-mounted structures shall not exceed above the maximum height requirement for the principal building and shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

(2) Solar structures must be setback from property lines a minimum of 100 feet or meet the accessory structure setback and locations for the district, whichever is more restrictive, if not attached to a roof when oriented at minimum design tilt.

(3) Solar structures, when not attached to a roof or building, must use sun-tracking or a similar feature that meets the intent of this ordinance.

(B) Solar garden/farm. The minimum lot size for a solar garden/farm is five acres with a maximum lot size of 30 acres.

(C) Screening. Solar garden/farm shall be screened from view of adjacent residential zoning districts and public roads with native species of evergreen trees planted by the property owner on the subject property in a double staggered row along the property line. The property owner must also erect a security fence along all property lines. Both the fence and row of evergreen trees must be well maintained by the property owner. The Planning Commission may request a maintenance plan for the fence and row(s) of evergreen trees during development review. Screening for solar gardens/farms as outlined in this section must be accomplished to the greatest extent possible without affecting the solar farm/garden function.

(D) Abandonment. Any solar garden/farm which is inoperable for 12 successive months shall be deemed abandoned and a public nuisance. The owner shall remove the abandoned system at his or her expense. A decommissioning plan and a financial guarantee in the form of a bond, letter of credit, or cash escrow will be required outlining the removal of all structures and electrical components as part of the interim use permit.

(E) Power, communication lines. All on-site site power and communication lines running between solar panels and buildings shall be buried underground on the premises.

(F) Jurisdiction. Solar farms must meet any limitations or requirements set by State Statute or the state's Public Utilities Commission. Solar farms that generate a capacity of more than 50 megawatts shall fall under the jurisdiction of the state's Public Utilities Commission.

(Prior Code, § 305.07) (Ord. passed 12-18-2007; Ord. passed 7-2-2018) Penalty, see § 162.999

§ 162.060 USE CHART.

	Zones								
Use	RC	RRLA	RRGT	R-I	R-2	TDC	GC	HC	I
ACCESSORY USES									
Accessory building	P	P	P	P	P	P	P	P	P
AGRICULTURAL USES									
Agricultural stand	P	P	P						
Crop farming	P	P	P						
Grain storage facility							C		P
Limited livestock raising	P	P							
Raising of chickens/more than number allowed	I	I	I	I	I				
Bar/brewery uses									
Bars/cocktail lounge						P	P	P	
Brewery									C
Brewpub						P	P	P	
Distillery									C
Micro-distillery with tasting room						P	P	P	
Small brewery with taproom						P	P	P	
INDUSTRIAL USES									
Heavy industrial									C
Industrial service									P
Industrial warehousing distribution or storage facilities								C	P
Light industrial								C	P
Mining operations or extractive use									I
INSTITUTIONAL USES									
Airport			C						
Cemetery	C	C	C	C	C				
Communication tower	C	C	C	C			C		C
Cultural institutions						C	C	C	
Essential utility and public service facilities < 600 s.f.	P	P	P	P	P	P	P	P	P
Essential utility and public service facilities > 601 - 1,000 s.f.	C	C	C	C	C	C	C	C	C
Essential utility and public service facilities > 1,001 s.f.									C
Institutional uses	C	C	P	P	P	P	C	C	
Family day care				P	P				
Group family day care				P	P				
Group day care					P	C	P		
Supervised living facility				P	P				
Solar garden/farm >5,000 s.f.	€ I	€ I	€ I	€ I	€ I	€ I	€ I	€ I	€ I
MISCELLANEOUS USES									
Adult entertainment establishment									I
Commercial kenneling	I	I	I						

Nursery/greenhouses/landscape business	I	C	I						
Major traffic generator	C	C	C	C	C	C	C	C	C
Mixed use with permitted < 4 dwelling units					C	P	P		
Mixed use with any permitted > 5 dwelling units						C	C		
Parking garage						C	C		
Structures higher than maximum height (§§ 162.065 and 162.066 of this chapter)					C	C			
OFFICE USES									
Professional use up to 1,500 sq. ft.				C	C	P	P	P	P
Professional use > 1,501 sq. ft.					C	P	P	P	P
RECREATIONAL USES									
Club				C	C	P	P	P	
Golf course	C		C	C	C				
Hunting/shooting club	C	C	C						
Marina	C	C	C	C	C	C	C		
Parks and open space	P	P	P	P	P	P	P	P	P
Recreational entertainment facility, major	C	C				C	P	P	P
Recreational entertainment facility, minor		C			C	P	P		
RESIDENTIAL USES									
Accessory apartment	I	P	I	I	I				
Bed and breakfast	I	C	I	I	I	C	C		
Campground	I	C			C		C		
Guest cottage	C	P	C	C	C				
Home occupation	P	P	P	P	P				
Hotel/motel up to 40 rooms						P	P	P	
Hotel/motel - 40 - 70 rooms						C	C	P	
Hotel/motel >70 rooms								C	
Manufactured home park					C				
Multi-family dwellings - up to 20 units					C	C	C		
Multi-family dwellings - more than 20 units						C	C		
Single-family detached	P		P	P	P	P	P		
Single-family attached dwelling - up to 2 units		P		C	P				
Single-family attached dwelling - up to 4 units				C	P				
Single-family attached dwelling - more than 4 units					C				
RETAIL USES									
Commercial retail up to 1,500 s.f.					C	P	P	P	
Commercial retail >than 1,500 s.f.						P	P	P	
Contractor yard							P	P	P
Gas stations							P	P	P
Open sales, service, rentals lot						C	P	P	P
Restaurants						P	P	P	
Restaurant/bar outdoor seating						C	C	C	
Restaurant- drive-in/drive-thru							P	P	
SERVICE USES									
Funeral parlors					C	P	P	P	
Repair and maintenance services						C	P	P	P

Self-storage facilities (indoor only) up to 1,500 s.f.					C	C	P	P	P
Self-storage facilities (indoor only) > than 1,500 s.f.							P	P	P
Self-storage facilities - outdoor								C	C
NOTES TO TABLE: * C = conditional use * I = interim use * P = permitted use * Blank = not allowed * Zoning district acronym (see § 162.045 of this chapter)									

(Prior Code, § 305.06) (Ord. passed 12-18-2007; Ord. passed 7-2-2018)