



19 13th Avenue North
Waite Park, MN 56387

CITY COUNCIL WORK SESSION AGENDA

Upper Conference Room at Waite Park City Hall

Thursday, January 24, 2019
5:00 PM

Work Session Agenda

Solar/Wind Ordinance Review: The City Council has requested to meet to discuss with staff the proposed ordinance. A copy of the proposed ordinance has been included.

Other Business:

Documents:

STAFF REPORT SOLAR AND WIND ORDINANCE AMENDMENTS.PDF
POSTING AMEND 52.11 AND CREATE 52.56.PDF
SECTION 52.11 A1 AGRICULTURAL-RURAL RESIDENTIAL IUP AND CUP
UPDATES.PDF
SOLAR DRAFT.PDF



Staff Report:

Issue: Ordinance Amendments – Section 52.11 A-1 Agricultural/Rural Residential District Conditional Use Permit and Interim Use Permit, and Establishment of Ordinance 52.56, Zoning – Solar and Wind Electric-Generating Facilities Regulation

BACKGROUND:

At the last City Council meeting, the City Council considered the proposed Ordinances as it relates to Solar and Wind Turbine. A motion to approve these Ordinance was made and 2 supported the motion and 2 were opposed to the motion. As a result, the motion failed. After the motion was made, the Council requested that the item be brought back up at the next City Council meeting. Some councilmembers requested the Planning Commission minutes as they wanted to review the discussion that went on at the public hearing related to this item. This information has been provided to the City Council.

From a procedural standpoint, this item can be reconsidered by the City Council if one of the two councilmembers that were opposed to the motion supporting the Ordinance make a motion to reconsider. This motion can be seconded by any member of the City Council. This motion can only be made at this meeting and can not be brought up again after this meeting if the motion to reconsider is not made.

Included is a memo from staff that provide the City Council with some additional information to consider related to this ordinance. Also included is the staff report and ordinance amendment proposals from the January 7th meeting for your review and consideration.

MOTION TO RECONSIDER:

Councilmember _____ (*Schulz or Theisen only*) move to reconsider the Ordinance Amendments to Section 52.11 A-1 Agricultural/Rural Residential District Conditional Use Permit and Interim Use Permit, and Establishment of Ordinance 52.56, Zoning – Solar and Wind Electric-Generating Facilities Regulation.

Council member _____ seconded the motion. (any council member can second this).

ROLL CALL

Councilmember Michael Linqvist _____



Councilmember Vic Schulz _____
Councilmember Frank Theisen _____
Mayor Richard Miller _____

Motion (Approved) (Denied)

REQUIRED ACTION:

If councilmembers that opposed the motion at the previous meeting on this issue make a motion to reconsider this item, the City Council’s action could be any of the following regarding the requests:

1. Approval of ordinance text amendments and new ordinance section.
2. Approval of modified text amendments and new ordinance section language as per discussion.
3. Denial of the ordinance text amendment and/or new ordinance section with findings of fact.
4. The City Council may, at its discretion, table the matter pending further information from staff that will help it render a decision. An extension of the 60-day request review period as noted by State Statutes may be required. Staff would note that the current moratorium expires in February 2019 and tabling the issue may impact that.

RECOMMENDED ACTION:

Staff recommends approval of amendment to Section 52.11, A-1, Agricultural/Rural Residential District and establishment of Section 52.56, Solar and Wind Electric-Generating Facilities Regulation as proposed.

SUGGESTED MOTION:

Council member _____ moved to to *approve* or *deny* the ordinance updates as submitted and proposed by staff, with the following modifications: _____

Council member _____ seconded the motion.

ROLL CALL



Councilmember Michael Linquist _____
Councilmember Vic Schulz _____
Councilmember Frank Theisen _____
Mayor Richard Miller _____

Motion (Approved) (Denied)

RECOMMENDED ACTION:

[If you have a recommendation please include it here]

SUGGESTED MOTION:

Council member _____ moved to approve OR deny [fill in the action required], as presented OR with the following revisions: _____

Council member _____ seconded the motion.

