



**PLANNING COMMISSION MEETING AGENDA**  
**February 22, 2021**  
**7:00pm**

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- 1) Call to Order**
  - a) Approval of Agenda
  
  - b) Approval of Minutes – January 25, 2021
  
- 2) Public Hearings**
  - a) None
  
- 3) Business Items**
  - a) Discussion Regarding an Ordinance Amending Minnetrista City Code Chapter 5 Regarding Solar Energy Systems
  
- 4) Informational Items**
  - a) Staff Reports
  
  - b) Council Reports
  
- 5) Adjournment**
  - *The agenda packet with all background material is located at the back table for viewing by the public.*
  - *Published agenda subject to change without notice.*
  - *Information and materials relating to the above items are available for review at city hall by appointment.*

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***The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.***



**PLANNING COMMISSION MEETING  
MINUTES  
January 25, 2021  
7:00pm**

\*Planning Commissioners Damian Young and John Sturgess were sworn into office on the morning of January 19, 2021 in the Council Chambers of City Hall.

**1) Call to Order**

Chair Sandholm opened the meeting at 7:00 p.m.

In attendance: Commissioners – Chair Lora Sandholm, Vice Chair Peter Vickery, Gary Pettis, Justin Forbrook, Steve Livermore, Damian Young, John Sturgess, Gary Vars (Alternate 1) and Mike Kirkwood (Alternate 2); Council Liaison: Mayor Lisa Whalen; Staff: Community Development Director David Abel, City Planner Nick Olson and City Clerk Kris Linnquist.

**a) Approval of Agenda**

Motion by Livermore, seconded by Pettis to approve the agenda as presented.  
Roll Call Motion passed 7-0. Absent: None

**b) Welcome reappointed Planning Commissioner Damian Young and new Planning Commissioner John Sturgess.**

**c) Elect Chair and Vice Chair for 2021**

Vickery nominated Laura Sandholm, seconded by Livermore for Chair. There was no opposition.

Sandholm nominated Peter Vickery, seconded by Livermore for Vice Chair. There was no opposition.

Roll Call approval of nomination approved 7-0. Absent: None

**d) Approval of Minutes from October 26, 2020**

Motion by Pettis, seconded by Vickery to approve the minutes from the October 26, 2020 Planning Commission meeting.

Roll Call motion passed 7-0. Absent: None

**e) Approval of Minutes from November 23, 2020**

Motion by Vickery, seconded by Young to approve the minutes from the November 23, 2020 Planning Commission meeting.

Roll Call motion passed 7-0. Absent: None

**2) Public Hearings**

**a) INTERIM USE PERMIT AMENDMENT: Application from Lowell and Phyllis Schaper to amend an existing permit for Agricultural Entertainment Activities**

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**to add the names of Frank Weigel and Esther Nazarov to said permit at 6480 and 6530 County Road 26; A – Agriculture Zoning District; PID # 03-117-24-11-0004 and PID # 03-117-24-12-0004. Frank and Esther have agreed to buy the properties, which are known as Minnetonka Orchards and Painters Creek Winery.**

City Planner Olson presented the staff report found in the Planning Commission packet dated January 25, 2021.

Highlights included in the presentation were:

