



AGENDA

City of Fergus Falls Planning Commission Meeting
Fergus Falls, MN
January 25, 2021 at 5:30 p.m.

**Due to the COVID-19 Outbreak, the PC Meeting will be available to the public through these screening links:
Join Zoom Meeting for Live PC Meeting:**

Website Link: <https://us02web.zoom.us/j/82129578826>
Call-in #: 1-312-626-6799 - Meeting ID 821 2957 8826

Please call into the meeting at 1 (312) 626-6799 if you do not have a microphone available or do not wish to use a computer.

The public can participate during the Public Hearing portion of the meeting. Please mute your devices unless you are speaking during that time.

Joint Meeting of the Planning Commission, City Council and Natural Resources

- a. Solar ordinance, discussion

Following the conclusion of this discussion, a regular monthly meeting of the Planning Commission will commence

Call to order

1. Roll Call and Recognition of Quorum
2. Approval of Agenda **Roll Call**
3. Approval of Minutes
 - a. November Regular Meeting **Roll Call**
4. Public Hearings:
 1. Prairie View Development-twin home split CUP. **Roll Call**
5. New Business
 - none
6. Upcoming Applications
7. Old Business
 - a. B-6 zone and light industrial uses, discussion.
8. City Planner Update
9. City Council Update
10. Adjourn

Joint Meeting Item: Solar

Pages 3-8 are a "clean" version and pages after 10 show the updates from original code.

SOLAR ENERGY SYSTEMS

§ 154.135 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.

§ 154.136 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE. A use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates the primary use or building in area, extent, or purpose shall not be considered an accessory use.

ASSOCIATED INTERCONNECTION FACILITIES. Overhead or underground transmission lines and associated facilities necessary to interconnect a Solar Farm to the electric transmission grid.

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. Examples include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system affixed to a principal or accessory building.

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.

PRIMARY USE. A use which dominates the lot or land area.

SOLAR COLLECTOR SURFACE. Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The Solar Collector Surface does not include frames, supports and mounting hardware.

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 SYSTEM ("SES"). 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.

SOLAR FARM. SES, generally a primary use, designated for export to the wholesale energy market or connection to the electric transmission grid and any Associated Interconnection Facilities.

§ 154.137 ACCESSORY SOLAR ENERGY SYSTEM STANDARDS.

(A) Zoning districts. Accessory SES sited in accordance with the standards in this subchapter 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, unless specifically cited elsewhere in this chapter.

(B) Exemption. Building-integrated solar energy systems are exempt from the requirements of this subchapter and shall be regulated as any other building element.

(C) Standards.

(1) Location. In residential zoning districts, freestanding Accessory SES are limited to the rear yard.

(2) Height. Building-mounted Accessory SES shall comply with the maximum height requirements in the applicable zoning district. Freestanding Accessory SES shall not exceed 15 feet in height.

(3) Setbacks. Freestanding Accessory SES shall comply with all accessory structure setbacks in the applicable zoning district. Building-mounted Accessory SES 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.

(4) Building mounting. Building-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.

(5) Easements. Accessory SES shall not encroach on public drainage, utility roadway or trail easements.

(6) Screening. Accessory SES shall be screened from view of existing residential dwellings to the extent possible without impacting their function.

(7) Maximum area. In all residential districts, Freestanding Accessory SES 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.

(8) Aesthetics. All Accessory SES 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.

(9) 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.

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

(11) Abandonment. If an Accessory SES ceases operations for a Continuous 24-month period, 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.

(D) Permits. A building permit shall be obtained for any Accessory SES prior to installation.

(E) Administrative review process.

(1) In general. The Building Official, in consultation with the City Planner, shall have up to 15 working days following the submittal of a complete application to approve or deny the application. The Building Official may impose conditions and require guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this chapter and policies of the Comprehensive Plan.

(2) Submittal requirements. An application for an Accessory SES shall be filed on a form approved by the Building Official. In addition, the applicant shall submit the following:

a. Plan Applications - Plan applications for Accessory SES shall be accompanied 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 freestanding SES, including the property lines.

b. Plan Approvals - Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

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

d. Compliance with Building Code - All Accessory SES shall meet approval of local building code officials, consistent with the State of Minnesota Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

e. Compliance with State Electric Code - All photovoltaic systems shall comply with the Minnesota State Electric Code.

f. Compliance with State Plumbing Code - Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.

g. Utility Notification - All grid-intertie Accessory SES shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

§154.138 SOLAR FARMS; ALLOWABLE ZONING DISTRICTS AND DESIGN

(A) Zoning Districts. Solar Farms shall be a conditionally permitted use in R-A Zoning areas only.

(B) Permits. A conditional use permit shall be obtained for any Solar Farm prior to installation.

(C) Permit review process.

(1) An application for a Solar Farm shall be filed on an application as approved by the Building Official. In addition, the applicant shall submit a plan application for the entire Solar Farm which must be accompanied by to-scale horizontal and vertical (elevation) drawings that show the location of the Solar Farm on the property, include property lines, and meet the design requirements of this ordinance. Applications must also demonstrate compliance with the standards set forth in Section 154.138(D) of this Ordinance.

(2) The Building Official shall review applications to ensure the application is complete. A complete application shall be submitted to the Planning Commission for a public hearing and its recommendation to the City Council.

(3) The Planning Commission shall review the Application to ensure it meets the design and standards requirements of this ordinance and to address whether additional recommendations or conditions should be made to the City Council.

(4) The City Council may impose additional reasonable conditions on the applicant in granting the conditional use permit.

(D) Standards. All solar farms must meet the following requirements and standards and all other reasonable conditions as may be required by the City Council:

(1) Height. Systems, equipment and structures shall be freestanding and not exceed 25 feet in height.

(2) Setbacks. Solar Farms must meet the following setbacks:

a. Solar Collector Surfaces shall be setback a minimum of forty (40) feet from the outside perimeter of all property lines of the Solar Farm and meet all public water body setbacks found in City Code. In the event of multiple parcels being utilized for the Solar Farm, only the outermost property line shall be required to meet the setback.

b. Solar Collector Surfaces shall be setback a minimum of forty (40) feet from the edge of all public rights-of-way and public roads.

c. Solar Collector Surfaces shall be setback a minimum of 150 feet from any existing residential dwelling, except that this setback may be waived by obtaining a written agreement from the owner(s) of the existing residential dwelling unit and recording the agreement with the Otter Tail County Recorder, Otter Tail County, Minnesota.

d. Setback distance is measured from the edge of the solar collector area.

