

PLANNING COMMISSION MEETING MINUTES

CITY OF GRANT

July 18, 2017

Present: John Rog, James Drost, Jerry Helander, Jeff Schafer, Jeff Geifer and Robert Tufty

Absent: None

Staff Present: City Planner, Jennifer Swanson; City Attorney, Kevin Sandstrom; City Clerk, Kim Points

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

MOTION by Commissioner Schafer to approve the agenda as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

4. APPROVAL OF MINUTES, June 20, 2017

MOTION by Commissioner Helander to approve the June 20, 2017 Minutes, as presented. Commissioner Tufty seconded the motion. MOTION carried unanimously.

5. NEW BUSINESS

PUBLIC HEARING, Application for Text Amendment to allow Community Solar Gardens in A1 and A2 Zoning Districts. – City Planner Swanson advised a few weeks ago the Applicant, United States Solar (“US Solar”), contacted city staff to inquire about ordinances that may regulate solar development in the city, and they were specifically interested in any regulations that addressed community solar gardens. After reviewing the city’s ordinances, staff informed the Applicant that there are no current ordinances and/or regulations related to solar development or community solar gardens (either residential or commercial) which consequently means that the use is not permitted per the zoning ordinance.

In addition to US Solar, the city has received other similar inquiries from solar providers/developers and staff thought it prudent to inform the City Council of the potential demand for such development projects in the community. After a short

discussion with the City Council it was determined that the City should enact a moratorium on all solar developments, both residential and commercial, so that the City could appropriately study and create the appropriate ordinances and/or regulations to adequately address solar development in the community. The moratorium was adopted at the regular City Council meeting in June. The moratorium is specific to the *development of a solar project*; therefore, the Applicant is able to apply for a text amendment to the zoning ordinance despite the moratorium.

The following staff report considers the Applicant’s proposed text amendments and does not consider the moratorium, which will continue to be in effect throughout this review process. Ultimately, the moratorium may or may not be lifted at commencement of this process depending on the findings and results of this process.

PROJECT SUMMARY

Applicant: United States Solar (US Solar)	Request: Text amendment to Section 32-1 Definitions, and 32-245 Table of Uses to conditionally permit Community Solar Gardens in A1 and A2
Owner: Joyce Welander	Zoning/Guiding: A1
Owner Address: 10381 83 rd Street N (proposed change would apply to all A1 and A2 zoned properties)	Site size: 58 Acres

The Applicant, US Solar, in coordination with the Owner have requested the subject text amendment to permit Community Solar Gardens in the City’s A1 and A2 zoning districts with a Conditional Use Permit (CUP). The Zoning Ordinance does not address or define solar development of any kind, whether for residential or commercial purposes, and there are no similar uses on the City’s Table of Uses found in Section 32-245; therefore, the use would not be permitted under the currently adopted ordinances.

Given that the current zoning ordinance does not permit the development of Community Solar Gardens, the Applicant has proposed a change to the City’s ordinances that would allow for such development. The Applicant is proposing the following text amendments:

The Applicant proposes to add the following definition to the Zoning Ordinance **Section 32-1 Definitions:**

Community solar garden means a solar energy production facility that generates between 200 kWac and 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota Statutes 216B.1641 or successor statute.

The Applicant further proposes to amend Section 32-245 Table of Uses of the Zoning Ordinance to add the following:

USE	ZONING DISTRICT
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N = Not Permitted C = Conditional Use Permit	Conservancy	Agricultural A1	Agricultural A2	Residential R1	General Business GB
<u>Community Solar Garden</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>

The purpose of this application is to consider a Text Amendment to the Zoning Ordinance and would apply to ALL land guided and zoned as A1 or A2. While this application is initiated because the Applicant would like to develop a community solar garden on the Owner’s property, this Application does NOT evaluate nor consider that specific project. If the text amendment, as proposed, is adopted then the Applicant and Owner would be required to make a separate application for the specific project and go through the necessary project review process.

