

City of Winsted  
Planning Commission  
Winsted City Hall - Council Chambers  
Monday, February 13, 2017  
6:00 p.m.

Planning Commission Members Present: Mr. Marvin Ebensperger  
Mr. Mike Guggemos  
Ms. Allison Moses  
Mr. Mike Henrich, City Council Liaison

Planning Commission Members Absent: Ms. Jolynn Cafferty

Staff Present: Mr. Daniel Tienter, City Administrator  
Ms. Amanda Zeidler, Deputy City Clerk

Also Present: Mr. John Anderson, Municipal Development Group, LLC  
Mr. Michael Krause, Minnesota Solar, LLC  
Mr. Scott Williams, Impact Proven Solutions

### 1) Call the Meeting to Order

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

### 2) Approval of Minutes – October 10, 2016

**Mr. Mike Guggemos made a motion to approve the minutes of the Planning Commission Meeting on October 10, 2016. Ms. Allison Moses seconded the motion. Motion carried 3-0.**

### 3) Public Hearings

#### a) Public Hearing – Planning Commission Resolution PCR-17-01 – Zoning Ordinance Text Amendment

Mr. Ebensperger opened the public Hearing.

Mr. Dan Tienter, City Administrator, provided background information regarding a request from Minnesota Solar, LLC to amend the section of the zoning ordinance in relation to the termination dates for an Interim Use Permit (IUP).

Mr. Tienter stated that the current ordinance language is as follows:

- F. 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; or
  - 3. A change in the City's zoning regulations which render the use nonconforming.

Mr. Tienter stated that as you may recall, Minnesota Solar, LLC was recently issued an approval for an IUP to allow for a Community Solar Energy System (Solar Garden). They were planning to install the Community Solar Garden for an initial term of twenty-five (25) years, and they have the opportunity to extend it for another five (5) years, according to the IUP. Mr. Tienter added that they had concerns that if the City's zoning would change, it could render the use nonconforming and require the IUP to terminate, and would no longer make their project financially viable if the City would decide to decommission the Solar Garden after any number of years. The applicant has requested the following change to Section 1501.0175.F.3 of Chapter 15 of the ordinance:

- 3. The change in the City's zoning regulations which rendered the use nonconforming, unless the City Council, by resolution, determines that such use may remain nonconforming for a period of time that shall not exceed thirty (30) years.

Mr. Tienter stated that the zoning ordinance amendment as proposed does not necessarily change the intent behind the Planning Commission's initial IUP decision that was eventually approved by the City Council, it just clarifies in our ordinance that if the zoning were ever to change, the City Council would have the opportunity by resolution to prevent any IUP from expiring.

Mr. Ebersperger asked if this is a change for all IUP's. Mr. Tienter stated that it is a policy change for all future IUP's and still meets with the spirit of the IUP.

Mr. Michael Krause, a representative for Minnesota Solar, LLC, confirmed that the statute passed by the Minnesota Legislature requires Minnesota Solar, LLC to enter into twenty-five (25) year agreements with Xcel Energy, as well as with the investors when developing a Solar Garden. He added that other than the request that was stated earlier, Minnesota Solar has no other questions or comments.

Mr. Scott Williams, a representative for Impact Proven Solutions, stated that while they are very supportive of the solar process, the company would like to know what the implications would be if Impact Proven Solutions would be placing some type of solar infrastructure on the rooftop of the building located at 585 Industrial Boulevard.

Mr. Krause responded by stating that an individual property or business owner is still free to place solar infrastructure on their own property. He added that the electricity would only feed back into the grid after the property has used what is needed for that property or business. Mr. Krause stated that an individual property or business can generate up to 120% of what the building requires.

The Planning Commission discussed the opportunities and possible implications for individual businesses to install solar infrastructure and provide additional electricity to the electrical grid.

Mr. Krause stated that Minnesota Solar, LLC has subscribers for the Solar Garden, and the whole idea of the program is to allow the solar energy to be more competitive for those that may not have the same opportunity to create their own solar energy. Mr. Guggemos added that Minnesota Solar, LLC will not be contributing extra power to the grid, the power will all be going toward the subscribers.

Mr. Tienter stated that no other comments have been received, written or otherwise regarding the proposed amendment.

**Ms. Moses made a motion to close the public hearing. Mr. Guggemos seconded the motion. Motion carried 3-0.**

**Mr. Guggemos made a motion to adopt Resolution PCR-17-01, recommending the adoption of an ordinance amending the City Code Chapter 15, Winsted Zoning Ordinance, Section 1501.0175.F.3 in relation to the termination requirements for an interim use permit. Ms. Moses seconded the motion. Motion carried 3-0.**

**b) Public Hearing – Planning Commission Resolution PCR-17-02 – Interim Use Permit for Minnesota Solar, LLC**

Mr. Ebersperger opened the public hearing.

Mr. Tienter stated that the purpose of the Public Hearing is to amend the approved Interim Use Permit (IUP) for a community Solar Energy System (SES), otherwise known as a solar garden, on the property located in the I-1 Industrial District at 23121 Babcock Avenue.

Mr. Tienter stated that the proposed change is to add language to the resolution for approval that says that any change in the City's zoning regulations which renders the use nonconforming, unless the City Council, by resolution, determines that such use may remain nonconforming for a period of time that shall not exceed thirty (30) years. Everything else will remain as is.

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.

The following conditions are recommended to be included if the Planning Commission recommends approval of the amendment to the IUP:

1. City Engineer Review. The interim use permit request shall satisfactorily address any issues raised by the City Engineer.
2. Site Plan Review. That a site plan is also approved for the proposed community solar energy system (SES).
3. Stormwater Management. A stormwater management items that arise will need to be satisfied by the applicant after review by the City Engineer.
4. 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.
5. MnDOT Comments. That all comments are satisfied from MnDOT in a email dated January 29, 2016.
6. Wetlands. It shall be the responsibility of the applicant that no impacts to the wetlands occur.
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. That a variance is approved for the fence to exceed the maximum height requirement along the front yards and to allow for a chain link fence and 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. 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. Tienter stated that no other comments have been received, written or otherwise regarding the proposed amendment.

**Ms. Moses made a motion to close the public hearing. Mr. Guggemos seconded the motion. Motion carried 3-0.**

**Ms. Moses made a motion to adopt Planning Commission Resolution PCR-17-02, recommending the Mr. Guggemos seconded the motion. Motion carried 3-0.**

**4) No Old Business**

**5) No New Business**

**6) Other**

**a) Vacant Commission Positions**

Mr. Tienter announced that applications are being accepted for a single vacancy on the Park Commission and five (5) vacancies on the newly constituted Economic Development Authority (EDA). He added that the City is accepting applications and the positions are open until filled, so there is not deadline.

**7) Adjournment**

**Ms. Guggemos made a motion to adjourn the meeting. Mr. Ebensperger seconded the motion. Motion carried 3-0.**

The meeting adjourned at 6:25 p.m.

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Daniel Tienter  
City Administrator  
City of Winsted

ATTEST:

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Amanda Zeidler  
Deputy City Clerk  
City of Winsted