(3) Distribution and Communication lines. Power and communication lines running between the banks of the Solar Collector Surfaces may be placed aboveground, provided the lines are placed no higher than top of the solar modules.

(4) Associated Interconnection Facilities. Associated Interconnection Facilities may be placed above or underground.

(5) Approved solar components. Where applicable, SES components must have a UL listing or equivalent.

(6) Compliance with Building Code. All SES shall meet all requirements of the state's Building code and shall be inspected by a Building Inspector. A registered engineer shall certify that the foundation and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.

(7) Compliance with Electric Code. All photovoltaic systems shall comply with the state's Electrical Code.

(8) Utility notification. No Solar Farm shall be installed until evidence has been given to the Building Official that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.

(9) Abandonment. Applications for a solar farm must include an abandonment plan. The abandonment plan shall include: (1) removal of all structures and foundations within 24 months of cessation of operations (i.e., no longer producing electricity), unless a written plan has been submitted to the Building Official demonstrating plans to return the Solar Farm to operations; (2) restoration of soil and vegetation; (3) assurances that financial resources will be available to fully decommission the site; and (4) reusable components are to be recycled whenever feasible and the Otter Tail County solid waste ordinance must be followed.

(10) Security fence. A security fence may surround the perimeter of the Solar Farm and may be located up to the property line. The use of wildlife-friendly fencing standards that include clearance at the bottom is preferred. No use of barbed wire is allowed on perimeter fencing.

(11) Emergency services vehicles. Reasonable accessibility for emergency services vehicles shall be required.

(12) Signage. No signage is allowed on the Solar Farm fencing, except for a sign not to exceed requirements, as defined in § 154.170 through 154.177 of this chapter, displaying the facility name, address and emergency contact information.

(13) Screening Plan. The application shall include a screening plan that identifies the type and extent of screening provided for the Solar Farm.

a. Screening is required along lot lines bordering a different residential zoning district.

b. Screening is required for Solar Collector Surfaces located within 150 feet of an existing residential dwelling, unless the setback is waived as provided in this Section.

c. Screening is encouraged along public roadways, as deemed practical and not to disturb the function of the solar modules.

d. Screening may consist of vegetation, fencing, or berming.

(14) Ground cover. The project site design shall include the installation and establishment of vegetated ground cover, which must be maintained until the site is no longer operable and decommissioned. The project site design shall:

a. Provide native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators, to the extent practicable for disturbed areas within the project area. XX percentage of the disturbed area shall be required be planted into native species, unless deemed to have adverse effect on the Solar Collector Surface function.

b. Reduce storm water runoff and erosion at the Solar Farm. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, a Solar Farm owner shall use native plant species and seed mixes under Department of Natural Resources "Prairie Establishment & Maintenance Technical Guidance for Solar Projects."

(15) Stormwater and NPDES. Solar Farms are subject to the city stormwater management and erosion and sediment control provisions and NPDES permit requirements and best practices. For the purpose of this ordinance, a Solar Collector Surface is not considered impervious surface.

(16) Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted with the application showing the location of all Solar Collector Surfaces, Associated Interconnection Facilities, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics as may be requested by the City. The site plan should show all zoning districts and overlay districts.

(17) Aviation Protection. For Solar Farms located within 500 feet of an airport or within approach 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.

Summary report:	
Litera® Change-Pro for Word 10.7.0.7 Document comparison done on 1/15/2021 1:21:16 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: Solar Ordinance Fergus Falls Draft (January 2021).DOCX	
Modified filename: Solar Ordinance _Fergus Falls Draft (January 2021) (revised).docx	
Changes:	
<u>Add</u>	168
<u>Delete</u>	145
<u>Move From</u>	0
<u>Move To</u>	0
<u>Table Insert</u>	0
<u>Table Delete</u>	0
<u>Table moves to</u>	0
<u>Table moves from</u>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	313

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§ 154.136 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM. A solar energy system affixed to a principal or accessory building.

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.

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.

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 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.

SOLAR FARM. An area of land designated for the purpose of producing photovoltaic electricity, [as a principal use of the land](#).

§ 154.137 SOLAR ENERGY STANDARDS.

(A) Zoning districts. Solar energy systems in accordance with the standards in this subchapter 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, unless specifically cited elsewhere in this chapter. Solar farms shall be a conditionally permitted use in R-A Zoning areas which must address standards as set forth at City Code §154.138 and other reasonable conditions as may be required by the City Council.

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

(C) Standards.

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

(2) 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.

(3) 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.

(4) 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.

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

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

(7) 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.

(8) 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.

(9) 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.

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

(11) Abandonment. If a solar energy system remains non-functional 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.

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

(E) Administrative review process.

(1) In general. The ~~Building Official~~~~Zoning Administrator~~, in consultation with the ~~City Planner~~~~Planning Director~~, shall have up to 15 working days following the submittal of a complete application to approve or deny the application. The ~~Building Official~~~~Zoning Administrator~~ may impose conditions and require guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this chapter and policies of the Comprehensive Plan.

(2) Submittal requirements. An application for a solar energy system shall be filed on a form approved by the ~~Building Official~~~~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.~~ 1. Plan Applications - Plan applications for solar energy systems shall be accompanied 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. Plan Approvals - Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.

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

4. Compliance with Building Code - All solar energy systems shall meet approval of local building code officials, consistent with the State of Minnesota Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

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 - All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement

§154.138 SOLAR FARMS; ALLOWABLE ZONING DISTRICTS AND DESIGN

STANDARDS.

