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SECTION 52.56 SOLAR AND WIND ELECTRIC-GENERATING FACILITIES REGULATION

Section 52.56. Solar and Wind Electric-Generating Facilities Regulation

Subd. 1. Intent. To regulate location of solar and wind-generating electric facilities within the City of Waite Park and guide their development to areas which are most appropriate given their conditions, and to limit impacts of such facilities on adjacent residential properties.

Subd. 2. Solar Projects. Solar Projects shall include any Solar Garden, Community Solar, Solar Energy System, Solar Farm, or any other solar project not intended for personal use, such as a single family home, farm, or business and shall be an Interim Use within any A-1, Agricultural/Rural Residential District.

Subd. 3. Wind Projects. Wind Projects shall include any Wind Turbine, Wind Farm, Community Wind, Wind Energy System, Wind Garden, or any other electrical-generating facility utilizing wind, including those for personal uses such as single-family home, farm, or business shall be considered a Conditional Use within any A-1, Agricultural/Rural Residential District.

Subd. 4. Solar Project Standards. All Solar Projects shall be subject to the following standards:

1. Setbacks:
    A. All Solar Projects shall have a minimum 50 foot side and read yard setback.
    B. All Solar Projects shall have a 1,320 foot setback to any residential home not located on the same property.
    C. All Solar Projects shall be at least 1,320 feet from any public road.
    D. There shall be a minimum ¾ mile setback between any Solar Project and another Solar Project, including those approved or developed prior to establishment of this ordinance.
    E. All setbacks as above shall be measured from the outermost solar panel(s) of the Solar Project.

2. Shall not exceed 15 feet in height from grade.
3. Shall be subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain requisite permits from the MPCA, local watershed district, City, and any other applicable regulatory agencies.
4. Shall be designed and located in such a way as to utilize existing lowland/wetland areas that are otherwise non-buildable in their current condition, and to avoid agricultural and otherwise developable area.
5. Shall be in compliance with any applicable local, state, and federal regulatory standards, including building, electrical, and plumbing codes.
6. Power and communications lines that are not defined in this ordinance as essential services and running between banks of solar panels to electric substations or interconnections with buildings that are on adjacent parcels shall be buried underground.
7. A 25 foot wide densely-planted perimeter landscaped buffer that includes a combination of evergreen trees and shrubs shall be provided around the project perimeter on any side that faces an adjacent public roadway or an adjacent property with a residential home or homes on it. Evergreen trees shall be planted at minimum equal height to that of the solar panels as measured from grade.
8. Solar Projects shall not be used for the display of advertising.
9. A professional licensed engineer in the State of Minnesota shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
10. Any Solar Project using a reflector to enhance solar production shall minimize glare from the reflector that may affect adjacent or nearby properties. Steps to minimize glare may include selective placement of the system, screening on the side of the solar energy system facing the reflectors, reducing use of the reflector system, or other remedies that limit glare. All Solar Projects shall be designed and located in order to prevent reflective glare toward inhabited buildings on adjacent properties and adjacent public roadways.
11. No on-site system to store energy using batteries shall be allowed.

Subd. 5. Wind Project Standards. All Wind Projects shall be subject to the following standards:

1. Setbacks:
    A. All Wind Projects shall have a minimum 50 foot side and read yard setback.
    B. All Wind Projects shall have a 1,320 foot setback to any residential home not located on the same property.
    C. All Wind Projects shall be at least 1,320 feet from any public road.
    D. There shall be a minimum 3/4 mile setback between any Wind Project.
2. Shall not exceed 50 feet in height from grade.
3. Shall be subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain requisite permits from the MPCA, local watershed district, City, and any other applicable regulatory agencies.
4. Shall be in compliance with any applicable local, state, and federal regulatory standards, including building, electrical, and plumbing codes.
5. Power and communications lines that are not defined in this ordinance as essential services and running between wind turbine(s) to electric substations or interconnections with buildings that are on adjacent parcels shall be buried underground.
6. Wind Projects shall not be used for the display of advertising.
7. A professional licensed engineer in the State of Minnesota shall certify that the structure of the Wind Project is within accepted professional standards, given local soil and climate conditions.
8. Wind Project design documents shall demonstrate inclusion emergency/default braking mechanism designed to prevent catastrophic failure from excessive speed.
9. No on-site system to store energy using batteries shall be allowed.

