



**Norwood Young America Planning Commission**  
**Tuesday, May 17, 2016**  
**Norwood Young America City Council Chambers, 310 Elm St. W.**  
**7:00 p.m.**

**AGENDA**

1. Call to Order  
Pledge of Allegiance
  2. Adoption of Agenda
  3. Approve Minutes – April 19, 2016 meeting
  4. Public Hearing  
A. Central School District - Variance Request
  5. New Business  
A. Central School District - Variance Request
  6. Old Business  
A. Solar Energy Systems  
B. Light/Heavy Manufacturing Definitions  
C. Accessory Dwelling Unit Survey Results  
D. 2016 Goals/Work Plan
  7. Commissioner's Reports
  8. Adjourn
- Bill Grundahl**  
**Cassandra Kemp**  
**JR Hoernemann**  
**Mark Lagergren**  
**Charlie Storms**  
**Craig Heher**  
Council Liaison

**UPCOMING EVENTS**

- May 23 6:30 p.m. – City Council Meeting  
June 13 6:30 p.m. – City Council Meeting  
June 21 7:00 p.m. – Planning Commission Regular Meeting  
June 21 5:30 p.m. – Parks & Recreation Commission Meeting

***Norwood Young America  
Planning Commission Minutes  
April 19, 2016***

- Present:** Commissioners Bill Grundahl (7:30), Craig Heher, Cassandra Kemp, JR Hoernemann, and Charlie Storms.
- Absent:** Mark Lagergren.
- Public:** Tim Fahey, Tim Anderson, Pat Fibisp, and Corena Stacy.
- Staff:** City Administrator Steve Helget and Planning Consultant Cynthia Smith Strack.

**1. Call to Order**

The meeting was called to order by Heher at 7:00 pm. All present stood for the Pledge of Allegiance.

**2. Adoption of Agenda**

Chairperson Heher introduced the agenda.

*Motion* – Motion Storms, seconded by Kemp, with all in favor to approve the agenda with the requested change. Motion approved 4-0.

**3. Approval of Minutes from the Regular Meeting March 8, 2016 and March 15, 2016.**

Heher introduced the minutes from the March 8 and March 15, 2016 meeting.

*Motion* – Storms to approve March 8, 2016 and March 15, 2016 meeting minutes. Second by Hoernemann. With all in favor the minutes were approved 4-0.

**4. New Business.**

**A. Light/Heavy Manufacturing Definitions.**

Chairperson Heher introduced the agenda item. Strack stated the Planning Commission held a work session in March to discuss potential uses of an existing industrial/commercial structure. During the work session the precise definitions of ‘light industrial’ and ‘heavy industrial’ were scrutinized. During the work session the PC suggested working toward better defining the terms.

Strack alluded to a packet attachment which included definitions and purpose statements for light and heavy industrial and applicable zoning classifications.

Heher noted the Minnesota Department of Labor and Industry had different definitions for industrial uses. Strack noted DOLI were based on occupancies whereas zoning was based on land use and potential impact to adjacent properties. She noted a common distinction held ‘light industrial’ contained potential negative impacts such as noise, glare, odor, visual clutter, and

vibration to the parcel on which they were contained, whereas ‘heavy’ industrial uses had the potential to impact areas beyond where they were located.

Storms stated different uses could be difficult to define and that he was drawn to the idea of impact on properties being included in the discussion process.

Kemp inquired as to whether a work session on the definitions would be helpful. Strack inquired as to what information Kemp would like her to provide to help add definition to the process.

PC discussed different types of industrial uses such as coffee roasting and asphalt plants.

Strack reminded PC members that in addition to definitions individual uses were defined within district standards for added context.

Heher noted he favored definitions from the Belle Plaine code. He suggested using those definitions as a base and adding examples. The PC reached consensus and directed Strack develop sample language for review at the May meeting.

## **5. Old Business.**

### **A. Accessory Dwelling Unit Survey Results.**

Chairperson Heher introduced the agenda item.

*Motion* – Motion Heher, second Kemp to postpone discussion to the May meeting. Motion carried 5:0.

### **B. Solar Energy Systems as Accessory Uses.**

Chairperson Heher introduced the agenda item.

*Motion* – Motion Heher, second Kemp to postpone discussion to the May meeting. Motion carried 5:0.

## **6. Work Session.**

Chairperson Heher recessed the regular meeting and opened the work session at 7:27 p.m. Heher noted the purpose of the work session was to discuss legal non-conforming status of 309 1<sup>st</sup> Street NE.

Strack stated the property at 309 1<sup>st</sup> Street NE is currently for sale and being marketed as commercial property. Planned use and current zoning for the parcel is R-3 Medium Density Residential. Hydro Engineering currently stores a few miscellaneous items outdoors and has material stored indoors as well.

The work session was scheduled to discuss potential options, including rezoning to C-3 and updating of C-3 District language to allow outdoor storage. Alternately, limiting potential outdoor storage to what exists (under non-conforming use language) was also a potential discussion item.

Strack noted no action was to be taken, discussion was in a work session and for conceptual purposes only.

Tim Anderson and Tim Fahey talked about potential use of the property including storing campers, trailers, boats, and the like indoors and outdoors. Fencing could be contemplated and another structure added.

The PC discussed in general fencing standards, nature of storage, and potential impacts.

Fahey noted a railroad easement traversed the property rendering a large portion unbuildable. He opined the lot was not suitable for medium density residential due in part to the easement.

Heher inquired as to where, if anywhere, a structure could be added to the site. Strack noted a site plan would be needed to adequately determine where structures could be placed. No structure could be placed in the rail easement without the permission of the rail authority.

City Administrator Helget inquired as to what kind of residual non-conforming rights remained. Strack noted if vacant one year the lot would need to conform to district standards. She noted it was her understanding storage of items was still occurring on the site.

Helget inquired as to whether the use could be expanded or changed. Strack noted the non-conforming use could not be increased in intensity and that the use could change to a less intensive, conforming use but not a more intensive use.

Kemp inquired as to how outdoor storage could occur at the site. Strack stated the property would need to be rezoned to a commercial use where outdoor storage was an allowed use. At this time the property abutted the C-3 Downtown District but storage was not a defined use in the C-3 District.

Fahey voiced support for rezoning and amending the C-3 District to allow outdoor storage.

Helget noted surrounding residents would likely have an interest in what occurred on the property. Strack noted public hearings would be required and that the rezoning, if contemplated, would not necessarily be approved.

Heher noted use of the property was desired, however, he was concerned about aesthetics.

Grundahl clarified the property was currently zoned R-2 residential which meant anything occurring at this time has legal non-conforming status. He stated if a buyer wanted to accept the property as is, that was their right. He alluded to other uses in the area.

Heher inquired as to what the PC should do next.

Strack noted if a commercial use was suggested, an agreement could be drafted to memorialize what could and could not occur on site under non-conforming standards. She suggested a maximum

percentage of the lot available for outdoor storage be defined. Alternately she noted the property owner could petition for rezoning and ordinance amendment.

Helget inquired about required public hearings. Strack stated if rezoning and ordinance amendment was contemplated there could be one hearing notice but two separate actions.

A member of the audience asked if indoor and outdoor storage could occur. Strack noted indoor cold storage was currently occurring and that a few items were stored outdoors. Therefore, an agreement describing a percentage of the lot available for outdoor storage could possibly be developed.

Helget inquired as to whether such an agreement could be transferred from property owner to property owner. Strack noted non-conforming rights were attached to the property and not the property owner.

Kemp inquired as to whether non-conforming use agreements could be amended. Strack noted the agreement would likely describe what could allow, any increase in the intensity of the non-conforming aspects could not occur in the future.

The PC suggested potential users of the property submit a written narrative of potential uses which staff could review and bring to the PC and Council if necessary.

Chairperson Heher reconvened the regular meeting at 8:29 p.m.

## **7. Commissioner's Reports**

Hoernemann stated he attended the Council meeting on April 18<sup>th</sup>. The Council considered a franchise agreement with Jaguar Communications. Hoernemann stated there would be an open house for the Haven later in the month. He noted remodeling at the old laundromat appeared to be moving along nicely. Grundahl noted the remodeling was a large and welcome improvement.

Heher noted the Park and Recreation Commission met earlier in the afternoon.

Storms said the EDC was working on marketing and branding.

Heher noted Vickerman addition was moving forward.

## **8. Adjourn**

Motion – Grundahl, seconded by Kemp all in favor, the meeting was adjourned at 8:37 p.m.

Respectfully submitted,

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*Steve Helget*  
Zoning Administrator



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: May 17, 2016

Re: Variance: Minimum Lot Width – Central Schools

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**Applicant:** Brian Corlett, Central School District

**Subject Property Address:** 515 Morse Street

**Property ID:** 580144100

**Legal:** To Be Determined

**Request:** Variance to minimum required lot width in the C-2 General Commercial District.

**PUBLIC HEARING REQUIRED**

Consideration of a variance to the minimum lot width required in the C-2 District under Section 1230.09, Subd. 6(B) of the Code. Accordingly, a notice of public hearing was posted, published in the *NYA Times*, and mailed to property owners within 350 feet of the subject parcel.

The public hearing notice included the time, place, and purpose of the hearing for the variance requests.

**EXAMINATION OF REQUEST**

Under Section 1230.09, Subd. 6(B) the minimum lot width in the C-2 District is established as 200 feet.

Central Schools requests consideration of a variance to the minimum lot width to accommodate a simple lot split at 515 Morse Street.



As illustrated in the attached certificate of survey, the proposed lot width is 121.32 feet.

Please find attached the variance application.

