

CITY OF WATERVILLE
LE SUEUR COUNTY, MINNESOTA

ORDINANCE NO. 150,25

**AN ORDINANCE REGULATING SOLAR ENERGY SYSTEMS IN THE CITY OF
WATERVILLE, LE SUEUR COUNTY, MINNESOTA.**

Whereas, in accordance with the Laws of the State of Minnesota, the City Council for the City of Waterville is empowered to act and regulate lands and land uses within the Corporate Limits of the City of Waterville for the general welfare and benefit of the public.

NOW THEREFORE, the City Council for the City of Waterville, Le Sueur County, Minnesota does hereby and herein Ordain as follows:

COMMUNITY SOLAR ENERGY SYSTEM

This Ordinance is established to protect and promote health, safety and general welfare through uniform standard regulations and procedures governing the type, size, structure, location, height, erecting and use of Solar Energy Systems.

A. ROOFTOP COMMUNITY SOLAR ENERGY SYSTEMS:

1. Zoning Permit. A Rooftop Community Solar Energy System is a permitted Accessory Use in all zoning districts.

2. Placement. A Rooftop Community Solar Energy System shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the owner to reasonably capture solar energy. Roof top systems shall not exceed the maximum height in any zoning district.

3. Pitched Roofs. On pitched roofs with a slope greater than 15%, solar panels shall be flush-mounted and shall not exceed above the peak of the roof.

4. Glare. All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or rooftop screening. All proposed projects shall conduct and submit a glare study, completed by a qualified and competent professional, to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the City Council determines that such glare constitutes a nuisance, the Council shall require a more detailed glare study-prepared by a third-party consultant mutually acceptable to the Council and the Applicant to identify additional actions and/or screening that may be required to substantially eliminate or block the

glare from entering the neighboring property and/or street and highway. The cost of such study shall solely borne by the Applicant.

B. GROUND MOUNTED COMMUNITY SOLAR ENERGY SYSTEMS:

1. USE. A ground mounted Community Solar Energy System, either as an accessory or a principal use, shall be classified as a conditional use and may be allowed after an Applicant has secured a Conditional Use Permit (CUP) in Agricultural Holding and Limited Industry zoning districts only.

2. PROHIBITIONS. Ground mounted Community Solar Systems are prohibited in the following areas:

- a. Shore land and Floodplain Districts as designated by the Minnesota Department of Natural Resources (DNR) and the City of Waterville Zoning Ordinances.
- b. Within 750 feet of any property designated or protected from development by Federal, State or County Agencies as wildlife habitat and wildlife management areas.
- c. Within wetlands to the extent prohibited by the Minnesota Wetlands Conservation Act.
- d. Within any recorded easement-such as but not limited to utility, ditch, conservation or storm water.
- e. In the following zoning districts: Single Family Residential, Medium Density Residential, Limited Business, Commercial Recreation, Business and Central Business District.

3. MAXIMUM SIZE AND CAPACITY. No more than one system per parcel of record shall be permitted, and the one (1) system shall have a maximum power capacity of no more than one (1) megawatt MW and shall be no greater than 5 acres in size.

4. SITE ACCESS. The site must have an approved access to a public right-of-way.

5. SIGNAGE. No advertising signage is allowed. Manufacture and equipment information, warning, security or indication of ownership signage on the side shall comply with the Ordinance.

6. POWER AND COMMUNICATION LINES. All on-site power and communication lines running between banks of solar panels and structures, and all off-site lines running between the solar energy system to electric substations or interconnections shall be buried underground.

7. WASTE DISPOSAL. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts as well as used oils and lubricants must be removed

from the site promptly, and in no event shall they be on site longer than ten (10) days following a demand for removal from the City, and all such materials must be disposed of in accordance with all applicable local, state and federal regulations.

