

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

ORDINANCE NUMBER 452

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON
THE APPROVAL AND SITING OF SOLAR PROJECTS**

WHEREAS, the Foley City Council administers zoning within the City of Foley (the “City”);

WHEREAS, the Council may regulate land use as part of the City’s zoning authority;

WHEREAS, at least one solar project has been construction in close proximity to City limits, and the City is aware that additional solar projects are being contemplated in and around the City;

WHEREAS, the City is concerned that large solar projects inhibit the extension of public road and utilities, which constrain the growth and expansion of the City; and

WHEREAS, the City’s zoning ordinances related to solar projects need to be reevaluated in light of current trends involving solar projects and the impacts those might have on the growth and expansion of the City.

NOW, THEREFORE, THE CITY COUNCIL MAKES THE FOLLOWING FINDINGS:

1. The City has determined to undertake a study to consider: (1) the impact of solar project on the growth and development of the City; and (2) the land use impact of solar projects related to planning and development within the City.
2. The City is concerned that existing zoning regulations do not adequately contemplate solar projects which may be inconsistent with future development under the Comprehensive Plan and could disrupt the development of the City.
3. The City desires to impose a moratorium on solar projects in the City prohibiting solar projects, and therefore allowing the City to further study and consider the land use compatibility of solar projects with future planning and development in the City.
4. During the time of the study, it is necessary to protect the integrity of the Comprehensive Plan, existing land uses, existing property values, and the rights of existing property owners within the City.
5. An interim ordinance, pursuant to Minnesota Statutes § 462.355, is necessary to restrict potential solar projects from affecting the integrity of the Comprehensive Plan during the study period.

NOW, THEREFORE, pursuant to Minnesota Statutes § 462.355, the Foley City Council hereby ordains:

Section 1. Interim Ordinance.

1. **Definition.** For purposes of this Ordinance, “Solar Project” shall be defined as a solar array composed of multiple solar panels that convert sunlight to electricity, which is not directly connected to the energy needs for a principal, permitted use of the property.
2. **Temporary Restriction.** A moratorium prohibiting the construction, installation, replacement, or enlargement of Solar Projects is hereby established.
3. **Duration.** This moratorium shall be in effect for a period of one year, or until such earlier time as the Foley City Council determines the moratorium is no longer necessary.
4. **Effective Date.** This Ordinance shall be effective immediately upon its adoption.
5. **Validity.** Every section, provision, or part of this Ordinance is declared severable from every other section, provision, or part thereof to the extent that if any section, provision, or part of this Ordinance shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision, or part thereof.
6. **Enforcement and Penalty.** The City may enforce this Ordinance by injunction or any other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance shall constitute a misdemeanor. Each day a violation occurs shall be considered a separate offense.

Section 2. Summary Publication.

At least four-fifths of the City Council’s members direct the Administrator to publish only the title and a summary of this Ordinance as follows:

“AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON THE SITING OF SOLAR PROJECTS WITHIN THE CITY OF FOLEY. It is the intent and effect of this Ordinance to prohibit new solar projects until the City of Foley can study the effects of solar projects and ensure that solar projects do not restrict the ability of the City to grow and expand.”

A printed copy of the ordinance is available for inspection by any person during regular office hours at City Hall.

Adopted this 14th day of July, 2020.

ATTEST:

Gerard L. Bettendorf, Mayor

Sarah A. Brunn, Administrator