Solar farms shall be a conditionally permitted use in R-A Zoning areas only.~~An application for a solar farm shall be filed on an application as approved by the Building Official. In addition, the applicant shall submit a plan application for the entire solar farm which must be accompanied by to-scale horizontal and vertical (elevation) drawings that show the location of the solar farm system on the property, include property lines and meet the design requirements of this ordinance, which shall be reviewed by the Building Official to ensure the application is complete. A complete application shall be submitted to the Planning Commission for a public hearing and its recommendation to the City Council. The Planning Commission shall review the Application to ensure it meets the design and standards requirements of this ordinance and to address whether additional recommendations or conditions should be made to the City Council.~~ The City Council may impose additional reasonable conditions on the applicant in granting the conditional use permit.

~~and will follow the following~~All solar farms must meet the following

~~requirements: solar energy systems and solar farm development and standards and all other reasonable conditions as may be required by the City Council: shall be:~~

(A) Height. Systems, equipment and structures shall be ground mounted and 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 solar~~ Solar energy systems as part of a solar farm shall ~~be at minimum forty~~ (40) feet from the outside perimeter to all property lines ~~of the Solar Farm and meet all public water body setbacks found in Ceity Ceode. In the event of multiple parcels being utilized for the entire solar farm, the outermost property line shall be required to meet the setback.~~ meet the minimum zoning setback for the zoning district in which it is located;
2. ~~Roadway~~ Public right of way and road setback of 40 feet from the right-of-way edge of all public roads ~~or other public right of ways.~~
3. Housing unit setback of 150 feet from any existing ~~residential dwelling unit~~, except setback may be reduced by 50% if the ~~solar energy system array is fully screened from the setback point of measurement and a written agreement of the reduced setback from the owner(s) of the existing residential dwelling unit is recorded with the Otter Tail County Recorder, Otter Tail County, Minnesota on the property deed with Ottertail County.~~
4. Setback distance ~~should be~~ is measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.

(C) Distribution and Communication lines. To the extent practical, all new distribution lines to any building, structure or utility connection may be located above ground. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar modules. Power and communication lines to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the city in the following instances: (1) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines. (2) Unless otherwise determined non feasible by the City.

(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

state's Building code and shall be inspected by a Building Inspector. ~~A registered engineer shall certify that the foundation and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions;~~

(F) Compliance with Electric Code. All photovoltaic systems shall comply with the ~~state's~~ Electrical Code;

~~current edition;~~

(G) Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the ~~Building Zoning Administrator that~~ ~~Official 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 ~~and the county~~ ~~Otter Tail County solid waste ordinance must be followed. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and assurances that financial resources will be available to fully decommission the site;~~

(I) Security fence. A security fence ~~may~~ ~~will~~ surround the perimeter of the solar farm ~~and may be located up to the property line. The use of wildlife-friendly fencing standards that include clearance at the bottom in preferred. No use of barbed wire is allowed on perimeter fencing;~~

(J) Emergency services vehicles. Reasonable accessibility for emergency services vehicles shall be required; and

(K) Signage. No signage is allowed on the solar farm fencing, except for a sign not to exceed requirements, as defined in § 154.170 through 154.177 of this chapter, displaying the facility name, address and emergency contact information.

(L) Screening

1. ~~The application shall include a screening plan shall be submitted that identifies the type and extent of screening provided for the projectsolar farm. Screening is required on along lot lines bordering a different residential zoning district. Screening is required within 150 feet of an existing residential dwellings, unless the 50% setback reduction the setback is reduced as provided in this Section at cited in Paragraph~~

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~~B.3.-above is utilized.~~ Screening is encouraged along public roadways, as deemed practical and not to disturb the function of the solar modules. Screening may consist of vegetation or berming.

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2. Landscape screening improvements shall be installed prior to all other above grade site improvements and confirmed compliant by city inspection.

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(M) Ground cover

1. The project site design shall include the installation and establishment of vegetated ground cover. ~~This shall then be which must be~~ maintained until the site is no longer operable and decommissioned. The project site design shall:

(1) provide native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators, to the extent practicable for disturbed areas within the project area. XX percentage of the disturbed area shall be required be planted into native species, unless deemed to have adverse effect on the solar panel function.

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(2) reduce storm water runoff and erosion at the solar generation site. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, a solar site owner shall use native plant species and seed mixes under Department of Natural Resources "Prairie Establishment & Maintenance Technical Guidance for Solar Projects."

(N) Stormwater and NPDES - Solar farms are subject to the city stormwater management and erosion and sediment control provisions and NPDES permit requirements and best practices. For the purpose of this ordinance, a solar collector surface is not considered impervious surface.

(O) Site Plan Required - A detailed site plan for both existing and proposed conditions must be submitted with the application ~~showing the~~ 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 as may be requested by the Ceity. The site plan should show all zoning districts and overlay districts.

(P) Aviation Protection - For solar farms located within 500 feet of an airport or within approach 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.

Planning Commission Meeting Minutes

PLANNING COMMISSION MINUTES
November 23, 2020

The Fergus Falls Planning Commission met on November 23, 2020 in the Council Chambers of City Hall. The meeting was opened at 5:30 p.m. Members present were: (√√ indicates those present in the Council Chambers, √ indicates those present by phone / video connections due to the outbreak of COVID-19).

√√ Jeff Stanislawski
√ Laurel Kilde
√√ Craig Gantner
√√ Don Suiter
√ Kelsee Macintosh-Ellig
√√ Scott Rachels
√ Vern Johnson

City staff in attendance included Darrin Welle, Sourcewell Planner, and Jill Hanson who took minutes for the meeting. Also present was Tom Denaway, Baker Tilly Municipal Advisors, LLC.

APPROVAL OF MINUTES

The minutes of the October 26, 2020 meetings were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Rachels and seconded by Commissioner Kilde. The minutes of the November 10, 2020 meetings were reviewed and Chair Stanislawski entertained a motion to approve the minutes. It was so moved by Commissioner Rachels and seconded by Commissioner Suiter.

Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter, Rachels, Gantner

Nays: None

Absent: Johnson

PUBLIC HEARING TO CONSIDER A REQUEST FOR AN CONDINATIONAL USE PERMIT (CUP) TO SPLIT DUPLEXS INTO INDIVIDUAL LOTS IN AN R-2 ZONE LOCATED AT 1829 & 1831 CASCADE STREET SOUTH. REQUESTED BY DOVAVAN ROGNESS OF PRAIRIE VIEW DEVELOPMENT

Chair Stanislawski asked City staff to explain the request. Darrin Welle stated that the applicate is requesting a CUP to split the duplex building on this site located on Cascade Street. The proposed development was recently platted in 2019. The applicant made lots large enough to build duplexes on the lot. The applicant is now seeking to split the duplexes into two individual lots for sale. The individual lots meet the minimum lot sizing for this zone. A party wall agreement has been submitted by the applicant. This is the third lot on this site and is the same as the last request we saw two months ago.

Darrin explained a map of the area and a diagraph of the purposed duplexes. Darrin mentioned the ordinances and zoning codes at apply to this request, and the general provision. Codes states that a Conditional Use Permit may be issued to allow the separate sale of attached dwelling units with land for two-family dwellings, subject to the following conditions.

(1) The permit shall be for the life of the building only.

(2) A party wall agreement or covenant must be filed with each deed, which clearly defines the responsibility of each owner for all utilities and utility hookups, maintenance, improvements, reconstruction encompassing portions of all of the property and other areas of mutual concern.

In reviewing applications of conditional use permits, the Planning Commission and the Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of other property within the district, and to achieve the goals and objectives of the comprehensive plan. In all cases in which conditional uses are granted, the Council shall require evidence and guarantees as it may deem necessary as proof that the conditions

stipulated in connection therewith are being and will be complied with.

Darrin stated that the seven Proposed Findings listed in the staff report were created with the idea of approval of the CUP request with the conditions listed. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Darrin stated a condition for the Prairie View Development Conditional Use Permit:

1. Must abide by the party wall agreement provisions.

Public Hearing to consider a request for a CUP to Split the Duplex in an R-2 Zone located at 1829 & 1831 Cascade Street South into individual dwelling was opened to the public at 5:35 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:36 PM, and bought the meeting back to the Planning Commission for discussion. There was some discussion about the party wall agreement.

Commissioner Rachels made a motion to recommend to approve the Conditional Use Permit request by Prairie View Development to split the Duplex located at 1829 & 1831 Cascade Street South into individual dwellings, with the condition that the party wall agreement be recorded to each deed. It was seconded by Commissioner Gantner.

Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter, Rachels, Gantner

Nays: None

Absent: Johnson

PUBLIC HEARING TO CONSIDER A REQUEST TO REZONE A PARCEL OF LAND FROM AN R-2 ZONE TO I-2 ZONE, LOCATED AT 507 SOUTH SHERIDAN STREET. REQUESTED BY G&S HOLDINGS LLC.

Chair Stanislawski asked City staff to explain the request. Darrin Welle stated that the applicant, G&S Holding LLC, is requesting to rezone a parcel of land located at 507 South Sheridan Street from a R-2 zone (two family residential) to an I-2 zone (industrial). The land has historically been used by a telephone company as a warehouse and contractors' yard and as a storage building for a contractor. These uses are non-conforming to the residential R-2 zone. There is a new buyer for the land and they are looking to use the building to store vehicles for a fleet business, which is a permitted use and then occasionally sell vehicles, which requires a Conditional Use Permit in the I-2 zone.

Darrin explained that the property is accessed off South Sheridan Street and Hampden Avenue. The property is zoned R-2 and is next to residential housing on the east and south side. On the west side across Sheridan there are residential dwellings. To the north across Hampden is a U-Haul station and an auto repair station that is industrially zoned. Darrin noted that in the block to the west, where the industrial zone dips south across Hampden, there are some other industrial uses. This building has always been an industrial use historically, but when zoned originally was put in the R-2 Residential zone. This means that a continuation of a contractor's shop, such as what it was before can be continued, until the use ceases to be used for a period of 1 year. Then any future use must be a conforming use. The applicants would like to use the site for other uses; therefore, they are asking to rezone the parcel so that could be done. Without the rezone, the parcel would have to be used for a use in the R-2 zone.

Darrin mentioned the ordinances and zoning codes at apply to this request. Darrin explained that the subject property is directly adjacent to other I-2 zone property across the street. The property to the west across the road is zoned I-2. When looking at rezoning property the city should look at all the uses allowed and permitted in the zone, since all of the uses could potentially be used in this area, not just what you may see there now or what the

applicant is proposing. Thus, a look at all the uses is appropriate to ensure the area is acceptable to be changed. Darrin explained some zoning maps for the area.

Darrin stated that these Proposed Findings for this request:

1. The property is currently zoned R-2 (two family residence).
2. The property to the north, adjacent of this parcel, is zoned I-2 General Industrial.
3. The parcels size is compatible with the I-2 zone.
4. Sheridan Street is a road that lead into a vast industrial area north of this property.
5. The parcel is currently a vacant building that was historically used as a contractor's yard.
6. The change in this parcel would correct a mistake in the original zoning of this parcel since a commercial use has been present here since the 1950's.

Public Hearing To Consider A Request For A Zoning Map Amendment To Rezone a Parcel Located at 507 South Sheridan Street From R-2 To I-2 to Allow to Store Vehciles for a Fleet Business & Occasionally Sell a Vehicle was opened to the Public at 5:45 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:46 PM, and bought the meeting back to the Planning Commission for discussion. There was some discussion about the zoning for the area. Commissioner Johnson joined the meeting through zoom.

Commissioner Kilde made a motion to recommend to approve the rezoning request by G&S Holdings LLC to rezone the a parcel located at 507 South Sheridan Street from R-2 to I-2. It was seconded by Commissioner Rachels. Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter, Rachels, Gantner, Johnson

Nayes: None

Absent: None

PUBLIC HEARING TO CONSIDER A REQUEST FOR AN CONDINATIONAL USE PERMIT (CUP) TO ALLOW FOR AUTO VEHICLES SALES AT 507 SOUTH SHERIDAN STREET. REQUESTED BY G&S HOLDINGS LLC.

Chair Stanislawski asked City staff to explain the request. Darrin Welle stated that the applicant, G&S Holding LLC, is requesting a CUP to allow for an auto sales at 507 South Sheridan Street. Darrin explained that the land has historically been used by a telephone company as a warehouse and contractors' yard and as a storage building for a contractor. There is a new buyer for the land and they are looking to use the building to store vehicles for a fleet delivery business, which is a permitted use and then occasionally sell vehicles, which requires a Conditional Use Permit in an I-2 zone.

