

1. **CALL TO ORDER** – Chair Barbara Ronningen called the meeting to order at 7:00 PM
2. **PLEDGE OF ALLEGIANCE** – was recited.
3. **ROLL CALL** – Present: Chair Barbara Ronningen, Sally Doherty, Kris Kopitzke, Lucia Wroblewski, Mark Nelson, Jim Langan, Scott Patten A Quorum was present. Absent: Roger Bowman (excused).  
**ALSO IN ATTENDANCE** – City Council member Joe Richter, City Administrator Ron Moore, City Clerk Julie Yoho
4. **APPROVAL OF AGENDA – Motion/Second: Patten / Doherty To approve agenda of the December 4, 2017 Planning Commission Meeting. Passed 7-0-0.**
5. **APPROVAL OF MINUTES –**
  - A. November 6, 2017 Meeting Minutes – **Motion/Second: Wroblewski /Nelson To approve minutes of the November 6, 2017 Planning Commission meeting. Passed 6-0-1. (Patten abstain due to absence)**
6. **REPORTS AND PRESENTATIONS** – none
7. **PUBLIC HEARINGS –**
  - A. Application by USS Rambo Solar LLC for a text amendment to the Zoning Code to allow “solar farms” as a conditional use or interim use in the Agricultural District. This application is related to a proposal for a 7.3 acre, 1.0 megawatt ground-mounted solar array at 12560 15th Street S.

Chair Ronningen opened the Public Hearing at 7:02pm.

Administrator Moore provided a summary of the project: USS Rambo Solar LLC has made an application for a text amendment to the Zoning Code to allow “solar farm” as a conditional use or interim use in the Agricultural District. This application is related to a proposal for a 7.3 acre, 1.0 megawatt ground-mounted solar array at 12560 15th Street S. USS Rambo Solar LLC has entered into a lease agreement with the property owner, Lyle Rambo, for the use of the property for a solar farm.

Solar Farm

The current definition of a solar farm in the City’s solar energy ordinance is as follows:

Solar Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

The ordinance prohibits solar farms from the Agricultural and Rural Residential zoning districts due to concerns regarding the impact of large areas of solar arrays on the rural character of the City. Solar farms are allowed in the Industrial Districts.

Proposed Text Amendment

The following is an outline of the main elements of the proposed text amendment:

- Add “solar farms” as a Conditional Use or Interim Use in the Agricultural zoning district.
- Provide for the same 50 foot side and rear setbacks as are currently required in the Agricultural zone, and require a 250 foot front yard setback vs. the 105 or 150 foot setbacks generally required in the Agricultural zone.
- Require a landscape screening plan for full-perimeter screening.
- Limit the size of solar farms to a maximum of 10 acres.
- Require a 1 mile buffer from other proposed or permitted solar farms.

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David Watts, US Solar Representative, described the benefits of planting native pollinator plants at the site. US Solar has support from the Farm Bureau and pollinator partnership groups. The solar gardens protect rural character. Residential subscriptions will be offered at a savings of 20%.

Kiara Bolton, 130 Charles Ave St Paul; Bee keeper. Kiara has placed hives at pollinator friendly solar sites and has seen an increase in healthy habitat and hives.

Jeff West 19789 Farnam Lake Rd Forest Lake; Prairie Restorations. Jeff stated that Prairie Restorations is actively managing projects at solar sites. The habitat created around the solar gardens works.

Annie Perkins, Afton, Member of NRG. Annie stated that the proposal is in alignment with the City's vision for renewable energy.

Perry Eggers 50<sup>th</sup> St South Afton; Beekeeper. Perry stated his support for the project.

Charles Bolton, 130 Charles Ave St. Paul; Bolton Bees. Charles stated that most apiaries in the area are located in Washington Co. It is always a struggle to find good habitat. Hives at solar arrays have been healthy and high producing. Neighboring farmers benefit from pollination.

Wes Miller, Afton. Wes questioned changing the ordinance, will that open the door for more solar farms? We don't need to have solar panels to have bee habitat.

