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**DATE:** March 8, 2023

**TO:** Planning Commission Chair and Commissioners

**FROM:** Jessica Jagoe, Community Development Director

**SUBJECT: Planning Case #23-004 – Public Hearing Required**  
**Applicant:** Alatus LLC  
**Request:** Conservation District Zoning Code Amendment

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**Requested Action**

Alatus LLC, “The Applicant,” is proposing an amendment to the language of Chapter 13 – Zoning Code of the Arden Hills City Code to allow for the conditional use of solar energy systems within the Conservation District in City Code Section 1320.05 – Land Use Chart.

**Zoning District Background**

In 2013, the City adopted two zoning code amendments to establish the Parks and Open Space Zoning District and Conservation Zoning District within the city code. Prior to this, there were no zoning districts designated for “parks or open space areas” that corresponded to two of the City’s future land use designations in the 2030 (and now 2040) Comprehensive Plan. The Comprehensive Plan uses are noted below.

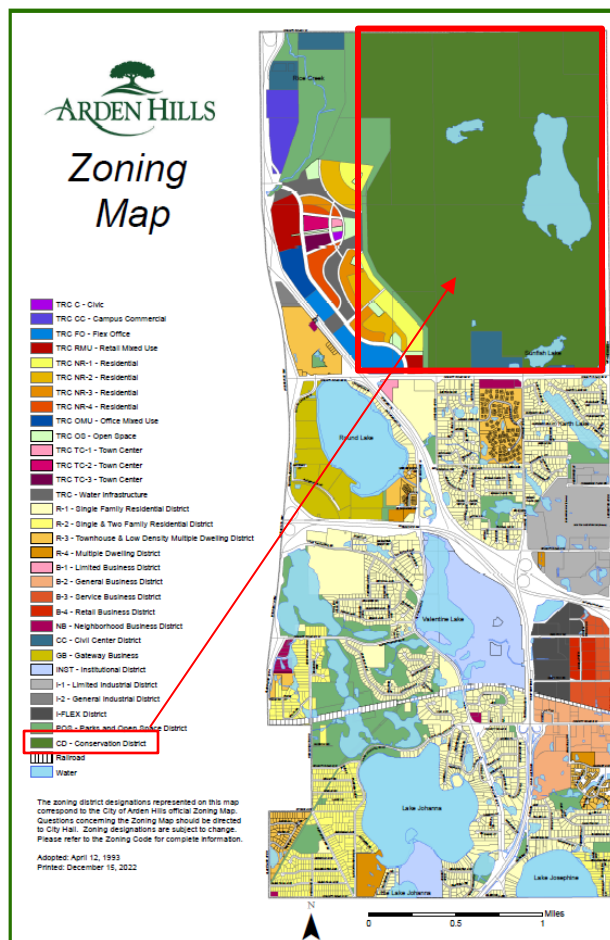
- Park and Open Space defined as “areas designated as public parks”
  - 529 acres of land consisting of City owned public parks, Ramsey County parks, and other open spaces for trails or stormwater easement ponds owned by the City, Ramsey County, the State of Minnesota, and private property owners/homeowners associations.
- Park Preserve defined as “areas designated as natural or scenic areas that are to be preserved for public use or open space”
  - 1,449 acres all located on the Arden Hills Army Training Site

By creating the Parks and Open Space Zoning District and Conservation Zoning District, the City was working towards compliance with Minnesota State law, which mandates that local zoning codes are consistent with adopted comprehensive plans.

Specific to this application, the Conservation District is guided by the Park Preserve future land use classification in the Comprehensive Plan. The CD District only applies to the Arden Hills Army Training Site (AHATS). In 2014, the City rezoned 2/3's of the AHATS property to the Conservation District and then in 2016 the remaining acreage was rezoned. The City did not rezone the entire AHATS property originally in 2014 because Ramsey County was working with the Federal Government to purchase some of the area to be incorporated into their park system.

