

***PLANNING AND ZONING COMMISSION WORKSHOP MEETING –
APRIL 12, 2016***

The Workshop Meeting of the Andover Planning and Zoning Commission was called to order by Chairperson Daninger on April 12, 2016, 6:00 p.m., at the Andover City Hall, 1685 Crosstown Boulevard NW, Andover, Minnesota.

Commissioners present: Commissioners Timothy Cleven, Scott Hudson, Bert Koehler IV, Kyle Nemeth, and Jeff Sims

Commissioners absent: Steve Peterson

Also present: Community Development Director Dave Carlberg
City Planner Stephanie Hanson
Associate City Planner Brett Angell
Others

DISCUSS ANIMAL CONTROL REGULATIONS

Associate City Planner, Brett Angell, reviewed the draft ordinance, City Code 5-1E, with the Commission. Staff updated multiple sections of the ordinance based on direction given from the Commission at the March 8, 2016 meeting and by an attorney. The focus of the updates in the ordinance was to address nuisances, proper animal care, and humane treatment and restraint of animals. The ordinance was changed to make it a petty misdemeanor, so it is a fine and residents do not have to appear in court.

Chairperson Daninger stated that if the ordinance was approved, it would go to the City Council.

Commissioner Nemeth asked what would be defined as animals “fighting.” Mr. Angell stated that he pictured two cats.

Commissioner Nemeth asked for clarification if bird feeders would be exempt and wondered about the feeding of deer. Commissioner Cleven replied that he believed it is against State law to feed deer, except during hardship periods. In general, residents are not allowed to feed wild animals, if they are, they are already in violation.

Mr. Carlberg indicated that he would double-check on the law related to recreational feeding of wild animals. Commissioner Koehler stated that if there is a State law about feeding wild animals, he would like to see that removed from the City ordinance, as there are reasons not to reiterate State law. Commissioner Cleven stated that he believed the State law related specifically to deer.

Commissioner Sims inquired as to who would issue the ticket. Mr. Angell stated that it would be an Anoka County Sheriff on behalf of the City.

Chairman Daninger asked for clarification regarding the feeding of wild turkeys. Mr. Carlberg stated that the intent of the wording of the ordinance is to allow for the feeding of smaller birds (e.g. chickadees, nuthatches).

Commissioner Cleven asked about how the noise level would be measured. Mr. Angell stated that it would be up to the discretion of a neighbor or law enforcement as to whether or not it is a nuisance and that there was no way of putting a decibel level in the ordinance. Commissioner Koehler noted that that was addressed in the case of the Target loading dock. Chairman Daninger stated that the intent is that when the Sheriff goes out, he can enforce it.

Commissioner Koehler asked about larger animals like horses and if that was intended to be addressed by this ordinance. Mr. Angell stated that large animals are handled elsewhere in the City Code.

Commissioner Sims asked about the circumstance whereby a dog was barking in the house. Mr. Angell stated that is covered under the dog code.

Chairman Daninger recommended moving the ordinance forward to the Council for their approval.

Commissioner Koehler asked for clarification regarding the cleaning of feces and if anything more needed to be stated related to the cleaning up of feathers or the material in which the birds bed down. Mr. Carlberg stated that this is covered under Section A of the ordinance.

DISCUSS SOLAR ENERGY SYSTEM REGULATIONS

Mr. Carlberg reviewed the revisions to the draft ordinance on solar energy systems based on the discussion at the March 8, 2016, Planning and Zoning Commission meeting and additional research by staff of other city's regulations. He noted that under the ordinance, ground mounted solar energy systems would be allowed in an R-1 District as a permitted accessory use and roof mounts would be allowed in all zoning districts. The ordinance would state that no solar energy systems shall be interconnected with a local electrical utility until the utility has reviewed and provided written approval for the interconnection

and then it would need to comply with the City Code and the Minnesota state building code. Another element of the ordinance would be that aesthetically, the system would need to blend into the architecture of the building to the extent possible without impacting the function of the system. The ordinance would also address glare to adjacent buildings, properties and roadways. Panels would need to be the same pitch as the roof or 5% or 10 inches above and cannot extend beyond the perimeter of the walls. As for ground mounting systems, they would be limited to: the rear yard, 400 square feet in size, 15 feet in height, have a setback of 10 feet, and require screening in accordance with the City Code.

