ARLINGTON PLANNING & ZONING BOARD
MEETING MINUTES
MARCH 6, 2008

The meeting was called to order at 7:00 p.m., Chairman Nagel presiding.

Members Present: Grabitske, Hislop, Kramer, Kreft, Mielke, Chairman Nagel, Pinske, Councilmember Curt Reetz
Members Absent: Haggenmiller
Also Present: P&Z Administrator Cynthia Smith-Strack

It was the consensus of the Planning & Zoning Committee that the agenda stood approved as presented.

Motion by Kreft, seconded by Grabitske, and passed by unanimous vote to approve the minutes from the February 7, 2008 meeting as presented.

Chairman Nagel recessed the regular meeting to hold a public hearing.

Ordinance 212: Ordinance Amending Zoning Ordinance Relating to Wind Energy Conversion Systems

Chairman Nagel called to order the public hearing regarding the proposed Ordinance 212 – An Ordinance Amending the Arlington Zoning Ordinance (Ordinance 169) by Adding Section 13, Subd. 7, Relating to Wind Energy Conversion Systems (WECS). P&Z Adm. Smith-Strack stated that the ordinance had been introduced initially a few months earlier, but had been postponed so that information could be obtained from the municipal electric association regarding their proposal to place commercial WECS in all the member cities. She stated that the ordinance now contains standards for both commercial and non-commercial WECS.

The Committee reviewed and talked about (at length) a memo from City Administrator Jaunich who expressed concern that the setbacks (750 ft. from a structure and 200 ft. radius) for WECS were too large or restrictive. The memo also expressed concern about where commercial WECS should or should not be allowed. Smith-Strack clarified that the setback distance from the property line was 110% of the tower height plus the length of the blade (when extended) and the 750 ft. setback was from the base of the tower to an existing residential structure. Some discussion was held on possible sites for WECS within the city limits, in conjunction with possible future expansion needs. Smith-Strack commented that regardless of which zoning district(s) WECS will be permitted in, that a Conditional Use Permit would have to be issued. She was of the opinion that commercial WECS shouldn't be allowed in residential districts, but if they are allowed, that a minimum lot size should be specified within the ordinance. She stated that she was ok with reducing the setback from a residential structure to 450 ft. and radius setback to 175 ft. as proposed by Adm. Jaunich.

Motion by Hislop, seconded by Kramer, and passed by unanimous vote to make the following changes to the proposed Ordinance 212-WECS:

1.) Section 4B will remain as presented (WECS allowed within Industrial Districts or on property owned by the City of Arlington or the Arlington EDA;
2.) Section 5B will be changed to allow for a 450 ft. setback;
3.) Section 5C will be changed to allow for a 175 ft. radius setback.

Hislop introduced the following resolution and moved for its adoption:

PZ RESOLUTION NO. 5-2008

A RESOLUTION RECOMMENDING THE CITY COUNCIL AMEND ORDINANCE 169, THE ARLINGTON ZONING ORDINANCE BY ADDING SECTION 13, SUBDIVISION 7 RELATING TO WIND ENERGY CONVERSION SYSTEMS

WHEREAS, the City of Arlington Zoning Ordinance was placed into effect several years ago; and

WHEREAS, the Arlington Planning Commission routinely reviews portions of the Zoning Ordinance to ensure it is up to date; and

WHEREAS, the City of Arlington initiated a request to amend the text of the zoning ordinance relating to wind energy conversion systems (WECS); and

WHEREAS, the Arlington Planning Commission has reviewed and studied the request and developed text to insert in the Zoning Ordinance as Section 13, Subd. 7; and

WHEREAS, properly noticed public hearings were held on November 1, 2007 and March 6, 2008 by the City of Arlington Planning Commission; and

WHEREAS, the proposed ordinance is itemized in Exhibit A which is attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Arlington Planning Commission recommends the City Council approve the proposed text amendment as set forth in Ordinance 212, a copy of which is attached as Exhibit A.

The motion for the adoption of the foregoing resolution was duly seconded by Reetz and upon poll being taken thereon the following voted in favor thereof: Grabitske, Hislop, Kramer, Kreft, Mielke, Nagel, Pinske, Councilmember Reetz; and the following voted against the same: None; and the following abstained from voting: None; and the following were absent: Haggenmiller.