## **Applicable Standards**

Chapter 1210.04, Subd. 3 of the City Code establishes criteria for the approval of variances as follows:

***Subd. 3 Standards for Granting Variance.*** *The board of appeals may vary the regulations of this chapter when supporting evidence in each specific case indicates that:*

- A. Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zoning district as a result of lot size or shape, topography, or other circumstances over which the owner of the property since the effective date of this Chapter has had no control;*
- B. The literal interpretation of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district;*
- C. The special conditions or circumstances do not result from the actions of the applicant;*
- D. Granting the variance will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures or buildings in the same zoning district;*
- E. The purpose for the variance is not based exclusively upon a desire to increase the value or income potential of the property;*
- F. The variance is the minimum variance necessary to alleviate the hardship; and*
- G. The variance would not be materially detrimental to the purposes of this Chapter or to property in the same zone.*

**Please note the Code standards were developed prior to a law change in 2011 relating to a distinction between 'undue hardship' and 'practical difficulty' applicable to processing of variance requests in municipalities.**

The 2011 law allows the granting of a variance if the proposed activity is in harmony with the general purposes and intent of the Code and if the variance is consistent with the Comprehensive Plan. Practical difficulty 'test' centers around three questions as follows:

1. Does the property owner propose use of the property in a reasonable manner? The Planning Commission should consider whether or not the landowner would like to use the property in a reasonable way but cannot do so under the rules of the Code. If the answer is 'yes' the first leg of the 'practical difficulties' evaluation is satisfied.
2. Is the landowner's situation due to circumstances that are unique to the property? The Planning Commission should consider whether or not the physical characteristics of the particular piece of property generated the variance request. The Commission can consider whether or not the Applicant created the situation. The Commission can consider economic hardship but economic hardship can't be the sole reason for granting a variance. Please note that an Applicant knowing they need a variance to use the property as desired does not prohibit the granting of a variance under this evaluation. If the answer is 'yes' the second leg of the 'practical difficulties' evaluation is satisfied.
3. Will the variance, if approved, alter the essential character of the neighborhood? The Planning Commission should consider whether or not the resulting situation will be out of place or scale with surrounding development and/or otherwise inconsistent with the built environment of the surround neighborhood. If the answer is 'no' the final leg of the 'practical difficulties' evaluation is satisfied.

If the answers to the aforementioned questions are satisfactorily answered a 'practical difficulty' exists. If a practical difficulty exists a variance may be granted.

### **Findings of Fact**

As you recall, City Administrator Helget developed a questionnaire the PC uses to evaluate variance requests and assist in developing findings to support approval or denial of the request. Please find attached the evaluation form.

In addition, the following are offered as potential findings for and against granting a variance:

#### ***Potential findings supporting a 'practical difficulty' exists:***

- ***The proposed development is consistent with the Comprehensive Plan in terms of future land use and policies relating to commercial development.***
- ***The existing dwelling is a legal non-conforming use that has been an established property for several decades.***
- ***The variance is not for the use of the property.***
- ***The subject property is not an essential component of Central School District service delivery.***
- ***The lot width variance will allow a lot split and sale of the subject property returning the dwelling to private ownership and thus generating additional tax revenue.***

#### ***Potential findings supporting denial of the variance request:***

- ***The Applicant has created the problem by proposing to split the parcel. A practical difficulty can't exist when the owner of the property creates the difficulty.***
- ***The required lot width could be achieved if the northern lot line was moved and the existing ballfield was relocated.***

### **Conditional Approval**

The City may apply conditions to the approval of a variance provided they are reasonable related to the request.

### **ACTION**

The Planning Commission shall hold a public hearing on the request.

The Planning Commission shall discuss the variance request during the business portion of the meeting.

As the planning agent for the City of NYA the Commission is asked to consider a MOTION recommending the City Council approve or deny the rezoning based on stated findings.

### **ATTACHMENTS**

Application  
Certificate of Survey illustrating proposed lot split  
Map of subject property  
Variance evaluation criteria

# Planning and Zoning Application

City of Norwood Young America  
 310 Elm St. W, PO Box 59  
 Norwood Young America, MN 55368  
 Phone: (952) 467-1800 Fax: (952) 467-1818

Applicant's Name <i>Central Schools</i>		Telephone Home <i>952-467-7000</i> Work/Cell																														
Address (Street, City, State, ZIP) <i>531 Morse St PO Box 247 NYA, MN 55368</i>																																
Property Owner's Name (If different from above)		Telephone Home Work/Cell																														
Location of Project <i>515 Morse St NYA, MN 55368</i>																																
Legal Description <i>ATTACHED</i>																																
Description of Request (Attach separate sheet, if necessary) <i>Split Lot as shown on two drawings. Want to sell lot with house</i>																																
<p><b>Proposed Action(s): Check all that apply</b></p> <table border="0"> <tr> <td><input type="checkbox"/> Annexation \$300.00</td> <td><input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow</td> <td><input type="checkbox"/> Storm Water Plan \$250.00</td> </tr> <tr> <td><input type="checkbox"/> Application for Appeal \$150.00</td> <td><input type="checkbox"/> Sketch Plat \$200.00 + Escrow</td> <td><input type="checkbox"/> Rezoning \$350.00</td> </tr> <tr> <td><input type="checkbox"/> City Code Amendment \$250.00</td> <td><input type="checkbox"/> Site Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Street/Alley Vacation \$150.00</td> </tr> <tr> <td><input type="checkbox"/> Parking Reduction \$100.00</td> <td><input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow</td> <td><input type="checkbox"/> Zoning Text Amendment \$300.00</td> </tr> <tr> <td><input type="checkbox"/> CUP/IUP \$200.00 (Residential)</td> <td><input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow</td> <td><input type="checkbox"/> Recording Fee \$46.00</td> </tr> <tr> <td><input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)</td> <td><input type="checkbox"/> PUD Final Plan \$300.00 + Escrow</td> <td><input type="checkbox"/> Other _____</td> </tr> <tr> <td><input type="checkbox"/> Variance \$150.00 (Residential)</td> <td><input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Variance \$200.00 (Non Residential)</td> <td><input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Lot Split \$200.00</td> <td><input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Public Hearing Notice \$75.00</td> <td><input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow</td> <td></td> </tr> </table>			<input type="checkbox"/> Annexation \$300.00	<input type="checkbox"/> Comp Plan Amendment \$500.00 + Escrow	<input type="checkbox"/> Storm Water Plan \$250.00	<input type="checkbox"/> Application for Appeal \$150.00	<input type="checkbox"/> Sketch Plat \$200.00 + Escrow	<input type="checkbox"/> Rezoning \$350.00	<input type="checkbox"/> City Code Amendment \$250.00	<input type="checkbox"/> Site Plan \$300.00 + Escrow	<input type="checkbox"/> Street/Alley Vacation \$150.00	<input type="checkbox"/> Parking Reduction \$100.00	<input type="checkbox"/> PUD Sketch Plan \$200.00 + Escrow	<input type="checkbox"/> Zoning Text Amendment \$300.00	<input type="checkbox"/> CUP/IUP \$200.00 (Residential)	<input type="checkbox"/> PUD Plan Amendment \$300.00 + Escrow	<input type="checkbox"/> Recording Fee \$46.00	<input type="checkbox"/> CUP/IUP \$300.00 (Non Residential)	<input type="checkbox"/> PUD Final Plan \$300.00 + Escrow	<input type="checkbox"/> Other _____	<input type="checkbox"/> Variance \$150.00 (Residential)	<input type="checkbox"/> PUD General Concept Plan \$400.00 + Escrow		<input checked="" type="checkbox"/> Variance \$200.00 (Non Residential)	<input type="checkbox"/> Preliminary Plat \$350.00 + \$10.00/Lot + Escrow		<input checked="" type="checkbox"/> Lot Split \$200.00	<input type="checkbox"/> Final Plat \$250.00 + \$10.00/Lot + Escrow		<input checked="" type="checkbox"/> Public Hearing Notice \$75.00	<input type="checkbox"/> Wetland Mitigation Plan \$100.00 + Escrow	
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<p>ALL ESCROW MUST BE PAID BY CERTIFIED CHECK                  Escrow Deposit \$2,000.00                  Escrow Deposit - Site Plan Review: \$7,500 (Tacoma West Industrial Park), \$5,000.00 (All other site plan reviews)                  Escrow Deposit - Development Review (paid at Sketch Plan): \$10,000.00</p> <p>ALL PLANNING &amp; ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.</p> <p><b>*APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED*</b></p>																																
The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of Chapter 11 and Chapter 12 of the City Code and other applicable ordinances.																																
Applicant's Signature: <i>Brian Corbett</i>		Date <i>4/11/16</i>																														
Fee Owner's Signature: <i>Brian Corbett</i>		Date <i>4/11/16</i>																														
<b>For Office Use Only</b>																																
Accepted By: <i>A Menzel</i>	Amount <i>\$475.00</i>	Date <i>4-11-16</i>																														

\* invoice \$46.00 for recording fee

Ch# 30539



# Variance Checklist

(For a complete list of required guidelines, refer to Section 1210.04 of the Zoning Ordinance.)

**APPLICATIONS WILL BE PROCESSED ONLY IF ALL REQUIRED ITEMS ARE SUBMITTED.**

Petitioner Check-in		City Check-in
	<p><b>Two (2) sets of the following:</b></p> <ol style="list-style-type: none"> <li>1. Written narrative describing the requested variance and unique circumstances causing an undue hardship</li> <li>2. Site plan showing, but not limited to, lot lines, existing and proposed structures relative to lot lines, lot dimensions</li> <li>3. Full legal description of the property</li> <li>4. Accurate certified survey showing the proposed use drawn to scale, including all dimensions, square footage, easements and right-of-ways with complete legal descriptions of all parcels</li> <li>5. Any additional information requested by the Community Development Director</li> </ol>	
	<b>Public hearing notice fee:</b> \$75.00	
	<b>Cash fee:</b> \$150.00 Residential or \$200.00 Non-Residential.	
	<b>Completed application form</b>	

ALL PLANNING & ZONING APPLICATION FEES ARE IN ADDITION TO LEGAL, ENGINEERING AND ASSOCIATED COSTS.

