



STAFF REPORT

DATE: 11/8/2023

REGULAR

Motion

TO: City Council
FROM: Sophia Jensen, City Planner
AGENDA ITEM: Solar Farm Ordinance

BACKGROUND:

The City Council asked staff to bring forward for review the City's solar farm performance standards and use designations due to concerns with the impacts solar farms may have on the rural character and visibility from adjacent properties.

Staff compiled a review of the City's current solar farm regulations in comparison to surrounding cities (Hugo, Scandia, and Cottage Grove) for discussion at the September 12th 2023 workshop. During the discussion it was the City Council's consensus that a modified version of Hugo's setbacks and Scandia's screening requirements were preferred amendments to Lake Elmo's current solar farm performance standards.

Staff compiled a proposed text amendment based on the Council Workshop feedback and presented the language at the October 11th Planning Commission meeting. The commission voted to recommend approval of the solar farm text amendment as proposed by City Staff with an amendment to strike the proposed screening language in section 4 (Vote 6-0). The Commission felt the additional screening requirements were excessively strict. They also felt that 6 growing seasons was in conflict with current screening requirements. The Commission agreed the landscape requirements amended earlier this year in section 105.12.480 would provide sufficient screening.

ISSUE BEFORE THE CITY COUNCIL:

The City Council is being asked to make a determination on the proposed text amendment to the Solar Farm performance standards.

PROPOSAL DETAILS/ANALYSIS:

The language proposed by staff is shown below. Added language is shown as underlined text. Deleted language is shown with a ~~strike through~~. The Planning Commission recommended striking section 4 related to screening.

105.12.620 Permitted, Conditional, And Interim Uses

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standard" indicate the location within this section of specific development standards that apply to the listed use.

Combinations of uses. Principal and accessory uses may be combined on a single parcel.

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	<i>RT</i>	<i>A</i>	<i>RR</i>	<i>RS</i>	<i>RE</i>	<i>Standard</i>
Solar farm	I	C	C	-	-	LEC 105.12.1440-1470

105.12.1470 Solar Farms

1. *Conditional or interim use permit.* A conditional or interim use permit subject to the zoning district in which the proposed solar farm is to be located.
2. *Minimum lot size. ~~Setbacks, and screening requirements.~~* Solar farms are limited to properties at least ten acres in size. ~~Solar farms must maintain a setback of at least 50 feet from adjacent properties and be screened and fenced as determined by the city from adjacent residential properties.~~
3. *Setbacks.* Solar equipment shall be at least 150 feet away from all property lines and public road rights-of-way measured from the exterior edges of the solar equipment.
4. *Screening Requirements.* The following screening requirements apply in addition to landscaping requirements outlined in 105.12.480 to mitigate potential negative impacts of solar farms from adjacent land uses:
 - a. A permeant vegetative screening buffer shall be designed to have a horizontal depth of at least twenty (20) feet and a minimum height of six (6) feet.
 - b. Screening requirements of the solar farm from any adjacent public road right-of-way shall be met at the time of planting.
 - c. Screening requirements of the solar farm from adjacent residential dwellings and public waterbodies as viewed from 6' above the Ordinary High Water Level shall be met within six(6) growing seasons
 - d. If screening requirements are not met, and landscaping is not established, within six (6) growing seasons, screening must be implemented through the planting of mature vegetation.
5. *Stormwater and NPDES.* Solar farms are subject to the cities and watershed district's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
6. *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions.

PUBLIC COMMENT:

A public hearing was published in the City's official newspaper on September 29th 2023. No public comment was received.

FISCAL IMPACT:

None.

OPTIONS:

- Approve the proposed text amendments as presented by City Staff;
- Approve the proposed text amendments as recommended by Planning Commission;
- Amend the proposed text amendments;

- Deny the proposed amendments.