- The Applicants, Lowell and Phyllis Schaper, have made an application to amend an existing Interim Use Permit (IUP) which allows Agricultural Entertainment Activities by adding the names of Frank Weigel and Esther Nazarov to said permit at 6480 and 6530 County Road 26; A-Agriculture Zoning District; PID# 03-117-24-11-004 and PID# 03-117-24-12-0004
- The Applicants originally received a Conditional Use Permit (CUP) back in 1980 to sell apples and honey on the Properties. That CUP was later amended in 1996 to allow for the operation know today as Minnetonka Orchards. City ordinances changed in 2007 to allow agricultural entertainment activities by IUP rather than CUP.
- The differences between a CUP and IUP is that an IUP is a use that is allowed for a certain duration of time and is specific to a certain property owner. In this case, the IUP belongs to the Applicants. Since the Applicants have agreed to sell the Properties, which are known as Minnetonka Orchards and Painters Creek Winery, to Frank Weigel and Esther Nazarov (the Buyers), an amendment to the existing IUP is necessary. As a part of the transition of the sale, the Applicants have agreed to stay on as consultants.
- The Applicants received approval of a CUP for a farm winery, known as Painter’s Creek Winery, back in 2013. Since CUPs run with the land, no action is required for this permit as long as the Buyers follow the conditions in the CUP.
- No other changes to the existing IUP or its conditions is being requested at this time.
- Finding of fact based on the information submitted by the Applicants may be as follows:
  1. Agricultural entertainment is allowed within the Agriculture zoning district by Interim Use Permit; and
  2. The proposed change in ownership is in harmony with the purpose and intent of the City’s zoning ordinance and is consistent with the City’s comprehensive Plan.

Frank Weigel, buyer, 4496 North Shore Dr. Mound, MN, stated that they are very excited for the opportunity to expand to Minnetrista. They are looking forward to being good neighbors in the community.

Chair Sandholm continued the Public Hearing from November 23, 2020 at 7:25 p.m.

Cathy Zandstra, 6625 CR 26, stated that as a neighbor of this property, she noticed the traffic reducing throughout the years. She has not experienced any nuisances

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since the opening of the wedding venue.

Harold and Lori Ketola, 6724 Fox Ridge Circle, stated they have experienced increased noise nuisances as the business expanded. She stated the peaceful environment has been disrupted in the neighborhood and does not feel the noise levels are appropriate. She feels that the property is no place for a business. She stated that they have also sent in letters.

Kent and Zina Somova, 6651 Fox Ridge Circle, stated they have also stated the Schaper's have been fantastic neighbors and good to deal with. The only issue is the noise level from the wedding events. A permanent structure may mitigate the noise. They feel this is the time to tighten up the issues with the noise.

Gary Pettis, on behalf of his wife Sue, 5200 County Road 26, commented that every May – Mid November every weekend there is considerable amount of noise. The noise level should not increase over 60 dB at the property line. The noise is very disturbing while being outside.

Craig Schaper, owner's son, 120 Fairway Ridge Ct, stated he operated the orchard from 2010-2014 and that in 2013-14 changes were made to the IUP. He managed the two events per week and watched the conditions of the IUP and CUP for both properties very closely. He stated that his parents (Lowell and Phyllis) are aware of the noise issue and traffic during the events and during the fall orchard season.

Community Development Director David Abel stated that there is still 2 – 2 ½ years left on the IUP.

Mayor Whalen questioned how long the apple orchard had been in operation. Abel commented that it has been open since 1976. Whalen believed that the wedding venues started around 2012. Schaper stated it was actually 2005.

Chair Sandholm closed the public hearing at 7:57 p.m.

There was discussion if the new owners were going to be "hands on". Weigel stated that the Schaper's will be staying on for the transition and they would be "hands on" owner/operators.

There was discussion on being compliant with the noise requirements. With further discussion of surveying the neighbors several times a year for their feedback on the operation.

There was discussion of how many calls have been made to the police over the years for traffic and noise concerns.

There was discussion of the new owners having to renew the IUP in two years, it was also discussed that if they don't stay compliant that they can be brought back to the Planning Commission for further review.

Motion made by Vickery, seconded by Young to recommend the City Council

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approve the requested Interim Use Permit (IUP) amendment based on certain findings of fact outlined in the staff report and subject to the addition of the following conditions:

1. Frank Weigel and Esther Nazarov are hereby added to the Interim Use Permit as owners of Minnetonka Orchards and the Interim Use Permit shall become void upon transfer of ownership of the Property and any transfer of the Interim Use Permit shall require City Council approval; and
  2. Any conditional conditions as determined by the Planning Commission.
- Roll Call Motion passed 6-1. Opposed: Pettis

**b) COMPREHENSIVE PLAN AMENDMENT: Application from Paul Robinson of the Bancor Group on behalf of the MN Masonic Charities Holding Corp. for a Comprehensive Plan Amendment to change the future land use from Park, Public, Semi-Public to Residential Low for the property located at 400 Enchanted Lane; R-1 Low density single-family residence; PID# 25-117-24-44-0010.**

City Planner Olson presented the staff report found in the Planning Commission packet dated January 25, 2021.