City Planner Swanson advised the Applicant’s proposed text amendment is a good baseline to begin the discussion about Community Solar Gardens, and the narrative provides some clarity on what an end user expects from both the land owner and the City to move a project forward. However, while the narrative is fairly descriptive about the benefits of a Community Solar Garden, the text amendment is too general and does not provide enough detail to determine whether such uses are consistent with the city’s Comprehensive Plan or Zoning district regulations. If the Applicant is willing to provide some additional information for consideration it may assist in the discussion if they would like to pursue this text amendment further. Staff would request the following:

Clarification/Questions for the Applicant:

- What is the typical/average land area developed with a Community Solar Garden? What is the minimum size? What is the maximum size?
- How are the solar panels constructed? What does a “garden” look like? How tall are the support structures? What is the maximum height of a structure and panel at any time?
- Do the panels move? How are they affixed? What about glare?
- What types of screening do you find acceptable? What is unacceptable? Are there setbacks?

Once the Applicant provides some additional information and clarification regarding the physical development of Community Solar Gardens, staff would suggest that the Planning Commission consider and discuss some of the following topics:

- Does a Community Solar Garden seem consistent with the goals and vision of the community?

- Should Community Solar Gardens be permitted in the A-1 district? The A-2 district? Both? None?
- If yes, should the City develop performance standards to regulate the use beyond just the proposed definition? Or, do you believe the definition is adequate?
- Should there be a land area limitation? Based on what? Size of parcel? Impervious surface coverage? Other?
- If acceptable should it be screened? Screened from what? Adjacent homes/properties, public right-of-way, other?
- Should there be a minimum parcel size on which a Community Solar Garden can be located?
- Any other comments?

City Planner Swanson advised a duly noticed public hearing has been scheduled for July 18, 2017 at 6:30 PM to consider the proposed text amendment to the zoning ordinance.

Staff is not seeking formal action from the Planning Commission, and instead is requesting discussion and feedback regarding the proposed text amendment. Staff suggests obtaining additional information and clarification from the Applicant in order to adequately consider the proposed amendments.

However, if no additional information is provided by the Applicant or if the Applicant is unwilling, Staff would recommend denial of the requested text amendment. If the Planning Commission recommends denial, the Planning Commission should provide findings and direct staff to prepare a resolution for consideration by the City Council.

Mr. David Watts, US Solar, came forward and provided the background of the company as well as summarized the text amendment request. He noted the proposed amendment would make CSGs a conditional use in Ag district, which would require a public hearing. He proposed the following definition:

- “A community solar garden is solar energy production facility that generates between 200 kWac and 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.”

Mr. Watts explained the justification for the text amendment in terms of maintaining the rural character of the City, minimal impact, size and visibility and less inclination to subdivide for participating residents.

Mr. Watts concluding stating that CSGs are not permanent, they benefit the environment and community and the proposed amendments allow City to maintain rural character while benefitting taxpayers.

MOTION by Commissioner Schafer to open the public hearing at 7:23 p.m. Commissioner Drost seconded the motion. MOTION carried unanimously.

Ms. Joyce Welander came forward and stated there is a whole tree line near the proposed site location so there is built in screening. She requested the Planning Commission consider the application.

MOTION by Commissioner Tufty to close the public hearing at 7:25 p.m. Commissioner Schafer seconded the motion. MOTION carried unanimously.

Commissioner Schafer stated he is in favor of community solar gardens but believes more discussion should be held and a review of performance standards would be beneficial.

City Attorney Sandstrom stated the application requests certain language be added to the City Code. The Planning Commission should make a recommendation on that language or advise the applicant to work with the City to amend the application and bring forward comprehensive language. The City can also work on its own towards a draft ordinance.

Mr. Watts stated he is more than willing to work with the City and bring back a draft ordinance with more specific language.

MOTION by Commissioner Geifer to table Application to Allow Community Solar Gardens in A1 and A2 Zoning Districts. Commissioner Tufty seconded the motion. MOTION carried unanimously.