8. INTERCONNECTIONS. The owner, developer or operator of the Community Solar Energy System must submit an executed interconnection agreement with the electric utility in whose service territory the system is located prior to the City Council issuing any Conditional Use Permits or approvals associated with the System. Off-grid systems are exempt from this requirement. The interconnection shall require no more than two (2) utility poles and a ground utility cabinet or three (3) utility poles total.

9. DECOMMISSIONING PLAN. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life and that the site is properly restored. This decommissioning plan must accompany the application for any permit. Decommissioning of solar panels must occur upon the demand of the City Administrator in the event they are not in use for twelve (12) consecutive months and shall be removed within six (6) months of the discontinuance of the use.

10. Noise. All Community Solar Energy Systems shall comply with the City of Waterville Noise Ordinance and any other applicable local, State, or Federal Laws.

11. Maximum Height. Ground mounted systems shall not exceed fifteen (15) feet in height at maximum design tilt.

12. Glare. All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or rooftop screening. All proposed projects shall conduct and submit a glare study completed by a competent and qualified professional to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the Board determines that such glare constitutes a nuisance, the City Council shall require a more detailed glare study-prepared by a third-party consultant mutually acceptable to the Board and the Applicant-to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering the neighboring property and/or street and highway. The cost of such study shall solely borne by the Applicant.

13. Security fencing. Boundary line fencing is required. All Boundary line fencing shall be located a minimum of (ten) 10 feet from the property lines. Fences shall consist of chain link with three (3) strands of barbed wire at the top for total of eight (8) feet high minimum.

14. Adequate screening must be provided in the form of a berm (2:1 maximum slope with supplemental plant materials including trees, shrubs, and ground cover) and/or continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the fencing. The evergreen vegetative buffer shall be composed of evergreen trees shrubs of a type which at time of planting shall be a **minimum** of four (4) feet in height and which shall be

maintained at maturity at a height of eight (8) feet in height to fully and completely screen the fence.

15. Vegetation: All vegetation shall be maintained as follows:

- a. Manage permanent vegetation under and between the collectors and surrounding system's foundations or mounting devices at project site.
- b. Control invasive plants and noxious weeds by either removal or spray.
- c. Conversion of existing wooded areas for the placement of SES is prohibited.
- d. Grass height shall be no more than six (6) inches on the premises.

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

C. SUBMITTAL REQUIREMENTS-Community Solar Energy Systems. All systems require a zoning permit and an application containing the following items must be submitted to the City Administrator prior to the granting of any such permit:

1. The names of the project applicant;
2. The names of the project owner;
3. The legal description and address of the project;
4. Documentation of land ownership or legal control of the property;
5. Description of the project including: ownership or lease arrangement (with a copy of any such proposed lease), the proposed installed maximum capacity (in kilowatts) for the site, proposed type of mounting and racking systems, method of connecting the system to the electric load; the type and number of panels that will be installed;
6. Architectural site plans drawn to scale, including:
 - a. Existing and proposed structures;
 - b. Property lines;
 - c. Existing and proposed fencing;
 - d. Surface water drainage patterns;
 - e. Location of all drainage systems;

- f. Floodplains;
 - g. Wetlands, lakes, streams/Rivers within 1,500 ft. of the proposed solar energy system;
 - h. Shore land zones;
 - i. Topography at two (2) foot intervals, and bluffs;
 - j. Location, size and spacing of solar panels;
 - k. The location of existing and proposed access roads;
 - l. The location of underground or overhead electrical line connections;
 - m. Existing easements on the property;
 - n. In-use wells and wastewater treatment systems;
 - o. Abandoned wells, sewage treatment sites and dumpsites;
 - p. All other characteristics requested by the City;
 - q. Parking plan during and after construction;
 - r. Site lighting plan;
 - s. Signage;
 - t. All related accessory structures within the project area;
 - u. Location of scenic by-ways within One) 1 mile of the proposed SES.
7. Existing vegetation (list type and percentage of coverage and soils information for the proposed site).
 8. A Landscape and Screening Plan prepared by a licensed landscape architect and included a narrative describing the landscape architecture elements and how the design and placement of the plant types and materials will complement the form and function of the developed site and blend into the surrounding environment.
 9. Erosion/Sediment Control Plan or Resource Management Plan if required in the discretion of the Zoning Administrator. Include details on any proposed native grasses or plantings on the site.

