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Doc. No. A1328761

OFFICE OF THE COUNTY RECORDER

WRIGHT COUNTY, MINNESOTA

Certified Filed and/or Recorded on

November 03, 2016 2:00 PM

Fee: $0

Ck# Code No Fee

Tanya West, County Recorder

Amendment to the Wright County Code of Ordinances

The attached amendments to the Wright County Code of Ordinances were adopted by the Wright County Board of Commissioners at a meeting held on 1st day of November, 2016.

This document amends the original Code of Ordinances filed on the 19th day of August, 2016 in the Office of the Wright County Recorder, filed as Document No. 1322525,

ATTEST: Lee Kelly

Lee Kelly, Wright County Coordinator

11-1-16

Date

RETURN TO:

Susan Backes, Clerk to the County Board
Wright County Administration
10 2nd ST. NW, Rm 235
Buffalo MN 55313

BOARD OF COUNTY COMMISSIONERS
WRIGHT COUNTY, MINNESOTA

ORDINANCE AMENDMENT NO. 16-7

ARTICLE I – ZONING ORDINANCE

§ 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.

(See Attached)

STATE OF MINNESOTA)

ss.

County of Wright)

I, Lee Kelly, duly appointed and qualified County Coordinator of the County of Wright, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Wright County, Minnesota, at their session held on the 1st day of November, 2016, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Buffalo, Minnesota, this 1st day of November, 2016.

Lee Kelly, County Coordinator

ORDINANCE AMENDMENT NUMBER 16-7

THE COUNTY BOARD OF WRIGHT COUNTY HEREBY ORDAINS:

AMENDMENTS TO THE WRIGHT COUNTY RESTATED AND REVISED CODE

Article I – Zoning Ordinance

§ 155.108 SOLAR ENERGY FARMS AND SOLAR ENERGY SYSTEMS.

(A) *Purpose.* The purpose of this section is to set forth standards for solar energy farms and solar energy systems for the County. It is the intent of Wright County in adopting this ordinance that solar energy farms are a temporary use and interim in nature and the property be returned to its agricultural use at the conclusion of the conditional use permit for all solar energy farms.

(B) *Definitions.*

(1) *Solar energy farms.* Solar energy farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and have an alternating current (AC) rated capacity greater than 100 kilowatts AC. Solar energy farms require a conditional use permit. Solar energy farms are allowed up to eight megawatts AC. Solar energy farms are a temporary use and interim in nature and cannot exceed 30 years.

(2) *Solar energy systems*. Solar energy systems are any combination of solar panels on a parcel of property with a combined energy rated capacity not to exceed 100 kilowatts AC. Solar energy systems ten kilowatts AC and under are permitted as accessory uses in all zoning districts. Solar energy systems over ten kilowatts AC and not exceeding 100 kilowatts AC in all zones except for General Agriculture (AG) require a conditional use permit.

(3) *Utility interconnection*. Point where the solar energy system or solar energy farm connects to the utility company system.

(C) ~~(B)~~ *Solar energy farms requirements and standards.* Solar energy farms shall be subject to the following performance standards and restrictions:

~~(1) *Solar energy farms, composition.* Solar energy farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a direct current (DC) rated capacity greater than 100 kilowatts. Solar energy farms greater than 100 kilowatts in all zones and solar energy systems greater than ten kilowatts in all zones except for General Agriculture (AG) require a conditional use permit. Solar energy farms are not allowed in Residential Districts. The Planning Commission will require improvements for soil erosion control, storm water management and proper vegetative cover on those projects allowed in a Shoreland District. Solar energy farms are allowed up to ten megawatts (which is equal to 10,000 kilowatts).~~

(1) *Residential Districts Prohibited.* Solar Energy Farms are prohibited in Residential Districts.

(2) *Height at maximum design tilt.* Solar energy farms in Agricultural, Commercial and Industrial Zoning Districts may not exceed 20 feet in height at maximum design tilt.

(3) *Location within lot.* Solar energy farms must meet the primary structure setbacks for the zoning district in which it is located ~~it is located within and.~~ A minimum setback distance of 100 feet is required to all adjacent primary residential structures. Setbacks will be measured from the closest point ~~at maximum orientation.~~ of the project, which shall include any perimeter fencing. The Wright County Planning Commission may require greater setback distances.