C-2

<b>Property Card</b>	<b>Parcel ID Number</b> 580144100
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<b>Taxpayer Information</b>
Taxpayer Name IND SCHOOL DIST 108
Mailing Address PO BOX 247 NYA, MN 55368-0247



<b>Property Address</b>
Address 515 MORSE ST
City NYA, MN 55397

<b>Parcel Information</b>			
Uses	Schools-Public	GIS Acres	1.22
		Deeded Acres	1.23
		Plat	
		Lot	
		Block	
Tax Description			

<b>Building Information</b>			
Building Style	1 STORY	Above Grade Finished Sq Ft	2036
		Bedrooms	3
Year Built	1949	Garage	Y
		Bathrooms	1.5

<b>Miscellaneous Information</b>					
School District	0108	Watershed District	WS 067 CARVER CO WMO	Homestead	N
				Green Acres	N
				Ag Preserve	N

<b>Assessor Information</b>			
Estimated Market Value	2014 Values (Payable 2015)	2015 Values (Payable 2016)	Last Sale
Land	\$82,400.00	\$82,400.00	Date of Sale 05/23/2001
Building	\$90,300.00	\$88,700.00	Sale Value \$148,500.00
Total	\$172,700.00	\$171,100.00	

 The data provided herewith is for reference purposes only. This data is not suitable for legal, engineering, surveying or other similar purposes. Carver County does not guarantee the accuracy of the information contained herein. This data is furnished on an 'as is' basis and Carver County makes no representations or warranties, either expressed or implied, for the merchantability or fitness of the information provided for any purpose. This disclaimer is provided pursuant to Minnesota Statutes §486.03 and the user of the data provided herein acknowledges that Carver County shall not be liable for any damages, and by using this data in any way expressly waives all claims, and agrees to defend, indemnify, and hold harmless Carver County, its officials, officers, agents, employees, etc. from any and all claims brought by anyone who uses the information provided for herein, its employees or agents, or third parties which arise out of user's access. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party unless the user includes with the data a copy of this disclaimer.

Thursday, October 15, 2015

Carver County, MN

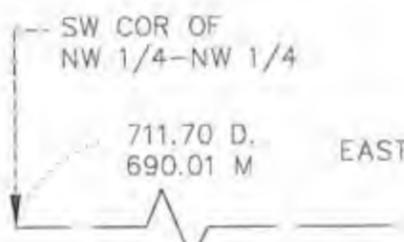
*\* Subject Property  
Proposed Lot Configuration  
Subject to City Approval*

# CERTIFICATE OF SURVEY



## PROPOSED DESCRIPTION

Part of the Northwest Quarter of the Northwest Quarter of Section 14, Township 115, Range 26, Carver County, Minnesota, described as follows: Commencing at the southwest corner of said Northwest Quarter of the Northwest Quarter of Section 14; thence on an assumed bearing of East along the South line of said Northwest Quarter of the Northwest Quarter 690.01 feet; thence North 57 degrees 44 minutes 00 seconds East along the northerly right-of-way line of State Highways No. 12 & 25 (now Morse St. N.) and its southwesterly extension 599.40 to an iron pipe in place; thence continuing North 57 degrees 44 minutes 00 seconds East along said Northerly right-of-way line 184.00 feet to an iron pipe in place, said pipe being the point of beginning of the tract to be described; thence North 32 degrees 16 minutes 00 seconds West 170.00 feet to an iron pipe in place; thence North 57 degrees 44 minutes 00 seconds East 132.85 feet; thence South 28 degrees 23 minutes 10 seconds East 170.39 feet to said northerly right-of-way line; thence South 57 degrees 44 minutes 00 seconds West along said northerly right-of-way line 121.32 feet to the point of beginning. This tract contains 0.50 acres of land and is subject to any and all easements of record.



LAND SURVEY FOR  
**INDEPENDENT SCHOOL DISTRICT 108**  
 PART OF NW 1/4 - NW 1/4  
 SEC. 14, T115, R26 YOUNG AMERICA TOWNSHIP  
 CARVER COUNTY, MINNESOTA

- ⊙ DENOTES CARVER CO. MONUMENT
- DENOTES IRON PIPE FOUND
- DENOTES IRON PIPE SET BY RLS NO. 15475

SCALE: 1 INCH = 30 FEET

Mar., 2016 FILE NO. 108

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

*Avery Grochow*  
 AVERY GROCHOW, LS  
 DATE 3/11/16 REGISTRATION NO. 15475





Carver County GIS

This map was created using Carver County's Geographic Information Systems (GIS), it is a compilation of information and data from various City, County, State, and Federal offices. This map is not a surveyed or legally recorded map and is intended to be used as a reference. Carver County is not responsible for any inaccuracies contained herein.

Map Date: 4/8/2016



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: May 17, 2016

Re: Solar Energy Systems

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### **BACKGROUND**

The PC has been discussion solar energy systems as accessory uses in various zoning classifications following a request from a local business owner. At this time discussion is limited only to accessory uses as solar energy systems as principal uses was not favored by the City Council.

The PC suggested a rooftop solar installation contractor attend the next meeting for discussion/information. Patrick Wier from TruNorth Solar will be attending the PC meeting to discuss rooftop solar arrays.

Attached please find sample ordinances from Afton, Falcon Heights, and Fergus Falls.

At a previous meeting the Commission reached consensus to prohibit ground mounted solar panels as accessory uses. The Commission also reached consensus on discouraging rooftop solar arrays on structures with perceived historical significance.

The PC is asked to provide input on the following:

1. The Commission should clarify whether or not wall mounted solar panels as accessory uses are viewed favorably. At this time the Commission reached consensus on roof mounted and building integrated solar accessory uses.
2. Zoning districts where SES as accessory uses may make sense
  - a. P-1 Parks and Open Space District
  - b. R-1 Low density SF residential
  - c. R-2 Medium density SF residential
  - d. R-3 Medium density mixed residential
  - e. R-4 MF residential
  - f. RC-1 Residential neighborhood commercial
  - g. C-2 General commercial
  - h. C-3 Downtown district
  - i. B-1 Business industrial
  - j. I-1 Light industrial
  - k. TA Transition agricultural
3. Should a permit be required? Should neighbors have opportunity to provide input?
4. Is there a percentage of the roof that should be maximum amount covered by panels?

5. Should we limit the size of the SES in terms of KW produced?
6. Other thoughts?

**ACTION**

This item is for your information and discussion.

ORDINANCE 03-2015

CITY OF AFTON  
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SECTIONS 12-132 AND 12-134 AND ADOPTING SECTION 12-230 OF THE AFTON CITY CODE RELATING TO SOLAR ENERGY SYSTEMS

BE IT ORDAINED by the City Council of the City of Afton hereby amends the following sections of the Afton Code of Ordinances: Section 12-132 and Section 12-134, and adopts Section 12-230 relating to Solar Energy Systems, as shown below.

DELETE Sec. 12-132. F.2.

F. *Height.*

1. No structure except those for public utilities, wind generators, farm buildings, churches and other places of worship shall exceed a height of 35 feet. The maximum height limitations for churches and other places of worship shall be as follows:
  - a. A maximum height of thirty-five (35) feet for the occupied area of the structure;
  - b. A maximum height of fifty (50) feet for the structural elements;
  - c. A maximum height of sixty (60) feet for the following non-structural elements: spires or steeples, belfries or bell towers, cupolas, crosses or other religious symbols or decorative elements;
- ~~2. No structure shall be erected that will block solar access for existing principal structures or infringe on the solar access of the buildable area of a vacant lot or parcel.~~

ADD the deleted text to Sec. 12-230. D.2.a. (as shown below).

ADD the following to Sec. 12-134. Uses.

	Agricultural	Rural	VHS-	VHS-	Light Industrial	Light Industrial	Light Industrial	Marine Service
	(A)	Residential	Residential	Commercial	(I1-A)	(I1-B)	(I1-C)	(MS)
		(R)	(VHS-R)	(VHS-C)				
<u>Solar, accessory to principal use</u>	A	A	A	A	A	A	A	A

ADOPT the following new section as shown:

Sec. 12-230. Solar Energy Systems.

- A. Scope. This article applies to all solar energy installations in the City of Afton.
- B. Purpose. Consistent with the City Comprehensive Plan, the intent of this Section is to allow reasonable capture and use, by households, businesses, and property owners, of their solar energy resource, and encourage the development of renewable energy businesses, consistent with community development standards. The City of Afton has adopted this ordinance for the following purposes:

1. Comprehensive Plan Goals. To meet the goals of the Comprehensive Plan and preserve the health, safety and welfare of the City's citizens by promoting the safe, effective and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy. The following solar energy standards specifically implement the following goals:
    - a. Goal – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy.
    - b. Goal – Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
  2. Green House Gas Reduction (GHG). Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat will reduce our dependence on nonrenewable energy resources and decrease the Green House Gas (GHG) emissions and other air and water pollution that results from the use of conventional energy sources.
  3. Local Resource. Solar energy is an under-used local energy resource. Encouraging the use of solar energy will diversify the community's energy supply portfolio and limit exposure to fiscal risks associated with fossil fuels.
  4. Improve Competitive Markets. Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.
- C. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where expressly defined in another section, article or the context clearly indicates a different meaning.

Building-integrated Solar Energy Systems - An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Community Solar - A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, consistent with Minn. Statutes 216B.1641 or successor statute. A community solar system may be either an accessory or a principal use.

Grid-intertie Solar Energy System- A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Off-grid Solar Energy System - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System - A solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement - An easement that limits the height or location, or both, of permissible development on burdened land on which the easement is placed in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the land on which the easement is placed, as defined in MN Statute 500.30 Subd. 3 or most recent version.

Renewable Energy System - A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

Roof Pitch - The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access - Unobstructed ~~access~~ use of the solar resource (see definition below) on a lot or building, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Collector - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Collector Surface - Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Daylighting - A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Device - A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems are designed as a solar energy device, such as a trombe wall, and not merely a part of a normal structure such as a window.

Solar Energy System - A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating, or providing daylight for interior lighting.

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.

Solar Heat Exchanger - A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System - An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

Solar Hot Water System (also referred to as Solar Thermal) - A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Resource - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Storage Unit - A component of a solar energy device that is used to store solar generated electricity or heat for later use.