Highlights included in the presentation were:

- The Applicant, Paul Robinson of Bancorp Group on behalf of the MN Masonic Charities Holding Corp, has made an application to change the future land use from Park, Public, Semi-Public to Residential Low in the 2020 Comprehensive Plan for the property at 4000 Enchanted Lane; R-1: Low density single-family residence.
- The Applicant has a purchase agreement on the Property. The Property has been used as a camp since its acquisition by the Masonic Home. There is a home and several out buildings on the Property, all of which would likely be torn down in the event of a possible future subdivision.
- The requested Comprehensive Plan Amendment is in compliance with the goals and polices set forth in the 2040 Comprehensive Plan. The Property is currently zoned R-1 Low density single-family residence and is located within the Shoreland overlay district.
- Notices were sent out to all property owners within 500 feet of the subject property. Staff has spoken with 1 neighboring property owner and explained the request. No formal written comments or concerns regarding this request have been received.
- Findings of fact based on the information submitted by the Applicant may be as follows:
  1. The Property is presently zoned R-1: Low density single-family residence, which is consistent with the proposed Residential Low future land use designation;
  2. The proposed comprehensive plan amendment will not alter the system statement or forecasts determined by the Metropolitan Council for the City; and
  3. The proposed comprehensive plan amendment is in compliance with the goals and policies set forth in the 2040 Comprehensive Plan.

Paul Robinson, Bancorp Group, overviewed the plan for the property, pending approval from the City.

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There was discussion about the Park designation. Olson stated that it does not have to be owned by the City. Historically it has been a camp/park under the current ownership of the Masonic Home. There has been a conflict with the Comprehensive Plan for approximately 20 years and does not match the zoning map.

Chair Sandholm opened the public hearing at 9:01 p.m.

Bruce Olson, 3980 Enchanted Ln, discussed the two proposed options. He had questions on drainage and lake access.

Chris Conroy, 4140 Enchanted Ln, had concerns about how many homes could be built on the property. Olson explained the zoning requirements. Conroy also stated that the current "park" is underwater most of the year.

Judy & Len Heinen, 3970 Enchanted Ln, wanted to know how much neighbor input would be considered.

Michael Meek commented that the City should not change the Comprehensive Plan.

Pam & Steve Anderson, 4100 Enchanted Ln, stated they moved to their home 35 years ago and understood that the park could not be sold. He has concerns with the drainage of the property and the Indian burial grounds. He would like to see less density.

Chair Sandholm closed the public hearing at 9:34 p.m.

There was discussion whether the City ever had interest in purchasing the property. Mayor Whalen stated that to her knowledge the City never had interest in purchasing the property for a park.

Olson reiterated what the proposed request is actually for. The Met Council would also have to approve of this proposed request.

There was discussion regarding the assessment that occurred a couple of years ago.

Motion made by Forbrook, seconded by Pettis to recommend the City Council approve the requested Comprehensive Plan Amendment at 4000 Enchanted Lane based on certain findings of fact outlined in the staff report and subject to the following conditions:

1. The Applicant obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction over the Property as required; and
2. The Applicant is responsible for all fees incurred by the City in review of this application.

Roll Call Motion passed 7-0.

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### 3) Business Items

#### a) **The City of Minnetrista will consider the proposed land purchase by Three Rivers Park District for compliance with the Comprehensive Plan per Minn. Stat. § 462.356, Subd. 2. The land proposed to be purchased is PID# 22-117-24-12-0002; A – Agriculture Zoning District.**

City Planner Olson presented the staff report found in the Planning Commission packet dated January 25, 2021.