The purpose of the Conservation District is *“To provide a "holding" zone for federally owned lands on the Arden Hills Army Training Site to ensure that future development is staged, maintains a sustainable level of public expenditures for utilities and services, and protects those areas generally determined to be unsuitable for development due to the presence of wetlands, floodplains, steep slopes, certain drainage and soil conditions, and critical wildlife habitat.”* The chart below lists current permitted and conditional uses in the Conservation District:

Accessory	Conditional Use	Conditional Use (Accessory)
<ul style="list-style-type: none"> <li>Utility Distribution Lines</li> </ul>	<ul style="list-style-type: none"> <li>Utility Transmission Lines</li> <li>Research and Development Facility</li> </ul>	<ul style="list-style-type: none"> <li>Telecommunication antennas, dishes, or towers</li> </ul>



### **AHATS Background**

The AHATS property is owned by the Federal Government and used primarily by the Minnesota National Guard as the Arden Hills Army Training Site. Within the site, there is approximately 62 +/- acres that is commonly referred to as the “Primer Tracer Area”. This portion of the property was previously used as a manufacturing facility for the production of component primers and tracing compounds associated with small caliber ammunition production.

Back in 2015, Ramsey County in partnership with Xcel Energy had considered purchasing the Primer Tracer area from the Federal Government. The preliminary concept was for 20+ acres to be developed for an Emergency Management Center and 40+ acres would be a solar array supporting energy initiatives of the Rice Creek Commons site. Due to logistical and economic factors, Xcel Energy informed all parties that they would no longer be considering the Primer Tracer site as a future solar project location. At the time, the City did have draft language to allow for a solar array on the Primer Tracer site, but did not move the language forward for approval as the project with Xcel did not move forward. Beyond that, the City has not studied or completed an analysis of potential future uses for this site.

Today, the Federal Government has once again expressed an intent to sell the Primer Tracer Property “as is” through GSA Auctions. A Future Buyer would be responsible for handling all of the processes associated with the future development of the site (i.e. land use approval, demolition and cleanup, permitting, etc.). General Services Administration (GSA) is a Federal Agency that manages real estate, acquisition, technology, and other mission-support services across the government. GSA Auctions facilitates the disposal of property owned by the Federal Government. Last summer, GSA Auctions made the City aware that an auction would be upcoming. Since that time, the auction has been postponed several times for unknown reasons. Currently, the GSA website says the auction will open on April 24, 2023.

Unrelated to this land use application, the City Council was presented a concept plan in January from a potential bidder that was conducting their due diligence prior to the auction. This review was for a high-level concept discussion to present an overview of future industrial development scenarios and gauge the City’s perspective of potential future vision(s) for this site. The City Council provided general feedback on the site layout options presented. Representatives for the concept review were encouraged to research the feasibility of incorporating solar facilities on the roofs of the industrial buildings and/or a standalone solar array.

### **Zoning Code Text Amendments**

The purpose of the Conservation District is to provide a holding zone for federally owned lands on the AHATS property to ensure that future development is staged, maintains a sustainable level of public expenditures for utilities and services, and protects those areas generally determined to be unsuitable for development. According to the Applicant, a solar energy facility would be consistent with the purpose of the Conservation District in that it will generate and provide electricity to existing and future development in the area. Currently the city code is absent of land use language permitting ground mounted solar array systems in any of the zoning districts. To allow this land use, the City’s Zoning Code would need to be amended to add a definition for a Solar Energy System and to designate this type of land use as a conditional use in the Conservation

District. The Applicant is seeking only the Zoning Code Amendments to create language providing for the allowance of said land use for this application. If approved, an Applicant of any future proposed solar array within the Conservation District would be required to submit a land use application for review by the Planning Commission and City Council.

Staff has prepared text amendments based on the Applicant's narrative as well as a few other text amendment considerations for "Solar Energy System" language within Sections 1305.04 Definitions, 1320.04 Purpose of Districts, 1320.05 Land Use Chart and 1320.15 Special Requirements for the CD.

