

**Town of May  
Washington County  
Planning Commission  
October 27, 2016**

The Planning Commission of the Town of May met for their regular meeting on Thursday, October 27, 2016, at the May Town Hall. Members in attendance were: John Arnason, Chairman; Steve Magner, Jeff Chase, Lester Rydeen, Chad Nelson, and Mitch Otterson. Absent: Don Rolf and Jyneen Thatcher. Also present were Linda Klein, Town Clerk, Town Planning Consultant Nate Sparks and residents. Chairman Arnason called the meeting to order at 7:05 pm.

**Approval of Minutes**

Arnason moved, seconded by Magner, to approve the minutes of the July 31, 2016, regular planning commission meeting, with Arnason noting a correction, in that the special joint meeting with the board on solar installations was held in June and not July. All approved.

**Public Hearing –Personal Solar Ordinance**

The Town Board asked the Planning Commission to hold a public hearing to review a draft ordinance related to solar energy systems. The ordinance is based on the joint discussions held by the Planning Commission and Town Board earlier in the year. It permits ground mounted solar energy systems for personal use on a limited basis and clarifies that building mounted solar panels are acceptable.

The term personal solar system is intended to reflect accessory solar for the general benefit of the property owner. It has become somewhat popular for property owners to participate in an Xcel Energy program where they produce up to 120% of their average annual consumption with solar energy.

The draft ordinance has no prohibition on placing personal solar structures on buildings. For ground mounted systems, there is an allowance for 50 percent of the permitted size of accessory buildings up to 1,500 square feet without it counting towards the accessory building square footage. By utilizing this method, the Town would be deferring to consistent standards while keeping the scale of constructed items similar on similarly sized lots.

The draft ordinance allows the systems as a permitted use. The maximum height was set at 15 feet. The ordinance allows for the solar energy systems to meet accessory structure setbacks. This would allow such structures to be 20 feet from the side lot line and 50 feet from the rear lot line. The draft ordinance does not permit a solar energy system to receive a certificate of compliance to adjust setbacks.

At the October Town Board meeting, setbacks were discussed. The current draft ordinance states that ground mounted solar must meet accessory structure setbacks, which would be 20 feet from the side lot line. This was an area of concern. A greater setback may be warranted. It was suggested that this be discussed by the Planning Commission in further detail. One concept would be to require the structure to be placed in closer proximity to the principal dwelling than

the side or rear lot line. For example, if the house were 100 feet to the side lot line, this would make the setback at least 50 feet.

Town Planner Sparks went over the history and the details of the ordinance as stated above, including the current moratorium on commercial solar.

### **Planning Commission Discussion**

Planning Commission discussion began with the Town Board concern regarding placement of the ground-mounted system, i.e., should it conform to the standard accessory building setbacks or create rules on placement such that the ground-mounted unit would be closer to the primary dwelling than to a neighboring property. Sparks suggested an alternative method of determining setback, which would be building envelope showing proximity of the system to the primary dwelling.

Arnason clarified that an applicant could still use the variance process if they wished to deviate from the setback rules. For instance, placement would need to be in a place where solar is available. Sparks agreed, given that access to solar is a justification for a variance according to current laws. Rydeen wondered if the ordinance could be written to take this into account so a variance would not be needed.

Magner asked if this applied to Shoreland Management. Sparks noted that the County currently has no provisions for solar in their ordinances. Magner also asked about the requirement regarding weeds/plants/etc. under the structure.

Arnason moved, seconded by Magner, to open the public hearing. All approved.

Town resident Tom Hoffer commented in favor of the ordinance. He also noted the difficulty of placement when a property is heavily wooded.

It was clarified that these systems are accessory use, not primary use of the land. Chad Nelson agreed with treating these structures as accessory structures that are governed by all the rules currently in place for accessory structures.

Arnason moved, seconded by Magner, to close the public hearing. All approved.

Arnason moved, seconded by Chase, to recommend to the Town Board that they approve Ordinance 2016-04 with the following revisions:

1. Third paragraph should read: WHEREAS the Town finds *commercial* solar energy systems ...et al
2. 705.22: Solar Energy Systems, A. should read: Solar Energy Systems *are not allowed as a principal use* but may be allowed as an accessory use .... Et al
3. Under Section C: 5. *Delete: The area underneath the System shall be maintained free of weeds, and may be surfaced in a manner to prevent the growth of weeks and tall grass.*

4. Under Section C: 6. Should read as follows: Solar energy systems shall meet all setbacks for accessory buildings. The Town Code Certificate of Compliance Ordinance granting relief from front and/or side yard setbacks can not be applied to Ground Mounted Solar Energy Systems.

All approved.

Hearing no further business, Rydeen moved, seconded by Otterson, to adjourn. All approved.

Respectfully submitted,

Linda L. Klein  
Town Clerk