



Spearfish Planning Commission Agenda

August 3, 2021 at 3:00 p.m.

**Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish, SD
And Zoom Online Meeting**

Join Zoom Meeting

<https://us02web.zoom.us/j/81954887674>

Meeting ID: **819 5488 7674**

Or Dial in:

1 669 900 9128 and enter Meeting ID

A. Call To Order

B. Roll Call

C. Approve the Minutes from July 20, 2021

D. Declaration of Conflicts of Interest

E. Items for Action

1. **Request:** Solar Energy Conversion Facilities Zoning Code Update

Location: City-wide

Applicant: City of Spearfish

Action: Provide Input

F. City Council Update

G. Public Comment - Public comments are welcome at this time, however, no action will be taken.

H. Adjournment



Spearfish Planning Commission
Regular Session Minutes
July 20, 2021 at 3:00 p.m.

The Spearfish Planning Commission met in regular session on Tuesday, July 20, 2021 at 3:00 p.m. in the council chamber of city hall and via Zoom video conference. Chairman Bordewyk called the meeting to order at 3:00 p.m. Roll call was taken with the following members present: Toby Bordewyk, Meghan Byrum, Abe Kean, Greg Kruskamp, Bob Meyer, Larry Vavruska, and Barbara Zwetzig. Also present: City Planner Jayna Watson, and Acting City Administrator Ashley McDonald

APPROVAL OF MINUTES:

Kruskamp moved, Meyer seconded and all voted to approve the minutes of the July 6, 2021 Planning Commission meeting.

DECLARATIONS OF CONFLICTS OF INTEREST:

Bordewyk called for any potential conflicts of interest to be identified. Meyer indicated a conflict on item 1 and will not participate in discussion or voting.

1. **Request:** Approve a preliminary plat for a 9 lot subdivision - Eastwood Court

Location: East of Woodlands Drive

Applicant: Jim Boke

Action: Hold a public hearing and make a recommendation to City Council

Applicant Jim Boke indicated there were no updates since the last meeting. Watson presented the staff report noting clarification regarding the trail corridor. Bordewyk opened the public hearing. No testimony was provided. Bordewyk closed the public hearing. **Vavruska moved, Zwetzig seconded, and all voted to recommend approval to City Council with Meyer not voting.**

2. **Request:** Approve a change of zoning from Ag (Agriculture) to R-1 (Single Family) and preliminary plat with a variance to sewer requirements for lots 2-7

Location: West of Falcon Crest on Bridgestone Street

Applicant: Bridgestone Estates LLC

Action: Set a public hearing for July 20, 2021

Carson Klein representing Bridgestone Estates LLC indicated there were no updates since the last meeting. Watson presented the staff report. Bordewyk opened the public hearing. No testimony was provided. Bordewyk closed the public hearing. **Meyer moved, Vavruska seconded, and all voted to recommend approval to City Council noting that the finding to support the variance was based on topography.**

3. **Request:** Solar Energy Ordinance

Location: To be determined

Applicant: City of Spearfish

Action: Provide input

Watson presented a summary of the issues and examples of a points system that could be used in evaluation of a conditional use permit. The Commission discussed the following topics: 1) administrative approval for small scale/accessory use types of systems, 2) large scale systems reviewed according to a points method and CUP criteria, 3) maximum footprints for a solar energy conversion site, 4) defining solar energy conversion facilities as solar/voltaic, not solar/thermal, 5) lot coverage maximums, 6) site footprint maximums, 7) access to electric grid – buried lines preferred to overhead, and 8) the need to reduce visual impacts. **No action was taken.**

4. **Planning Commission Bylaws** – Watson reviewed the considerations for a possible change to the bylaws to allow the chair to vote. The Commission discussed the benefits and disadvantages of the change. Staff will follow up with additional research in state law relating to voting rules. **No action was taken.**

5. **City Council Update** – First reading to change zoning on Tract H at Countryside was approved and public hearing is set for August 2nd. Ashley McDonald is serving as acting City Administrator until the position has been filled.

6. **Public Comment** – No comments were received.

