

**CITY OF SCANDIA  
ORDINANCE NO.: 162**

**AN ORDINANCE AMENDING  
ORDINANCE NO. 122, THE SCANDIA DEVELOPMENT CODE,  
CHAPTER 1, DEFINITIONS AND CHAPTER 2, SECTIONS 2.0, REGARDING  
DISTRICTS AND 4.0 STANDARDS FOR USES**

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 One, Section 4.2, Definitions, shall be amended to add the following definitions:

- (1) Community Solar Garden: A community solar energy system that generates electricity by means of a ground-mounted or building-integrated solar system and that is supplied to multiple community members or businesses residing or located off-site from the location of the solar energy system under the provisions of Minnesota statutes 216B.1641 or successor statute.
- (2) Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.
- (3) Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- (4) Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or water heating.
- (5) Solar Energy System, Building-Integrated: A solar energy system that is an integral part of a principal or accessory building, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within or substitute for roofing materials, windows, skylights, awnings and shade devices.
- (6) Solar Energy System, Ground-Mounted: A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.
- (7) Solar Energy System, Passive: A system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

- (8) Solar Farm: a commercial facility that converts sunlight into electricity, whether by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated energy.

**Section 2. Amendment.** Ordinance No. 122, the City of Scandia Development Code (“Development Code”, or “Code”), Chapter Two, Section 4.0, Standards for Uses, shall be amended to add the following subsections:

4.33 Passive solar energy systems. Passive solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.

4.34 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.

(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 six hundred (600) feet of areas designated or formally protected from development by Federal, State or County agencies as wildlife habitat, wildlife management areas, or designated as National Wild and Scenic land or corridor.
3. Within wetlands to the extent required by the Minnesota Wetlands Conservation Act.
4. 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. 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.

(2) 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 located on a parcel of at least 5 acres.

(C) Solar farms and community solar gardens shall be in compliance with any 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.

(D) All solar farms and community solar gardens shall comply with the principal structure setback standards and lot coverage standard for the applicable zoning district in which they are located.

(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.

(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.

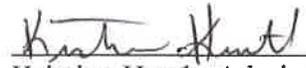
- (I) The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- (J) Power and communication lines that are not defined in this ordinance as Essential 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) 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 June 16<sup>th</sup>, 2015.

  
Randall Simonson, Mayor

ATTEST:

  
Kristina Handt, Administrator/Clerk