RECOMMENDATION:

Staff recommends the City Council recommend approval of the proposed text amendment as presented by Staff”

“Move to adopt Ordinance 2023-20 amending Section 105.12.620 Table 9-1 and Section 105.12.1470 Solar Farms as presented by City Staff”

OR

“Move to adopt Ordinance 2023-20 amending Section 9-1 and Section 105.12.1470 Solar Farms as amended by the Planning Commission”

AND

“Move to adopt summary of publication of Ordinance 2023-20 with approval of Resolution 2023-105”

ATTACHMENTS:

- Existing Solar Farm Language
- City Solar Farm Comparison Chart
- Ordinance 2023-20 Option A – Staff Recommendation
- Ordinance 2023-20 Option B – Planning Commission Recommendation
- Resolution 2023-105

Existing Language

105.12.620 Permitted, Conditional, And Interim Uses

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standard" indicate the location within this section of specific development standards that apply to the listed use.

Combinations of uses. Principal and accessory uses may be combined on a single parcel.

Table 9-1: Permitted, Conditional, and Interim Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Residential Uses						
Household living						
Single-family detached dwelling	P	P	P	P	P	LEC 105.12.650(a)
Secondary dwelling	-	P	-	-	-	LEC 105.12.650(d)
Services						
Self service storage facility	I ^a	I ^a	-	-	-	LEC 105.12.650(g)
Outdoor Recreation						
Outdoor recreation facility	-	C	-	-	-	LEC 105.12.540(c)
Parks and open areas	P	P	P	P	P	LEC 105.12.110(b)(7)
Restricted recreation	-	C	-	-	-	LEC 105.12.540(b)
Agricultural and Related Uses						
Agricultural entertainment business	I	I	I	-	-	LEC 105.12.1420
Agricultural production	P	P	P	-	-	LEC 105.12.110(b)(9)
Agricultural sales business	I	I	I	-	-	LEC 105.12.1410
Agricultural services	C	C	-	-	-	LEC 105.12.650(j)
Forestry operations	-	P	-	-	-	LEC 105.12.110(b)(9)
Greenhouses, non-retail	C	C	C	-	-	LEC 105.12.110(b)(9)
Solar farm	I	C	C	-	-	LEC 105.12.1440
Wayside stand	P	P	P	-	-	LEC 105.12.110(b)(9)
Industrial and Extractive Uses						

Motor freight and warehousing	ja	-	-	-	-	LEC 105.12.650(g)
Environmental Uses						
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Accessory Uses						
Bed and breakfast	P	P	P	P	P	LEC 105.12.570
Domestic pets	P	P	P	P	P	LEC 105.12.110(b) (13)
Family day care	P	P	P	P	P	LEC 105.12.110(b) (13)
Home occupation	P	P	P	P	P	LEC 105.12.110(b) (13)
Kennel, private	C	C	C	-	-	LEC 105.12.110(b) (13)
Solar energy systems	P	P	P	P	P	LEC 105.04.220(c)
Stable, private	C	C	C	-	-	LEC 105.12.110(b) (13)
Swimming pools, hot tubs, etc.	P	P	P	P	P	LEC 105.08.160
Temporary sales	P	P	P	P	P	LEC 105.12.110(b) (13)
Water-oriented accessory structures	P	P	P	P	P	LEC 105.12.1230
Wind Generator - Ground Mounted	C	C	C	C	C	LEC 105.12.560(b)
Wind Generator - Roof/Structure Mounted	C	C	C	C	C	LEC 105.12.560(b)
Other structures typically incidental and clearly subordinate to permitted uses	P	P	P	P	P	
Commercial wedding ceremony venue	I	I	I	-	-	LEC 105.04.220(d)
Farm Schools, Public and Private	I	C	C	C	C	105.12.510
Open space preservation development						
OP development	-	C	C	-	-	Ch. 105.12, Art. XVII
Notes to rural districts Table 9-1:						

a. One dwelling unit per 40 acres applies to all non-farm dwellings. In addition to non-farm dwellings (one per 40 acres), each farm is allowed one farm dwelling per farm.
b. Nominal 40 acres: A 40-acre parcel not reduced by more than ten percent due to road rights-of-way and survey variations.
c. Nominal ten acres: A ten-acre parcel not reduced by more than ten percent and/or a ten-acre parcel located on a corner or abutting a street on two sides not reduced by more than 15 percent due to road rights-of-way and survey variations.
d. The minimum lot size for lots served by public sanitary sewer shall be 24,000 square feet per residential unit.
e. A minimum of 1.25 acres of land above the floodplain or free of any drainage easements is required.
f. Lots must be configured to contain a circle with a diameter of 250 feet minimum; the ratio of lot length to width shall be a maximum of 3:1. Flag lots are prohibited.
g. Corner properties: The side facade of a corner building adjoining a public street shall maintain the front setback of the adjacent property fronting upon the same public street, or the required front yard setback, whichever is less. If no structure exists on the adjacent property, the setback shall be as shown in the table.
h. Setback standards do not apply to solar farms. LEC 105.12.1440 should be referenced for these specific standards.