Commissioner Cleven asked for a change regarding the draft ordinance's requirement of being labeled as approved by third party testing agencies, such as Underwriters Laboratories, Inc. and suggested deleting "and to" after "comply," which would allow for other reputable agencies. He stated his view that if a system was abandoned after 12 months, it would have to be taken down.

Mr. Carlberg stated that there was no time frame for enacting the ordinance. One request for a system had been approved.

Commissioner Cleven suggested that where the ordinance states "all utilities shall be installed underground," there should be an addition that clarifies that would be "for ground-mounted systems."

Mr. Carlberg stated that the ordinance would apply to both flat and pitched roofs, as well as both commercial and residential properties.

Commissioner Cleven expressed concerns related to pitch on a flat roof, as panels require height. He stated that he questioned whether or not a 5% pitch would create enough of an angle to be an effective system. Mr. Carlberg stated that he would look further to identify what would be needed to allow for more sun exposure on flat roofs, citing Arbor Oaks as an example of a building with a significant amount of equipment on the rooftop.

Commissioner Cleven stated his belief that more businesses would be looking at solar energy to save on future energy costs.

Chairman Daninger encouraged the Commissioners to think about commercial buildings having a football field sized roof. He stated his belief that businesses could have as many panels as they want, as long as they were not visible. He did note the challenge of when the road is higher than the building and so more of the roof is visible.

Commissioner Cleven noted that commercial buildings have large air handlers on the roofs already and that solar panels would be set up in rows, so they would have to have an angle to make them effective.

Commissioner Nemeth asked about regulations around battery storage related to solar systems. Mr. Carlberg confirmed that no cities are saying anything about storage batteries and that Fred Patch, Building Official, feels that the Code will provide the appropriate guidelines.

Commissioner Nemeth inquired about required electrical inspections. Mr. Carlberg responded that the City has its own inspector under contract who also works for the State.

Commissioner Nemeth asked for clarification regarding permits and the costs involved. Mr. Carlberg confirmed that it would be based on a valuation.

Commissioner Cleven indicated that there have been a lot of fires especially when installed by residents themselves. He stated that the inspector can share the Code with residents that want to do the installation work themselves.

Commissioner Nemeth stated that he would personally like to send this up to the Minnesota Department of Labor and Industry, because there is a desire to make sure the topic is well covered in the ordinance. Mr. Carlberg responded that this is really the City's jurisdiction.

Commissioner Hudson recommended the use of the word "appropriate," rather than written approval. He also wondered how it would be determined if a solar system is abandoned. Mr. Carlberg stated that it would likely come up if a neighbor called or through an inspector.

Commissioner Koehler recommended something be added to the ordinance that addresses how the damage needs to be repaired or removed if a system is inoperable.

Commissioner Cleven stated that if one panel is down, a system loses much more than the percentage of energy that one tile represents. He also noted the requirement to meet with the utility.

Chairman Daninger expressed his belief that the solar system should be used for the benefit of the onsite property, unless it is connected to the utility.

Commissioner Koehler noted that a solar system can be utilized for heat exchangers for pools, and this would require a permit.

Chairperson Daninger recommended that the ordinance come back to another workshop meeting and be reviewed again and allow more time for discussion.

OTHER BUSINESS

Mr. Carlberg updated the Planning Commission on related items.

ADJOURNMENT

Motion by Nemeth, seconded by Cleven, to adjourn the meeting at 6:55 p.m. Motion carried on a 6-ayes, 0-nays, 1-absent (Peterson) vote.

Respectfully Submitted,

Marlene White, Recording Secretary
TimeSaver Off Site Secretarial, Inc.