



**DATE:** April 10, 2023

**TO:** Honorable Mayor and City Councilmembers  
Dave Perrault, City Administrator

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

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

<b>Budgeted Amount:</b>	<b>Actual Amount:</b>	<b>Funding Source:</b>
N/A	N/A	N/A

**Council Should Consider**

Motions to approve, table, or deny the following:

- Adoption of Ordinances 2023-002 and 2023-003 as well as authorization to publish a Summary Ordinance for Planning Case 23-004 for Zoning Code Amendments in Sections 1305.04, 1320.04 – Subd. 17, 1320.05, 1320.15 of the Arden Hills City Code to allow Solar Energy System as a Conditional Use in the Conservation District.

*Approval for authorization to publish summary ordinance requires an affirmative vote of four councilmembers.*

**Background**

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.

**Suggested Findings of Fact**

The Planning Commission reviewed this application at their March 8, 2023, meeting and have offered the following findings of fact for your 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.
9. The Planning Commission conducted a public hearing on March 8, 2023.

**Options and Motion Language**

The Planning Commission reviewed this application at their March 8, 2023 meeting. At that time, they recommended approval as requested of Planning Case 23-004 from Alatus LLC for zoning code amendments to Chapter 13 to allow Solar Energy System as a Conditional Use in the Conservation District by a 5-0 vote. The following are motion language options for the City Council to consider.

- Approval: Motion to *adopt* Ordinances 2023-002 and 2023-003 as well as authorization to publish a Summary Ordinance for Planning Case 23-004 for Zoning Code Amendments in Sections 1305.04, 1320.04 – Subd. 17, 1320.05, 1320.15 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 April 10, 2023 Report to the City Council.
- Approval with Amendments: Motion to *adopt* Ordinances 2023-002 and 2023-003 as well as authorization to publish a Summary Ordinance for Planning Case 23-004 for Zoning Code Amendments in Sections 1305.04, 1320.04 – Subd. 17, 1320.05, 1320.15 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 April 10, 2023 Report to the City Council with amendments.
- Denial: Motion to *deny* Planning Case 23-004 for Zoning Code Amendments in Sections 1305.04, 1320.04 – Subd. 17, 1320.05, 1320.15 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: *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 Zoning Code Amendments in Sections 1305.04, 1320.04 – Subd. 17, 1320.05, 1320.15 of the Arden Hills City Code for the following reasons: *a specific reason and information request should be included with a motion to table.*

### **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).

### **Budget Impact**

N/A

### **Attachments**

- A) Ordinance 2023-002
- B) Ordinance 2023-003
- C) Summary Ordinances 2023-002 and 2023-003
- D) Presentation