7. **Adjournment** - Bordewyk adjourned the meeting at approximately 4:20 p.m.



PLANNING COMMISSION UPDATE MEMORANDUM

DATE: 8-3-2021

TO: Planning Commission

FROM: Jayna Watson, City Planner

A handwritten signature in black ink that reads "Jayna Watson".

RE: Solar Energy Conversion Facilities

Attached please find a draft of this ordinance update reflecting Planning Commission input. The updates attached are based on the following:

- 1) Enables solar energy conversion as an accessory use for any property, identified as 'small scale energy conversion facility', and subject to all the requirements of the underlying zoning with administrative (building permit) approval.
- 2) Creates definitions for large and small scale facility based on if the use is accessory or a primary use of land. Attempting to use physical characteristics of any facility in the definitions is not recommended because these are development standards, not, land use. Related new definitions of terms have also been provided.
- 3) The standards of development for both small and large scale is contained in a new section 16 of the zoning code in section IV after the facility type has been added to each district.
- 4) Identifies points related to the size of a solar panel footprint in the points table for the large scale projects. Staff requests specific input for if there should be a maximum.

Notes that explain rationale are provided in parenthesis and red text and will be deleted on the public hearing draft.

Staff requests that specific comments be provided on this draft so that a final public hearing version can be provided at the August 16 meeting with public hearing in early September.

ORDINANCE NO.

**AN ORDINANCE AMENDING APPENDIX A ZONING FOR
SOLAR ENERGY CONVERSION FACILITIES**

BE IT ORDAINED by the Common Council of the City of Spearfish that Appendix A. Zoning Regulations of the Revised Ordinances of the City of Spearfish is hereby amended—with ~~striketrough~~ indicating text to be deleted, underline indicating text to be added, and the remainder of the Article left unaffected—as follows:

Article II. Definitions

[. . .]

Large scale solar energy conversion facility means a system of devices and equipment used to collect solar energy and convert it into electrical energy for storage or distribution for offsite or on-site use and includes solar panels and related energy conversion equipment, electrical components, and buildings associated with the same.

[. . .]

Small scale solar energy conversion facility means a system of devices and equipment used to collect solar energy and convert it into electrical energy for storage or distribution primarily for on-site use and includes solar panels and related energy conversion equipment, and electrical components and buildings associated with the same.

Solar energy means radiant light and heat from the sun that is harnessed using technologies such as solar photovoltaics.

Solar panel means a device containing photovoltaic cells that absorbs or collects sunlight.

Solar panel footprint means the size of the land area formed by an imaginary boundary around the perimeter one or more solar panels. The solar panel footprint does not apply to roof mounted panels.

[. . .]

Article IV. District Regulations

Section 1a. Rural large lot single family (RLS-1).

[...]

B. Primary uses permitted. Property and structures in the Rural Large Lot Single Family district shall be used for the following purposes:

[...]

4. ~~Photovoltaic (PV) systems. Small scale solar energy conversion facility as an accessory to a primary use.~~

[...]

Section 1b. Ag agricultural district.

[...]

B. Primary uses permitted. Property and structures in the Ag Agricultural district shall be used for the following purposes:

[...]

6. ~~Photovoltaic (PV) systems. Small scale solar energy conversion facility as an accessory to a primary use.~~

C. Uses eligible for a conditional use permit. Conditional use permits may be granted to properties for the following land uses:

[...]

8. Large scale solar energy conversion facility

9. Landscape nursery including greenhouse and sales building

(note: adjust numbering for remainder of use list)

Section 2. R1 Single-family residential district

[...]

B. Primary uses permitted. Property and structures in the Single Family district shall be used for the following purposes:

[...]

4. ~~Photovoltaic (PV) systems.~~ Small scale solar energy conversion facility as an accessory to a primary use.

Section 3. R2 one-and two-family residential district

[...]

B. Primary uses permitted. Property and structures in the R2 residential district shall be used for the following purposes:

[...]

5. ~~Photovoltaic (PV) systems.~~ Small scale solar energy conversion facility as an accessory to a primary use.

[...]