Franz Hall 5730 Trading Post Trail. Franz questioned if solar farms are less beneficial if they are located in the industrial zone.

US Solar Representative, Minneapolis. Explained that the site has to be near a 3 phase distribution line and wires to make the site suitable. The same is true for an industrial site.

Franz Hall 5730 Trading Post Tail, Stated he would like to see this along I-94. In the comprehensive plan they are limited to industrial areas.

Bernardo Medellin 6 Coulee Ridge Rd. Agreed that solar farms should be in the industrial zone.

Wendi Bertelsen y 12631 15<sup>th</sup> St S. Wendi lives across the road from Lyle and stated that she moved to Afton for the rural character. This project would ruin that.

David Watts US Solar. David stated that a 1 mile buffer is requested for any other solar project so there won't be another in close proximity. This provides an opportunity to create pollinator habitat at no cost. The view of the site is protected by full screening and set back 300' from the road

**Motion/Second Nelson/Patten To close public hearing. Passed 7-0-0.**

Public hearing closed at 7:34 pm.

Nelson pointed out that the Ordinance restricts solar gardens to the Industrial Zone, not the Comprehensive Plan.

Doherty asked if this was the same company who installed a system north off Hwy 15.

Watts replied no, that was a different company and is a 3-4 megawatt site. US Solar uses a single axis panel that tilts and is 10' high, not 15.

107 Wroblewski asked if this property is unique or how many other sites are there that have the location to the  
108 3 phase distribution wires, proximity to substation and capacity.  
109 Watts replied that there are a small set of parcels that meet all criteria.  
110 Langan noted that a solar farm in the industrial zone would have access to 3 phase line.  
111 Chair Ronningen asked why this can't be located in the industrial zone; since the Ordinance specifies solar  
112 gardens are to be located there.  
113 Watts replied that it is cost prohibitive to acquire that land. Projects are currently capped at 1 megawatt  
114 sites; this has been the case since 2015.  
115 Doherty noted that the ordinance requires this in the industrial zone. Since laws have changed, this is not a  
116 workable model due to land costs?  
117 Watts replied yes.  
118 Wroblewski asked if there is a difference between a solar garden and solar farm? (no)

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120 **Motion/Second Patten/Langan To recommend the City Council does not change the ordinance in**  
121 **regards to solar farms based on the following:**

- 122 - **Well written ordinance with extensive public input**
- 123 - **There is sufficient and well-equipped land in the industrial zone for this**
- 124 - **No demonstrated need that indicates the current ordinance is deficient**
- 125 - **Recommend considering pollinator language in ordinance**

126 Discussion

127 Doherty stated that if the laws have changed, perhaps we should revisit the ordinance with current  
128 information.

129 Kopitzke agreed that the facts have changed and size allowed is a factor.

130 Langan asked for clarification on the 1 megawatt limit.

131 Watts explained that it is a rule and limitation from Excel and the Public Utilities. Not state law. Any project  
132 bigger than 1 megawatt began application prior to 2015.

133 Chair Ronningen stated she had a hard time with proposed language re: principal and accessory use and  
134 that the definitions are mutually exclusive.

135 Kopitzke stated he would like the city council to give direction on re-writing language.

136 Patten noted that this is contrary to everything we spent months discussing when writing the ordinance.

137 Kopitzke recalls it being close

138 Doherty noted there was extensive neighbor participation last time. This time only 1 person in the area has  
139 come – has the mood changed on the topic?

140 Langan replied that the neighbors in the area thought it was a dead issue.

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142 **Motion vote, Passed 6-1-0 (Kopitzke nay).**

## 144 8. NEW BUSINESS –

145 A. 2018 Planning Commission Meeting Schedule

146 **Motion / Second Ronningen/Wroblewski To approve the 2018 meeting schedule for the first Monday**  
147 **of the month with January moved to January 8, July moved to July 9 and September moved to**  
148 **September 10 to avoid holidays. Passed 7-0-0.**

## 150 9. OLD BUSINESS –

151 A. Afton Creek Preserve PLCD Subdivision Concept Alternatives at 14220 60th Street and parcels with PID  
152 Numbers 33.028.20.33.0005, 33.028.20.33.0004, 33.028.20.32.0001, 32.028.20.41.0002,  
153 32.028.20.42.0004, and 32.028.20.43.0001.