PUBLIC HEARING, Application for Conditional Use Permit for Horse Boarding Facility, 9711 Keswick Avenue North – City Planner Swanson advised the Applicants Lawrence and Maureen Lanoux, along with their daughters Julie Brady and Jamie Moeller are requesting a Conditional Use Permit (CUP) for a horse boarding and training facility on their property located at 9711 Keswick Avenue North. The Applicants are proposing to continue use of the existing accessory buildings including a large main barn, smaller accessory building and outdoor riding arena for operations that would allow up to 65 equines on the property. The Applicants submitted their application in July of 2016, at which time staff determined the application was Incomplete for review and staff identified the information that was needed to process the application. Since the initial application, the Applicants have been working to submit the additional and incomplete

information as requested by staff so that the application could be presented to the Planning Commission for review and consideration. In June of 2017 staff finally received a scalable site plan, prepared by a licensed surveyor which subsequently allows for processing the requested application as complete per Minnesota Statute 15.99.

City Planner Swanson noted a duly noticed public hearing was published for July 18, 2017, and letters were mailed to individual property owners within ¼-mile of the subject project informing them of the application request and public hearing.

Project Summary

Applicants & Owners: Lawrence and Maureen Lanoux, Julie Brady, Jamie Moeller	Site Size: 29.64 Acres (Total)
Zoning & Land Use: A-2	Request: Conditional Use Permit (CUP)
Address: 9711 Keswick Avenue N.	PIDs: 1403021240001 (9.88 Ac. – Parcel 3) 1403021210003 (9.88 Ac. – Parcel 2) 1403021210004 (9.88 Ac. – Parcel 1)

The Property Owners and Applicants (hereafter referred to as “Applicants”) are proposing to operate a horse boarding, training and breeding facility from the subject property. The properties associated with the subject CUP include three separate PIDs and comprise approximately 29.64 acres as denoted on the submitted site plan (see Attachment B). The following summary of the existing site improvements as well as business operations as described within the Applicant’s narrative (Attachment A) are provided:

Existing Homestead: There is an existing homestead located on the property which is the residence of Mr. Lawrence and Maureen Lanoux. The existing home is located in front of what appears to be an outdoor riding arena (area shown aerial), Main Barn, and Small AG Building as described by the Applicants.

Main Barn: There is an existing large barn approximately 84’ x 161.9’ for a total of 13,593 Square Feet located to the northeast of the principal structure. The Main Barn includes storage areas, grooming areas, an arena, and shop area as shown on the submitted floor plan. There are also 10 small individual areas that are assumed to be horse stalls, but are not identified/labeled on the floor plan. Additionally, the narrative describes that there is a lounge, gathering area and groomsmen’s quarters/live-in efficiency apartment in the Main Barn; however, these areas are not identified on the

submitted floor plan so it is unclear where and how large these uses are within the structure.

Small AG Building: There is a small agricultural building located directly east of the principal structure and behind the outdoor riding arena. As identified on the floor plan, there are two loafing areas, a tack/storage area and what appears to be three (3) additional horse stalls (not labeled, only numbered, see Attachment C).

Outdoor Riding Arena/Areas: There appear to be two (2) outdoor riding areas that are fenced in per the submitted site plan, though these areas are not labeled. The larger riding arena area is approximately 17,000 square feet, and is located to the east of the principal structure and in front of (west) of the Small AG Building. There also appears to be a small riding area located just north east of the Main Barn and is approximately 2,000 square feet.

Main Access and Parking: There is one gravel driveway which provides access to the principal structure, and the accessory uses from Keswick Avenue North. The gravel driveway splits approximately 230-feet from the right-of-way to provide separate accesses to the homestead and the Horse Boarding and Training operations. There is an expanded gravel area to the west of the Main Barn and then a large gravel area between the Main Barn and the Small AG Building. This area, as stated within the Applicant's narrative, provides parking for the Horse Boarding and Training operations, and can accommodate up to 15 customer vehicles.

Utilities: The existing homestead is currently served by a private well and individual septic system. It is unclear if the existing well is used for the current Horse Boarding and Training operations.