- D. General requirements. All solar energy systems shall comply with all applicable local, state and federal regulatory codes including all electrical, building and plumbing code requirements.
1. Permitted accessory use. Active solar energy systems shall be allowed as accessory to the primary land use in all zoning districts in which structures of any sort are allowed and are designed to supply energy for the primary use.
  2. Solar Access. The City encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes.
    - a. No structure shall be erected that will block solar access for existing principal structures or infringe on the solar access of the buildable area of a vacant lot or parcel.
    - b. Right to Solar Access. No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners shall forbid installation of solar energy systems or create design standards that effectively preclude solar energy installations.
    - c. Easements Allowed. The City has elected to allow solar easements to be filed, consistent with Minnesota Stat. Chapter 500 Section 30. Any building owner can purchase an easement across neighboring properties to protect access to sunlight. The easement is purchased from or granted by owners of neighboring properties and can apply to buildings, trees, or other structures that would diminish solar access.
    - d. Subdivision Solar Easements. The City may require new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit, as specified in Section 8 of this ordinance.
  3. Safety Conditions. All applicable health and safety standards shall be met.
  4. Required Permits. Building Permits, Electrical Permits and/or Plumbing Permits are required to construct and install solar energy systems in the City of Afton, whether residential or commercial and whether ground-, pole-, building-, or roof-mounted. Electrical Permits are obtained through the State of Minnesota. Building and Plumbing Permit applications are obtained through the City and shall include:
    - a. "To-scale" horizontal and vertical (elevation) drawings of the solar energy system, including:
      - i. For a Pitched Roof Mounted System - the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
      - ii. For a Flat Roof Mounted System - the distance to the roof edge or parapets on the building, identifying the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof and/or parapet.
    - b. Site drawing showing the type and locations of the systems and their placement on the property, including required setbacks and property lines.
  5. Interconnection agreement. All electric solar energy systems that are connected to the electric distribution or transmission system through the existing service of the primary use on the site shall

obtain an interconnection agreement with the electric utility in whose service territory the system is located. Solar energy systems connected directly to the distribution or transmission system must obtain an interconnection agreement with the interconnecting electric utility. Off-grid systems are exempt from this requirement.

- E. Standards. All solar energy systems are subject to the accessory use standards for the district in which it is located, including, but not limited to, setback, height, and coverage limits.
1. Aesthetic. Solar energy systems are subject to the following aesthetic standards:
    - a. Installation on Residential structures must be designed to blend into the architecture of the building.
    - b. Installation on Commercial structures shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
    - c. The color of the solar collector is not required to be consistent with other roofing materials.
    - d. Active solar energy systems that do not meet the aesthetic standards will require a Conditional Use Permit.
  2. Size. For residential applications, under no circumstances shall a solar array exceed 40 kW.
  3. Height.
    - a. Building- or Roof-mounted systems. Shall not exceed the maximum height allowed in any zoning district.
      - i. Shall be no higher than twenty-four (24) inches above the roof.
      - ii. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that solar energy systems shall not be required to be screened.
    - b. Ground- or Pole-mounted systems. Shall not exceed 20 feet in height when oriented at maximum tilt.
  4. Set-backs. Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
    - a. Building- or Roof-mounted systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
    - b. Ground- or Pole-mounted systems. Must be set back from the property line the same distance as required for other accessory structures and may not extend into the side- or rear-yard setback when oriented at minimum design tilt.
  5. Impervious Coverage. The surface area of pole- or ground-mount systems must comply with the City's overall impervious coverage requirements.
    - a. Impervious coverage will be calculated based on the footprint of the system at minimum tilt.
    - b. Building- or Roof-mounted systems. Shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted.
    - c. Ground- or Pole-mounted system. The collector surface of any foundation, compacted soil, or other component of the solar installation is considered impervious surface.
    - d. Vegetated ground under the collector surface shall be used to mitigate stormwater runoff.

6. Glare. All solar energy systems shall minimize glare so as not to affect adjacent or nearby properties.
  - a. Measures to minimize glare include selective placement of the system, screening on the north and/or sides of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
7. Historic Buildings. Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require an administrative permit and a design review by the Heritage Preservation Commission (HPC).

F. Zoning District and Lot Size requirements.

1. VHS districts:
  - a. For Ground-Mounted systems, the maximum solar panel square footage allowed is 150 square feet or 1% of the total square footage of the lot, whichever is less.
  - b. Roof-Mounted systems solar panel square footage is not restricted, however, it may be limited by the size of the roof or the roof structure.
  - c. Must meet City of Afton historical preservation standards.
  - d. Requires an administrative permit and design review by the Heritage Preservation Commission (HPC).
2. Rural Residential (RR) and Agriculture (Ag) districts:
  - a. On lots up to 10 acres:
    - i. If not fully screened:
      - (1) A maximum height of 15 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
    - ii. If fully screened:
      - (1) A maximum height of 20 feet and a total panel square footage of 1,000 square feet, subject to being fully screened from public roads and neighboring properties, and subject to statutory and/or public utility power generation restrictions.
  - b. On lots 10 to 20 acres:
    - i. If not fully screened:
      - (1) A maximum height of 15 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
      - (2) A maximum height of 15 feet and a total panel square footage of 500 square feet if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
    - ii. If fully screened:
      - (1) A maximum height of 20 feet and a total panel square footage of 1,000 square feet, subject to statutory and/or public utility power generation restrictions, at the required setback.
  - c. On lots 20 acres or greater:
    - i. If not fully screened:
      - (1) A maximum height of 20 feet at maximum vertical tilt and a total panel square footage of 300 square feet, at the required setback.
      - (2) A maximum height of 20 feet and a total panel square footage of 500 square feet if setback 200 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
      - (3) A maximum height of 20 feet and a total panel square footage 750 square feet if setback 250 feet from all property lines, subject to statutory and/or public utility power generation restrictions.
    - ii. If fully screened:

- (1) A maximum height of 20 feet and a total panel square footage of 2,000 square feet if fully screened, subject to statutory and/or public utility power generation restrictions, at the required setback.

3. Industrial districts:

- a. Rooftop community systems are permitted only in the Industrial districts.
- b. Ground-mount community solar energy systems are allowed only in the Industrial districts and are allowed as conditional uses.
- c. Solar farms are only allowed in the Industrial districts.

G. Standards for specific solar uses.

1. Community solar energy systems Roof or ground-mount solar energy systems, may be either accessory or primary use, designed to supply energy for off-site uses on the distribution grid, consistent with Minn. Statutes 216B.1641 or successor statute.

- a. Rooftop community systems are permitted only in the Industrial districts.
- b. Ground-mount community solar energy systems are allowed only in the Industrial districts and are allowed as conditional uses.
- c. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
- d. All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
- e. Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

2. Solar farms.

- a. Solar farms are only allowed in the Industrial districts.
- a. Solar farms require a Conditional Use Permit.
- b. Solar farms are subject to the City's stormwater management and erosion and sediment control provisions and National Pollutant Discharge Elimination System (NPDES) permit requirements.
- c. Foundations. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
- d. Power and communication lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the City in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the Zoning Administrator.
- e. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the City. The site plan should also show all zoning districts, and overlay districts.
- f. Aviation Protection. For solar farms located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- g. Agricultural Protection. Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.
- h. Proper Maintenance. All solar installations shall be maintained according to industry standards and shall be in working order for the duration of its useful life.

H. Discontinuation and Decommissioning.

- a. A decommissioning plan shall be required to ensure that facilities are properly removed if they are known to be dysfunctional or are discontinued after their useful life.
- b. Decommissioning of solar panels must occur in the event they are not in use for six (6) consecutive months.
- c. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site.
- d. Disposal of structures and/or foundations shall meet the provisions of the City's Solid Waste Ordinance.
- e. The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

This change shall take effect upon publication of this ordinance.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF AFTON THIS 18th DAY OF AUGUST, 2015.

SIGNED:

\_\_\_\_\_  
Richard Bend, Mayor

ATTEST:

\_\_\_\_\_  
Ronald J. Moorse, City Administrator

Motion by: Bend  
Second by: Palmquist  
Palmquist: Aye  
Richter: Absent  
Ross: Aye  
Nelson: Absent  
Bend: Aye

## **ORDINANCE NO. 21, SEVENTH SERIES**

AN ORDINANCE OF THE CITY OF FERGUS FALLS, MINNESOTA, REPEALING CITY CODE CHAPTER 7.44, SOLAR ENERGY STANDARDS MORATORIUM AND ADDING A NEW SECTION ENTITLED SOLAR ENERGY SYSTEMS; AND, BY ADDING BY REFERENCE, CITY CODE CHAPTER 1, WHICH AMONG OTHER THINGS, CONTAINS PENALTY PROVISIONS.

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. City Code Chapter 7.44 is hereby repealed and a new Section 7.44 is added so as to read as follows:

### **SEC. 7.44 SOLAR ENERGY SYSTEMS.**

**Subd. 1 *Purpose.*** Regulations governing solar energy systems are established to provide for appropriate locations for solar energy systems, to ensure compatibility with surrounding uses, and to promote safe and effective use of solar energy to increase opportunities for generation of renewable energy.

**Subd. 2 *Definitions.*** As used in this article, the following words shall mean:

**A. *Building-integrated solar energy system.*** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights, and awnings.

**B. *Building-mounted solar energy system.*** A solar energy system affixed to a principal or accessory building.

**C. *Freestanding solar energy system.*** A solar energy system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure.

**D. *Solar collector surface.*** Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

**E. *Solar energy.*** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

F. **Solar energy system.** A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

G. **Solar Farm.** An area of land designated for the purpose of producing photovoltaic electricity.

**Subd. 3 Solar Energy Standards.**

A. **Solar energy collection equipment.**

(1) **Zoning Districts.** Solar energy systems in accordance with the standards in this section are allowed as a permitted accessory use in all zoning districts. Solar collector surfaces and all mounting devices shall comply with the minimum yard requirements of the district in which they are located.

(a) Solar Farms shall be a Permitted Use in R-A zoning areas.

(2) **Exemption.** Passive or building-integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

(3) **Standards.**

(a) **Location.** In residential zoning districts, ground-mounted solar energy systems are limited to the rear yard.

(b) **Height.** Roof-mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground mounted solar energy systems shall not exceed 15 feet in height.

(c) **Setbacks.** Ground-mounted solar energy systems shall comply with all accessory structure setbacks in the applicable zoning district. Roof-mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

(d) **Roof Mounting.** Roof mounted solar collectors shall be flush mounted on pitched roofs unless the roof pitch is determined to be inadequate for optimum performance of the solar energy system in which case the pitch of the solar collector may exceed the pitch of the roof up to 5% but in no case shall be higher than ten inches above the roof line. Solar collectors may be bracket-mounted on flat roofs.