Highlights included:

- In 1999-2000, Three Rivers Park District received 410 acres of land as a gift from Alfred and Leona Gale for the purpose of establishing, operating, and maintaining a public facility while preserving the farm character for visitors.
- A master plan and program statement were established in 2000 and the park officially opened to the public in 2003.
- PID#22-117-24-12-0002 (the “Property”) is available to the District on a willing seller basis. The Property is roughly a 28 acre parcel adjacent to Gale Woods Special Recreation Feature.
- The District view the acquisition of the Property as beneficial because it protects existing parkland as the Property is land locked and the owner could petition the City of Minnetrista for access across existing parkland, thus disrupting the operations of the working farm and natural areas or adjacent Dakota Rail Regional Trail.
- In conjunction with the purchase agreement negotiation, the District will seek a master plan amendment to include the Property within the official master plan boundary for Gale Woods Farm Special Recreation Feature.
- Minnesota State Statute 462.356, Subd. 2 requires public agencies to notify the planning agency of a city prior to purchase of any public land.

There was discussion if this is in conjunction with the concept plan they just reviewed for the Gen Olson property. Olson stated that this is a separate item and Gen Olson is still interested in the selling of this parcel to Three Rivers Park District.

Kelly Grisman, Three Rivers Park District, stated that there are no plans for this parcel at this time. It would be open space.

Motion by Young, seconded by Sturgess that the acquisition of PID# 22-117-24-12-0002 is consistent with the Comprehensive Plan for the city of Minnetrista per Minn. Stat. § 462.356, Subd. 2 and to recommend the City Council adopt a resolution of support for the acquisition of PID# 22-117-24-12-0002 by Three Rivers Park District.

Roll Call Motion passed 7-0.

### 4) Informational Items

#### a) **Staff Reports – City Planner Nick Olson**

- Both variances from November 2020 passed at the Council meeting
- Overviewed the new homes in 2020
- There may not be a meeting in February

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**b) Council Reports – Mayor Lisa Whalen**

- Tax Levy
- New Councilmembers – Ann MacGregor and Cathleen Reffkin
- Road projects for 2021
- Broadband in rural areas
- Water tower is on schedule
- Park Ordinance – possible change
- Solar Garden moratorium

**5) Adjournment**

Motion by Vickery, seconded by Forbrook to adjourn the meeting at 10.12 p.m.  
Roll Call Motion passed 7-0.

Respectfully Submitted,

*Kris Linquist*

Kris Linquist, MMMC, MMC  
City Clerk

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**Subject:** Discussion Regarding an Ordinance Amending Minnetrista City Code Chapter 5 Regarding Solar Energy Systems

**Prepared By:** Nickolas Olson, City Planner

**Meeting Date:** February 22, 2021

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**Issue:** In review of a recent application for a ground-mounted solar energy system within the Agricultural Preservation zoning district, members of the Planning Commission and City Council questioned whether the Zoning Ordinance clearly and accurately expressed the intent and understanding of the City regarding solar energy systems.

**Background:** On July 20, 2015 the City Council adopted Ordinance No. 431, an amendment to the Zoning Ordinance regarding solar energy systems. Ordinance No. 431 was the first introduction of ground-mounted solar energy systems in City Code. Ground-mounted solar energy systems previously had not been allowed. In summary, Ordinance No. 431 spelled out the following:

- Definitions were added to some basic terms related to solar energy systems. These definitions differentiated ground-mounted and roof-mounted solar energy systems.
- Ground-mounted solar energy systems became an accessory use in all zoning districts. In all but the Agricultural Preservation zoning district, ground-mounted solar energy systems required a conditional use permit.
- In only the Agricultural Preservation zoning district, ground-mounted solar energy systems were considered a permitted primary use.
- Section 505.12 Solar Energy Systems was added to City Code. This section outlines its purpose, which is to allow for reasonable use of solar energy systems and set forth performance standards to protect surrounding properties from any adverse effects of such systems. These performance standards include location, height, setbacks, coverage, screening, aesthetics, and feeder lines.

