

**MINUTES
CITY OF DELANO
PLANNING COMMISSION
Monday, October 12, 2009
7:00 PM**

1. CALL TO ORDER

The Chairman, Jon Krieg, called the regular meeting of the Delano Planning Commission of Monday, October 12, 2009 to order at 7:00 p.m.

2. ROLL CALL

Members present: Jon Krieg, Chairman
David Kenison, Vice Chairman
Leon Zeug, Secretary
Howard Glas, Commissioner
Lars Impola, Commissioner
Steve Williams, Commissioner

Members absent: John Beussman, Commissioner

Also Present: Marlene E. Kittock City Clerk
Alan Brixius, City Planner, Northwest Associated
Consultants

3. APPROVAL OF AGENDA

Motion by David Kenison, seconded by Howard Glas to approve the agenda of the Regular Planning Commission meeting of Monday, October 12, 2009, as submitted. Motion Carried.

4. MINUTES

A. Minutes of the Planning Commission meeting from Monday, September 14, 2009.

Motion by Steve Williams, seconded Jon Krieg to approve the minutes of the Planning Commission meeting from Monday, September 14, 2009, as submitted. Motion Carried; David Kenison abstained.

5. PUBLIC HEARING

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- A. Consider a request from the City of Delano to amend Section 51.01 Subd. B 2 "Definition" by adding definitions for Wind Energy Conversion Systems (WECS), Section 51.03 Subd. O by adding standards, performance, and procedure regulations for installation and operations of Wind Energy Conversion Systems (WECS), Section 51-05 through Section 51.31 by adding text language that regulates Wind Energy Conversion Systems (WECS).**

Alan Brixius reviewed the Planner's Report dated October 5, 2009, regarding the potential adoption of a Wind Energy Conversion Systems (WECS) Ordinance. The most important piece in the creation of a WECS Ordinance is to determine where these systems are and are not compatible with existing and future land uses. Ordinances regulating WECS at the local level are increasingly necessary as the development and popularity of wind turbines increases.

There are basically two different types of WECS: utility-scale and small-scale. According to the American Wind Energy Association (AWEA), utility wind generators are usually located with commercial wind farms and have rotor diameters ranging for 50 meters (164 feet) to 90 meters (295 feet) and a tower height upwards of 135 meters (442 feet) Small wind systems are generally intended for residential or small business areas and most have rotors measuring 8 meters (26 feet) or less and tower heights of 40 meters (130 feet) or less.

A large-scale system, 1-mw, can generate enough energy to provide power to 300 homes per year. A typical small wind system, 1-kw, can generate around 10,000 kwh per year or enough energy to power one home for one year.

The productivity of a WECS greatly depends upon the location of the system and most importantly, the height of the system. Manufacturers recommend that towers be installed so that there is at least a 30 foot clearance between the tallest tree, building, or obstruction within a 300-5000 foot radius of the bottom of the rotor. This ensures that the WECS is free from wind turbulence and can operate to its highest capacity. Taller wind turbines produce more energy and offer a greater return on investments; they also reduce the amount of sound produced as the motor is higher above homes and

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businesses. According to the AWEA, sound decreases four-fold with each doubling of distance from the wind turbine. Tower height is not dictated by the size of the turbine, but the location of the system in relation to surrounding terrain, trees, building and wind availability.

The proposed ordinance maximum height limit would be set at 120 feet for small wind systems and 300 feet for large scale systems. Due to the greater height allowed for large scale utility systems, Staff is recommending that large-scale systems be primarily allowed in industrial districts and small wind systems be allowed in all zoning districts provided all of their regulations are met.

The Planning Commission and Council could also discuss the possibility of allowing large scale utility systems as part of a residential subdivision. The City of Elko-New Market recently received an application for a large scale utility system as part of a conservation subdivision development. Delano's Future Land Use Map indicates that a large portion of the future land uses are residential, thus the possibility exists for a large scale utility system to potentially be constructed in this area.

Setback distances vary from site to site. Most setback distances are equal to the total height of the tower height plus extension of the rotor blade. Setback requirements would apply to the distance from the WECS tower to all property lines, right-of-way and residential buildings. Not only would this allow sufficient separation from neighboring properties it would allow for enough separation so that if the tower were to collapse, it would fall wholly on the property on which it is located. Separation distances from building on the same lot as the WECS are not regulated in the proposed ordinance.

A misconception of the WECS is that of possible ice build-up on the turbine blades. The risk of ice being thrown from the rotor blades is practically nonexistent, due to the rotors would hardly rotate if covered in ice. According to the AWEA the weight and aerodynamic interference of ice build-up slows the blades rotation to a near stand-still, making any melting of ice to fall straight down rather than being thrown from the blade.

Two popular complaints with WEC are the possibility noise interference and the aesthetics of the tower. With the latest technology and setback requirements, noise generated by wind turbines is not a big concern.