Adopted by the Planning & Zoning Committee of the City of Arlington this 6th day of March, 2008.

Signed: /s/ Lowell Nagel_____ Attest: /s/ Cynthia Smith-Strack_____
Chairperson Planning & Zoning Administrator

Whereupon the resolution was declared duly passed and executed.

EXHIBIT A
CITY OF ARLINGTON
ORDINANCE NO. 212

AN ORDINANCE AMENDING THE ARLINGTON ZONING ORDINANCE (ORDINANCE 169) BY ADDING SECTION 13, SUBD. 7 RELATING TO WIND ENERGY CONVERSION SYSTEMS (WECS).

THE CITY COUNCIL OF THE CITY OF ARLINGTON ORDAINS AS FOLLOWS:

Section 1
Section 13 of the Arlington Zoning Ordinance (Ordinance 169) shall be amended to include Subdivision 7 as follows:

SUBDIVISION 7. WIND ENERGY CONVERSION SYSTEMS (WECS)

1. *The purpose of this Article is to establish standards and procedures by which the installation and operation of wind energy conversion systems (WECS) shall be governed within the City.*

2. *Ornamental wind devices that are not a WECS shall be exempt from the provisions of this Section.*

3. *Definitions:*

   A. *Commercial Wind Energy Conversion System (WECS): A WECS of equal to or greater than 40kW in total name plate generating capacity.*

   B. *Feeder Line: A power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electrical power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation servicing the WECS.*

C. Meteorological Tower: Towers erected to measure wind speed and direction plus other data relevant to siting WECS. Meteorological Towers shall be regulated as commercial towers under Ordinance 196 relating to Telecommunication Towers, Antennas and Related Facilities, as may be amended.

D. Non-commercial WECS: A WECS of less than 40kW in total name plate generating capacity.

E. Rotor Diameter: The diameter of the circle described by the moving rotor blades.

F. WECS Tower: A vertical structure that supports an electrical generator, rotor blades and/or meteorological equipment used in the operation of a WECS.

G. WECS Total Height: The highest point above ground reached by a rotor tip or any other part of the WECS.

H. WECS Tower Height: The total height of the WECS exclusive of the rotor blades.

I. Wind Energy Conversion System (WECS:) An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and metrological towers, that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

J. Wind Turbine: Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

4. Conditional Use Permit Required.

A. The erection of a wind energy conversion system shall require a conditional use permit, as prescribed by the Arlington Zoning Ordinance.

B. Commercial wind energy conversion systems governed shall only be allowed as conditional uses within Industrial Districts or on property owned by the City of Arlington or the Arlington EDA.

C. Non-commercial wind energy conversion systems shall be allowed as conditional uses within the R1/AG-R2/AG Residence & Agricultural District on lots at least ten (10) acres in area. The acreage restriction is required to protect WECS from encroachment by other uses or structures and to accommodate required setback between the WECS and property lines.

D. All applications for a WECS conditional use permit shall be accompanied by a site plan drawn to scale and dimensioned displaying following:

1) The names of project applicants and property owners.

2) Project address and legal description.

3) A description of the project including: name plate generating capacity, proposed tower height, and proposed rotor diameter.

4) Proposed site layout.

5) Engineer's certification of structure design, electrical design and fall zone.

6) Location and height of all existing and proposed buildings, structures, above ground utilities and trees on the lot, including both existing and proposed structures and guy wire anchors.

7) Location and height of all adjacent buildings, structures, aboveground utilities and trees located within three hundred fifty (350) feet of the exterior boundaries of the property in question.

8) An elevation drawing of the premises accurately depicting the proposed WECS and its relationship to structures on the subject site and adjacent lots.

9) A written statement or map describing how the proposed structure relates to existing arrival/departure corridors utilized by air ambulances.

10) In addition, applications for commercial WECS shall include:

a. An FAA permit application, if required.

b. A decommissioning plan.

c. Locations of WECS within two miles of the proposed WECS.

d. Projected sound levels (decibel) at property lines.