Darrin explained a map of the area. Darrin mentioned the ordinances and zoning codes at apply to this request, and the general provision. Codes states that a Conditional Use Permit may be issued to allow this use, subject to the following conditions by CUP within an I-2, General Industrial District, no building or land shall be used for one or more of the following uses, except by conditional use permit:

- (2) Automobile sales, truck sales, used car and truck lots, car and truck washing establishments, service stations, and repair shops subject to the following:
 - (a) The outside display and storage area shall be surfaced with a dust-free material, and the arrangement of entrances, exits and parking stalls shall be subject to the approval of the City Engineer. Off-street parking and loading areas shall be surfaced as required by §154.190 through 154.204 of this chapter;
 - (b) The lighting, whether direct or reflected, such as from floodlights or spotlights, and as differentiated from general illumination, shall not be directed into any adjacent property.

In reviewing applications of conditional use permits, the Planning Commission and the Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of other property within the district, and to achieve the goals and objectives of the comprehensive plan. In all cases in which conditional uses are granted, the Council shall require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

Darrin stated that the seven Proposed Findings listed in the staff report were created with the idea of approval of the CUP request with the conditions listed. If the commission does not agree with any of the findings, then the commission should look at are there conditions to help to create a positive finding or look at a denial finding and create a set of findings to support denial.

Darrin stated some suggested conditions for the G&S Holdings Conditional Use Permit:

1. The outside display and storage area shall be surfaced with a dust-free material, and the arrangement of entrances, exits and parking stalls shall be subject to the approval of the City Engineer. Off-street parking and loading areas shall be surfaced as required by § 154.190 through 154.204 of this chapter.
2. The lighting, whether direct or reflected, such as from floodlights or spotlights, and as differentiated from general illumination, shall not be directed into any adjacent property.
3. Must abide by all local, state, and federal laws pertaining to the use.
4. No more than__ (fill in the blank) vehicles are allowed to be staged for sale at one time on the property.

There was some discussion about condition #4 relating to setting a limit on the number of vehicle staged for sale on the property. Commissioner Rachels mentioned there was a used car lot on one of the lots next to this property and in the past there would be 5 to 15 vehicles parked on that lot. Commissioner Johnson mentioned there is not a lot of area to park vehicles on this lot. Commissioner Kilde stated that she felt they should be able to park as many vehicles as they can on the lot.

Public Hearing to consider a request for a CUP to allow for Auto Vehicles Sales at 507 South Sheridan Street was opened to the public at 5:55 PM

Chair Stanislawski asked if anyone else wished to speak on this request.

Chair Stanislawski closed the Public Hearing to the Public at 5:56 PM, and brought the meeting back to the Planning Commission for discussion. There was some discussion.

Commissioner Kilde made a motion to recommend to approve the Conditional Use Permit request by G&S Holdings LLC to allow for auto vehicle sales at 507 South Sheridan Street with the conditions discussed, excluding the limiting on vehicles for sale. It was seconded by Commissioner Rachels.

Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter, Rachels, Gantner, Johnson

Nays: None

Absent: None

UPCOMING APPLICATIONS

Darrin Welle informed the PC that there are no Public Hearings scheduled for the next PC meeting.

NEW BUSINESS: Modification to TIF District 4-13

Chairman Stanislawski asked City staff to explain the request. Tom Denaway, Baker Tilly Municipal Advisors, LLC explained that the PC is only being asked to approve the resolution for the modification of the TIF District No. 4 and confirm the TIF plan for TIF (redevelopment) District No. 4-13 conforms to the City plans for development or redevelopment of the City as a whole.

There was some discussion by the PC about the TIF project, if the housing is needed by the City, and whether this project is beneficial to the City. Mr. Denaway explained that the City Council will be reviewing these items. The PC is just looking at the land use and stating whether the land use conforms to the project, and if this plan abides by the comprehensive plan. Mr. Denaway mentioned that the City Council will be holding a public hearing on the TIF plan on December 21, 2020 and they would need to approve the actual TIF plan.

There was some discussion about the City's plan for the site. Darrin mentioned that this site was identified in the City's long range plan for redevelopment, so this project would meet this City's future plans for the site. There was some discussion about a need for market rate apartments downtown based on a housing study done a few years ago. Commissioner Gantner stated that he felt market rate housing does not need TIF.

Chairman Stanislawski read the proposed TIF Resolution to the PC, and there was some discussion about the language in the resolution and removing some of the paragraphs in the document. Mr. Denaway explained that the City enlarged the boundaries of the Development District No. 4 due to annexation and that requires a modification to the Development Plan for District No. 4, and TIF Plan conforms to the general plan for the development of the City as a whole. The PC is not recommending the actual TIF Plan, just these two items relating to the TIF Plan land use. The PC agreed to approve the wording that related to the modification of the TIF District, and remove the wording from the resolution stating that they reviewed the TIF Plan and approved it.

Commissioner Kilde made a motion that the PC approves the Modification to Development District No. 4, but they does not approve or disapprove of the TIF Plan for TIF District 4-13. The wording of the resolution will be changed to reflect this. It was seconded by Commissioner Rachels. Passed by the following vote:

Ayes: Stanislawski, Kilde, Macintosh-Ellig, Suiter, Johnson, Rachels, Gantner

Nays: None

Absent: None

OLD BUSINESS – Ordinance Updates:

Chair Stanislawski asked if there was any old business. Darrin presented the draft for the changes to the ordinances for the B-5 & B-6 zones that were discussed at the October PC meeting.

The purposed definition for Light Industrial: means a category of uses that is capable of operation in such a manner as to control the external effects of manufacturing processes such as smoke, noise, vibration, soot, and odor. It includes limited intensity levels of manufacturing and assembly activities primarily from previously prepared or refined materials, or from raw materials that do not need refining, warehousing of produced products on site with limited direct public access, research and development, packaging, and associated offices and similar uses as determined by the City Planner within an enclosed building. This use category includes, but is not limited to, food processing, contractors, textiles, wood products, tool and die, printing, pharmaceuticals, machinery manufacturing or assembly, research and development, laboratories, but excludes basic industrial processing from raw materials.

