



STAFF REPORT
 DATE: 10/11/2023
 Item#: 4a – Public Hearing
Motion

TO: Planning Commission
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 relationship 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 performance standards.

ISSUE BEFORE THE PLANNING COMMISSION:

The Planning Commission is being asked to hold a public hearing and make a recommendation to the City Council on the proposed solar farm text amendment.

PROPOSAL DETAILS/ANALYSIS:

Proposed language is underlined in blue text. Deleted language is shown with a ~~striketrough~~.

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 farms 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 arrays.*
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 four (6) growing seasons*
 - d. *If screening requirements are not met, and landscaping is not established, within four (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 HEARING:

A public hearing was published in the City's official newspaper on September 29th 2023.

FISCAL IMPACT:

None.

OPTIONS:

- Recommend approval of the proposed amendments.
- Recommend changes to the proposed amendments.
- Recommend denial of the proposed amendments.

RECCOMENDATION:

Staff recommends the Planning Commission recommend approval of the proposed text amendment as presented by Staff'

“Move to recommend adoption of the proposed text amendment to Section 105.12.620 Table 9-1 and Section 105.12.1470 Solar Farms as presented by City Staff”

ATTACHMENTS:

- Proposed Solar Farm Language

- Existing Solar Farm Language
- City Solar Farm Comparison Chart

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Existing Language

105.12.620 Permitted, Conditional, And Interim Uses

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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	1 ^a	-	-	-	-	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	Vegetative 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.