10. Glare Study completed by a competent and qualified professional as is determined in the discretion of the City's Zoning Administrator.

11. A copy of the interconnection agreement with the local electric utility.

12. Decommission Plan consisting of the following items:

- a. Cost estimates for each item shall be required to ensure facilities are properly removed after their useful life;
- b. The removal and proper disposal of all structures, foundations, cables/wiring, an electrical devices associated with the project and shall meet the provisions of state/county and local regulations;
- c. Restoration of soil and vegetation to pre-development state;
- d. Roads and packing areas shall be removed completely and filled with suitable sub-grade material and leveled;
- e. General surface grading and, if necessary, restoration of surface drainage swales, ditches and tile drains (if present);
- f. Any excavation and/or trenching caused by the removal of structure or equipment foundations, rack supports and underground electrical cables shall be back filled with appropriate materials and leveled to match the ground surface;
- g. The plan shall address road maintenance during and after the completion of the decommissioning;
- h. A plan ensuring financial resources will be available to fully decommission the site;
- i. The City Council will require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommission, equal to 125% of the estimated amount of decommissioning as determined by the City's Engineer in consultation with the Applicant.
- j. Any additional materials or documents as determined by the City Council or Zoning Administrator to assist with the proper administration and decommission of the site.

D. Set Backs: The following setbacks shall be adhered to:

1. Small SES (residential systems designed to solely supply energy to one (1) residence.):

- a. Shall meet all setbacks for the Zoning District in which the system is located;
- b. Any Roof Mounted systems shall not extend beyond the roof.

2. Large SES:

- a. Shall meet all setbacks for principal structures for the zoning district in which the system is located;
- b. Shall be set back 100 feet from all road right-of ways;
- c. Shall be setback 1500 feet from all dwellings;
- d. Shall be set back 1500 feet from all zoning districts where SES construction is not prohibited;
- e. Must be seventy-five (75) feet from public conservation lands/wildlife management areas and parks;
- f. Shall be one (1) mile from a scenic byway;
- g. Shall be two (2) miles from the boundary of any township;

E. Maximum Height. The following maximum height requirements shall be followed:

- 1. Ground-mounted systems shall not exceed twenty (20) feet in height at maximum design tilt;
- 2. Roof-Mounted systems shall not exceed the maximum allowed height in any zoning district, and shall not extend greater than four (4) feet above the existing structures' roof height;

F. This Ordinance, having passed unanimously, is subject to Summary Publication pursuant to M.S.A. §412.191.

Passed by the City Council of Waterville, Minnesota this 8th day of December, 2020.

Alan Schmidtke, Mayor

Attested:

Teresa Hill
Teresa Hill, City Administrator

1st Reading 11/17/20
2nd Reading 12/8/20 + Public Hearing
Adopted 12/8/20

Summary Publication

The Waterville City Council met on _____ at its regularity scheduled meeting and held a public hearing concerning Ordinance No. _____ an Ordinance titled "An Ordinance Regulating Solar Energy Systems in the City of Waterville." This ordinance pertains to the regulation of solar energy systems, both small and large scale, in the City's Corporate Limits. Applicable Solar Systems shall require a Zoning Permit, glare study, a vegetation plan, security fencing, a decommissioning plan, decommissioning surety, and are subject to setback requirements and regulations. Solar systems are prohibited in the following zoning districts: Single Family Residential, Medium Density Residential, Limited Business, Commercial Recreation, Business and the Central Business District.

This is a Summary of Ordinance No. _____. To obtain a full copy of the Ordinance, please contact Teresa Hill, City Administrator at (507) 362-8300. A copy can also be picked up at City Hall located at 200 South Third Street, Waterville, MN 56096. The Ordinance is effective upon publication of this Summary.