The following wording would be added to the B-5 and B-6 zones (Shopping Center Business District):

- Indoor recreation- such as trampoline parks, skating, and archery, etc.
- Light Industrial Uses; subject to the following
 - (a) There shall be no outside storage of materials or goods.
 - (b) There shall be no uses that produce fumes, exhaust, or other nuisance conditions outside of the structure.

Darrin explained that right now these changes are something to be review by the PC for discussion at a future meeting.

CITY PLANNER UPDATES

Chair Stanislawski asked for updates from the City Planner. There were none.

CITY COUNCIL UPDATES

Chair Stanislawski asked if there were any Council updates. There were none.

The next meeting will be on Monday, December 28, 2020 at 5:30 PM.

The meeting adjourned at 6:30 pm.

Darrin Welle
Sourcewell Planner

DRAFT

Planning Commission Public Hearing



112 West Washington Avenue

Fergus Falls, MN 56537

Phone: 218-332-5434

e-mail: planning@ci.fergus-falls.mn.us

www.ci.fergus-falls.mn.us

Conditional Use Permit

Application fee should be made payable to The City of Fergus Falls upon submittal of completed application. Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: Prairie View Development

Last name: Rogness First name: Donavan

Address: 925 Clearview Ct City/State/Zip: Fergus Falls, MN

Phone number: (218)-205-1683 Email address: donavan@rognesscontracting.com

2. Applicant Information: (if different from above)

Company name: _____

Last name: _____ First name: _____

Address: _____ City/State/Zip: _____

Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

1703, 1705, 1707 and 1709 S. Cascade

4. Zoning Designation: R-2

5. Statement of Intent: Briefly describe what will be done on or with the property requiring the conditional use approval.

Split townhomes for individual sale

7. Additional Required Information:

a. Legal Description and PIN: Provide the Parcel Identification Number(s)

See attached

Complete legal description(s) of the property involved or put “see attached”

See attached

b. Proposed Plans: A site plan is required. A landscape plan, grading and drainage plan, and other items may be required by the city/planning commission.

c. Written Narrative: The written narrative should thoroughly address the following general items in addition to any specific requirements pertaining to the proposed use, which Section 154.019 (Conditional Use Permit) of the City Code directs the City Council to evaluate during consideration of conditional use applications:

(1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city?

Correct

(2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions?

Correct

(3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood?

Correct

(4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools?

Correct

(5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors?

Correct

(6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets?

Correct

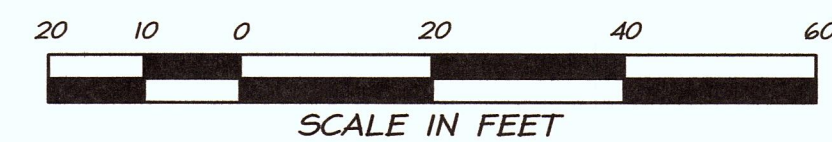
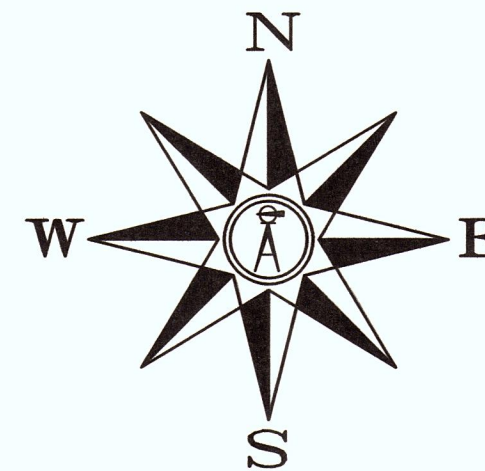
(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance?

Correct

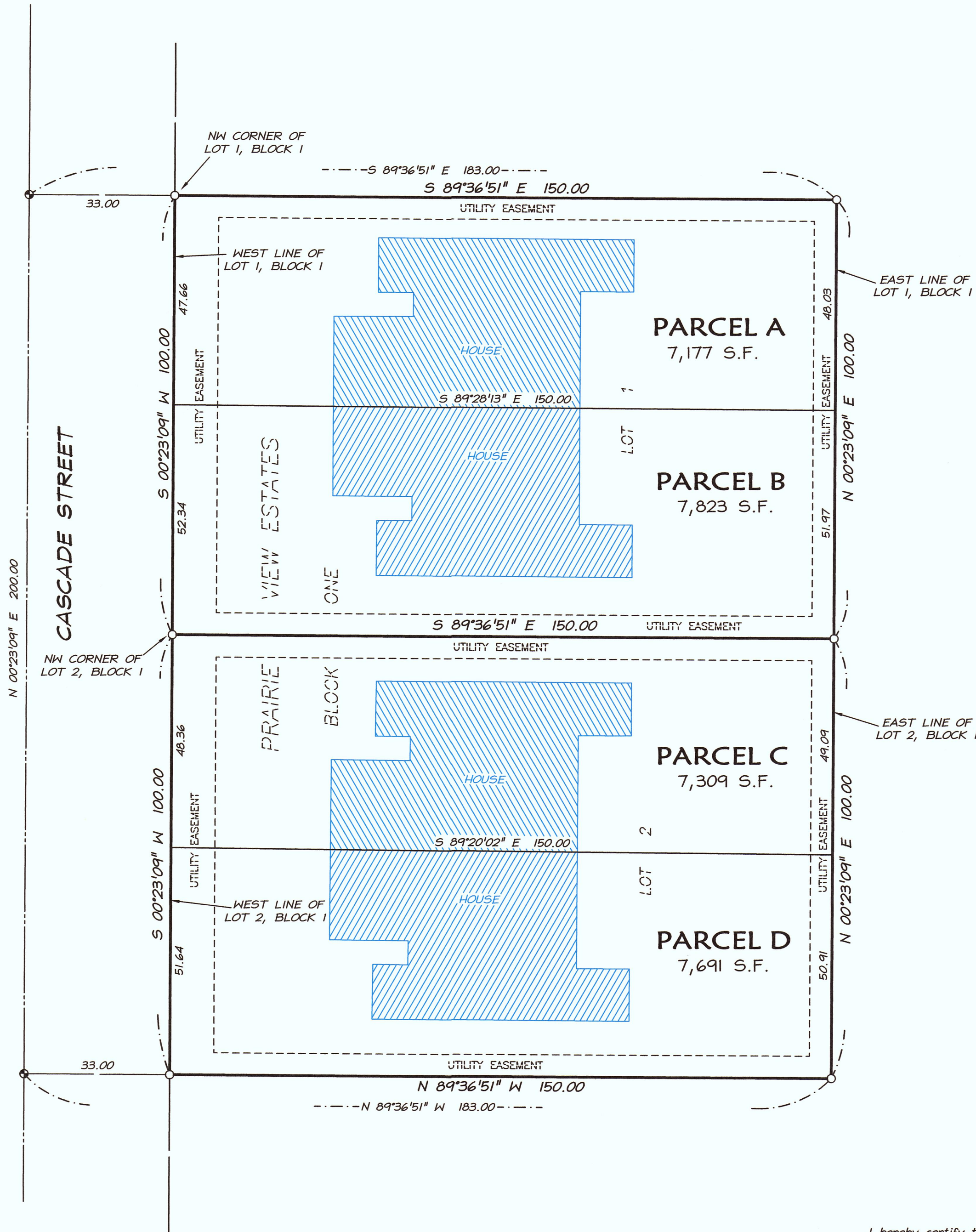
8. Signature(s): By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: Donavan Rogness Date: 12/29/2020