(e) **Easements.** Solar energy systems shall not encroach on public drainage, utility roadway or trail easements.

(f) **Screening.** Solar energy systems shall be screened from view to the extent possible without impacting their function.

(g) **Maximum Area.** In all residential districts, ground mounted solar energy systems shall be limited to a maximum area of 200 square feet or Solar collector surfaces and all mounting devices shall comply with the minimum yard requirements of the district in which they are located, whichever is greater.

(h) **Aesthetics.** All solar energy systems shall be designed to blend into the architecture of the building to the extent possible without negatively impacting the performance of the system and to minimize glare towards vehicular traffic and adjacent properties.

(i) **Feeder Lines.** The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points on interconnection to the electric grid.

(j) **Location.** Structures shall not be located such that solar power access blocks a neighboring property.

(k) **Abandonment.** If a solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including transmission equipment.

(4) **Permits.** A building permit shall be obtained for any solar energy system prior to installation.

(5) **Administrative Review Process.**

(a) **In General.** The zoning administrator, in consultation with the planning director, shall have up to fifteen (15) working days following the submittal of a complete application to approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) **Submittal Requirements.** An application for a solar energy system shall be filed on a form approved by the zoning administrator. In addition, the applicant shall submit the following:

(1) Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a solar energy system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

**Subd. 4 Allowable Zoning Districts and Design Standards for Solar Farms.**

A. Solar farms shall be a Permitted Use in R-A zoning areas, and will follow the following requirements:

(1) **Solar Farm Development and Design Standards.** Solar energy systems and solar farm development standards shall be:

(a) **Height.** Systems, equipment and structures shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall not exceed the maximum height for the applicable zoning district.

(b) **Setbacks.** Active solar system structures must meet the following setbacks:

1. **Ground Mounted.** Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the zoning district in which it is located.

(c) **Distribution Lines.** To the extent practical, all new distribution lines to any building, structure or utility connection may be located above ground.

(d) **Approved Solar Components.** Electric solar system components must have a UL listing or equivalent.

(e) **Compliance with Building Code.** All active solar systems shall meet all requirements of the Minnesota State Building code and shall be inspected by a building inspector.

(f) **Compliance with Electric Code.** All photovoltaic systems shall comply with the Electrical Code, current edition.

(g) **Utility Notification.** No grid tied photovoltaic system shall be installed until evidence has been given to the Zoning Administrator that the owner has been approved by the utility company to install the system. Off grid systems shall be exempt from this requirement.

(h) **Abandonment.** It is the responsibility of the parcel owner to remove all obsolete or unused systems within 12 months of cessation of operations. Reusable components are to be recycled whenever feasible.

(i) **Security Fence.** A security fence will surround the perimeter of the solar farm.

(j) **Emergency Services Vehicles.** Reasonable accessibility for emergency services vehicles shall be required.

(k) **Signage.** No signage is allowed on the solar farm fencing except for a sign not to exceed requirements as defined in 7.40 displaying the facility name, address and emergency contact information.

Section 2. City Code Chapter 1 entitled “Definitions and General Provisions Applicable to Entire City Code Including Penalty for Violation” and Section 1.99 entitled “Violation a Misdemeanor” are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. Effective Date. The effective date of this ordinance shall be the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

THIS ORDINANCE was introduced on \_\_\_\_\_, 2015, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Mayor

Published in the Fergus Falls Daily Journal on \_\_\_\_\_, 2015.

**ORDINANCE NO. 13-05**

**CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 113 OF THE  
CITY CODE CONCERNING SOLAR ENERGY**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

**SECTION 1.** Section 113-3 of the Falcon Heights City Code is amended by adding the following definitions:

*Photovoltaic System* means an active solar energy system that converts solar energy directly into electricity.

*Renewable Energy Easement* means an easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

*Renewable Energy System* means a solar energy or wind energy system. Passive systems that serve dual functions, such as greenhouses or windows, are not considered renewable energy systems.

*Roof Pitch* means the final exterior slope of a building roof typically but not exclusively expressed as a ratio of the distance, in inches, of vertical "rise" to the distance, in inches, of horizontal "run," such as 3:12, 9:12, 12:12.

*Solar Access* means a view of the sun, from any point on the collector surface, that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

*Solar Collector* means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

*Solar Collector Surface* means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

*Solar Daylighting* means a device specifically designed to capture and redirect the visible

portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

*Solar Energy* means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

*Solar Energy Device* means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.

*Solar Energy Easement* See Renewable Energy Easement.

*Solar Energy System* means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

*Solar Heat Exchanger* means a component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

*Solar Hot Water System* means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

*Solar Mounting Devices* means devices that allow the mounting of a solar collector onto a roof surface or the ground.

*Solar Storage Unit* means a component of a solar energy device that is used to store solar generated electricity or heat for later use.

*Solar System, Active* means a solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

*Solar System, Building-Integrated* means an active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

*Solar System, Grid-Intertie* means a photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

*Solar System, Off-Grid* means a photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

*Solar System, Passive* means a solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

**SECTION 2.** Chapter 113 of the Falcon Heights City Code is amended by adding section 113-254 to provide as follows:

**(a) Purpose and Scope.** The City of Falcon Heights has adopted this Section to meet the Comprehensive Plan goal of becoming a sustainable, energy efficient community and to preserve the health, safety and welfare of the community's citizens by promoting the safe, effective and efficient use of solar energy systems to reduce consumption of fossil fuels. This Section applies to all solar energy installations in the City of Falcon Heights.

**(b) Permitted Accessory Use -** Active solar energy systems are an accessory use in all zoning districts, subject to the following requirements:

**1. Height -** Active solar energy systems must meet the following height requirements:

**a.** Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.

**b.** Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

**2. Set-back -** Active solar energy systems must meet the accessory structure setback for the zoning district in which the system is located.

**a. Roof-mounted Solar energy systems -** In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

**b. Ground-mounted Solar energy systems** - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

**3. Visibility** - Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

**a. Building Integrated Photovoltaic Systems** - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks and regulations for the district in which the building is located.

**b. Solar Energy Systems with Mounting Devices** - Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.

**c. Coverage** - Roof or building mounted solar energy systems, excluding building-integrated systems, shall not cover more than 80% of the south-facing or flat roof upon which the panels are mounted. The surface area of pole or ground mount systems shall not exceed half the building footprint of the principal structure.

**d. Lot Coverage** – The surface area of pole of ground mount systems shall be treated as impervious coverage as regulated for each zoning classification. Allowed impervious coverage may be increased by up to 10% above maximum lot coverage for the zone provided 100% of the excess is accounted for by an approved solar ground or pole mounted solar energy system.

**4. Approved Solar Components** - Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

**(c) Plan Approval Required** - All solar energy systems shall require administrative approval by the Zoning and Planning Administrator.

**1. Plan Applications** - Plan applications for solar energy systems shall be accompanied by a site plan and by to-scale horizontal and vertical (elevation)

drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

2. **Pitched Roof Mounted Solar Energy Systems** - For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
3. **Flat Roof Mounted Solar Energy Systems** - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
4. **Compliance with Building Code** - All active solar energy systems shall require a building permit.
5. **Compliance with State Electric Code** - All photovoltaic systems shall comply with the Minnesota State Electric Code.
6. **Compliance with State Plumbing Code** - Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
7. **Utility Notification** - No grid-intertie photovoltaic system shall be installed until evidence has been given to the Planning and Zoning Department that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
8. **Plan Approvals** - Applications that meet the design requirements of this ordinance shall be granted administrative approval by the Zoning and Planning Administrator. Plan approval does not include Building, Electric, or Plumbing Code approval. If applicable, such approvals must also be obtained.

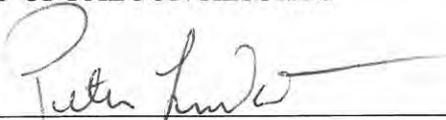
**SECTION 3.** Section 113-393 of the Falcon Heights City Code is amended to provide as follows:

**Sec. 113-393. - Solar systems.**

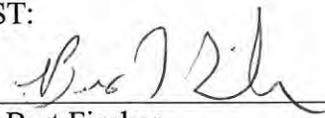
Access to sunlight for active and passive solar systems shall be protected in accordance with the City Code and all applicable state statutes and regulations.

**ADOPTED** this 13<sup>th</sup> day of November, 2013, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY:   
Peter Lindstrom  
Mayor

ATTEST:

BY:   
Bart Fischer  
City Administrator



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Consulting Planner

Date: May 17, 2016

Re: ADU Survey Results

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**BACKGROUND**

Last fall the PC drafted and reviewed a draft survey instrument regarding accessory dwelling units. Copies of the survey were emailed to all Chamber Members with email addresses, and City staff distributed a survey link to all elected and appointed officials and staff.

The survey was to be made available in written form for distribution to those without email addresses. A link was to be posted on the City's website and the City Facebook page.

Attached please find draft survey results. A total of 29 responses were received. A total of 13 community members asked for updates if the City moves forward with drafting language.

A bill is currently moving through the state house and senate relating to temporary dwellings or 'drop homes' which would require cities to allow temporary ADU's established to take care of medically challenged family members. The bill is much more city-friendly then when first introduced. The bill appears to have broad support. I've been providing input to the LMC regarding land use and building code issues related to the bill. Attached is the latest version of the senate bill.

**ACTION**

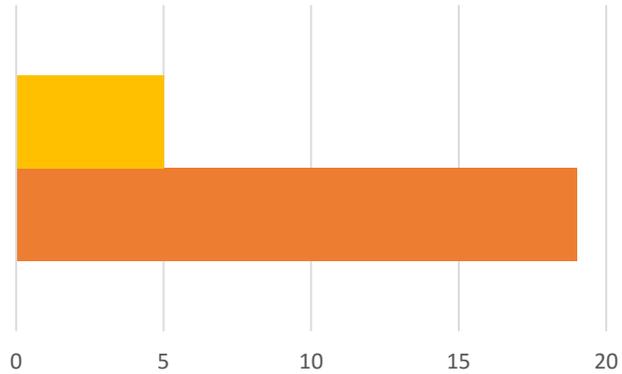
This item is for information purposes.



