

Mount Vernon Board of Adjustment  
Minutes  
September 12, 2013  
City Hall Conference Room

Meeting was called to order at 5:00 p.m. Those in attendance: Moe Richardson, Liz Sparks and Gary Ulch. Absent: Pat Charboneau and Lori Boren. Also in attendance: Zoning Administrator, Matt Siders and applicants David Osterberg and Kay Johansen.

1. Approval of Agenda. Motion made by Sparks, seconded by Ulch to approve agenda. Carried all.
2. Public Hearing and discussion and possible action on a request for a Conditional Use Permit for Alternative Energy Production Devices (solar panels) at 318 2<sup>nd</sup> Avenue NW. Siders explained that the applicants submitted a building permit seeking approval for installation of solar panels. In reviewing the Code it was determined that solar panels would require a Conditional Use Permit in order to be allowed in the Traditional Residential zone. Planning and Zoning reviewed the application and recommended approval of the permit. Table 4.2 shows the uses allowed. In the TR zone, Alternative Energy Production Devices are permitted with a Conditional Use Permit. The definition of an Alternative Energy Production Device, according to the code, is “The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities”. Siders said there was not a definition of “solar panels” in the code so “solar collector fields” was the closest identified item that Siders recognized. He consulted with the City Attorney and he concurred.

David Osterberg stated that the panels would go on an existing garage that is back towards the alley. It is going to be the same angle as the roof is now in order to maximize the amount of solar you can get in the summer time. There is a lot of production from solar panels in the middle of the summer. He will be eligible for rebates and tax credits. The neighbors have also been notified and voiced approval.

Sparks stated that she felt this situation was similar to the amateur radio tower that was approved by the board recently and it is the use of the property that is permitted in this district, provided that Board of Adjustment finds that public health, safety and welfare are not affected, there is no impingement on

neighbors and it won't detract from the way the property is used or looks in residential areas. She feels that all of this is true in this case given that it is going to be on a garage where it is not visible, it is not taking up any space on the lot. Sparks said she would be in favor of granting it, finding that it is not causing any of the problems that the board is concerned about or affecting the nature of the district.

Ulch made a motion to approve the Conditional Use Permit for solar panels at 318 2<sup>nd</sup> Avenue NW. Seconded by Sparks. Carried all.

3. Board member discussion of sample procedures and possible adoption of administrative rules for the Board. The board proceeded to have a discussion about procedures and processes and additional information and forms that the board might find useful in carrying out its board duties. After that discussion, there was an informal agreement that the board would get together again on Thursday, October 24, 2013 at 5:00 p.m. to review the following items that various people agreed to go out and work on and draft for the board to look at:
  1. Bob Hatala agreed to draft applicant forms and an information package to go to applicants to use when applying for a variance or conditional use permit.
  2. Bob Hatala agreed to develop forms for a granted conditional use permit and a granted variance so the board would have a written, signed document of the decision.
  3. Liz Sparks agreed to revise the chairman's form to add reading and approving minutes of prior meetings to the form.
  4. Liz Sparks agreed to develop a form that could be filed in the Linn County real estate records to record a variance or conditional use permit that is granted.
  5. Matt Siders agreed to get for Moe Richardson the Mount Vernon "request for action" form that the board can use in the future to bring conditional enforcement to Matt's attention for follow-up.

Meeting adjourned at 6:30 P.M.

Respectfully submitted,  
Marsha Dewell  
Administrative Assistant

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