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Aesthetic issues with WECS are a more subjective matter as they are very tall and are visible for quite some distance. These are not viewed in the same way as radio antennas, telephone poles, towers, and silos and alike. WECS should not be constructed in areas of historic significance. The proposed draft ordinance includes some requirements regarding finishing or paint, prohibition on the attachment of signs and a lack of use within a six-month period if the WECS needs to be removed.

There currently is no application being presented to the Planning Commission or City Council, Staff is simply responding to an inquiry.

Motion by Lars Impola, seconded by Steve Williams to open the public hearing regarding the request of City of Delano to amend Section 51.01 Subd. B 2 "Definition" by adding definitions for Wind Energy Conversion Systems (WECS), Section 51.03 Subd. O by adding standards, performance, and procedure regulations for installation and operations of Wind Energy Conversion Systems (WECS), Section 51-05 through Section 51.31 by adding text language that regulates Wind Energy Conversion Systems (WECS). Motion Carried.

Harlan Lewis, 118 – 4th Street South, indicated that he had the opportunity to tour the WECS in Willmar MN. That city has two of its four wind turbines operational. Harlan Lewis stated these turbines were very impressive.

Maple Grove has one that generates about 10% of the energy needed for its City Office building. Howard Glas indicated that Medina and Elk River both have WECS: Rockford also has three near the Wright Hennepin Electric Station.

John Tackaberry – 4350 5th Street SE, stated that he was aware of a recently installed WECS on Highway 25 in Woodland Township. He suggested talking to Wright County about what regulations the county may have as well.

Motion by Leon Zeug seconded by Lars Impola to table further discussion and continue the Public Hearing to the November 9, 2009 Planning Commission meeting. Motion Carried.

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Alan Brixius asked the Planning Commission their direction for Staff. Members stated that they would like to review other cities ordinances that have WECS such as Willmar, Rockford, Medina, and Maple Grove. Planning Commission was especially interested in the research of setbacks, braking mechanisms, high winds controls, and any (de)-icing issue. Commissioners also asked Staff to contact Wright County for their regulations and/or policies.

Steve Williams inquired why Delano was looking at this now. Alan Brixius explained that the Staff wanted to take a pro-active approach for any future growth both industrial and residential and what additional energy sources would be available.

Howard Glass inquired about the height of the turbine in Maple Grove. Alan Brixius stated it is approximately 168 feet and that one appears to be undersize and may be described as a training device rather than a functional device.

- B. Consider a request from City of Delano and Bauer Design Build LLC on behalf of Jeff and Kevin Shrode for Minor Subdivision in accordance with the City Subdivision Ordinance Number O-03-06, Section 6, a Site and Plan Review in accordance with Subdivision 51.02, Subd F., Conditional Use Permit for Auto Repair Service in a B-2 Zoning District in accordance with 51.21 Subd D, text amendment to Section 51.21 Subd D. to allow for a Conditional Use Permit for an accessory outdoor storage to auto repair, a Conditional Use Permit to allow for placement of fill in excess of 400 cubic yards in accordance with 51.03 Subd J, and a Flood Plain Use Permit for placement of fill in excess of 1000 cubic yards within a Flood Fringe Area in accordance with the City Flood Plain Ordinance Number O-06-08 Section 6 for the properties located at 49 Rockford Avenue West, and legally described as a parcel located within the unplatted lands of the City of Delano (PID Number 107500-114301).**
- 1. Consider tabling the aforementioned Land Use Applications.**

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Motion by Steve Williams, seconded by David Kenison to continue the public hearing request for the City of Delano and Bauer Design Build LLC on behalf of Jeff and Kevin Shrode for Minor Subdivision in accordance with the City Subdivision Ordinance Number O-03-06, Section 6, a Site and Plan Review in accordance with Subdivision 51.02, Subd F., Conditional Use Permit for Auto Repair Service in a B-2 Zoning District in accordance with 51.21 Subd D, text amendment to Section 51.21 Subd D. to allow for a Conditional Use Permit for an accessory outdoor storage to auto repair, a Conditional Use Permit to allow for placement of fill in excess of 400 cubic yards in accordance with 51.03 Subd J, and a Flood Plain Use Permit for placement of fill in excess of 1000 cubic yards within a Flood Fringe Area in accordance with the City Flood Plain Ordinance Number O-06-08 Section 6 for the properties located at 49 Rockford Avenue West, and legally described as a parcel located within the unplatted lands of the City of Delano (PID Number 107500-114301) until the November 9th Planning Commission meeting. Motion Carried.