ROLL CALL

Councilmember Michael Linquist _____
Councilmember Charles Schneider _____
Councilmember Vic Schulz _____
Councilmember Frank Theisen _____
Mayor Richard Miller _____

Motion (Approved) (Denied)



Memo

To: Waite Park City Council
Shaunna Johnson, City Administrator

From: Jon Noerenberg, Planning & Community Development Director

Date: January 16, 2019

Subject: Options and Staff Recommendations Regarding Solar/Wind Facilities

Please find this memorandum regarding the proposed solar/wind facility ordinance which was reviewed and discussed during the January 7, 2019 City Council meeting, with direction from the City Council to be further reviewed at the next meeting once the Council has been able to review the minutes of the Planning Commission meeting where the item was reviewed and ultimately recommended for approval.

As you may be aware, the current moratorium on such facilities is set to expire on February 16, 2019. Staff would like to take an opportunity to lay out different scenarios and staff's opinion regarding the options available to the City Council for consideration on this issue.

First, it is important to note that the purpose of bringing these Ordinances forward is that there is no current Ordinance that provides any standards on solar facilities or wind turbines. Given the number of solar farm requests that we have had, the direction from the City Council last year was to put a moratorium in place to allow for staff to come up with some standards on how these requests should be handled moving forward. Reviewing this further would ensure that we put some standards in place that protect the City from these types of developments.

The fact that a motion was made at the last City Council meeting and the motion failed means that the only time that this Ordinance can be reconsidered is if it is done at the upcoming council meeting on January 22nd, 2019. To reconsider this, one of the two councilmembers that voted against the motion must make the motion to reconsider this Ordinance. If this motion is not made, the Solar/Wind Ordinance proposals can no longer be brought up or discussed by the City Council.

Given this, we felt that it was important to make sure the City Council understands the options and its impacts related to this Ordinance depending on what decisions moving forward are made.

1) Do Nothing

If the City Council chooses not to move forward with adopting the Ordinances, applicants would be allowed to submit requests after February 16th, 2019. In this case, the City must be ready to process any application for additional solar facilities that may be received, without the benefit of the specific review criteria that the proposed ordinance provides.



Impacts Staff sees with this option:

CUP vs IUP's: Applications for solar facilities moving forward would be Conditional Use Permit applications, which legally are tied to the property without an end date. This could complicate future removal of the solar facilities beyond the 25-26-year terms that the applicants note, even if a timeline is set as a condition of approval. Staff opted to treat the initial solar requests as a Conditional Use Permit with the understanding that we would only have a total of “one or two” facilities. This has not been the case as we have four currently located within city limits to date. The proposed ordinance treated these facilities Interim Use Permits which allows for there to be a time limit on the solar facility use.

Development Impacts: The continued placement of these facilities is jeopardizing the long-term development potential of the western area of the community. By their placement, the land is “locked up” for a minimum of 25 years, and any development which may occur is forced to occur around them in a haphazard manner. This will, in time, result in significant challenges to the infill development of these areas, and developers may opt to steer away from land adjacent to solar facilities in favor for no more than the aesthetic reasons.

We deal with the challenges of our western area of the City every day, in which there are various uses of industrial, business, and residential uses which have been developed next to each other before they were within City limits with little regard to the long-term effects. The ADM facility which impacts neighbors to the south on Old Highway Road, the Xcel substation which has deterred interest in the Heid Herges property, various industrial users on CR 137 that dissuade buyers of readily-developable land in between them – all of these are issues that we are faced with trying to work around to the best of our ability, and which we have expressed our disappointment with St. Joseph Township for creating for us in years gone by in order to achieve short-term satisfaction for property owners at the expense of long-term viability for the area as a whole. Part of the reason in moving ahead with the 2016 annexation of this whole area was specifically to put a stop to these occurrences and to provide a longer-term vision for the area, in line with our comprehensive plans, and an abundance of 25-year solar facilities are not part of that vision.

Staff believes that we can safely absorb and work around the current solar facilities that are already in place or approved, but we do want to point out concerns with those we have not yet seen formal applications for, and that we have not seen any indication that we have reached any implied capacity of the substation to support additional facilities. We do not know how many more facilities we will see interest in (we are aware of three as of this writing), and at this moment we, without a specific ordinance in place, have no ability to reasonably deny any facility wishing to locate in an A-1, Ag/Rural Residential District, with no limit on their numbers or locations.

