

CITY OF SCANDIA, MINNESOTA

ORDINANCE NO. 170

INTERIM ORDINANCE TO ESTABLISH A STUDY PERIOD AND MORATORIUM FOR A PERIOD OF UP TO THREE (3) MONTHS PROHIBITING THE ACCEPTANCE OF ANY APPLICATION FOR A SOLAR FARM OR SOLAR GARDEN PURSUANT TO MINN. STAT. §462.355, Subd. 4.

THE CITY COUNCIL OF THE CITY OF SCANDIA HEREBY ORDAINS:

Section 1. Purpose, Intent and Background. The purpose and intent of this Ordinance is to prohibit:

The filing or acceptance of any land use application for the use of any land located within the City as a solar farm or community solar garden.

On June 16, 2015 the City Council approved Ordinance 162, amending the Development Code Chapter 1, Section 4.2, Definitions and Chapter 2, Section 4.0, Standards and Uses, in order to provide a regulatory framework for solar farms and community solar gardens. In review of the initial applications for these solar facilities, issues have arisen whereby the Council and the Planning Commission have determined that further research, study, and consideration are needed of the potential impacts that the use or occupancy of any land within the city for the purpose of a solar farm or community solar garden would have upon the health, safety and general welfare of the public.

Section 2. Preliminary Findings. The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium period provided in this Ordinance. These preliminary findings serve as the reasons why it has been determined by the City Council that it is in the public interest for the City to conduct a study and so declare a moratorium by virtue of this Ordinance:

1. The City has determined that current regulations and official controls may not adequately address the effects of the use of land for solar farms or community solar gardens. For example, some of the City's zoning regulations may be inadequate to allow for large solar farms and community solar gardens, as issues have arisen related to required setbacks, screening, and the presence of related interconnection equipment. The City has therefore determined that a study will be necessary to propose adequate additional regulations to assure that the impact and effect of the use of land for solar farms or community solar gardens are fully known and addressed, and appropriate regulations are adopted and conditions imposed so as to best minimize adverse impacts and effects as a result of such uses.
2. The City has not fully researched, analyzed or studied the impacts and effects of whether proposed solar farms and community solar garden uses will be injurious to the use and enjoyment of other property in the immediate vicinity of the solar projects, or whether the projects will substantially diminish and impair property values or scenic views, or will impede the normal and orderly development and improvement of surrounding property for uses permitted in the applicable zoning districts.
3. The Development Code is not sufficiently clear as to how the equipment utilized in a solar farm or community solar garden should be defined. For example, it is not clear whether associated equipment is an "essential service" to be utilized without additional permitting for a solar

project, or whether such equipment is best permitted under the City's telecommunications regulations.

4. The City additionally finds that there is a lack of clarity as to the issues of ownership of the equipment and transmission infrastructure, the utilization of rights-of-way, and identifying the proper permittee.
5. The City finds that zoning districts where solar farms or community solar gardens have been listed as conditional uses may not be eligible for that use due to other restrictions that have been placed on properties within those districts.
6. The public interest and public health, safety and welfare require that the City study, analyze and evaluate the impacts and effects of the use of any land for solar farms or community solar gardens.
7. This interim ordinance will ensure that any changes to the Development Code or Comprehensive Plan amendments will be carefully considered and evaluated and that all issues can be fully examined while protecting the City's planning process and the public health, safety and welfare during the moratorium period.
8. Minnesota Statute §462.355, subd. 4 allows a municipality to adopt an interim ordinance for the purpose of considering adoption or amendment of official controls including ordinances establishing zoning, subdivision controls, site plan regulations, building codes and official maps. This interim ordinance may regulate, restrict, or prohibit any use, development or subdivision within the City for a period not to exceed one year from the date the ordinance is effective.

Section 3. Authorization of Study. The City Council authorizes a land-use planning study for the continued purpose of reviewing the City's Comprehensive Plan and Development Code to determine if various public concerns noted in this Interim Ordinance are being sufficiently addressed or if changes may be necessary in order to protect the health, safety and welfare of the public from potential negative impacts that may be associated with solar farms or community solar gardens.

Section 4. Prohibition of Solar Farm/Community Solar Garden Applications. During the period of the moratorium imposed by this Interim Ordinance, the City shall conduct a study to help determine the regulatory controls which may need to be adopted or revised to protect the public's health, safety and welfare related to the aforementioned purposes. In addition, the City shall study the Comprehensive Plan to determine whether an amendment to the Comprehensive Plan is necessary or appropriate, all after completion of any other studies ordered by the City Council and/or the Planning Commission.

For the duration stated herein, and until the City has completed studies and adopted any ordinance or amendments to the City's Development Code or Comprehensive Plan, the City shall not accept, issue or process any applications, permits, or otherwise allow the use of any land within the City for solar farms or community solar gardens

Section 5. Duration and Termination. This Interim Ordinance shall expire without further City Council action three (3) months year from the effective date of this Ordinance following final passage by the City Council, or may be repealed earlier if the City Council determines that the requisite studies have been

completed and adopted, and that appropriate evaluation and action, including any necessary revisions of the City Code or Comprehensive Plan, have been finalized and adopted by the City Council.

Section 6. Effective Date. This Ordinance shall take effect upon its adoption and publication.

Passed and adopted by the City Council of the City of Scandia, Minnesota, this 19th day of April, 2016.



Randall Simonson

Mayor

ATTEST:



Neil Soltis

City Administrator