5. Performance Standards:

A. A WECS shall not interfere with hospital heliport approach/departure corridors.

B. Setbacks.

1) No part of a WECS (including guy wire anchors) shall be located within or above any required front, side or rear yard setback.

2) WECS towers shall be setback from all property lines a total of 110% of the WECS total height.

3) Commercial WECS shall be setback a minimum of 450 feet from residential structures. This setback is reciprocal in that no dwelling unit may be constructed within 450 feet of a commercial WECS.

4) Commercial WECS shall be setback a minimum of 600 feet from wetlands, public waters, floodplains and shoreline impact zones.

C. Blade arcs created by the WECS shall have a minimum of thirty (30) feet of clearance over any structure or tree within a one hundred seventy-five (175) foot radius.

D. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 miles per hour or greater).

E. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code as adopted by the City. To prevent unauthorized climbing, WECS towers must comply with one of the following provisions:

1) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.

2) A locked anti-climb device shall be installed on the tower.

3) Towers capable of being climbed shall be enclosed by a locked, protective fence at least six (6) feet high.

F. WECS shall have a sign posted at the base of the tower containing the following information: A high voltage warning, the manufacturer's name, an emergency phone number, and, emergency shutdown procedures.

G. WECS shall not have affixed or attached any lights, reflectors, flashers, or any other illumination, except for illumination devices required by FAA regulations or as required by the City if within heliport arrival or departure corridors.

H. WECS shall be designed and constructed so as not to cause radio and television interference.

I. Noises emanating from the operation of WECS shall be in compliance with and regulated by the State of Minnesota Pollution Control Standard.

J. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented on it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the City.

K. Standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings shall be provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code. Drawings and engineering calculations shall be certified by a Minnesota licensed engineer.

L. WECS electrical equipment and connections shall be designed and installed in adherence to the Electrical Code.

6. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.

7. *Any WECS or tower which is not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner.*

Section 2

Effective Date: This Ordinance is effective upon its adoption and publication as prescribed by law.

Adopted by the City of Arlington on the ___ day of _____, 2008.

_____ Attest:_____

James R. Kreft, Mayor Matthew Jaunich, City Administrator

Chairman Nagel adjourned the public hearing and reconvened the regular meeting.

Discussion was held on the Planned Unit Development (PUD) standards within the zoning ordinance and the need to update them. Smith-Strack talked about the different types of PUD's (commercial, residential with mixed housing, overlay, contract development, etc.). She also gave a brief review of the Arlington Meadows and High Island Creek PUD's already being developed. Some concern was expressed about the type/quality of housing that was going up in the Arlington Meadows addition (modular). It was suggested to have Smith-Strack draft some language to update the PUD standards so that some overlays will be in place. The P&Z Committee reviewed the following PUD concepts:

A) Single family cluster without density increase.
B) Single family cluster with density increase.
C) Mixture of multiple family with single family but no increase in density.
D) Mixture of multiple family with single family and allowing an increase in density.
E) Single use non-residential such as commercial or industrial PUD.
F) Non-residential and residential uses combined (commercial first floor with apartments upper) without an increase in density.
G) Non-residential and residential uses combined and allowing an increase in density.
H) Non-residential and residential uses combined in infill or redevelopment areas.
I) Non-residential and residential uses in Greenfield areas.
J) Master planned community.

The Committee was favorable to allow a mixture of multiple and single family clustering as long as there is a public benefit (density bonus). Smith-Strack gave some examples of what constituted a "public benefit". Items A, C, E, G were eliminated as not applying to Arlington.

The February Building Permit report was reviewed.

Smith-Strack gave an update on the VonEschen property. She had talked with Building Inspector Haslip on the property and was told a Certificate of Occupancy had not been issued and that a compliance letter had been sent to the property owners.

Smith-Strack also commented that she had been in contact with the owner of the "old lumberyard" building (behind After Burner Auto) and will be working with him on what can be done with it.

Brief discussion was held on the Cemstone property on Main Street and what they are or are not planning to do.

Motion by Mielke, seconded by Grabitske, and passed by unanimous vote to adjourn the meeting at 8:12 p.m.

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PZ Adm. Cynthia Smith-Strack Chairman Lowell Nagel