Continuing to place these facilities within the community, without some additional limitations, will keep the City on this path of short-term property owner gain at the risk of long-term success and vitality of the entire area. It is also important to note that the very concept of these facilities is still so new that



cities have very good reason to be wary of them, as there is not yet any track record available of the long-term success or failure of the projects or their long-term effect permanent development.

2) Consider the proposed Ordinance as presented or with revisions

The proposed draft of the Ordinance can be adopted as presented if the provisions within the Ordinance are acceptable to the City Council. If there are specific concerns with the proposed ordinance, such as the spacing or setbacks, wind tower height, landscaping, or security bond requirements, these items can be modified at the direction of the City Council. It is also important to note that the Ordinance can be approved in its current or modified form now and if something within the Ordinance is problematic, it can be brought back up for consideration.

Impacts Staff sees with this option:

Guidance and criteria: The bulk of the proposed ordinance is to provide guidance and review criteria for these projects, of which there are currently none under existing ordinance. The proposed ordinance also requires that when possible that solar developments should be guided into lowland/wetland areas (where allowed under Wetland Conservation Act), which is far preferable to development in upland or more shovel-ready areas. At the moment, while we can attempt to guide such location in a similar fashion through a Conditional Use Permit process, we have no legal backing to do so. Considering the value of the proposed ordinance, even with some amendments to staff's recommendation, would be a good compromise still allowing for guidance and review criteria to be in place protecting the City from some of the uncertainties with these facilities in the future.

Property Owner rights: Some council discussion was that of limiting the rights of property owners. While an updated ordinance would place additional limitation on A-1, Ag/Rural Residential Property owners, please note that by the existence of any City ordinance we place limitations on what people can and cannot do with their property. Every zoning district has descriptions of what is permissible, including aspects which may require City review/approval. We have nuisance regulations that say that residents have to maintain their properties to a certain degree. As part of the City's established powers, we undertake these for a common good, even if they mean that sometimes individual abilities are limited. The Council regularly makes decisions to these same effects. If there are particular concerns with how this Ordinance limits these rights, modifications can be made at the time the Ordinance is adopted or could be brought up later and the Ordinance could be amended once those concerns are brought to our attention.

3) Table the Item for further discussion: If the Council feels that they would like to have more discussion on this item to work out some of the differences between positions on this issue, the item could be tabled for further discussion. This could only happen after a motion was made to reconsider the item as described above.



Impacts Staff sees with this option:

The Council would want to consider the timing of when the moratorium expires which is February 16, 2019. The item would not require that the Council take action before then but any applications that come in would follow our current process which would be the CUP process.

We hope you have found this information to be helpful when considering your options before you. Please feel free to contact me with any questions or concerns that you may have regarding this issue.



THIS IS A DRAFT OF AN ORDINANCE AMENDMENT TO SECTION 52.11 AND NEW ORDINANCE SECTION 52.56 TO BE PROPOSED AT THE JANUARY 7, 2019 WAITE PARK CITY COUNCIL MEETING

Section 52.11. A-1: Agricultural/Rural Residential District

Subd. 4. Conditional Uses. The following uses require a conditional use permit:

- N. ~~Uses the City Council determines to be of similar nature to the listed conditional uses above and found not to be detrimental to the City's general health and welfare.~~ Wind Projects per Section 52.56 of this Ordinance.
- O. Uses the City Council determines to be of similar nature to the listed conditional uses above and found not to be detrimental to the City's general health and welfare.

Subd. 5. Interim Uses. The following uses require an interim use permit:

- A. Excavation and removal of sand, gravel, black dirt and other types of soils and mineral products established after February 21, 2006.
- B. Solar Projects per Section 52.56 of this Ordinance.