Since its adoption, the City Council has reviewed 2 Conditional Use Permit applications for ground-mounted solar energy systems as small scale, accessory uses. There was a 3<sup>rd</sup> instance in which a property owner was granted a building permit for an accessory ground-mounted solar energy system within the Agriculture Preservation zoning district. To date, those represent the only ground-mounted solar energy systems within the city of Minnetrista. Roof-mounted solar energy systems have historically been allowed within the City.

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**Mission Statement:**

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

In late 2020, a Site Plan application was submitted for a ground-mounted solar energy system which would've been the primary use on a piece of property zoned Agriculture Preservation. In review of this application brought to light several ambiguities within the previously adopted Ordinance No. 431. Based on the issues raised, the City Council determined it was in the best interests of the City to place a temporary moratorium on ground-mounted solar energy systems within the Agriculture Preservation zoning district. The temporary moratorium was put in place on November 9, 2020.

The temporary moratorium allows sufficient time, up to 12 months, for the City to study the issue and, if necessary, adopt appropriate amendments to the Zoning Ordinance to regulate such systems moving forward. The temporary moratorium includes the approval, permitting, establishment, construction, or installation of ground-mounted solar energy systems within the Agriculture Preservation zoning district.

The City Council ultimately denied the Site Plan application on December 7, 2020.

**Discussion:** In order to facilitate discussion and initiate the study of solar energy systems, a draft of Ordinance No. 463 has been prepared in which an attempt is made to clarify the ambiguities raised by the review of the Site Plan application and establish a clear understanding of the intent of the regulations on land within the City. Highlights of the changes included within the draft of Ordinance No. 463 are as follows:

- Solar energy system has been redefined to include either ground-mounted or roof-mounted.
- Roof-mounted solar energy systems are explicitly allowed as permitted accessory uses in residential and agricultural zoning districts. The ordinance has always been applied in this manner, but now it's clear.
- Subdivision 1, which outlines the purpose, has been amended to clarify the desire for small scale solar energy systems.
- Permit requirements indicates that a Conditional Use Permit is required for all ground-mounted solar energy systems. A Conditional Use Permit would also be required for roof-mounted systems in commercial, industrial, and public/semi-public zoning districts.
- The location of ground-mounted solar energy systems has been further clarified that the construction must be done in as compact a manner as possible.
- Coverage calculation has been further defined as an area of the entire system, including all above ground integrated parts of the solar energy system. A maximum area has been established at 2,000 square feet. This number is based off of the existing ground-mounted solar energy systems. No existing system exceeds this number.
- Solar energy systems, both roof- and ground-mounted must be accessory uses in all zoning districts.
- Ground-mounted solar energy systems would no longer be a permitted use in the Agriculture Preservation zoning district, but rather be a conditional use.

**Conclusion:** A draft of Ordinance No. 463 has been provided as a means to start the discussion with the Planning Commission regarding City Code as it pertains to solar energy systems. The proposed amendment is a culmination of the comments from the Planning Commission, City

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Council, and residents of Minnetrista taken during the review of a recent Site Plan application. If there are concerns the Planning Commission feel haven't been addressed and should be, now would be the time to bring them forward.

**Recommended Planning Commission Action:** No formal action is being requested of the Planning Commission. Ordinance No. 463 is being presented in draft form to the Planning Commission for discussion purposes only. Staff would like to hear from the Planning Commission in regards to the content of the ordinance to determine what changes, if any, should be made before proceeding to a formal ordinance review with a public hearing.