Operations: The Applicants' narrative with an updated date of June 9, 2017 describes the operations of the Horse Boarding and Training facility. The following summary of the materials is provided:

- Business Operation: The Applicants describe the operations as a "family horse farm, operating a horse boarding, training and breeding business." They currently have 60 equines on the property, and would like to allow for keeping up to 65 equines. According to the Applicants the number of equines can fluctuate depending on boarders' showing and competition activities, breeding and sales. Approximately 26 acres of the subject property is fenced and used as seasonal pasture for grazing or containing horses. There are two accessory buildings that are used to support the horse boarding and training business activities including a Main Barn and a Small AG Buildings (as identified on the submitted floor plans found in Attachment C).

- Number of Employees: As stated within the narrative there are no current employees of the operation, and the business is currently run by the Applicants. However, the Applicants would like the CUP to reflect the potential for employees/barn staff in the future. The number of employees could include up to five (5) barn staff, and they would also like the potential for the groomsmen quarters to be occupied; however, it is unclear if an occupant would be included/reflected within the 5 employees.
- Hours of Operations (Horse Boarding/Training/Breeding): The Applicants propose the barn to be open generally from 6:00 a.m. to 10:00 p.m. However, depending on equine needs, there are times when the operations are 24-hours.
- Events: No events onsite are proposed as part of the operations.
- Traffic/Parking: It is unclear from the materials submitted the frequency of visitors or customers to the site, and the number of visitors that may be present at any time. The narrative states that up to 15 customer vehicles can be accommodated onsite, and it is not clear as to whether this number reflects anticipated traffic flows. Also, it is assumed that there would be large trailers and other large vehicles accessing the site to move the equines for competitions, etc. These activities were not described in the narrative.

The Applicants have registered the feedlot for the Horse Boarding and Training operations from the MPCA which attached to this staff report. The feedlot registration also provided a copy to the Washington County Soil and Water Conservation District, which in some cases also have review authority. The property is located within the Brown's Creek Watershed District (BCWD), and the Applicants have stated that they have contacted the BCWD and no permits are required to continue operations at the facility. ***Staff would recommend including a condition that all permits from other agencies having regulatory authority over the operations are the responsibility of the Applicant to obtain and maintain, as applicable.***

City Planner Swanson stated in previous sections of the staff report there are some areas of clarification sought to understand the operations. The additional information is as stated below:

- Location of 'groomsmen' quarters, size and anticipated duration. Clarification regarding whether the Applicants intend to 'rent' this space out or how it would be managed should be addressed.
- Clarification regarding boarding logistics should be provided, particularly as it relates to boarding during months with inclement weather.

- The Manure Management Plan should be clarified and locations of the activity confirmed to ensure the composting activity is conducted to reduce the potential for odor, flies, etc.

City Planner Swanson advised the following draft recommendations and findings are provided for your consideration and discussion. The following can be modified, deleted, added to, etc., depending on the public testimony and discretion of the planning commission.

1. The conditional use permit shall be recorded against all three PIDs identified on the Application, and no PID may not be sold separately without an amendment to this permit.
2. The Horse Boarding and Training Facility may be allowed to keep a maximum of 65 horses on the property.
3. The public/customer hours of operation shall be limited to 6:00 AM to 10:00 PM daily. The Applicants/Owners may access the operations after business hours to tend to the equine needs.
4. The groomsmen quarters may only be used for support of the horse boarding and training operations, and shall not be permitted as a separate 'rental' unit on the property.
5. The site plan shall be updated to identify the location of the exterior light fixtures, and specifications of the lights provided to verify compliance with the City's ordinance.
6. The Applicants shall be required to maintain the feedlot registration with the MPCA, and shall provide a copy of the registration at any required renewal periods.
7. If a Manure Management Plan is submitted to the MPCA, a copy of such plan shall also be provided to the City.
8. All operations on site shall meet the MPCA's noise standards and regulations.
9. It shall be the responsibility of the Applicants to obtain all necessary permits from Washington County, MPCA, Browns Creek Watershed District, Washington County Soil and Water Conservation District, or any other agency having jurisdiction over the subject use.
10. Any future expansion or intensification of the Horse Boarding and Training Facility shall require an amendment to the Permit.

