

## PLAN COMMISSION

### MINUTES

Wednesday, April 10, 2019

**Present:** Bill Fitzsimmons (Chairman), Mike Crotty, Craig Mack, Peter McDermott, Jeff Nelson, Cindy Wermuth, John Wetzel

**Absent:** Alan Hon, Dennis Kelly, Matt Puck, Butch Trevor

**Staff:** Ryan Berger

**Others:** Barbara Sandberg

#### 1. Call to Order

Chairman Fitzsimmons called the meeting to order at 4:05 pm.

#### 2. Reading and approval of Minutes – March 27, 2019

**Motion made by Commissioner Wetzel; seconded by Commissioner Mack, to approve the minutes for March 27, 2019. Motion carried unanimously.**

Ryan Berger, Land Development Manager, swore in those persons present wishing to provide testimony.

#### 3. New Business

- a. **PC-19-04 – Public Hearing to amend SEC. 35-3415 of City Code regarding solar panels to allow solar panels to be visible from public right-of-way; regulate maximum height of flat roof mounted systems; remove requirement of Special Use Permit in Historic District; remove requirement of submittal of notice to local electric company and net metering agreement; allow freestanding systems in front yard; and amend setback requirements of freestanding systems from all property lines.**

Ryan Berger stated that PC-19-04 – Public Hearing to amend SEC. 35-3415 of City Code regarding solar panels to allow solar panels to be visible from public right-of-way; regulate maximum height of flat roof mounted systems; remove requirement of Special Use Permit in historic district; remove requirement of submittal of notice to local electric company and net metering agreement; allow freestanding systems in front yard; and amend setback requirements of freestanding systems from all property lines. Public notice was published in the Dispatch.

Mr. Berger specified that the amendment removing the requirement of the net metering agreement only applied to the Zoning Code, and that a net metering agreement is still required under the City's current Building Code. Mr. Berger also noted that despite the proposed amendment annulling the need for a Special Use Permit in the Historic District or on historic buildings, the amendment would add protections for historic properties regarding proper solar panel placement using the Secretary of the Interior Standards for Rehabilitation. Mr. Berger then announced he was open to receive questions.

Commissioner Nelson raised concern regarding allowance of freestanding systems in front yards, noting there could be a concession for commercial use, but is concerned about use in front yards for residential properties. Mr. Berger responded that the front yard portion of the amendment would be treated as a special circumstance. Commissioner Wetzel inquired about the screening requirements, including the

height restrictions on any front yard systems. This led into inquiry regarding the glare, that may be produced by the solar panels, reflecting into roadways. Mr. Berger clarified that reflection, or glare into nearby properties or roadways would disallow the permissibility of the solar panels; solar companies have the ability to conduct “solar analysis” to help determine where glare would occur. Mr. Berger also noted that the code, currently, does not allow for solar panels to be seen from public-right-of-way.

Concerns regarding front yard aesthetics were raised by numerous commissioners, some discussion followed. Commissioner Fitzsimmons stated that he believes it is the role of the commission to set the standard for the community and that this is what should motivate a decision by the commission.

Commissioner Mack sought to clarify, and Mr. Berger confirmed, that a building permit would be required for the installation of solar panels. Commissioner Wetzel then sought to clarify, and Mr. Berger confirmed, that the commission was reviewing the official language to be inserted into the code, should they recommend the amendment for approval.

Member of the Historical Preservation Committee, Barbara Sandberg, was sworn in by Mr. Berger to provide public comment on the proposed text amendment. Mrs. Sandberg disagreed with the amendment to allow solar panels in front yards, due to aesthetics, and safety concerns. Mrs. Sandberg stated that a priority of the Historical Preservation Commission is to preserve aesthetics and avoid visual changes; however, Mrs. Sandberg stated that she was in support of the project, on the condition that the front yard portion of the amendment be eliminated. Some discussion followed regarding the securing of front yard systems from children and damage.

Commissioner Nelson sought to inquire if the amendment applies to devices that have solar panels built in, such as bus shelters. Mr. Berger responded that the amendment would only apply to projects that required a building permit; thus the amendment would not apply to bus shelters with built in solar panels.

With no further comment, the hearing was closed.

Discussion amongst the commissioners took place regarding specifics, and suggested changes, to the proposed text amendment.

**Motion made by Commissioner Wetzel; seconded by Commissioner Mack, to recommend for approval the proposed text amendment with the correction that “shoulds” be changed to “shalls” in the portion concerning historic districts, and that the front yard portion of the amendment be removed in its entirety. Motion carried unanimously.**

#### **4. Other business**

None

#### **5. Review upcoming meeting**

No upcoming business.

#### **6. Public comment**

None.

**7. Adjourn**

There being no further business, the meeting adjourned at 4:42 p.m.

Respectfully submitted,

Silas Metternick-Jones, Planning & Development Assistant  
Recording Secretary Pro Tem