154 The City Council, at its October 17, 2017 meeting, referred the Afton Creek Preserve Preservation and Land  
155 Conservation Development (PLCD) back to the Planning Commission for reconsideration. Since then, the  
156 applicant has developed two concept alternatives to address feedback from the Planning Commission, the  
157 neighboring property owners and the City Council, and to minimize the number of required variances. The  
158 applicant would like to obtain general feedback from the Planning Commission and the City Council

159 regarding the two concept alternatives to guide the detailed preparation of one alternative to bring forward  
160 in a continuation of the preliminary plat review process.  
161 One concept alternative is a revised cul-de-sac with one termination point and 16 lots. The other concept  
162 alternative is a loop road with access to Odell Avenue.  
163 The applicant is requesting general feedback from the Planning Commission regarding the concept  
164 alternatives to guide the detailed preparation of one alternative to bring forward in a continuation of the  
165 preliminary plat review process.

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167 Discussion

168 Chair Ronningen asked what the status is regarding the application and how these concepts relate.  
169 Administrator Moorse replied that this is an interim step to get feedback on concepts to provide direction to  
170 the applicant. The next step would be bringing an application for public hearing to Planning Commission  
171 then City Council.  
172 Chair Ronningen stated that this meeting is not officially a public hearing; there will be discussion by the  
173 commission then she will allow some public comment. Since this is a PLCD there is no guarantee that there  
174 will be a maximum number of lots due to terrain, etc.  
175 Kopitzke stated that he likes the connecting road, but that 5 acre parcel cannot be part of the PLCD.  
176 Ronningen stated it would require a taking of the lot for a road and trail.  
177 Wroblewski noted that it causes two areas of traffic concerns.  
178 Patten stated he is against lot 18 and that lot 1 is too close to the stream.  
179 Wroblewski dislikes lot 18's shape.  
180 Doherty stated she sees progress; Option 1 requires fewer variances. Lots 1,2, & 18 should be part of open  
181 space.  
182 Patten noted that option 1 requires a fundamental shift in use of land with a road through a residential lot  
183 Kopitzke stated that it is a change in use, but just a road in a neighborhood.  
184 Patten would like to encourage smart development and feels like we should be able to do a PLCD with only  
185 a Conditional Use permit and no other variances.  
186 Chair Ronningen agreed that's how the language was written. The County has record of this being in Ag  
187 Preserve, has it come out?  
188 Administrator Moorse will double check.  
189 Kopitzke stated he just received this pile of legal opinions and would like time to review.  
190 Doherty stated that the task today is to indicate which plan is more favorable. Both are problematic since  
191 they both need variances; however 1a is better.  
192 Patten stated the plans are not where they need to be - they need to be variance free.  
193 Doherty agreed that if a variance is still needed; she would like to know why there isn't another option.  
194 Joe Bush, Developer stated that the west entrance was discussed originally. However the natural resources  
195 are primarily on the west side for the PLCD, and the houses would be placed by the other existing houses  
196 on the east side.  
197 Doherty asked if the MN Land Trust would accept the project if the access was on the west side  
198 Bush replied that the MN Land Trust will look at any application; however they already went through the  
199 process.  
200 Ronningen stated that there is no requirement that the MN Land Trust hold the easement. The City or  
201 homeowners could hold the easement. There are other groups that will work within our ordinances. City  
202 ordinances come first for Afton.