11. No signage is approved as part of this permit. Any future signage shall be subject to the sign ordinance in place at time of application and may require an amendment to the CUP.
12. No public events or shows are approved as part of this permit; if any public events or shows are desired an amendment to this permit may be required.

Staff is requesting a recommendation from the Planning Commission reflecting one of the following options:

- Recommendation to the City Council of Approval with Draft Conditions and Findings
- Recommendation to the City Council of Denial with Findings

If the Planning Commission recommends Approval, the following draft Findings are provided for your consideration:

- The Horse Boarding and Training use conforms to the City's Comprehensive Plan for rural residential and agricultural uses.
- Horse boarding and training of equines at a density that exceed 1 animal unit per 2 grazeable acres is conditionally permitted per the City's zoning code.
- The Horse boarding and training operations will not be detrimental to or endanger the public health, safety or general welfare of the city, its residents, or the existing neighborhood.
- The Horse Boarding and Training operations is compatible with the existing neighborhood.
- The Horse Boarding and Training operations meets the conditions or standards adopted by the city through resolutions or other ordinances.
- The Horse Boarding and Training operations will not create additional requirements for facilities and services at public cost beyond the city's normal low-density residential and agricultural uses.

Ms. Jamie Moeller, Applicant, came forward and stated there are thirteen stalls but they also utilize shelters and do blanket the horses. When there is very bad weather, the horses are brought into the indoor arena. There are groomsman quarters not being used at this time on the second level. That area is currently being utilized by family members.

Mr. Larry Lanoux, Applicant, came forward and stated he utilizes the existing well and septic tank that was put in years ago by a licenses contractor. There are no employees for

his electrical business. He has a legacy farm and did establish his grandfather's rights. He added that without those rights the City will be another Woodbury.

City Planner Swanson noted the CUP runs with the land and will be recorded with all three PID's.

MOTION by Commissioner Geifer to open the public hearing at 8:26 p.m.
Commissioner Schafer seconded the motion. MOTION carried unanimously.

Mr. John Smith, 10242 67th Lane, came forward and provided the background on why the applicant is here tonight. The property, buildings and grounds are in public view and the access is open to the public and is well maintained.

Mr. John Engstrom, New Richmond, came forward and stated he has worked with the applicants for 21 years as a local veterinarian. It is well maintained and has a rural flair. The trees do provide shelter and there is approximately twenty pounds of hay utilized in the winter.

Mr. Loren Sederstrom, 9330 107th Street, came forward and said he has a CUP as well with two PID's. The applicant takes excellent care of the horses and this type of use is what keeps Grant what it is.

Ms. Morgan Sexl (no address provided) came forward and stated she is a client of Lanoux stables. The picture on the wall is Ms. Moeller's clients. The Equestrian Team from the University of Minnesota was not doing well and when working with Lanoux Stables went to the regionals and became a willing team.

Ms. Madeline Albright (no address provided) came forward and stated she is the captain of the Equestrian Team and part of the stable family. The team excels as individuals and a team. Lanoux Stables has been a second home to her and she is proud to be a part of that.

Ms. Peggy Vanderiet, 9293 Keswick Avenue, came forward and stated she has been a neighbor to them for ten years and have never experienced any problems with the property. They are good neighbors, she supports them and they run a first class operation.

Ms. Lisa Paddock, 10025 Keswick Avenue, came forward and stated they have a well-established thirty year business that is successful. She has lived there thirteen years and they are great neighbors and friends. It is a beautiful ranch and it gives young people opportunities that they wouldn't necessarily have. They are very helpful neighbors and she enthusiastically supports the CUP.

Mr. Jim Frick, 11610 Grenelefe, came forward and stated he is not a horse lover but his concern is that the rules seem to apply differently to people. Why does he even need a CUP and the City should issue the CUP.