Section 4. R3 multi-family residential district

[...]

B. Primary uses permitted. Property and structures in the R3 multi-family residential district shall be used for the following purposes:

[...]

11. ~~Photovoltaic (PV) systems.~~ Small scale solar energy conversion facility as an accessory to a primary use.

Section 5. C1 central commercial district.

[...]

B. Primary uses permitted. Property and structures in the C1 central commercial district shall be used for the following purposes:

18. ~~Photovoltaic (PV) systems. Small scale solar energy conversion facility as an accessory to a primary use.~~

[...]

(note: Central Core CC and Highway Service Commercial C2 includes all primary permitted uses of C1, no update to primary permitted use list needed. Large scale excluded from C1 and CC as a conditional use permit)

Section 7. C2 highway service commercial district.

[...]

C. Uses eligible for conditional use permit. Conditional use permits may be granted to properties for the following land uses.

[...]

7. Large scale solar energy conversion facility

[...]

Section 7a. C3 office commercial district.

[...]

B. Primary uses permitted. Property and structures in the C3 office commercial district shall be used for the following purposes:

[...]

10. Small scale solar energy conversion facility as an accessory to a primary use.

[...]

Section 8. ILR light/restrictive industrial district.

[...]

B. Primary uses permitted. Property and structures in the ILR light/restrictive industrial district shall be used for the following purposes:

[...]

18. ~~Photovoltaic (PV) systems~~ Small scale solar energy conversion facility as an accessory to a primary use.

[...]

C. Uses eligible for conditional use permit. Conditional use permits may be granted to properties for the following land uses.

[...]

6. Large scale solar energy conversion facility.

[...]

Section 9. IH/ heavy industrial district.

[...]

B. Primary uses permitted. Property and structures in the IH heavy industrial district shall be used for the following purposes:

[...]

6. ~~Photovoltaic (PV) systems~~ Small scale solar energy conversion facility as an accessory to a primary use.

[...]

C. Uses eligible for conditional use permit. Conditional use permits may be granted to properties for the following land uses.

[...]

4. Large scale solar energy conversion facility.

[...]

Section 10. DRD development review district.

[...]

B.1. Uses permitted. Property and structures in the DRD may be used for the following purposes:

[...]

k. ~~Photovoltaic (PV) systems~~ Small scale solar energy conversion facility as an accessory to a primary use.

2. Uses eligible for conditional use permit. Conditional use permits may be granted to properties for the following land uses.

[...]

c. Large scale solar energy conversion facility. (note: solar panels exist at Elkhorn Ridge Golf Course, and the solar panel footprint is bigger than the proposed 2500 square foot maximum of small scale/accessory so would require a CUP. Also, this would enable future solar installations at the Sky Ridge sports complex therefore large scale must be included as a CUP in the DRD zoning)

[...]

Section 11. APZ airport zoning district.

[...]

1. Primary uses permitted. Property and structures in the APZ Airport zoning district ~~heavy industrial district~~ shall be used for the following purposes: (note: the above strikethrough text is an existing error in the code).

[...]

d. ~~Photovoltaic (PV) systems~~ Small scale solar energy conversion facility as an accessory to a primary use.

[...]

2. Uses eligible for conditional use permit. Conditional use permits may be granted to properties for the following land uses.

[...]

c. Large scale solar energy conversion facility

Article V. Supplementary Regulations

[...]

Section 16. Solar Energy Conversion Facilities.

A. To enable the development of renewable energy sources to further Spearfish's commitment to sustainability, these regulations are intended to mitigate any potential public safety and nuisance concerns and locate installations where visual impacts to adjoining land uses are minimized.