HISTORY

Amended by Ord. [08-243](#) on 1/5/2021

Adopted by Ord. [08-253](#) on 11/3/2021

105.12.1470 Solar Farms

- (a) *Conditional or interim use permit.* A conditional or interim use permit subject to the zoning district in which the proposed solar farm is to be located.
- (b) *Minimum lot size, setbacks, and screening requirements.* Solar farms are limited to properties at least ten acres in size. Solar farms must maintain a setback of at least 50 feet from adjacent properties and be screened and fenced as determined by the city from adjacent residential properties.
- (c) *Stormwater and NPDES.* Solar farms are subject to the city's and watershed district's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
- (d) *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

Comparison Chart

City	Setbacks	Screening and Landscaping	Lot Size
Cottage Grove	300' from all property lines	Veggetative screening and buffering, which may include fences or walls	Lot of at least 5 acres
Hugo	100' setback from all property lines. 200' setback from all public road ROW and principal structure on adjacent properties	6' tall vegetative screening	Lot of at least 10 acres but limited to an area of 5 acres
Scandia	75 feet from all parcel boundaries. 350 feet from existing residential structures on adjacent parcels existing at the time of the application. 800 feet from the centerline of minor arterial roadways OR 500 feet from the centerline of all other public road rights-of-way.	Screening requirements include a scenic canvas attached to the fencing, a vegetative screening depth of 20' in depth, 100% opaque screening at the time of planting from road ROW and 100% opaque after 6 growing seasons from adjacent structures and from waterbodies.	N/A
Lake Elmo	50' setback from property lines	Screening and fencing as determined by the City. Landscape screening regulations required for CUP.	Lot of at least 10 acres.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 2023-20

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE BY
AMENDING THE SOLAR FARM PERFORMANCE STANDARDS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 620 Table 9-1 is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.12.620 Permitted, Conditional, and Interim Uses

Table 9-1 lists all permitted, conditional, and interim uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered prohibited. Cross-references listed in the table under "Standard" indicate the location within this section of specific development standards that apply to the listed use.

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Solar farm	I	C	C	-	-	LEC 105.12.1440 <u>1470</u>

SECTION 2. Title 105 Zoning; Chapter 105.12: Zoning Code, Section 1470 Solar Farms is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~strikethrough~~):

105.12.1470 Solar Farms

- Conditional or interim use permit.* A conditional or interim use permit subject to the zoning district in which the proposed solar farm is to be located.
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6. *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels, racking and support is within accepted professional standards, given local soil and climate conditions.

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 2023-20 was adopted on this _____ day of _____, 2023, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 2023-20 was published on the _____ day of _____, 2023.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 2023-20

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SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 4. Adoption Date. This Ordinance 2023-20 was adopted on this _____ day of _____, 2023, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 2023-20 was published on the ____ day of _____, 2023.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2023-105

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE
2023-20**

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 2023-20, an ordinance that amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 620 Table 9-1 and Title 105 Zoning; Chapter 105.12: Zoning Code, Section 1470 Solar Farms

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the City Clerk shall cause the following summary of Ordinance No. 2023-20 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 2023-20, an ordinance that amends the City Code language in the Zoning Ordinance. This ordinance alters language in the City Code to update the village design review fee reference. The following is a summary of the adopted ordinance language:

Ordinance 2023-20 amends Title 105 Zoning; Chapter 105.12: Zoning Code, Section 620 Table 9-1 and Title 105 Zoning; Chapter 105.12: Zoning Code, Section 1470 Solar Farms to correct an incorrect reference and amend performance standards for solar farms.

The full text of Ordinance 2023-20 is available for inspection at Lake Elmo City Offices during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: November 8th 2023

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)