Applicant: Donavan Rogness Date: 12/29/2020



SCALE: 1 INCH = 20 FEET
 BEARINGS ARE BASED ON OTTER TAIL COUNTY COORDINATES
 2011 ADJUSTMENT AS DETERMINED BY THE MNDOT CORS/VRS NETWORK.
 ○ DENOTES IRON MONUMENT SET MARKED "PLS 13620 # 17825".
 ● DENOTES BRASS PLUG SET MARKED "PLS 13620 # 17825".



PROPOSED LEGAL DESCRIPTIONS

PARCEL A

All that part of Lot 1, Block 1, PRAIRIE VIEW ESTATES, according to the recorded plat thereof, Otter Tail County, Minnesota, lying northerly of the following described line:
 Commencing at the northwest corner of said Lot 1; thence South 00 degrees 23 minutes 09 seconds West (bearing based on Otter Tail County Coordinates-2011 adjustment) along the west line of said Lot 1, a distance of 47.66 feet to the point of beginning of the line to be described; thence South 89 degrees 28 minutes 13 seconds East a distance of 150.00 feet to the east line of said Lot 1 and there terminating.
 Containing 7,177 square feet more or less.

PARCEL B

All that part of Lot 1, Block 1, PRAIRIE VIEW ESTATES, according to the recorded plat thereof, Otter Tail County, Minnesota, lying southerly of the following described line:
 Commencing at the northwest corner of said Lot 1; thence South 00 degrees 23 minutes 09 seconds West (bearing based on Otter Tail County Coordinates-2011 adjustment) along the west line of said Lot 1, a distance of 47.66 feet to the point of beginning of the line to be described; thence South 89 degrees 28 minutes 13 seconds East a distance of 150.00 feet to the east line of said Lot 1 and there terminating.
 Containing 7,823 square feet more or less.

PARCEL C

All that part of Lot 2, Block 1, PRAIRIE VIEW ESTATES, according to the recorded plat thereof, Otter Tail County, Minnesota, lying northerly of the following described line:
 Commencing at the northwest corner of said Lot 2; thence South 00 degrees 23 minutes 09 seconds West (bearing based on Otter Tail County Coordinates-2011 adjustment) along the west line of said Lot 2, a distance of 48.36 feet to the point of beginning of the line to be described; thence South 89 degrees 20 minutes 02 seconds East a distance of 150.00 feet to the east line of said Lot 2 and there terminating.
 Containing 7,309 square feet more or less.

PARCEL D

All that part of Lot 2, Block 1, PRAIRIE VIEW ESTATES, according to the recorded plat thereof, Otter Tail County, Minnesota, lying southerly of the following described line:
 Commencing at the northwest corner of said Lot 2; thence South 00 degrees 23 minutes 09 seconds West (bearing based on Otter Tail County Coordinates-2011 adjustment) along the west line of said Lot 2, a distance of 48.36 feet to the point of beginning of the line to be described; thence South 89 degrees 20 minutes 02 seconds East a distance of 150.00 feet to the east line of said Lot 2 and there terminating.
 Containing 7,691 square feet more or less.

SURVEYOR'S CERTIFICATE

I hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land, and that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota. Dated this 22nd day of December, 2020.

David A. Anderson
 David A. Anderson
 Professional Land Surveyor
 Minnesota License No. 13620

CERTIFICATE OF SURVEY FOR:

**LAWAYNE
 ROGNES**

CONTRACT NO. 194-19 ADDENDUM	FOLDER 194-19	DRAWN BY LIB	FIELD BOOK ALS-193/64
DWG FILE 194-19BLK 1	CRD FILE 194-19	CHECKED BY DAA	FIELD CREW JAK
SEC-TWP-RG 10-132-43	REVISION:		DRAWING NUMBER 8973

ANDERSON LAND SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS & LAND DEVELOPMENT CONSULTANTS
 313 SOUTH MILL STREET, FERGUS FALLS, MN 56538-0125 (218) 739-5268
 (800) 300-9276



Planning Commission Staff Report

Planning Commission Public Hearing Date: January 25, 2021

City Council Meeting: February 1, 2020

Subject: CUP-2021-1 --: Prairie View Development, Donovan Rogness. Sell duplex as individual units.

	DATE
Application Received	January 4, 2021
Notices Published in Daily Journal	January 9, 2021
Notices Mailed to 350 feet area	January 8, 2021
PC Hearing to be held	January 25, 2021
60 Day Expiration	March 4, 2021

Standards of Evaluation

154.092 MULTIPLE DWELLING UNITS SOLD INDIVIDUALLY.

(B) Two-family attached dwellings. A conditional use permit may be issued to allow the separate sale of attached dwelling units with land for two-family dwellings, subject to the following conditions.