SEE PROPOSED NEW ORDINANCE SECTION 52.56 ON FOLLOWING PAGES

CHAPTER V ZONING, LAND USE AND BUILDING REGULATIONS

SECTION 52.11. A-1: AGRICULTURAL/RURAL RESIDENTIAL DISTRICT..... 52.11-1

Section 52.11. A-1: Agricultural/Rural Residential District.....52.11-1

Subd. 1. Intent.....52.11-1

Subd. 2. Permitted Uses.....52.11-1

Subd. 3. Accessory Uses.....52.11-1

Subd. 4. Conditional Uses..... 52.11-2

Subd. 5. Interim Uses..... 52.11-3

Subd. 6. Lot Area Requirements..... 52.11-3

Subd. 7. Setbacks.....52.11-3

Subd. 8. Height Requirement..... 52.11-4

Subd. 9. Impervious Surface Coverage..... 52.11-4

Subd. 10. Site Plan.....52.11-4

Subd. 11. Yard Requirements.....52.11-4

Subd. 12. Additional Requirements.....52.11-5

SECTION 52.11. A-1: AGRICULTURAL/RURAL RESIDENTIAL DISTRICT

Section 52.11. A-1: Agricultural/Rural Residential District.

Subd. 1. Intent. To establish and preserve areas within the City for the continuation of agricultural operations; to provide for very low density residential development for those persons desiring a rural life-style, to protect areas of soil conditions, bedrock conditions, steep slopes, significant vegetation, wetlands or other unique natural features which, in the opinion of the City Council, are necessary to maintain the character of the area or the community and which would be irreparably harmed by denser development and to allow for use of areas not suitable for urban development. Areas intended for A-1 Agricultural/Rural Residential use are illustrated on the Comprehensive Plan as such but may also apply to areas not suitable for urban development due to limited depth to bedrock.

Subd. 2. Permitted Uses. The following uses shall be permitted within the A-1 Agricultural/Rural Residential District:

- A. Single-family detached dwellings.
- B. Agricultural crop production or gardening.
- C. Roadside stand for the sale of agricultural products produced on the premises (providing that such stands conform with the requirements of this Title relative to construction, setback and use).
- D. Residences for principal farm operators.
- E. Nurseries and tree farms.

Subd. 3. Accessory Uses. The following are permitted accessory uses within the district:

- A. Private garage for parking space.
- B. Operation and storage of vehicles, machinery and equipment which is incidental to permitted or special uses allowed in this district.
- C. Home occupations as defined by this Ordinance.
- D. Repair of machinery used on the premises.

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- E. Living quarters of persons directly connected with operating a farm.
- F. Signs as regulated elsewhere in this Code for residential districts.
- G. Personal satellite dishes, antenna and the like subject to Section 52.49.07 of this ordinance as may be amended relating to such devices.
- H. Outdoor storage as defined in this Ordinance.

Subd. 4. Conditional Uses. The following uses require a conditional use permit:

- A. Golf courses (miniature and regular), country clubs, tennis clubs, and public swimming pools serving more than one family.
- B. Cemeteries, provided the site meets the lot size requirement of this Ordinance and the cemetery is used solely for cemetery and related purposes such as mortuary services or a funeral chapel.
- C. Greenhouses.
- D. Recreation areas and parks (privately owned and operated).
- E. Parks, recreational areas, wildlife areas, game refuges and forest preserves owned by government agencies or subdivisions other than the City.
- F. Private park and recreational areas provided they are integral to the development of a residential subdivision and used solely by residents of the residential subdivision. Commercial recreation is specifically excluded from this subdivision.
- G. Ski runs, snowmobile trails, riding trails, overnight camping and picnicking (privately owned and operated).
- H. Artificial fish ponds and fishing for privately owned fish stocked and raised on the premises.
- I. Private schools, churches, hospitals and similar facilities.
- J. Essential services, governmental and public utility buildings and structures.
- K. Commercial towers/antenna, provided they are operated in compliance with Section 28 and/or 55 of the Waite Park City Code as may be amended.
- L. Facilities for retail or wholesale trade connected with nursery and tree farms.
- M. Kennels, animal hospitals, stables, etc., provided that:

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1. Such uses are adequately screened from abutting residential uses;
2. Any structure, not including pens or corrals, in which animals are temporarily or permanently kept is located at least 100 feet from any lot line; and
3. Animals shall be kept in enclosed pens or corrals of sufficient height and strength to retain such animals.

N. ~~Uses the City Council determines to be of similar nature to the listed conditional uses above and found not to be detrimental to the City's general health and welfare. *Wind Projects per Section 52.56 of this Ordinance.*~~

O. Uses the City Council determines to be of similar nature to the listed conditional uses above and found not to be detrimental to the City's general health and welfare.

