

## REDWOOD COUNTY PLANNING COMMISSION

### *MINUTES*

**Meeting Date: October 26, 2015**

A meeting of the Redwood County Planning Commission convened on Monday, the 26<sup>th</sup> day of October, 2015, at the Redwood County Government Center.

The following members of the Redwood County Planning Commission were present: Mark Madsen, Mike Scheffler, Kent Runkel, Dave Mattison and Commissioner Lon Walling. Absent was John Rohlik, Jr. Also present were the following individuals: Environmental Director Scott Wold, Land Use & Zoning Supervisor Nick Brozek and Citizens: Tena Rytel and Arnold Iffert.

At approximately 1:00 p.m., Chair Madsen called the meeting to order.

At approximately 1:01 p.m., Chair Madsen called to order a public hearing on a Draft Solar Power Management Ordinance.

Prior to the Planning Commission meeting, the Planning Commission members were provided an informational packet, which included the following information regarding the proposed Ordinance:

1. A second draft of the proposed solar ordinance has been prepared and is enclosed for your review. The changes from the first draft include the following:
  - a. The categories of solar energy systems has been reduced from three to two (wholesale and retail) with the retail sized systems being permitted or conditionally permitted in each zoning district based on acreage.
  - b. A Zoning permit is required to construct, with requirements for the information to be provided.
  - c. Solar arrays under 1kw are exempt from the ordinance, along with solar thermal under 50 square feet in collector surface area.
  - d. The 15' height limitation for ground mounted solar arrays is reduced to 8' in the rural residential district.
  - e. The 150' dwelling setback applies to any array over one quarter of an acre in area.
2. Unless major changes to the draft are considered, the plan is to make a recommendation and move this matter to the County Board.

Chair Madsen noted that the Ordinance being considered by the Planning Commission is the second draft of the Ordinance, the first having been considered at the previous meeting and changes discussed and recommended.

The Commissioners discussed the changes from the last meeting (see number 1. above). Brozek noted that the regulation of solar in the Rural Residential District still needed to be discussed.

Brozek handed out a picture of a solar array to use as a reference for size. Walling asked about the size of the Redwood Electric Cooperative System. Brozek stated the REC solar array is ½ an acre in area.

The Commissioners discussed the method of determining the size, or acreage, of a solar array. Brozek stated that it should be determined by the Zoning Administrator. Walling stated that more definition is needed to ensure consistent enforcement. Brozek suggested putting a policy statement in the Ordinance to direct the Zoning Administrator, which states that the area of a solar system should be the land area that is used for the solar array. Walling expressed his approval of this suggestion.

Brozek described an additional change to the draft ordinance, based on a suggestion by Tena Rytel of Geronimo Energy. Wetland compliance and delineation was moved from the application requirements to performance standards, to allow greater flexibility in respect to the timing of the delineation.

Brozek stated that the Rural Residential height limitation for solar arrays is set at 8' in the draft Ordinance. Madsen inquired if there is an industry standard. Rytel stated that many residential arrays in the agricultural district are up to 15 feet tall. Brozek pointed out that the 8 foot limitation doesn't apply in the Ag District. Walling asked if an owner could get a Conditional Use Permit to exceed 8 feet. Brozek said an owner would need to apply for a variance. Walling and Runkel discussed that this would allow public input for taller arrays. Brozek stated he would research the industry standard for residential arrays.

Tena Rytel was invited to speak about the draft Ordinance. She agreed with the wetland delineation change. Rytel also had concerns about quantifying the decommissioning surety bond, but noted that a surety was not required in the Ordinance.

Chair Madsen questioned the 12 month abandonment provision. Rytel explained that 12 months would allow plenty of time for maintenance of the array. Brozek pointed out that the Ordinance allows for a longer period of down time by agreement with the Zoning Administrator. Walling suggested a change allowing for agreements for time extension for decommissioning, in addition to agreements for bringing the array back into production. Brozek said he would make the change.

Rytel stated that her concerns had been addressed and that she supports the ordinance.

The Commissioners discussed the ordinance approval process. Brozek stated that the only outstanding issue was the height limitation in the Rural Residential District. He stated that he was comfortable bringing the ordinance to the County Board, pending research into the industry height standards.

Members of the public speaking in opposition to the Ordinance: None.

Runkel made a motion to recommend enactment of the ordinance with the changes as discussed, and with the understanding that Brozek would research the height standards and bring them to the County Board. Scheffler seconded the motion and it was passed unanimously.

The Commissioners discussed a proposed site visit to the Dakota Granite Quarry in Milbank, SD. It was decided that the site visit would take place on November 10<sup>th</sup>, 2015, and that a subcommittee consisting of Scheffler, Madsen, and Walling (or alternate Jim Salfer, depending on Walling's availability) would attend the visit.

The Commissioners discussed a proposed moratorium on the erection of signs. Scott Wold explained that a recent Supreme Court case likely made the Redwood Ordinance unconstitutional, due to the content-based regulations in the sign ordinance. He recommended a temporary, 120 day, moratorium on the erection of permanent signs in order to allow time for the county to address the problem and create a new sign ordinance that complies with the law.

Brozek discussed the streamlined procedure proposed for enactment of the moratorium, in relation to the procedure normally used by the county to enact ordinances. He explained that State law requires a single public hearing to adopt an ordinance. However, Redwood County generally holds three public hearings for the enactment of Zoning Ordinances: two before the Planning Commission and one before the County Board. Basically, the idea is to open up the Planning Commission process to public involvement. However, in this instance, the moratorium will be taken directly to the County Board, in order to save time in light of the potential constitutionality issues with the current ordinance. Brozek pointed out that the enactment of the new sign ordinance at the end of the moratorium would follow the normal three-hearing procedure.

Walling stated that the Planning Commissioners opinion matters to the Board.

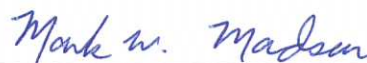
Scheffler made a motion to recommend enactment of a 120 day moratorium on the erection of permanent signs. Mattison seconded the motion and it was unanimously approved.

The commissioners reviewed and discussed the minutes from the September 28<sup>th</sup>, 2015 Planning commission meeting. On a motion made by Scheffler and seconded by Runkel, the September 28<sup>th</sup>, 2015 Planning Commission meeting minutes were unanimously approved as presented.

On a motion to adjourn by Scheffler, seconded by Mattison, and passed unanimously, the meeting was adjourned at 2:15 p.m.



Nick Brozek  
Land Use & Zoning Supervisor  
Redwood County Environmental Office



Mark Madsen, Chairman  
Redwood County Planning Commission