203  
204 Chair Ronningen opened public comment

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206 Kathy Graham, 5912 Trading Post Trail.; Developer hasn't addressed concerns over the number of lots. The  
207 best use of the land is decreased density. The setback of the road encroaches on her property. Development  
208 should have to follow codes. The shoreland overlay district prohibits a PLCD.  
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210 David Husebye, 5830 Osgood. Discussed ASHTO guidelines regarding stopping distance and the traffic  
211 study.  
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213 Paul Wolner, 13446 50<sup>th</sup> St S. Noted that no traffic study was done on Odell and that more traffic will go  
214 there.  
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216 Dan Brannan, 13997 50<sup>th</sup> St. Stated that the stopping distances and sight distances mentioned are minimum.  
217 The intersection at Trading Post and Co Rd 18 has had accidents; neither of these proposed intersections  
218 comes close to meeting the standards there. Access should be located off 60<sup>th</sup>. Rare species map showing  
219 woods on eastern edge of property – houses shouldn't be there, that area should be preserved.  
220  
221 Christian Dawson, 5888 Trading Post Trail. Had to hire legal advice to protect his land. Stated that he has  
222 provided feedback over the past year and still is looking at the same issues.  
223  
224 Mary McConnell, 5680 Odell. The property has challenges for this size of development. Access off 60<sup>th</sup>  
225 Street would be safer. The City must look at all issues. Alternatives can provide a conservation easement  
226 and allow development. This will set a precedent for further development.  
227  
228 James Rickard, 5650 Odell. Asked about the timeline. Would like the commission to reject the original  
229 proposal and consider the alternatives separately.  
230  
231 Chair Ronningen closed public comment  
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233 Chair Ronningen asked about the current timeline for review.  
234 Administrator Moorse replied that the review deadline has been extended to Feb 11.  
235 Kopitzke asked what the Council is asking for.  
236 Doherty asked about the process since they'd had an application with 3 items which they recommended not  
237 to approve. Council then said the planning commission didn't have all the information and passed it back.  
238 Should we close the original application?  
239 Chair Ronningen stated that the application was rejected for many reasons, none have changed.  
240 City Council member Richter stated that the Council would like detailed feedback and opinion on these  
241 options.  
242 Chair Ronningen noted that there are two more drawings now. Is this a new application and where does it  
243 fall? Commission recommended rejection to the original. There was additional information provided  
244 regarding the property deed.  
245 Perry Eggers, 13379 50<sup>th</sup> St. , stated he is representing the Ag zone. The property deed from Ester Shuster  
246 to Robert Shuster stated that the land should be kept in agricultural use, it is spelled out.  
247 Chair Ronningen asked if this is a covenant on the deed and is it binding?  
248 Administrator Moorse stated that the developer's proposals were in attempt to address concerns that were  
249 raised. He wanted to get feedback. The next step is to get feedback from the Council then the whole  
250 application will come back to the planning commission with the full proposal.  
251 Doherty stated that the applicant should consider having the entrance on the west side of property.  
252 Wroblewski noted she'd mentioned that many meetings ago. Have to get PLCD right as it's very important.  
253 Doherty & Patten both asked for a plan with no variances needed  
254 Nelson commented that the shoreland management zone regulations have been addressed (300' in this area)  
255 Chair Ronningen stated that her concern is not the money, but to protect citizens and environment of Afton.  
256 Wroblewski noted that she supports conservation easements, but this needs to be within existing ordinances.  
257 Chair Ronningen noted that there are many people that want larger lots. These are not acceptable. Reduce  
258 the number of lots, provide a road that is safe.  
259 Nelson dislikes the grading of slopes on lot 1.  
260 Kopitzke would like a no variance solution. The owner can work within ordinances.  
261 Bush stated that the landowner is part of the community and is trying to preserve.

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263 **B. Comprehensive Plan Update process**  
264 Progress was made at the workshop. Planning to have draft for January public hearing.  
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266 **C. Update on City Council Actions**

267 **1. Council highlights from the November 21, 2017 Council meeting.**

268 Work session tomorrow night to review the same information on the Afton Creek Preserve PLCD.  
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270 **10. ADJOURN**

271 **Motion/Second Doherty/Langan To adjourn. Passed 7-0-0.**  
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273 Meeting adjourned at 9:15 pm.  
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277 Respectfully submitted by:

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279 JY

280 Julie Yoho, City Clerk  
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**To be approved on January 8, 2018 as (check one): Presented: \_\_\_\_\_ or Amended:       x**