Applicant's Narrative:

- 1) Add a definition for Solar Energy System - Section 1305.04 Definitions
  - a. Solar Energy System: A system or set of devices whose primary purpose is to collect, convert, store and distribute solar energy, including for heating and cooling of buildings, electricity generation, water heating and other energy-using processes.
- 2) The Land Use Chart within Section 1320.05 would be amended to include solar energy system:
  - a. Add a land use category for Solar Energy System as a Conditional Use (CUP) under the CD.

Additional Code Amendments to consider:

- 3) Revise the purpose statement for the Conservation District in Section 1320.04, Subd. 17
  - a. Add a new paragraph B stating that the District provides for areas for the development of solar energy systems.
- 4) Amend Section 1320.15 Special Requirements for the CD
  - a. Create a new Subdivision 3 that outlines special CUP requirements for Solar Energy Systems. This provision should address future review standards for solar energy.

Proposed language:

A Solar Energy System shall be evaluated as part of the Conditional Use Permit review for development consistent with the District Requirements as outlined in Section 1320.03 and the City Council through the CUP may allow flexibility to design standards including but not limited to setbacks, lot coverage, height, access, size, screening, and fencing based upon site suitability and abutting properties and area.

**Findings of Fact**

The Planning Commission must make a finding as to whether or not the proposed application would adversely affect the surrounding neighborhood or the community as a whole based on the aforementioned factors. Staff offers the following findings for consideration:

*General Findings:*

1. Alatus, LLC, The Applicant, is proposing amendments to the language of Chapter 13 – Zoning Code of the City Code.
2. Currently, Section 1305.04 does not include a definition for Solar Energy System.
3. The Applicant is proposing the City amend the zoning code to add a definition for Solar Energy System to Section 1305.04 of the Zoning Code.
4. Under the City’s Zoning Code Section 1320.05, a Solar Energy System is considered a prohibited land use in the Conservation District.
5. The Applicant is proposing an amendment to alter the Land Use Chart in Section 1320.05 of the Zoning Code to allow a Solar Energy System as a Conditional Use in the Conservation District.
6. The City is proposing to add Solar Energy System design standards to Section 1320.15 – Special Requirements for the Conservation District.
7. Amendments to the Zoning Code regulations require a public hearing prior to action by the City Council.
8. If the zoning amendments were approved, an Applicant would be required to submit a Conditional Use Permit land use application for the permitting of a Solar Energy System within the Conservation District.

### **Options and Motion Language**

Staff has provided the following options and motion language for this case. The Planning Commission should consider providing additional findings of fact as part of the motion to support their recommendation for approval or denial.

- **Recommend Approval:** Motion to recommend *approval* of Planning Case 23-004 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Solar Energy System as a Conditional Use in the Conservation District, based on the findings of fact and the submitted materials.
- **Recommend Approval with Amendments:** Motion to recommend *approval* of Planning Case 23-004 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Solar Energy System as a Conditional Use in the Conservation District with amendments: *a specific reason should be included with all amendments.*
- **Recommend Denial:** Motion to recommend *denial* Planning Case 23-004 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Solar Energy System as a Conditional Use in the Conservation District, based on the following findings: *findings to deny should specifically reference the reasons for denial and why those reasons cannot be mitigated.*
- **Table:** Motion to *table* Planning Case 23-004 for a Zoning Code Amendment to Chapter 13 of the Arden Hills City Code to allow Solar Energy System as a Conditional Use in the Conservation District: *a specific reason and information request should be included with a motion to table.*

## **Notice**

A Zoning Code Amendment requires a public hearing. Notice was published in the *Pioneer Press* on February 24, 2023. The City has not received any public comments regarding this case.

## **Deadline for Agency Actions**

The City of Arden Hills received the completed application for this request on February 14, 2023. Pursuant to Minnesota State Statute, the City must act on this request by April 14, 2023 (60 days).

## **Attachments**

- A) Land Use Application
- B) Written Narrative
- C) Zoning Map
- D) Draft Amendment Definitions
- E) Draft Amendment Purpose of Districts
- F) Draft Amendment Land Use Chart
- G) Draft Amendment Special Requirements CD District