6. NEW BUSINESS

A. Continued discussion establishing standards and regulations regarding computerized message boards.

Alan Brixius reviewed the Planner's Report dated October 5, 2009, regarding dynamic signs or Computerized Message Centers (CMC). The report included two statements one from League of Minnesota Cities and the other from the City of Minnetonka prepared by SRF Consulting Group, Inc. Staff has not prepared an ordinance for consideration this evening; thus a new formal public hearing was published. The Chamber of Commerce and businesses utilizing CMC signs were notified of the informal public comment process. The City has received some general comments or concerns regarding the computerized message signs specifically regarding the duration and speed of messages, brightness, motion animation, video presentation, sign placement, spacing of sign(s), and size of sign(s).

Brixius continued noting some cities have banned them, others have regulated or slowed the change of messages to a time limit between messages, and other cities do not allow flashing or rotating signs. Many communities did establish other parameters within their sign codes, for example restricting them from historic district areas.

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The study completed by the League and SRF also analyzed potential traffic distraction. The study stated that there is no connection between traffic accidents and any distractions from CMC's. Staff, the Planning Commission, and City Council, wanted public comment on CMC's before drafting an ordinance for the City of Delano.

Leon Zeug questioned what Council concerns were. Alan Brixius informed Commission that Council had authorized the study and preliminary review but requested no initial preparation of a moratorium ordinance or draft sign ordinance amendment at this time.

John Tackaberry, Star West Chevrolets 505 Babcock Boulevards, stated with the economy the way it is and with the highway being closed for construction for two years and annual closure due next summer to the east in Maple Plain, that the City's time would be better spent on promoting businesses in Delano than spending time on this issue. That being said Mr. Tackaberry, distributed literature prepared by Terra Fischer of Daktronics and brochures related to the Delano's Sign Ordinance and CMC's. These items included traffic safety and digital displays synopsis, correspondences from the City of Rochester, and a narrative from Daktronics which inferred no direct distraction is caused by CMC's to passing traffic. John Tackaberry indicated that we should wait a couple more years and see if the need arises to study CMC's.

Lloyd Griep, State Farm 620 Babcock Blvd, stated he appreciated the opportunity to participate in the preliminary discussion regarding CMC. Lloyd Griep stated that there seemed to be many laws and regulations already in place and did not want more added unto what already exist. He inquired how any changes in the ordinance may affect those that already have CMC's. Alan Brixius stated existing CMC's would be grandfathered. However, the City may ask for voluntary compliance with issues regarding brightness or change of messages timing.

Chris Johnson, True Value Hardware 1005 Crossings Drive, also appreciated the chance to comment on CMC. He asked what kinds of things might be considered if a regulation was enacted. Alan Brixius again stated the amount of time between message changes, the motion of signage, the brightness, setbacks, CMC size and location.

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John Tackaberry said that the CMC's currently installed in town have a feature in them that automatically adjust with the ambient light; and his sign had to be moved back due to the new right-of way line. Again Tackaberry stated the City should be promoting the businesses instead of regulating it.

Howard Glas stated that promoting business is what we were trying to do by inviting the business community to an open discussion. If Daktronics is willing to be at a future meeting to further discuss this issue, he would be open to that. Glas did request that the word "flash" would need to be better defined.

Jon Krieg stated that there are many things along the side of the road that can distract a driver's concentration. The purpose of this discussion is to make sure that CMC are located in areas so that they are not distracting. The Planning Commission wants to be reasonable and practicable regarding any of the City's rules and regulations.

The Commission reviewed the information enclosed in the packet supplied by Daktronics.

Jon Krieg questioned if these signs are solely located in commercial areas. Staff responded that currently there is one along Elm Ave which did receive a CUP and is monitored by the Delano Public Schools.

Steve Williams stated that there appeared to be a lot of "flashing type" messages that have been permitted in Delano. Steve Williams inquired regarding comment(s) by the general public. Marlene E. Kittock stated that a letter was sent to the 7 business entities inviting them to the meeting for open discussion; a formal public hearing notice was not published as Staff was requesting informal comments first.

Leon Zeug inquired what other cities' ordinances have related to CMC's and when they were developed. Alan Brixius stated that he would research available ordinances, but most of these ordinances are new and finding established data would be difficult.

Commission requested continued discussion for the next Planning Commission meeting.

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7. OLD BUSINESS

There was none.

8. UPDATES AND FUTURE LAND USE DEVELOPMENT APPLICATIONS

There was none.

9. COMPLIANCE WITH COMPREHENSIVE PLAN

There was none.

10. ADJOURNMENT

There being no further business to discuss the regular meeting of the Delano Planning Commission meeting of Monday October 12, 2009 was adjourned at 8:39 p.m.

Motion by Howard Glas, seconded by David Kenison to adjourn the regular meeting of Planning Commission of Monday, October 12, 2009 at 8:39 pm. Motion Carried.

Jon Krieg, Chairman

Leon Zeug, Secretary

ATTEST:

Marlene E. Kittock, City Clerk