(1) The permit shall be for the life of the building only.

(2) A party wall agreement or covenant must be filed with each deed which clearly defines the responsibility of each owner for all utilities and utility hookups, maintenance, improvements, reconstruction encompassing portions of all of the property and other areas of mutual concern.

154.019 CONDITIONAL USE PERMITS.

(A) Purpose.

(1) In order to give the district use regulations of this chapter the flexibility necessary to achieve the objectives of the comprehensive guide plan in certain districts, conditional uses are permitted subject to the granting of a use permit. Conditional uses include those uses generally not suitable in a particular zoning district, but which may, under some circumstances, be suitable. When the circumstances exist, a conditional use permit may be granted.

(D) Standards. The Planning Commission shall recommend a conditional use permit and the Council may issue conditional use permits if it finds that the use at the proposed location:

(1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city;

(2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions;

(3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the

general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood;

(4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools;

(5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors;

(6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets;

(7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance; and

(8) These standards apply in addition to specific conditions as may be applied throughout the code.

(E) Conditions. In reviewing applications of conditional use permits, the Planning Commission and the Council may attach whatever reasonable conditions they deem necessary to mitigate anticipated adverse impacts associated with these uses, to protect the value of other property within the district, and to achieve the goals and objectives of the comprehensive plan. In all cases in which conditional uses are granted, the Council shall require evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

At least one public hearing shall be held on any application for a condition use permit. Following the hearing, the Planning Commission shall make a recommendation to City Council whatever action it deems advisable. Should a Conditional Use Permit be recommended for approval, the Commission may impose reasonable conditions to ensure that the use will be compatible as practicable with the surrounding properties.

Background:

There is currently two duplex building on the sites. The proposed development was recently platted in 2019. The applicant made lots large enough to build duplexes on the lot. The applicant is now seeking to split the duplexes in to two individual lots for sale. The individual lots meet the minimum lot sizing for this zone. A party wall agreement has been submitted by the applicant.

Proposed Findings:

- (1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city, because the use of the dwellings will be the same, the only thing this is doing is creating a property line down the party wall. There should be no change to the character of the neighborhood, health or welfare based on this property line being added.
- (2) Will be harmonious with the general and applicable specific objectives of the comprehensive plan and code provisions, because the city does not have a comprehensive plan that is not applicable. The code provision would be met with the attached conditions of the permit.
- (3) Will be designed, constructed, operated and maintained so as to be compatible or similar in an architectural and landscape appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood, because there will be no change to what the structure will be, beside the ownership of the property will be split. There will be no visual differences after the change.
- (4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools. Yes, all of these area already in place with the current dwelling.
- (5) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be hazardous or detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors, because there are no nuisances involved with creating a twin home out of the duplex.
- (6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets, because the existing driveways are in place with turnarounds.
- (7) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance, because the city is not aware of any features here.

Staff Comments:

If approved, here are some suggested conditions:

Conditions:

1. Must abide by the party wall agreement provisions.

Alternative Courses of Action:**Motion to Approve:**

Should the Planning Commission choose to recommend approval based on the above findings (or approval with conditions), a motion should be made to approve (or approve with conditions) the Conditional Use Permit.

Motion to Deny:

Should the Planning Commission choose to recommend denial, a motion should be made to recommend denial of the Conditional Use Permit, stating the reason(s) for denial.

Motion to Continue:

Should the Planning Commission need further information to make an informed decision on the Conditional Use Permit request, a motion should be made to recommend continuing the item until no later than the next Planning Commission, state the reason(s) for continuing, including the information requested.

However, the Planning Commission should consider all facts and testimony after conducting the public hearing and render a decision accordingly.

Originating Department: Community Development Department

Respectfully Submitted: Darrin Welle

Attachments:

- Application

Old Business

ORDINANCE NO. 10, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS FALLS, MINNESOTA,
AMENDING CHAPTER 154.002 DEFINITIONS AND CHAPTER
154.040 B-5 AND B-6 SHOPPING CENTER BUSINESS DISTRICT OF
THE CITY CODE.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. City Code Chapter 154.002 Definitions, Light Industrial, is hereby added to read as follows:

LIGHT INDUSTRIAL. Light Industrial means a category of uses that is capable of operation in such a manner as to control the external effects of manufacturing processes such as smoke, noise, vibration, soot, and odor. It includes limited intensity levels of manufacturing and assembly activities primarily from previously prepared or refined materials, or from raw materials that do not need refining, warehousing of produced products on site with limited direct public access, research and development, packaging, and associated offices and similar uses as determined by the City Planner within an enclosed building. This use category includes, but is not limited to, food processing, contractors, textiles, wood products, tool and die, printing, pharmaceuticals, machinery manufacturing or assembly, research and development, laboratories, but excludes basic industrial processing from raw materials or other heavy industrial uses.

Section 2. City Code Chapter 154.040 B-5 and B-6, Shopping Business District, (B)(2) is hereby amended to read as follows:

(2) B-6, Sub-Regional Shopping Center. Within a B-6, Sub-Regional Shopping Center Business District, no building or land shall be used, except for one or more of the following uses, subject to division (C)(2) below:

- (a) Drive-in restaurants;
- (b) Any uses as permitted and regulated in the B-3, General Business District; except that, no dwellings shall be permitted; and
- (c) Indoor recreation – such as trampoline parks, skating and archery, etc.

Section 3. City Code Chapter 154.040 B-5 and B-6, Shopping Business District, (C) is hereby amended to add paragraph (10) as follows:

- (10) Light Industrial Uses; subject to the following:

(a) There shall be no outside storage of materials or goods unless an allowed retail use is permitted in the zone in conjunction with the manufacturing business to sell a finished product.

b) There shall be no uses that produce fumes, exhaust, or other nuisance conditions outside of the structure.

Section 4. Effective date. The effective date of this ordinance shall be the _____ day of _____, 2021.

THIS ORDINANCE was introduced on the _____ day of _____, 2021, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the _____ day of _____, 2021, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on _____.

barb/acityoffergusfalls/ords/8thseries,Ord10