



## Memorandum

<b>To:</b>	<u>Stillwater Township Planning Commission</u>	<b>Reference:</b>	<u>Sandstrom CUP Application</u>
<b>Copies To:</b>	<u>Barbara Riehle, Clerk</u> <u>Colin Buechel, Applicant</u>		
<b>From:</b>	<u>Evan Monson, Planner</u>	<b>Project No.:</b>	<u>18409.000 Sandstrom CUP</u>
<b>Date:</b>	<u>October 10, 2022</u>	<b>Routing:</b>	

**SUBJECT:** Conditional Use Permit (CUP) request to have a ground-mounted solar array at a size of over 800 SF, located on a parcel of land 20 or more acres in size.

**MEETING DATE:** October 13, 2022

**LOCATION:** 14033 120<sup>th</sup> Street North, PID 04.030.20.22.0003

**APPLICANT:** Colin Buechel - All Energy Solar

**OWNERS:** Julia and Chad Sandstrom

**ZONING:** Agricultural ("AG" or "A-4") District

**REVIEW PERIOD:** 60-day period ends November 5th, 2022

### DESCRIPTION OF THE REQUEST

The property owner is looking to install a ground-mounted solar energy system on their property. The proposed panels for the system total 1,112 SF in size. The array would be installed southeast of the house, near the middle of the property.

The township's zoning ordinance typically limits ground-mounted solar energy systems (or SES) to a maximum size of 800 SF. Properties that are over 20 acres in size and used for an agricultural use are able to have SES larger than 800 SF permitted through a CUP.

CUPs are reviewed by the Planning Commission, who will make a recommendation on the request, and approved or denied by the Town Board. The request was reviewed at the October 6<sup>th</sup> Planning Commission meeting. The commissioners reviewed the request, heard comments from the applicant and contractor, and ultimately recommended approval of the request. Their findings and recommendation are found further in this memo.

## PROPERTY INFORMATION

**Parcel description:** 14033 120th Street North is located on the north edge of the township, west of Otchipwe Avenue and east of Pine Point Park. The property is rectangular and 20.01 acres in size, per Washington County. The site has a house and numerous agricultural buildings on the site; the east and south portions of the site contain tillable and pasture areas. The property has trees and vegetation along the north boundary with 120<sup>th</sup> Street as well as some trees along the east property line. Nearby lots are either Ag or large lot single family residential in use.

**Land use:** Single-Family Residential, Agricultural



Figure 1: Subject property and neighboring areas, per County GIS

## EVALUATION OF THE REQUEST

### Development Code

Chapter Two, Part 3, Section 2.22 covers the requirements for Accessory solar energy systems (SES) in the township. As a result of the site being over 20 acres and being used for agriculture, the owner is able to request for an SES larger than 800 SF through a CUP.

Section 2.22 also lists a number of criteria for a new system to adhere to, such as meeting the same setback standards as accessory structures, acquiring applicable permits, giving notice to the local utility company if they intend to connect their system, not exceeding 15 feet in height, and placing warning



signs around the system. The placement and design of the array is exceeding setback requirements, and the other requirements have been met.

### **CUP Criteria and Findings**

Chapter One, Section 7 of the township's Zoning Ordinance includes the criteria and required process for considering CUPs. The criteria to consider for a CUP from Section 7.3 are identified below in *italics*, followed by the Planning Commission's findings regarding the request.

- *The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.*  
The proposed system would be just over 1,110 SF in size, and would be over 100 feet from any neighboring property lines. The proposed use is not expected to impact the health, safety and general welfare of nearby residents.
- *Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.*  
A proposed solar energy system would not impact traffic conditions for the area.
- *The effect of the proposed use on utility and school capacities.*  
The applicant has been in contact with the local utility company regarding the proposed project, and have received approval from Xcel. The proposed solar energy system would not impact school capacities.
- *The effect of the proposed use on property values and scenic views in the surrounding area.*  
The proposed use would be placed near existing agricultural structures near the middle of the lot. Due to existing trees and vegetation on the site, and the proposed setbacks of the system from property lines, the solar array will not be easily noticeable and should not impact property values or scenic views.
- *The effect of the proposed use on the Comprehensive Plan.*  
The comprehensive plan notes a policy to "assure adequate solar access for Township residents and permit the use of accessory alternative energy systems including solar energy systems, wind energy conversion systems, and geothermal systems". If able to meet the requirements of the zoning ordinance, this proposed use would be consistent with the comprehensive plan.
- *The ability of the proposed use to meet the standards of the Zoning Ordinance.*  
The proposed project is easily able to meet setback requirements, and is not in close proximity to other property lines or uses. If approved, the applicant would still have to acquire other necessary permits (building permits), and will have to adhere to applicable requirements, such as the electrical code.
- *The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.*  
N/A
- *The effects of the proposed use on groundwater, surface water and air quality.*  
The proposed use would not impact groundwater, surface water, or air quality.



- *That the proposed use is allowed with a conditional use permit in the designated zoning district in which it is proposed.*

The proposed use is permitted through a CUP, since the site is over 20 acres in size and is used for agricultural purposes.

The proposed ground-mounted SES appears to meet the criteria for a CUP.

## **ACTION REQUESTED**

The Town Board can do one of the following:

1. Approve, with or without conditions
2. Deny, with findings
3. Table the request

## **RECOMMENDATION**

The Planning Commission recommended approval of a Conditional Use Permit (CUP) request to have a ground-mounted solar array at a size of over 800 SF, located at 14033 120<sup>th</sup> Street North. The following conditions for the CUP were recommended:

1. The proposed solar energy system shall adhere to the plans submitted to the township and reviewed with this CUP request.
2. The proposed ground-mounted system shall not exceed the size as shown in the submitted plans of 1,112 SF. An increase in size of the ground-mounted solar energy system shall require an amendment to this CUP.
3. The applicant shall secure any other applicable Federal, State, County, and local permits required for the project.
4. The applicant shall pay all fees and escrows associated with this application.