Subd. 6. Application Requirements. All Interim Use Permit applications for Solar Projects and Conditional Use Permit applications for Wind Projects shall include the following:

1. Project narrative describing proposed project in detail.
2. Site plan depicting existing property boundaries and property boundaries extending 100 feet from the exterior boundaries, including the names of the adjacent property owner(s) and current use of those properties.
3. Existing public and private roads, including width of roads and any associated easements.
4. Location and use of existing buildings onsite.
5. Topography at two-foot intervals and source of contour interval. Contour map of surrounding properties may also be required subject to City request.

6. Existing vegetation (list type and percent of coverage; i.e. grassland, pasture, plowed field, wood areas, etc.).
7. Waterways, watercourses, lakes, and public water wetlands.
8. Delineated wetland boundaries. Solar Projects shall demonstrate priority for locating facilities in marsh/wetland areas as deemed permissible by Stearns County and avoidance of agricultural or upland areas, and submit documentation and narrative explaining why marsh/wetland areas are not being utilized when available.
9. The 100-year flood elevation and Regulatory Flood Protection Elevation, floodway, flood fringe, and/or general flood plain district boundary, if applicable.
10. Drainage and grading plan.
11. Location and spacing of proposed solar panels or wind turbine(s).
12. Planned location of underground or overhead electric lines connecting the facilities to the building, substation or other electric load.
13. Sketch elevation of the premises accurately depicting the proposed ground-mounted conversion system(s) and associated facilities and their relationship to structures on adjacent lots (if any);
14. Natural Resource Impact Assessment. For Solar Projects with a project size exceeding ten acres, the applicant must provide a Natural Resource Impact Assessment. The assessment must address impacts of the project (construction and maintenance phases) to natural resource, defined as natural vegetation, native plant communities, soils, surface waters, wetlands, wildlife and nongame species, and fisheries. The assessment must include a review of the Minnesota DNR Natural Heritage Information System (NHIS) to determine if any rare species or rare natural resource features are located in proximity to the project.
15. Solar Projects shall submit glare study utilizing U.S. Department of Energy's Solar Glare Hazard Analysis Tool to identify the impacts of the system on occupied buildings and transportation rights-of-way within a half-mile of the project boundary.
16. Agricultural Impact Assessment. If a proposed Solar Project or Wind Project is to be located on existing agricultural land, the applicant must provide an agricultural impact assessment, which shall include
    A. The total number of acres of Prime Agricultural Soils (as defined in the USDA National Soil Survey Handbook, Part 622.03(a1) or its successor) to be impacted.
    B. The total number of acres of actively-farmed land to be impacted.
    C. Whether the property has an existing irrigation system that will be removed.
17. Detailed landscaping plan.
18. Viewshed analysis denoting proposed visual impact on adjacent public roadways and residential properties, including color renderings.

19. Decommissioning plan. A decommissioning plan shall be required for Solar Projects to ensure that facilities are properly removed after the expiration of the Interim Use Permit, or, if earlier, after the useful life of solar panels and other facilities.

Subd. 7. Decommissioning. Decommissioning of Solar Projects and related facilities must occur in the event the Interim Use Permit expires or is terminated, and/or the solar panels are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures, foundations, equipment and power and communication lines, restoration of soil and vegetation to its pre-developed conditions, and a financial guarantee ensuring that financial resources will be available to fully decommission the site. The applicant shall provide a bond, letter of credit, escrow, or other financial security in a form and amount set at not less than $500,000 (and higher as may be deemed appropriate by the City), naming the City as the obligee. In determining the financial security required, the City shall require an inflationary escalator in determining the appropriate amount of security.

If said decommissioning has not been completed within a six-month period after the Interim Use Permit has expired or has been terminated and/or the solar panels are not in use for a minimum of 12 consecutive months, then the City shall provide written notice by certified mail to the landowner requiring the decommissioning be completed within 60 calendar days of the receipt of said notice. If the decommissioning has not been completed within 60 days of the receipt of said notice, the City may either undertake the decommissioning and charge the landowner and/or facility owner and operator for all costs and associated expenses thereof, including reasonable attorney's fees, or take appropriate legal action to compel the decommissioning. All costs incurred by the City shall be billed to the landowner and if not paid within 60 calendar days of billing, shall become a lien against the solar project or levied as an assessment against the property.

In the event that the City chooses to undertake the decommissioning as stated above, the City shall have the right to draw on the bond, letter of credit, escrow, or other financial security at its discretion.