**Attachments:**

1. Draft Ordinance No. 463

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**Mission Statement:**

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CITY OF MINNETRISTA  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA

ORDINANCE NO. 463

AN ORDINANCE AMENDING MINNETRISTA CITY CODE CHAPTER 5  
REGARDING SOLAR ENERGY SYSTEMS

Section I. The city council of the city of Minnetrista hereby amends section 505.01 of the Minnetrista city code by adding the double-underlined and removing the ~~stricken~~ material as follows:

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

*Solar energy system (SES)* means a ground-mounted or roof-mounted solar energy system and their related apparatuses and equipment. ~~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 generation, or water heating.~~

Section II. The city council of the city of Minnetrista hereby amends section 505.07, subdivision 9 of the Minnetrista city code by adding the double-underlined and removing the ~~stricken~~ material as follows:

**Section 505.07 General Regulations**

**Subd. 9. Accessory Structures and Uses**

- (a) The following uses are permitted in residential and agricultural zoning districts as accessory uses, subject to the terms listed herein and subject to the regulations set forth in the residential zoning districts:
- (1) accessory structures
  - (2) guest apartments
  - (3) guest homes smaller than 1,000 square feet of gross floor area are allowed in the A, AP, and R-1 zoning districts
  - (4) home occupations, subject to the regulations in this section;
  - (5) privately-owned recreational facilities on a single-family lot (including, but not limited to, pools, tennis courts, playhouses)
  - (6) Roof-mounted solar energy systems. ~~Building integrated solar energy systems and solar energy systems, with the exception that solar energy systems are permitted uses in the Agricultural Preserve district. In all other residential and agricultural zoning districts, solar energy systems are a conditional use permit provided that there is a principal use to which the system is accessory.~~

Section III. The city council of the city of Minnetrista hereby amends section 505.12 of the city code by deleting the ~~stricken~~ material and adding the double-underlined and removing the ~~stricken~~ material as follows:

**Section 505.12 Solar Energy Systems and ~~Building Integrated Solar Energy Systems~~**

Subdivision 1. Purpose.

The intent of this section is to allow reasonable construction of small-scale solar energy systems and to set forth performance standards in order to protect surrounding properties from any adverse effects associated with such construction and operation. The city recognizes that using solar energy systems, ~~building integrated solar energy systems~~ and other alternative sources for energy production is a re-emerging technology that provides an alternative to traditional sources of power, which will continue to increase in its share of energy production as non-renewable sources increase in costs. Furthermore, the city seeks to support and encourage such alternatives by providing greener options in the provision of energy.

Subd 2. Permit Requirements.

All solar energy systems ~~and building integrated solar energy systems~~ are subject to any and all applicable federal, state and local laws and regulations. A building permit must be obtained from the city for any solar energy system ~~or building integrated solar energy system~~ prior to installation. ~~In certain zoning districts, a~~ A conditional use permit is required for all ground-mounted solar energy systems. ~~In that event, the~~ All conditional use permit applications will be considered in accordance with the general conditional use permit regulations set forth in section 505.05, subdivision 7 of this code as well as the performance conditions listed in subdivision 3 below. The city council reserves the right to add additional reasonable conditions to the conditional use permit with respect to aesthetics, height, setbacks, and location.

Subd 3. Performance Standards. All solar energy systems shall be subject to the following performance standards, regardless of whether or not a conditional use permit is required.

- (a) Location. Ground-mounted solar energy systems shall be limited to the side and rear yards. On double frontage lots, ground-mounted solar energy systems must be located in the larger of the two front yards. Ground-mounted solar energy systems shall be constructed in as compact and contiguous a manner as possible.
- (b) Height.
  - (1) Roof-mounted solar energy system. A roof-mounted solar energy system must not exceed the height requirement in the applicable zoning district for the structure on which it is mounted.
  - (2) Ground-mounted solar energy system. A ground-mounted solar energy system must not exceed the height requirement in the applicable zoning district for an accessory structure when oriented at maximum tilt.
- (c) Setbacks. A ground-mounted solar energy system must meet the setbacks required for an accessory structure in the applicable zoning district when oriented at minimum tilt. A roof-mounted solar energy system must comply with all structure setback requirements in the applicable zoning district and must not extend beyond the exterior perimeter of the structure on which the system is mounted.