Subd. 5. Interim Uses. The following uses require an interim use permit:

A. Excavation and removal of sand, gravel, black dirt and other types of soils and mineral products established after February 21, 2006.

B. Solar Projects per Section 52.56 of this Ordinance.

Subd. 5. A. Amended 7/15/13

Subd. 6. Lot Area Requirements. The minimum lot size for property classified A-1 Agricultural/Rural Residential shall be ten (10) acres. Nothing in this Section is intended to change the present status of any existing agricultural operation, building location, field or pasture use.

The minimum lot width shall be three hundred (300) feet at the building setback line. The minimum rear lot width shall be 30 feet as measured at the rear lot line.

Subd. 7. Setbacks.

- A. Front yard setbacks of not less than 30 feet from all other public right-of-ways, unless:
- i) Thirty (30) percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed a greater or less depth of front yard in which instance no buildings shall project beyond a straight line drawn between the point closest to the street of the residence upon either side of the proposed structure or, if there be residences upon only one side, then be on the straight line projected from the front of the two nearest residences.

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- ii) This regulation shall not be interpreted to require a front yard of more than 100 feet.
- B. Side yard setback shall be fifteen (15) feet.

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Rear yard setbacks shall be not less than 40 feet from each building.

- C. Regulation of Activities Adjacent to Wetlands.
- i. The following activity shall be subject to a fifty (50) foot setback from wetlands:
 1. The construction or maintenance of a building attached to a foundation, including but not limited to, pole buildings. For purposes of this paragraph, pump houses, moveable storage sheds, recreational docks and storm water or erosion control devices shall not be considered buildings.
 - ii. The following activity shall be subject to a seventy-five (75) foot setback from wetlands:
 1. The construction or maintenance of paved driveways or areas designed for the parking of a vehicle or trailer.
 - iii. The following activities shall be subject to a 100 foot setback from wetlands:
 1. The construction or maintenance of a well used for agricultural irrigation, or any well less than 50 feet in depth.
 2. External storage of materials used in conjunction with industrial or commercial processing or manufacturing.
 3. The storage of waste or refuse.
 4. The construction or maintenance of a septic system.

Subd. 8. Height Requirement. No building hereafter erected or altered shall exceed three (3) stories or forty (40) feet in height, except as provided for in this Ordinance.

Subd. 9. Impervious Surface Coverage. No structure or combination of structures shall occupy more than sixty (60) percent of the lot area.

Subd. 10. Site Plan. The property owner must submit a site plan pursuant to Section 52.41 before any building permit will be issued, except single family detached or two family homes and accessory structures are exempt from this standard.

Subd. 11. Yard Requirements. All landscaping required by this ordinance shall be installed prior to occupancy or commencement of a use. If the landscaping cannot be installed prior to occupancy or commencement of a use because of climatic conditions, the building inspector may issue a temporary certificate of occupancy and grant a delay of landscaping installation until the calendar date of July 1 immediately following the date of said temporary

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certificate of occupancy. Every yard on a premise shall be provided with lawn or combined lawn cover of vegetation, gardens, hedges, shrubbery, and related decorative materials and such yards shall be maintained consistent with prevailing community standards. Grass shall be maintained in compliance with the weed ordinance and so not to exceed a height of eight (8) inches.

Subd. 12. Additional Requirements. Uses may be subject to additional requirements contained in this Ordinance including, but not limited to the sections governing parking, home occupation, floodplain, shoreland, signs, etc.

Updated 7/15/13

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SECTION 52.56. SOLAR AND WIND ELECTRIC-GENERATING FACILITIES
REGULATION..... 52.56-1

Section 52.56. Solar and Wind Electric-Generating Facilities Regulation... 52.56-1

Subd. 1. Intent.....52.56-1

Subd. 2. Solar Projects.....52.56-1

Subd. 3. Wind Projects..... 52.56-1

Subd. 4. Solar Project Standards..... 52.56-1

Subd. 5. Wind Project Standards..... 52.56-3

Subd. 6. Application Requirements.....52.56-3

Subd. 7. Decommissioning.....52.46-5

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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 rear 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 $\frac{3}{4}$ 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.

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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.

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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 rear 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.

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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.

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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.

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