(4) *Land alterations.* The County Planning Commission shall review the associated land alteration for a solar energy farm and issue a conditional use permit for that land alteration as part of the request for the solar energy farms conditional use permit. Excavation plans must include proposed vegetation removal such as trees or other prominent natural vegetation and alteration of soils. No more than 3 acres or 7% of the project area, whichever is greater, of trees may be removed from any site. Under no circumstances can tree removal be more than 50% of the project area. Limited excavation may be allowed only where a road, berm, or other solar infrastructure, excluding panel locations, are proposed as deemed necessary by the Planning Commission.

(5) *Screening and vegetation.* A screening barrier will be required and maintained between the solar project and adjacent residences. It may also be required along roadways if the Planning Commission deems it necessary. Screening is required to be planted on the outside of the solar farms perimeter fence where deemed necessary by the Planning Commission. The Wright County Planning Commission may require additional screening between solar energy farms and adjoining properties. Perennial vegetative cover shall be established within sixty days of the completion of the project. Once the conditional use permit has been issued the solar company and property owner are responsible for proper vegetative maintenance. Noxious weeds are prohibited from growing on the property. The Planning Commission may create a condition specifying the type of vegetative cover to be used for the project, this requirement may include the requirements stated in Minn. Stat. § 216B.1642.

~~(4)~~(6) *Storm water management; zoning code.* Storm water management shall meet the requirements of this chapter and the State of Minnesota.

~~(5)~~(7) *Erosion and sediment control; zoning code.* Erosion and sediment control shall meet the requirements of this chapter and the State of Minnesota.

~~(6)~~(8) *Foundations.* The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels are within accepted professional standards, given local soil and climate conditions.

~~(7)~~(9) *Other standards and codes.* All solar energy farms 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 and National Electric Safety Code as amended.

~~(8)~~(10) *Onsite internal power ~~Power~~ and communication lines.* Internal power ~~Power~~ and communication lines running ~~between~~ among banks of solar panels, ~~and~~ to the point of utility interconnection ~~of distribution utility~~ or interconnections with buildings shall be buried underground ~~as much as practical~~. Exemptions may be granted by the County Planning Commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

(11) *Onsite external power and utility interconnection.* All grounding transformers, the utility interconnection to the main electrical grid, electrical meters, main service meters, protective relays, reclosers, and any other similar electrical meter, regulator, control, or shut off device shall be ground-mounted unless specifically permitted to be aerially mounted by the Planning Commission. Utility poles associated with each Solar Energy Farm shall be limited to up to one general utility pole and one additional pole for each permitted megawatt AC of electricity. The Planning Commission may require fewer utility poles. Utility poles legally permitted in any road right-of-way or which are currently existing are not included in this calculation. The proposed placement of all utility poles and any proposed aerially mounted equipment shall be shown in any proposed plans submitted. The Planning Commission shall specifically approve the placement of all utility poles outside of the road right-of-way.

(12) *Internal service roads*: All constructed internal roads will be allowed under limited circumstances as deemed necessary by the Planning Commission for the project area. If allowed all aggregate internal service roads will be required to have a road grade geotextile fabric below the surface of the aggregate to allow for removal of the road to reclaim the property back to its original state. The Planning Commission may allow for exceptions to the reclamation standard in situations in which the property owner files an affidavit asserting the road will have an agricultural or commercial value at the conclusion of the solar energy farm permit.

(13) *External roads and road access*. Before a permit is issued a written agreement by the applicable road authority must be submitted to the Planning and Zoning Department for the approval of any road right-of-way construction. The road authority may require a separate bond or letter of credit for the maintenance of external roads adjacent to the project area. This bond or letter of credit may be held by the road authority or the County.

(14) *Agreement for decommissioning and public infrastructure:*

(a) As part of the conditions for all solar energy farms, the Planning Commission shall require all applicants and property owners to enter into an agreement with the County for protection from the developer and property owner of all public infrastructure and to require security for the ongoing maintenance of the site during the permit, and for the decommissioning and reclaiming of the property.