- (d) Coverage. The total square footage of a ground-mounted solar energy system when oriented at minimum tilt will be included in the property's impervious surface calculation. In order to calculate the total square footage of a ground-mounted solar energy system, the city shall draw a line around the exterior perimeter of all above-ground integrated parts of the solar energy system, and then calculate the square footage of that area. In no event shall a ground-mounted solar system be larger than 2,000 square feet.
- (e) Screening. A ground-mounted solar energy system must be screened from view to the extent possible without reducing its efficiency. Screening may include, but is not limited to, walls, fences, or landscaping.
- (f) Aesthetics. A roof-mounted solar energy system should match the structure to which it is mounted to the maximum extent possible. A ground-mounted solar energy system should match the principal structure to the maximum extent possible.
- (g) Feeder lines. The electrical collection system for a solar energy system must be placed underground within the boundaries of the property. A collection system may be placed overhead if it is near a substation or a point of interconnection to the electric grid.
- (h) Accessory use. All roof- and ground-mounted solar energy systems must be accessory to a principal use on a subject parcel in all zoning districts.

Subd 4. Abandonment. A solar energy system that is not in proper working order, has ceased functioning for a period of more than six months or has not been maintained must be deconstructed and removed from the property. A demolition permit is required for the removal of the solar energy system. Any person who fails to deconstruct and remove a non-functioning solar energy system is guilty of a misdemeanor. The city may require a surety or letter of credit be provided to the city at the time of construction of the solar energy system in order to ensure proper deconstruction and removal at such a time that the solar energy system is no longer in proper working order.

Section IV. The city council of the city of Minnetrista hereby amends section 505.31, subdivision 4 of the Minnetrista city code by adding the double-underlined and removing the ~~stricken~~ material as follows:

### **505.31 AP Agriculture Preserve District**

#### Subd. 3. Permitted Uses

The following uses are permitted in this zoning district. Omission from this list or the list described in subdivision 4 or 5 means that the use is prohibited.

- a. Single family, detached dwellings (including manufactured or modular homes)
- b. Accessory or farm buildings of any size
- c. Historic sites
- d. Parks and recreational trails and paths
- e. Public utility buildings
- f. Religious or other similar assembly uses, with the approval of a site plan
- g. State licensed residential facility or housing with services establishment serving six or fewer persons, as defined and regulated by state statute

- h. State licensed day care facility serving 12 or fewer persons, as defined and regulated by state statute
- i. Group family day care facility licensed under Minnesota Rules to serve 14 or fewer children, as defined and regulated by state statute
- j. Commercial agriculture and horticulture, including drainage and irrigation systems
- k. Stables, limited private
- l. Air Strips
- m. ~~Solar energy systems~~

Subd 4. Conditional Uses

- a. Agricultural feedlots and poultry facilities
- b. Agricultural service establishments
- c. Farm Winery
- d. Golf Courses and club houses (excepting independent and commercial mini golf courses and driving ranges)
- e. Cemeteries or mausoleums
- f. Guest homes have a gross floor area exceeding 1,000 square feet or square footage that is 30 percent or more of the primary residence's footprint, whichever is less
- g. Home occupations, if required in accordance with Section 505.07 subd.10)
- h. Recreation facilities owned in common (including, but not limited to homeowner's association, country club) unless a site plan is already required
- i. Schools
- j. Keeping of non-domestic animals, in accordance with Section 1110
- k. Stables, commercial, limited commercial, or private
- l. Ground-mounted solar energy systems (must be a principal use to which the system is accessory)

Section V. Effective Date. This ordinance shall be effective upon its adoption and publication in the city's official newspaper.

Adopted by the city council of the city of Minnetrista this \_\_\_\_ day of \_\_\_\_\_, 2021, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

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Lisa Whalen, Mayor

ATTEST:

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Kris Linquist, City Clerk