- Only on existing structures.
- The purpose of an ADU is for elderly or invalid family members. I hope the intent in NYA is not to encourage cheap rental units in backyards.
- If needed for a parent or adult child
- Depends on size of lot and if it would be rentable to anyone

Question 2

For which of the following purposes would you consider establishing an ADU on your property

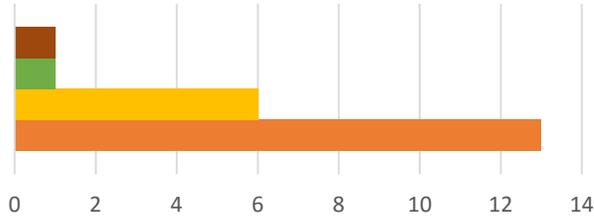


For which of the following purposes would you consider establishing an ADU on your property	
Place for a relative to live	5
To earn extra income	19

- Aging parents and college age students
- ADU should not be used in NYA as rental properties. Most lots in the city aren't big enough for second units. Would an ADU be allowed its own garage and/or storage shed? Would we end up with four or five buildings on a city lot (two houses, garages, sheds, etc. plus extra vehicles.) ?
- NO! What happens when people move...the ADU will become vacant and then turn into a nuisance and potential for a trashy property. We have too many shady rental houses in town that are not regulated...the last thing we need is these and no oversight by the C
- It may be a friend in need of a small unit. I believe that rent will vary from no dollars for a parent to less than market rent for others. Extra income may allow a new home buyer to afford a larger home.
- Place for visitors and guests to stay. With no hotel I town, they currently go to Glencoe or Waconia.

### Question 3

If you were to establish an ADU how much rent would you likely charge?

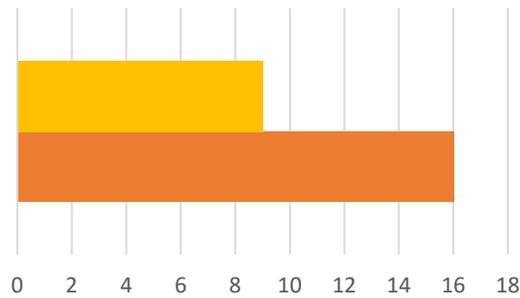


If you were to establish an ADU how much rent would you likely charge?	
More than \$1,000 per month	1
\$751 to \$1,000 per month	1
\$500 to \$750 a month	6
Less than \$500 per month	13

- ADUs should not be built for rental purposes in NYA. Too much potential for cheap dwellings that end up with maintenance issues, police calls, etc.
- This question is too vague to make any real contribution to the results. The rent would depend on many factors and without them it cannot be determined.

### Question 4

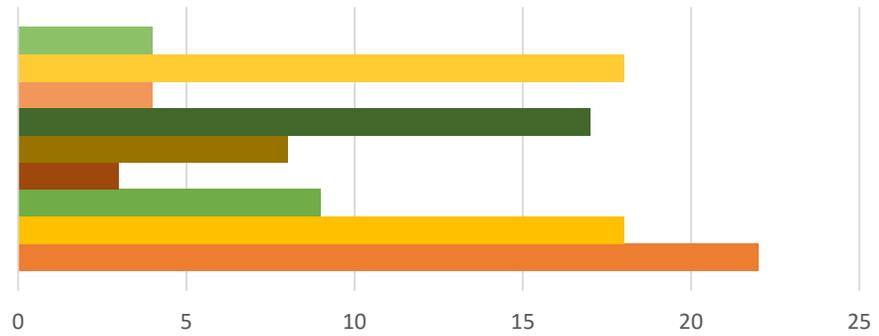
Do you have enough room on your property to provide off-street parking if an ADU is established



Do you have enough room on your property to provide off-street parking if an ADU is established	
Yes	9
No	16

Question 5

What type of accessory dwelling units would be acceptable in your neighborhood? Check all that apply.



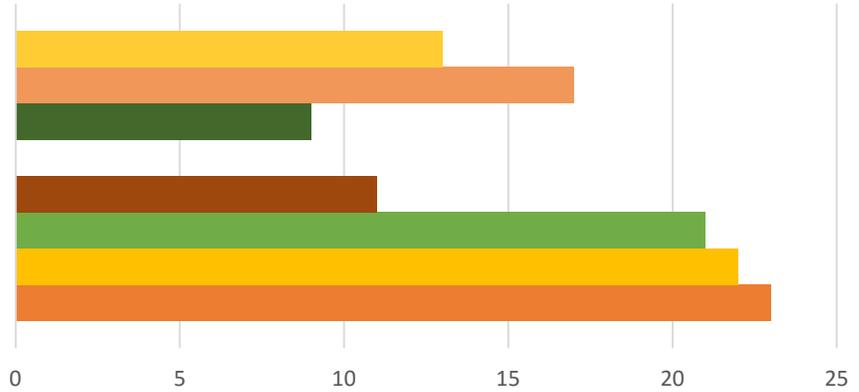
What type of accessory dwelling units would be acceptable in your neighborhood?  
Check all that apply.

■ ADU's are not acceptable in my neighborhood	4
■ An apartment above an attached garage	18
■ A second house	4
■ An apartment over a detached garage/shed	17
■ A 'tiny' house (less than 200 sq ft)	8
■ A manufactured home	3
■ A breezeway converted to an ADU	9
■ An addition to an existing house	18
■ A basement converted to an ADU	22

- Walkout basements, apartments above garages, or additions to existing houses are the best solutions for NYA.
- These will add NO value to the existing homes, especially if they become vacant!
- A lot would depend on exterior finish materials

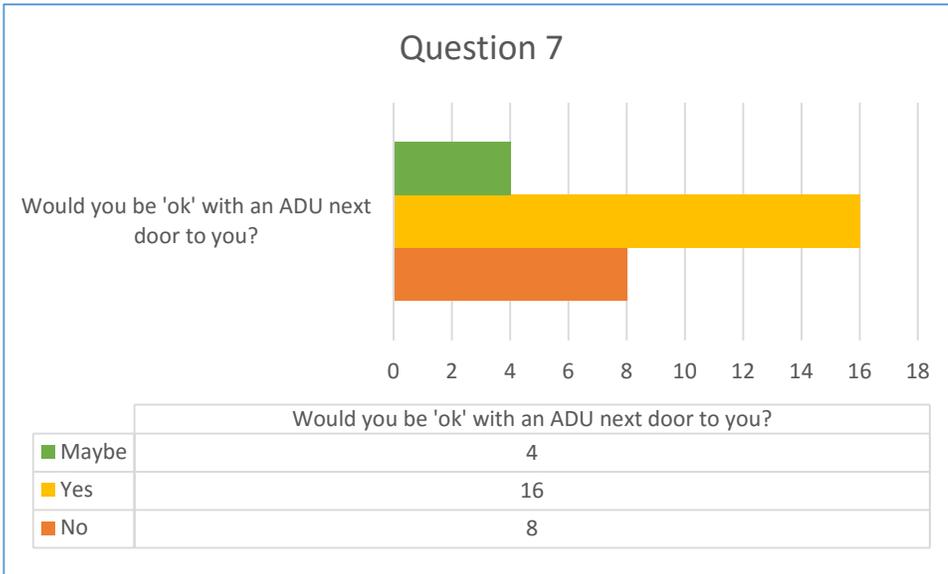
Question 6

What types of standards should apply to ADUs in your neighborhood

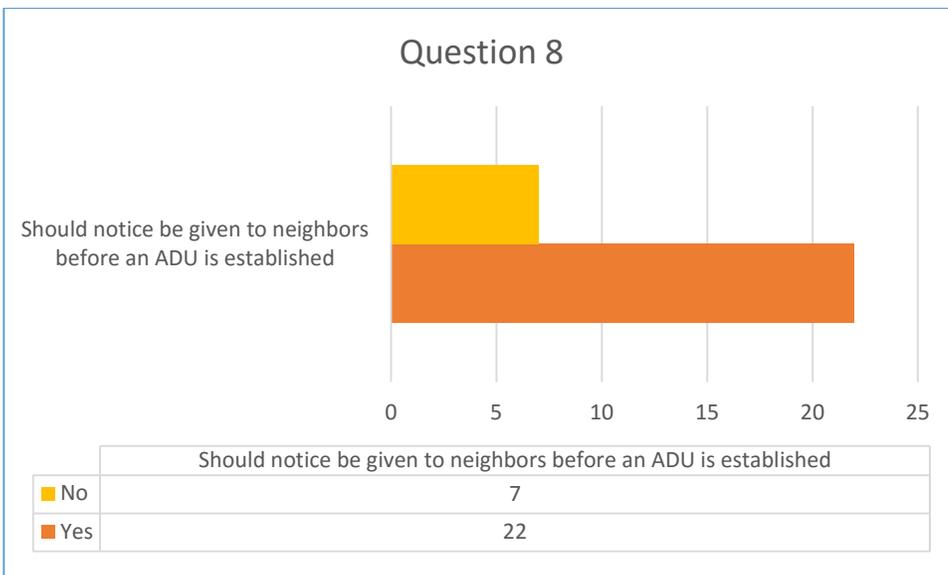


What types of standards should apply to ADUs in your neighborhood	
■ A 'tiny' house (less than 200 s.f.) should not be allowed as an ADU	13
■ People should not be able to bring a manufactured home in as an ADU	17
■ Detached ADUs like a freestanding guest house should not be allowed	9
■ Both the ADU and the existing dwelling should be required to use the same front door	0
■ A separate front door to the ADU should be required	11
■ The size of the ADU should be smaller than the main dwelling unit	21
■ At least one of the dwellings (principal or ADU) should be occupied by the owner of the property	22
■ Parking for residents of the ADU should be off street	23

- 1.) It would have to match and complement the existing house in style and color. 2.) It would have least at a 20 ft. setback from from all property lines and from the existing house. 3.) A garage, storage shed and "outside" storage would not be allowed. 4.) The house must have have a foundation and be "attached" to the ground. 6.) It could not be a "seasonal" or RV type of dwelling. 5.) There would be no parking on lawn or widening of the existing driveway. 6.) The house could never be partitioned off the main lot and sold separately. 7.) The city could grant "variances" on city lots over one acre provided there are no objections from the adjoining properties.
- Please don't allow this. We have many housing options for elderly individuals in our town....part of why Oak Grove was built was to keep the Go-Goers in town. We have Peace Villa and the Harbor and the new memory care unit as well. Add on to those if we want to allow our family members to keep aging adults near us.
- As a business this does not apply
- If other rental units in our City do not have off street parking then we must take that into account for ADU units. While I understand the questions, do most that fill out this survey understand the questions?