(b) Prior to receiving an application for a building permit or making any improvements to the property the applicant and property owner shall enter into a contract in writing with the County requiring the applicant to indemnify the County for damage to any public improvements or infrastructure at the applicant's sole cost and in accordance with the County's specifications and usual contract conditions.

(c) The agreement shall require the applicant to create an escrow deposit or furnish an irrevocable letter of credit or a certified check as is determined by the County Attorney, County Engineer, and County Administration. The amount of the deposit or security is to be based upon the estimate of the total cost to remove any infrastructure and reclaim the property to its original condition at the conclusion of the solar energy farm. The deposit or security shall equal one hundred fifty percent (150%) of the estimate of all costs to remove any infrastructure and reclaim the property, plus any amount deemed necessary by the County Engineer to protect any public infrastructure during the construction or decommissioning of this project. This amount may be reduced or increased upon approval of a County Board resolution based upon such consideration as the size of the project, past performance by the applicant and/or financial credibility of the applicant, but in no case shall the amount be less than fifty percent (50%) of the estimate. On request of the applicant, if evidence is presented that the described work and improvements have been paid for, the amount of the deposit may be reduced in a sum equal to the estimated cost of the reclamation work so completed.

~~(9)~~(15) *Application requirements.* The following information shall be provided to the County Planning and Zoning Department for application of a conditional use permit:

(a) A site plan of existing applicable conditions showing the following:

1. Existing property lines and property lines extending 100 feet from the exterior boundaries.

2. Existing public and private roads and any easements.

3. Location and size of any abandoned wells and sewage treatment systems.

4. Existing buildings and any impervious surface.

5. Topography at two-foot intervals and source of contour interval, unless determined otherwise by the County Planning and Zoning Department.

6. Existing vegetation.

7. Waterways, watercourses, lakes and wetlands.

8. The 100-year flood elevation and regulatory flood protection elevation, if available.

9. Floodway, flood fringe and/or Flood Plain (FP) District boundary, if applicable.

10. The Shoreland District boundary, if any portion of the project is located in a Shoreland District.

11. In the Shoreland District, the ordinary high water level.

12. In the Shoreland District, the toe and top of a bluff within the project boundaries.

13. Surface water drainage patterns.

14. Location of existing drain tiles. When a drain tile is located on the site it shall be avoided whenever possible. All drain tiles located on the property must be replaced if they are found to be broken or in need of repair.

(b) Site plan of proposed conditions:

1. Planned location and spacing of solar panels.

2. Planned location of access roads.

3. Planned location of all utility poles and underground or overhead electric lines connecting the solar energy farms or solar energy systems to the ~~building, substation or other electric load~~ point of interconnection. The location of any utility poles shall also be shown on the site plan.

4. Planned new electrical equipment other than at the existing building or substation that is the connection point for the solar energy farm.

5. Proposed excavation plans, including erosion and sediment control measures as required in §§ 155.084 and 155.101 of this chapter. ~~If required, the County Planning Commission may review the associated land alteration for a solar energy farms or solar energy systems and issue a conditional use permit for that land alteration as part of the request for the solar energy farms or solar energy systems conditional use permit.~~

6. Proposed screening plan and vegetation plan for the project area is required.

~~6.~~7. Proposed storm water management ~~measures~~ controls, where applicable.

8. The identification and mapping of new drain tile on site.

~~7.~~9. Sketch elevation of the premises accurately depicting the proposed solar energy farm or solar energy systems and its relationship to structures on adjacent lots (if any) unless determined otherwise by the County Planning and Zoning Department.

(c) Specifications and proposed installation methods for all planned major equipment, including solar panels, mounting systems and foundations for poles or racks.

(d) The planned number of panels to be installed.

(e) A description of the method of connecting the array to ~~a building or substation~~ the utility interconnection.

(f) A copy of the submitted interconnection application with the local electric utility or a written explanation outlining why an interconnection application is not necessary.
The proposed utility interconnection design plan must also accompany the application for the conditional use permit.

