

**GILMANTON/FOLEY ORDERLY ANNEXATION AREA  
JOINT PLANNING BOARD  
SOLAR ENERGY SYSTEMS**

**Subdivision 1: INTENT**

The purpose of this section is to regulate the installation and operation of Solar Energy Systems not otherwise subject to siting and oversight by the State of Minnesota under the Minnesota Power Plant Siting Act (Minn. Stat. Ch. 216 E, as may be amended) to protect and promote health, safety and general welfare within the county through uniform standards, regulation and procedures governing the type, size, structure, location, height, erection and use of Solar Energy Systems.

In order to ensure adequate solar skyspace, the County does encourage the use of a solar skyspace easement as a means to protect solar skyspace.

**Subdivision 2: PURPOSE**

Private Solar Gardens and Community Solar Farms shall be subject to the requirements of an Interim Use Permit and the following additional performance standards:

(A) Foundations.

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.

(B) Other standards and codes.

All private solar gardens and community solar farms shall comply with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; the National Electric Code, as amended; the National Pollutant Discharge Elimination System (NPDES), as amended; and shall be in compliance with all applicable federal, state and local wetland laws, rules and regulations, as amended.

(C) Power and communication lines.

Power and communication lines running between banks of solar panels, to electric substations, among other project elements and providing interconnections with buildings shall be buried underground. Exemptions may be granted by the planning commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

(D) Setbacks.

Private solar garden and community solar farms must meet the minimum principal building setback for the zoning district and be located a minimum of 300 feet from a residential dwelling unit not located on the property and set back at least 500 feet from the edge of public road rights of way. Private solar garden and community solar farms must be setback 500 feet from any public easement containing a water or sanitary sewer main, except that the setback from the sewer forcemain connecting the City of Foley to the City of St. Cloud shall be 35 feet.

(E) Maximum Height.

Ground mounted systems shall not exceed 25 feet in height at maximum ground tilt.

(F) Field Windbreak.

As stipulated in Benton County Section 9.13, no field windbreaks shall be removed as part of the project unless it can be shown that the windbreak is no longer serving its purpose and the Planning Commission approves such removal.

(G) Screening.

Private solar gardens or community solar farms shall be screened from residential dwelling units as follows when there is less than 1,000 feet of separation between the solar array and residential dwelling:

(1) Screening shall consist of earth mounds or berms; neutral colored fences; or landscaping used in combination or singularly so as to block direct visual access and to mitigate potential glare concerns.

(2) The use of berming and landscaping shall be 80 percent opaque at the time of maturity. Planting screens shall consist of healthy plant materials at least 6 feet in height at the time of planting. Or planting screens shall include at least 2 staggered rows of evergreen trees placed no more than 8 feet apart.

(3) Screening fences that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition with plantings that have died being replaced within the current or next growing season.

(4) Applicant shall provide mitigation of glare issues, failure to mitigate will be a violation of the Interim Use Permit.

(H) Solar panels must be removed and properly disposed of if they are out of production for more than 1 year unless the Joint Planning Board grants an extension of time for their removal.

(I) The interim use permit shall expire at the same time the solar energy farm lease expires, but in no case shall the permit be less than 25 years. The interim use permit may be extended following the same process as establishment of the original interim use permit. The Joint Planning Board may waive the expiration requirement for solar energy farms located on property owned by public utilities or other unique owner operated facilities.

(J) Application Requirements.

The following information shall be provided to the Joint Planning Board as part of the interim use permit:

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

(a) Existing property lines and property lines extending 300 feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.

(b) Existing public and private roads, showing widths of the roads and any associated easements.

(c) Location and size of any existing or abandoned wells, and sewage treatment systems.

(d) Existing buildings and any impervious surface.

(e) Topography at 2 foot intervals and source of contour interval, a contour map of surrounding properties may also be required.

(f) Existing vegetation (list type and percent of coverage; i.e. grassland, pasture, plowed field, wooded areas, etc.).

(g) Waterways, watercourses, lakes and public water wetlands.

(h) Level 2 wetland delineation required. Other levels may be appropriate if approved by Joint Planning Board staff.

(i) The 100 - year flood elevation and Regulatory Flood Protection Elevation, if applicable.

(j) Floodway, flood fringe and/or general flood plain district boundary, if applicable.

(k) The shoreland district boundary, if any portion of the project is located within a shoreland overlay district.

(l) In the shoreland overlay district, the ordinary high water level and the highest known water level.

(m) In the shoreland overlay district, the toe and top of any bluffs within the project boundaries

(n) Surface water drainage patterns.

(o) Mapped soils according to the Benton County Soil Survey.

(2) Site Plan of Proposed Conditions:

(a) Location and spacing of solar panels.

(b) Location of access roads.

(c) Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load.

(d) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.

(e) Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any).

(3) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;

(4) The number of panels to be installed;

(5) A description of the method of connecting the array to a building or substation;

(6) Aviation Analysis. If the project is within 2 miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.

(7) Visual Impact Analysis. An analysis of the potential visual impacts from the project including solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts.

(8) Solar farms must also provide the following:

(a) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;

(b) A decommissioning plan shall be required to ensure that 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 ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet all applicable rules and regulations to proper disposal.

**(c) To ensure proper decommissioning, the applicant shall provide a financial surety by**

**posting a bond, letter of credit or the establishment of an escrow account at a rate of \$25,000 per MW or fraction thereof for Community Solar Farms and at a rate of \$500 per acre for Private Solar Gardens. The Joint Planning Board reserves the right to re-visit the financial surety each year to ensure the security is adequate and accounts for inflation of costs.**

Any financial surety arrangement shall be approved by the City Attorney as to form and issuing bank. The issuing bank must be an FDIC insured bank. The issuing bank must be available in its entirety to fulfill the obligations of Developer under the Agreement. Any letter of credit to the Joint Planning Board/City of Foley shall contain language requiring its automatic renewal prior to December 31 of each calendar year, unless cancellation of the letter of credit is specifically approved in writing by the Joint Planning Board.