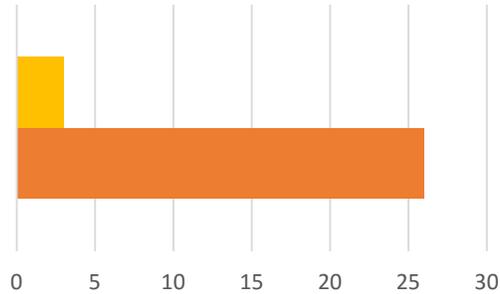


- It would depend on the circumstances, like what happens when the need for the ADU goes away.
- If they didn't take up all the public parking lot spaces.
- All the conditions listed in question (#6) would be required. (The "tiny houses" you see now on TV shows are mostly in rural or vacation type settings, or in the backyards of high-end houses in cities.
- Again, this question is "loaded". What if everyone agrees with ADU but not in my backyard. This would be a common response since it is change. Change is most often negative in feeling. Be very careful how this question is used. It will probably result in support for negative responses. I believe this question should not be used.



Question 9

Do you have an existing structure on your property that could be turned into an ADU?



Do you have an existing structure on your property that could be turned into an ADU?	
Yes	3
No	26

- Breezeway or basement
- I could add an addition off the back of my garage, but it would take too long to recoup the building cost in rental fees. It might make sense if NYA were a lake town, or a tourist area, but it isn't.
- Not sure if they would meet standards. I do not know what the standards for the dwelling would be so how can I answer this question. I have three structures available, plus a basement.

**Question 10: What do you like or not like about the concept of ADUs?**

- I like the idea of a place for an elderly relative, but not sure what is done with structure once the elderly relative moves on.
- Don't like an unattached separate structure on a "single family dwelling." Like the ability to give independence to an aging parent, yet also being able to care for them by having them close.
- While the concept of ADU's is good in itself, NYA is not a good place for this. Most lots in the "old" towns aren't big enough and we have enough garages, storage units, extra vehicles, etc, that we shouldn't risk adding any future "junk" to the mix. Examples: Some of the mobile homes on Raidroad St. are looking quite shabby...barely livable, and the "landscaping business" in the house on Central Ave in YA is still operating there.
- EVERYTHING
- There are many quality senior housing options in the City, including the complex currently under construction. I am not convinced this is needed in a city the size of NYA.
- I like that it gives people of all ages more flexibility for housing arrangements.
- ADU's are fine for a family member, not as a rental property
- Any way to bring more people to our small town is a good thing.
- Bad ideal
- I believe that if we do not allow many options for current homeowners and new ones, they will go to a city that will give them more options. We must expand our options. Do not resist change just because it is change. Often surveys like this cause citizens to become concerned by change. They are fine so do not change anything. A minority will voice for change and the we must weigh their importance to the community as a whole. If this concept is rejected have very valid reasons.
- It keeps people in town. There is a lack of lower priced homes so younger families end and elders end up looking west.
- Like the idea of keeping people who want to stay in nya in nya.
- ADU's for aging parents are fine, but I do worry about property condition if being rented out for incomes sake. How does existing NYA rental ordinances apply to ADU's?
- After having a mother with cancer and went through hospice it would have been great to have had a dwelling for her to give more care to.
- I feel there is a need for them but don't believe they should be permitted in every residential neighborhood especially our new developments.
- I think it is family friendly for those wishing to take care of elderly family members. My concern is down the road they would turn into multi-family rental properties in residential neighborhoods.

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 2555**

(SENATE AUTHORS: HOFFMAN, Rosen, Eken, Koenen and Abeler)

DATE	D-PG	OFFICIAL STATUS
03/10/2016	4960	Introduction and first reading Referred to State and Local Government
04/06/2016	5675a	Comm report: To pass as amended and re-refer to Health, Human Services and Housing
04/07/2016	5715a	Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act  
 1.2 relating to local government; regulating zoning of temporary family health  
 1.3 care dwellings; establishing temporary dwelling permits; amending Minnesota  
 1.4 Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in  
 1.5 Minnesota Statutes, chapters 394; 462.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

1.8 Subd. 4. **Housing with services establishment or establishment.** (a) "Housing  
 1.9 with services establishment" or "establishment" means:

1.10 (1) an establishment providing sleeping accommodations to one or more adult  
 1.11 residents, at least 80 percent of which are 55 years of age or older, and offering or  
 1.12 providing, for a fee, one or more regularly scheduled health-related services or two or  
 1.13 more regularly scheduled supportive services, whether offered or provided directly by the  
 1.14 establishment or by another entity arranged for by the establishment; or

1.15 (2) an establishment that registers under section 144D.025.

1.16 (b) Housing with services establishment does not include:

1.17 (1) a nursing home licensed under chapter 144A;

1.18 (2) a hospital, certified boarding care home, or supervised living facility licensed  
 1.19 under sections 144.50 to 144.56;

1.20 (3) a board and lodging establishment licensed under chapter 157 and Minnesota  
 1.21 Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660,  
 1.22 or 9530.4100 to 9530.4450, or under chapter 245D;

1.23 (4) a board and lodging establishment which serves as a shelter for battered women  
 1.24 or other similar purpose;

1.25 (5) a family adult foster care home licensed by the Department of Human Services;

2.1 (6) private homes in which the residents are related by kinship, law, or affinity with  
2.2 the providers of services;

2.3 (7) residential settings for persons with developmental disabilities in which the  
2.4 services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable  
2.5 successor rules or laws;

2.6 (8) a home-sharing arrangement such as when an elderly or disabled person or  
2.7 single-parent family makes lodging in a private residence available to another person  
2.8 in exchange for services or rent, or both;

2.9 (9) a duly organized condominium, cooperative, common interest community, or  
2.10 owners' association of the foregoing where at least 80 percent of the units that comprise the  
2.11 condominium, cooperative, or common interest community are occupied by individuals  
2.12 who are the owners, members, or shareholders of the units; ~~or~~

2.13 (10) services for persons with developmental disabilities that are provided under  
2.14 a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until  
2.15 January 1, 1998, or under chapter 245D; or

2.16 (11) a temporary family health care dwelling as defined in sections 394.307 and  
2.17 462.3593.

2.18 **Sec. 2. [394.307] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

2.19 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms  
2.20 have the meanings given.

2.21 (b) "Caregiver" means an individual 18 years of age or older who:

2.22 (1) provides care for a mentally or physically impaired person; and

2.23 (2) is a relative, legal guardian, or health care agent of the mentally or physically  
2.24 impaired person for whom the individual is caring.

2.25 (c) "Instrumental activities of daily living" has the meaning given in section  
2.26 256B.0659, subdivision 1, paragraph (i).

2.27 (d) "Mentally or physically impaired person" means a person who is a resident of  
2.28 this state and who requires assistance with two or more instrumental activities of daily  
2.29 living as certified in writing by a physician, a physician assistant, or an advanced practice  
2.30 registered nurse licensed to practice in this state.

2.31 (e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle,  
2.32 aunt, nephew, or niece of the mentally or physically impaired person. Relative includes  
2.33 half, step, and in-law relationships.

3.1 (f) "Temporary family health care dwelling" means a mobile residential dwelling  
3.2 providing an environment facilitating a caregiver's provision of care for a mentally or  
3.3 physically impaired person that meets the requirements of subdivision 2.

3.4 Subd. 2. **Temporary family health care dwelling.** A temporary family health  
3.5 care dwelling must:

3.6 (1) be primarily assembled at a location other than its site of installation;

3.7 (2) be no more than 300 gross square feet;

3.8 (3) not be attached to a permanent foundation;

3.9 (4) be universally designed and meet state-recognized accessibility standards;

3.10 (5) provide access to water and electric utilities either by connecting to the utilities  
3.11 that are serving the principal dwelling on the lot or by other comparable means;

3.12 (6) have exterior materials that are compatible in composition, appearance, and  
3.13 durability to the exterior materials used in standard residential construction;

3.14 (7) have a minimum insulation rating of R-15;

3.15 (8) be able to be installed, removed, and transported by a one-ton pickup truck  
3.16 as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002,  
3.17 subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

3.18 (9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an  
3.19 Industrialized Buildings Commission seal and data plate or to American National  
3.20 Standards Institute Code 119.2; and

3.21 (10) be equipped with a backflow check valve.

3.22 Subd. 3. **Temporary dwelling permit; application.** (a) Unless the county has  
3.23 designated temporary family health care dwellings as permitted uses, a temporary family  
3.24 health care dwelling is subject to the provisions in this section. A temporary family health  
3.25 care dwelling that meets the requirements of this section cannot be prohibited by a local  
3.26 ordinance that regulates accessory uses or recreational vehicle parking or storage, or  
3.27 by any other ordinance.

3.28 (b) The caregiver or relative must apply for a temporary dwelling permit from the  
3.29 county. The permit application must be signed by the primary caregiver, the owner of the  
3.30 property on which the temporary family health care dwelling will be located, and the  
3.31 resident of the property if the property owner does not reside on the property, and include:

3.32 (1) the name, address, and telephone number of the property owner, the resident of  
3.33 the property if different from the owner, and the primary caregiver responsible for the care  
3.34 of the mentally or physically impaired person; and the name of the mentally or physically  
3.35 impaired person who will live in the temporary family health care dwelling;

4.1 (2) proof of the provider network from which the mentally or physically impaired  
4.2 person may receive respite care, primary care, or remote patient monitoring services;

4.3 (3) a written certification that the mentally or physically impaired person requires  
4.4 assistance with two or more instrumental activities of daily living signed by a physician,  
4.5 a physician assistant, or an advanced practice registered nurse licensed to practice in  
4.6 this state;

4.7 (4) an executed contract for septic service management or other proof of adequate  
4.8 septic service management;

4.9 (5) an affidavit that the applicant has provided notice to adjacent property owners  
4.10 and residents of the application for the temporary dwelling permit; and

4.11 (6) a general site map to show the location of the temporary family health care  
4.12 dwelling and other structures on the lot.