(g) A decommissioning plan shall be required to ensure that the infrastructure improvements ~~facilities~~ are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan describing the financial resources that will be available to fully decommission the site. ~~The Commission may require the posting of a bond, letter of credit or the establishment of an escrow during a point in the life of the project to ensure proper decommissioning.~~ The decommissioning plan shall also include a statement that any unused or obsolete equipment shall be removed by the property owner and/or applicant. Said plan shall be signed by the applicant and the property owner and shall be attached to and become part of the permit. The applicant and property owner shall enter into an agreement and provide security for the decommissioning as outlined in § 155.108 (C) (14).

~~(10)~~(16) Any conditional use permit issued under this section for solar energy farms is temporary and interim in nature. The conditional use permit for solar energy farms shall expire at the same time the solar energy farm lease expires, but in no case shall exceed 30 years. A new conditional use permit can be applied for and the County may issue a new conditional use permit for an existing solar energy farms under the terms of § 155.029 of this chapter. The County Planning Commission may waive the expiration requirement for solar energy farms located on property owned by public utilities and other unique owner operated facilities. ~~Conditional use permits for solar energy systems do not expire unless the solar energy system is removed~~.

(17) The final utility interconnection design and approval must be submitted to the Planning and Zoning Department before the building permit can be issued.

~~(11) The Wright County Planning Commission may require a buffer between solar energy farms and adjoining properties.~~

~~(12) The Wright County Planning Commission may require a greater setback between adjoining properties if conditions warrant.~~

(D) ~~(C)~~ *Solar energy systems requirements and standards.*

~~(1) Solar energy systems ten kilowatts and under are a permitted accessory use in all zoning districts. Solar energy systems over ten kilowatts and not exceeding 100 kilowatts require a conditional use permit.~~

~~(2) Solar energy systems 100 kilowatts and under are a permitted accessory use in the General Agricultural (AG) Zoning District.~~

(1)~~(a)~~ *Accessory building limit.* Solar energy systems, either roof or ground-mounted, do not count as an accessory building for the purpose of limits on accessory buildings.

(2)~~(b)~~ *Height.* Solar energy systems are subject to the following height requirements:

(a) ~~1.~~ Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.

(b) ~~2.~~ Ground or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt in Residential Zoning Districts and may be allowed up to 20 feet in other zoning districts.

(3) ~~(c)~~ *Location within lot.* Solar energy systems must meet the accessory structure setback for the zoning district it is located within and will be measured from the closest point at maximum orientation. If attached to the primary structure, the solar energy systems must meet the setbacks for the primary structure.

(4) ~~(d)~~ *Approved Solar Components.* Electric solar energy system components must have an Underwriters Laboratory (UL) listing.

(5) ~~(e)~~ *Compliance with state electric code.* All Solar Energy Systems shall comply with the Minnesota State Electric Code.

(6) ~~(f)~~ *Utility notification.* No solar energy system shall be installed until evidence has been given to the County Planning and Zoning Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

(7) *Conditional use permit.*

(a) The County Planning Commission shall review the associated land alteration for a solar energy system and issue a conditional use permit for that land alteration as part of the request for the solar energy farms conditional use permit. Excavation plans must include proposed vegetation removal such as trees or other prominent natural vegetation. No more than 3 acres or 7% of the project area, whichever is greater, of trees may be removed from any site. Under no circumstances can tree removal be more than 50% of the project area. Limited excavation may be allowed only where a road, berm, or other solar infrastructure, excluding panel locations, are proposed as deemed necessary by the Planning Commission.

(b) Screening barrier may be required

(c) The Planning Commission may require standards similar to solar energy farms as deemed necessary.

(d) Conditional use permits for solar energy systems do not expire unless the solar energy system is removed or unless terms are violated.

Enacting Clause:
This ordinance amendment is effective the day following final adoption and publication. The enacting clause will not be incorporated into the final Wright County Code of Ordinances.
Adopted by the Wright County Commissioners this day of November, 2016.

11/1/16
Date

Pat Sawatzke
Chairperson, County Board

11/1/16
Date

Lee Kelly
County Coordinator

(Ord. passed 7-28-2015, amended 11-1-16)