B. Standards for Small Scale Solar Energy Conversion Facilities.

1. The area regulations of setback, height, and lot coverage of the applicable zoning district apply to solar panels. (note: the maximum height in residential districts for any accessory detached structure is 15 feet. If roof mounted, max. height is that of the zoning district)
2. Where a maximum lot coverage is not specified, the maximum solar panel footprint is 2,500 square feet. (note: footprint of a moderately sized home)
3. Where a maximum building height is not specified in the applicable zoning district, the maximum height of a ground mounted solar panel is 15 feet above existing grade. (note: 15 feet is the maximum height for all types of single family accessory uses, and could be reasonably applied to small scale facilities in a commercial setting as well)

C. Standards for Large Scale Solar Energy Conversion Facilities.

1. Large scale solar energy conversion facilities must comply with Table A and the conditional use permit criteria and approval process of the zoning code.
2. A total score of a maximum of 10 points from Table A is required.
3. The points in Table A are ineligible for modification through a variance request.
4. Only one point value can be assigned for each category.
5. Fencing is required around all solar panels and related buildings and equipment.
6. A financial security provided in a form acceptable to the City of Spearfish shall be provided prior to the issuance of site construction permits to ensure future decommission of the panels and equipment and site restoration.

Table A – Large Scale Solar Energy Conversion Facilities

<u>CATEGORY</u>	<u>POINT VALUE</u>	<u>SCORE</u>
<u>PANEL HEIGHT</u>		
<u>Equal to the zoning district maximum</u>	+ 20	
<u>More than 10 feet but less than zoning district maximum</u>	+10	
<u>10 feet or less</u>	-10	
<u>VISUAL MITIGATION OF PUBLIC VIEW</u>		
<u>Panels are not visible from a public viewpoint</u>	-30	
<u>Panels are partially visible from a public viewpoint.</u>	-10	
<u>Panels are clearly visible from all public viewpoints.</u>	+20	
<u>Electrical wire located underground</u>	-10	
<u>BUFFERS TO ADJOINING RESIDENTIAL LAND USES</u>		
<u>Existing or new site feature will completely restrict visibility</u>	-20	
<u>Existing or new site feature will partially limit visibility</u>	-10	
<u>No buffer provided</u>	+20	
<u>Not applicable</u>	0	
<u>SETBACK TO ALL SOLAR PANELS, EQUIPMENT, AND STRUCTURES</u>		
<u>Minimum of 25 feet and less than 49 feet</u>	0	
<u>More than 50 feet and less than 99 feet</u>	-10	
<u>More than 100 feet</u>	-20	
<u>SOLAR PANEL FOOTPRINT</u>		
<u>2,501 to 5,000 square feet</u>	+5	
<u>5,001 to 10,000 square feet</u>	+10	
<u>10,000 to 25,000 square feet</u>	+15	
<u>25,001 square feet to one acre</u>	+20	
<u>One to 5 acres (1 baseball field – 2.5 acres)</u>	+25	
<u>5.1 to 10 acres (Walmart building – 5 acres)</u>	+30	
<u>10.1 to 20 acres (high school/middle school complex including the west parking lots – 17 acres)</u>	+35	
<u>20.1 acres – 30 acres maximum</u>	+40	
<u>TOTAL SCORE</u>		

The following text will be repealed and replaced with the new regulations above.

Section 9. Photovoltaic (PV) energy conversion systems.

A. Purpose. The purpose of these standards is to:

1. Oversee the permitting of PV systems.
2. Preserve and protect public health, safety, and site compatibility without decreasing the efficiency of a photovoltaic energy conversion system.

B. Definition.

Photovoltaic/PV. An assembly of materials and equipment used to convert solar radiation into electricity.

C. Standards for photovoltaic (PV) systems. PV systems shall be permitted as accessory uses to the main use of the property or structure, and according to these standards:

1. Maximum height.
 - a. In residential districts, shall not exceed the maximum building height for the district.
 - b. In all other districts, may exceed maximum building height for a height only as recommended by the manufacturer for proper angling of the PV array.
2. Ground mounted collectors, battery storage areas, and related equipment must comply with all building setbacks as required for primary uses, and shall not follow the setback exceptions as described in Article V, Section 2.A.
3. PV powered landscape lighting, irrigation controllers, and other small PV powered devices shall not be subject to the requirements in paragraph C.2. above.
4. Approval of PV systems shall be administratively given through the issuance of a building permit provided the applicant has submitted the standard City of Spearfish building permit submittal information and fees required.