4.13 (c) The temporary family health care dwelling must be located on property where the  
4.14 caregiver or relative resides. A temporary family health care dwelling must comply with  
4.15 all setback requirements that apply to the primary structure and with any maximum floor  
4.16 area ratio limitations that may apply to the primary structure. The temporary family health  
4.17 care dwelling must be located on the lot so that septic services and emergency vehicles  
4.18 can gain access to the temporary family health care dwelling in a safe and timely manner.

4.19 (d) A temporary family health care dwelling is limited to one occupant who is a  
4.20 mentally or physically impaired person. The person must be identified in the application.  
4.21 Only one temporary family health care dwelling is allowed on a lot.

4.22 (e) Unless otherwise provided, a temporary family health care dwelling installed  
4.23 under this section must comply with all applicable state law and local ordinances.

4.24 Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is  
4.25 valid for six months. The applicant may renew the permit once for an additional six months.

4.26 Subd. 5. **Inspection.** The county may require that the permit holder provide  
4.27 evidence of compliance with this section as long as the temporary family health care  
4.28 dwelling remains on the property. The county may inspect the temporary family health  
4.29 care dwelling at reasonable times convenient to the caregiver to determine if the temporary  
4.30 family health care dwelling is occupied and meets the requirements of this section.

4.31 Subd. 6. **Revocation of permit.** The county may revoke the temporary dwelling  
4.32 permit if the permit holder violates any requirement of this section. If the county revokes a  
4.33 permit, the permit holder has 60 days from the date of revocation to remove the temporary  
4.34 family health care dwelling.

5.1 Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the  
5.2 county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal  
5.3 of the permit.

5.4 Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the  
5.5 time-sensitive nature of issuing a temporary dwelling permit for a temporary family health  
5.6 care dwelling, the county does not have to hold a public hearing on the application.

5.7 (b) The procedures governing the time limit for deciding an application for the  
5.8 temporary dwelling permit under this section are governed by section 15.99, except as  
5.9 provided in this section. The county has 15 days to issue a permit requested under this  
5.10 section or to deny it, except that if the county board holds regular meetings only once per  
5.11 calendar month the county has 30 days to issue a permit requested under this section  
5.12 or to deny it. If the county receives a written request that does not contain all required  
5.13 information, the applicable 15-day or 30-day limit starts over only if the county sends  
5.14 written notice within five business days of receipt of the request telling the requester what  
5.15 information is missing. The county cannot extend the period of time to decide.

5.16 Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of  
5.17 this section.

5.18 **Sec. 3. [462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

5.19 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms  
5.20 have the meanings given.

5.21 (b) "Caregiver" means an individual 18 years of age or older who:

5.22 (1) provides care for a mentally or physically impaired person; and

5.23 (2) is a relative, legal guardian, or health care agent of the mentally or physically  
5.24 impaired person for whom the individual is caring.

5.25 (c) "Instrumental activities of daily living" has the meaning given in section  
5.26 256B.0659, subdivision 1, paragraph (i).

5.27 (d) "Mentally or physically impaired person" means a person who is a resident of  
5.28 this state and who requires assistance with two or more instrumental activities of daily  
5.29 living as certified in writing by a physician, a physician assistant, or an advanced practice  
5.30 registered nurse licensed to practice in this state.

5.31 (e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle,  
5.32 aunt, nephew, or niece of the mentally or physically impaired person. Relative includes  
5.33 half, step, and in-law relationships.

6.1 (f) "Temporary family health care dwelling" means a mobile residential dwelling  
6.2 providing an environment facilitating a caregiver's provision of care for a mentally or  
6.3 physically impaired person that meets the requirements of subdivision 2.

6.4 Subd. 2. **Temporary family health care dwelling.** A temporary family health  
6.5 care dwelling must:

6.6 (1) be primarily assembled at a location other than its site of installation;

6.7 (2) be no more than 300 gross square feet;

6.8 (3) not be attached to a permanent foundation;

6.9 (4) be universally designed and meet state-recognized accessibility standards;

6.10 (5) provide access to water and electric utilities either by connecting to the utilities  
6.11 that are serving the principal dwelling on the lot or by other comparable means;

6.12 (6) have exterior materials that are compatible in composition, appearance, and  
6.13 durability to the exterior materials used in standard residential construction;

6.14 (7) have a minimum insulation rating of R-15;

6.15 (8) be able to be installed, removed, and transported by a one-ton pickup truck  
6.16 as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002,  
6.17 subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

6.18 (9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an  
6.19 Industrialized Buildings Commission seal and data plate or to American National  
6.20 Standards Institute Code 119.2; and

6.21 (10) be equipped with a backflow check valve.

6.22 Subd. 3. **Temporary dwelling permit; application.** (a) Unless the municipality has  
6.23 designated temporary family health care dwellings as permitted uses, a temporary family  
6.24 health care dwelling is subject to the provisions in this section. A temporary family health  
6.25 care dwelling that meets the requirements of this section cannot be prohibited by a local  
6.26 ordinance that regulates accessory uses or recreational vehicle parking or storage, or  
6.27 by any other ordinance.

6.28 (b) The caregiver or relative must apply for a temporary dwelling permit from the  
6.29 municipality. The permit application must be signed by the primary caregiver, the owner  
6.30 of the property on which the temporary family health care dwelling will be located, and the  
6.31 resident of the property if the property owner does not reside on the property, and include:

6.32 (1) the name, address, and telephone number of the property owner, the resident of  
6.33 the property if different from the owner, and the primary caregiver responsible for the care  
6.34 of the mentally or physically impaired person; and the name of the mentally or physically  
6.35 impaired person who will live in the temporary family health care dwelling;

7.1 (2) proof of the provider network from which the mentally or physically impaired  
7.2 person may receive respite care, primary care, or remote patient monitoring services;

7.3 (3) a written certification that the mentally or physically impaired person requires  
7.4 assistance with two or more instrumental activities of daily living signed by a physician,  
7.5 a physician assistant, or an advanced practice registered nurse licensed to practice in  
7.6 this state;

7.7 (4) an executed contract for septic service management or other proof of adequate  
7.8 septic service management;

7.9 (5) an affidavit that the applicant has provided notice to adjacent property owners  
7.10 and residents of the application for the temporary dwelling permit; and

7.11 (6) a general site map to show the location of the temporary family health care  
7.12 dwelling and other structures on the lot.

7.13 (c) The temporary family health care dwelling must be located on property where the  
7.14 caregiver or relative resides. A temporary family health care dwelling must comply with  
7.15 all setback requirements that apply to the primary structure and with any maximum floor  
7.16 area ratio limitations that may apply to the primary structure. The temporary family health  
7.17 care dwelling must be located on the lot so that septic services and emergency vehicles  
7.18 can gain access to the temporary family health care dwelling in a safe and timely manner.

7.19 (d) A temporary family health care dwelling is limited to one occupant who is a  
7.20 mentally or physically impaired person. The person must be identified in the application.  
7.21 Only one temporary family health care dwelling is allowed on a lot.

7.22 (e) Unless otherwise provided, a temporary family health care dwelling installed  
7.23 under this section must comply with all applicable state law, local ordinances, and charter  
7.24 provisions.

7.25 Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is  
7.26 valid for six months. The applicant may renew the permit once for an additional six months.

7.27 Subd. 5. **Inspection.** The municipality may require that the permit holder provide  
7.28 evidence of compliance with this section as long as the temporary family health care  
7.29 dwelling remains on the property. The municipality may inspect the temporary family  
7.30 health care dwelling at reasonable times convenient to the caregiver to determine if the  
7.31 temporary family health care dwelling is occupied and meets the requirements of this  
7.32 section.

7.33 Subd. 6. **Revocation of permit.** The municipality may revoke the temporary  
7.34 dwelling permit if the permit holder violates any requirement of this section. If the  
7.35 municipality revokes a permit, the permit holder has 60 days from the date of revocation  
7.36 to remove the temporary family health care dwelling.

8.1 Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge  
8.2 a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

8.3 Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the  
8.4 time-sensitive nature of issuing a temporary dwelling permit for a temporary family health  
8.5 care dwelling, the municipality does not have to hold a public hearing on the application.

8.6 (b) The procedures governing the time limit for deciding an application for the  
8.7 temporary dwelling permit under this section are governed by section 15.99, except as  
8.8 provided in this section. The municipality has 15 days to issue a permit requested under  
8.9 this section or to deny it, except that if the statutory or home rule charter city holds regular  
8.10 meetings only once per calendar month the statutory or home rule charter city has 30 days  
8.11 to issue a permit requested under this section or to deny it. If the municipality receives a  
8.12 written request that does not contain all required information, the applicable 15-day or  
8.13 30-day limit starts over only if the municipality sends written notice within five business  
8.14 days of receipt of the request telling the requester what information is missing. The  
8.15 municipality cannot extend the period of time to decide.

8.16 Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements  
8.17 of this section.

8.18 Sec. 4. **EFFECTIVE DATE.**

8.19 This act is effective September 1, 2016, and applies to temporary dwelling permit  
8.20 applications made under this act on or after that date.



To: Chairperson Heher  
Members of the Planning Commission  
Administrator Helget

From: Cynthia Smith Strack, Municipal Development Group, Inc.

Date: May 17, 2016

Re: 2016 Goals/Work Plan

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At the December, 2015 meeting the PC approved the following goals which were presented to the City Council. Over the previous few months the PC has been discussing major issues which arose in response to proposed uses. It is our hope to move forward with goals in due time.

1. Review of sign regulations (Chapter 1260 of the City Code)
2. Continued consideration of accessory dwelling units as allowed uses in certain residential districts as a means of addressing community of a lifetime and active aging issues
3. Review of/familiarization with the 2008 Comprehensive Plan
4. Preparation for/outline structure of 2040 (i.e. 2018) Comprehensive Plan Update for consistency with Twin Cities Metropolitan Council 2040 Plan
5. Review of Chapter 11 of the City Code, subdivision regulations (suggested by City Administrator Helget)
6. Review of/familiarization with the zoning map
7. Review of zoning language relating to adult uses.