CITY OF SCANDIA
ORDINANCE NO. 174

AN ORDINANCE AMENDING
ORDINANCE NO. 122, THE SCANDIA DEVELOPMENT CODE,
CHAPTER 2, SECTION 4.34, REGARDING SOLAR FARMS AND
COMMUNITY SOLAR GARDENS

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

Section 1. Amendment. Ordinance No. 122, the City of Scandia Development Code ("Development Code" or "Code"), Chapter Two, Section 4.34, Solar Farms and Community Solar Gardens, shall be amended as follows:

4.33 Solar Farms and Community Solar Gardens. Solar farms and community solar gardens shall comply with all of the following standards:

(1) Districts and Permits

(A) Solar farms and community solar gardens are allowed within the Agriculture Core (AG C), Agriculture Preserves (AP), and General Rural (GR) zoning districts and require a Conditional Use Permit. In the AP District, the use is permitted on parcels where the Agriculture Preserves Program status and agreements permit this use.

(B) The City prohibits solar farms and community solar gardens within the following districts:

1. Within areas designated as Shoreland Districts by the Department of Natural Resources and the City of Scandia Shoreland Ordinance.
2. Within wetlands to the extent required by the Minnesota Wetlands Conservation Act.
3. Within the Floodplain District.

(2) Accessory solar farm and community solar garden uses are exempt from the Residential and Agricultural Accessory Structure standards regarding the square footage and number of structures permitted on a parcel, but must conform to the setback and lot coverage standards in this Development Code.

(3) Permit Application

(A) Existing Site Plans Required. The applicant for a solar farm or community solar garden shall submit a detailed site plan of existing conditions, showing site boundaries; existing access roads, driveways, and easements; existing structures; setbacks; surface water drainage patterns, floodplains, Shoreland districts, delineated wetlands, toe and top of bluffs, ordinary high water mark

and other protected natural resources; existing vegetation, soil types, topography (2-foot contour intervals), and all other items required in Chapter 1, Section 5 of this Code for Conditional/Interim Use Permit applications or by the City. The Existing Site Plan shall include a graphic scale not less than 1:100 and a north arrow.

(B) Proposed Site Plan Required. The applicant shall also submit a site plan of proposed conditions, including the proposed number, location and spacing of solar panels; proposed height of panels; location of access roads; planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load; new electrical equipment other than at the existing building or substation that is the connection point for the solar farm; proposed stormwater management facilities; proposed erosion and sediment control measures, and other information as required by the City. The Proposed Site Plan shall include a graphic scale not less than 1:100 and a north arrow.

The application shall also include a vertical sketch elevation of the premises accurately drawn to a scale identified on the drawing, depicting the proposed solar energy conversion system and its relationship to the surrounding topography and public roadways. The sketch shall depict the proposed system's relationship to structures on adjacent lots within 150 feet of the parcel boundary (if any). The sketch elevation shall include a graphic scale not less than 1:50, or as needed to clearly show the vertical relationship between the proposed solar facilities and structures on adjacent lots.

(C) Use of Public Roads. The applicant shall obtain all necessary approvals from the appropriate road authority for site access and driveways.

(D) Interconnection Agreement. The applicant shall complete an interconnection agreement with a local utility and provide a copy of the agreement to the City before approval of electrical, building, or other required permits. The system operator shall provide a visible external disconnect if required by the utility.

(E) Liability Insurance. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate, and provide proof that it meets the insurance requirement to the city.

(F) Decommissioning Plan. The applicant shall submit a decommissioning plan to ensure that facilities are properly removed after their useful life. If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.

The City may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure decommissioning.

(G) Payment In Lieu of Taxes. Notwithstanding that Minnesota Statutes Section 272.02, Subdivision 24 (or its successor) classifies real property upon which a solar energy generating system is located that is used primarily for solar energy production (subject to the production tax under Minnesota Statutes Section 272.0295) as class 3a, the City may require the applicant to enter into a Payment In Lieu of Taxes Agreement to compensate the City for any prospective tax revenue that may be lost due to such reclassification.

(4) Performance Standards

(A) Solar farms which have a generating capacity of 50 megawatts of power or more shall fall under the jurisdiction of the Minnesota Public Utilities Commission. The limitations on the number or cumulative generating capacity of community solar garden facilities is regulated by Minnesota Statutes 216B.164 and related regulations.

(B) Solar farms and community solar gardens shall be in compliance with all applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; the National Electric Code, as amended; the State Plumbing Code, as amended; the Minnesota Energy Code, as amended.

(C) If the proposed solar farm or community solar garden is adjacent to areas designed or formally protected from development by Federal, State, or County agencies as a wildlife management area, scenic byway, or National Wild and Scenic corridor, the applicant shall implement mitigation measures that would protect the resource values of the designated wildlife area or scenic corridor as a condition of approval. Such measures may include, but are not limited to, maintaining wildlife travel corridors, setting the development back from the right-of-way or stream corridor, using the natural topography to screen the project, and retaining or planting vegetation that would obsure the view of the energy project within the scenic corridor.

(D) All solar farms and community solar gardens shall be setback a minimum 75' from all parcel boundaries The City may require wider setbacks if it determines that the wider setbacks are warranted by the potential impacts to adjacent properties.

(E) Solar farms and community solar gardens shall be setback a minimum of 200 feet from the centerline or 150 feet from the right-of-way of minor arterial roadways, whichever is greater.

(F) Ground-mounted solar energy systems shall not exceed fifteen feet (15') in height. Building-integrated solar energy systems shall not exceed the maximum height permitted in the zoning district.

(G) Solar farms and community solar gardens shall be screened from view from the public right of way to the extent possible by setbacks, berming, existing vegetation, landscaping, or a combination thereof. The City may require that the solar arrays be screened from view from nearby or affected properties using the same screening elements, and may require a vegetative buffer up to 25' in depth and/or screening of up to ninety-five (95) percent of the view of the solar arrays from adjacent parcels. The required screening shall be achieved with 2 growing seasons from the date of project approval.

(H) Solar farms and community solar gardens are subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain required permits from the MPCA, local Watershed District, City and others.

(I) The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

(J) Power and communication lines that are not defined in this ordinance as Essential Services and running between banks of solar panels and to electric substations or interconnections with buildings that are on adjacent parcels shall be buried underground. Exemptions may be granted by the City in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines, or the distance to a substation or other point of interconnection reasonable precludes burial.

(K) All solar farm and community solar garden facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control glare nuisance may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare. Solar farms utilizing a reflector system shall conduct a glare study to identify the impacts of the system on occupied buildings and transportation rights-of-way within a half mile of the project boundary. The glare study shall also address aviation impacts.

(L) The surface area of ground-mounted systems in combination with driveways, structures and other impervious surfaces on the parcel shall not exceed the maximum lot coverage standard of the applicable zoning district.

(M) A clearly-visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. All mechanical

equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the landscaping provisions of the Development Code.

(N) Any fences or barriers installed for the project shall incorporate wildlife-friendly design. The City will utilize recommendations from the Minnesota DNR to determine if the fence design is wildlife-friendly.

(O) If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit. Removal includes the entire structure including transmission equipment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Scandia this 16th day of August, 2016.

_____
Randall Simonson, Mayor

ATTEST:

_____
Neil Soltis, Administrator/Clerk