Ms. Josie Holker, 9899 Keswick Avenue, came forward and stated she has lived adjacent to Mr. Lanoux for twenty two years. They are good friends. She is concerned over doubling the number of horses that are on the property. The manure is put on the back property and there is concern regarding ground water contamination and run-off. The fencing is also a concern as the horses get out on occasion. She stated a feedlot next door could affect her property values and she would like these issues addressed.

Ms. Sara Kilgriff, 22545 Olinda Trail North, came forward and stated feedlot rules do not apply to pasture operations. The operation is not a feedlot and that agency has no authority to regulate this. The applicants do manage the manure well.

Mr. John Pagoreck (no address provided) came forward and stated he does support the use and doesn't even call it a business. If it not broken why do we have to do to fix it? They should give them a CUP.

Ms. Peggy Ridrick, 9900 Keswick, came forward and stated it is a lovely facility but she is also concerned about doubling the number of horses due to the manure and flies. She definitely is supportive of the permit but is also concerned about additional traffic as there is a lot of traffic there now. She requested they ask their clients to slow down relating to safety issues and hope there is not a lit up sign or neon.

Mr. Dick Donohoo, 10401 Kelvin Court, came forward and stated he has known the applicant for many years. The operation is neat, clean and well maintained and he has never heard of any complaints. A CUP makes sense and it should be approved.

Mr. Chris Zwattler, 9844 Keswick Avenue, came forward and stated he lives across the street and does support the permit.

Mr. Rich Lohman, 1010 McKusick, came forward and stated he has been shoeing horses for twenty years. The applicants are loyal people and the kids go to the farm and become productive young adults. The amount of horses is not being doubled as that number is already there. They care of the kids and have a class act operation.

Mr. Gary Throne (no address provided) came forward and stated his daughters have horses out there and they are at the farm all the time. It is a good operation.

Mr. Bob Zick (no address provided) came forward and stated cars can't go fast on that road because of the conditions. The manure is manageable and a manure management plan has been provided.

Ms. Kim Erichson, 9600 Keswick, provided a written statement relating to concern over flies and also stated they are a very good neighbor.

MOTION by Commissioner Geifer to close the public hearing at 9:17 p.m.
Commissioner Tufty seconded the motion. MOTION carried unanimously.

City Planner Swanson advised a feedlot registration is different from a feedlot permit. The applicant did the registration but is not required to have a permit.

Mr. Larry Lanoux, Applicant, came forward and stated he does appreciate the concerns of his neighbors. He advised he typically does have 50-60 horses at all times and he is not looking for an increase. He is asking to keep his current operation. The manure pile is composted behind the barn. There are wind breaks that are used in the winter. He stated he has great neighbors and occasionally a horse will get out. He stated he is asking to be allowed to do what he has been doing all along.

City Planner Swanson advised there is currently no CUP on the property so the City is not aware of how many horses there currently are. This is a review for a new permit and any property with ten or more horses requires a CUP. There is nothing that notes a maximum of animal units per acre and there are no steadfast rules.

City Attorney Sandstrom stated no one is disputing the fact that the applicant runs a good operation. The CUP runs with the land and the purpose of the CUP is to have conditions that are appropriate to protect them as well as the neighbors. The draft conditions are to be considered to ensure it stays a good operation.

Ms. Allison Ecklund, Attorney for Applicant, came forward and stated there are no hard and set standards for horse businesses or owners. Best practices relating to manure management can change.

MOTION by Commissioner Helander to recommend approve of the CUP application with draft conditions as presented and additional conditions relating to fencing, manure management plan and windbreaks.. Commissioner Tufty seconded the motion.

Commissioner Drost added a friendly amendment to include a condition that no manure may run onto the neighbor's property. There was no second to the friendly amendment.

MOTION carried unanimously.

This item will appear on the August 1, 2017 City Council meeting agenda.

6. OLD BUSINESS

There was no old business.

7. ADJOURNMENT

MOTION by Commissioner Tufty to adjourn the meeting at 10:10 p.m. Commissioner Geifer seconded the motion. Motion carried unanimously.

Respectfully submitted,

Kim Points
City Clerk