

ROYALTON TOWNSHIP

6052 Royalton Road
Braham, MN 55006-2734
320-396-2982
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NOTICE OF PUBLIC HEARING

Notice is hereby given that the Royalton Township Planning Commission will hold a public hearing at 6:30 p.m., Tuesday, February 23, 2021, at Royalton Town Hall, 6052 Royalton Road, Braham MN 55006, 320-396-2982, for the purpose of soliciting public response to a proposed ordinance regarding zoning of solar energy systems. A copy of the proposed ordinance may be obtained from the town office or at www.royaltontownship.com. Written testimony will be accepted until the time of hearing; oral testimony will be accepted at the hearing. All hearing attendees must adhere to COVID-19 protocols, including wearing of masks (unless medically-exempt) and social distancing.

Duane P. Swanson, Clerk
Royalton Township

Posted this 29th day of January 2021

DRAFT #6 – DRAFT #6 - DRAFT #6

**ORDINANCE NO. 2021-01
ROYALTON TOWNSHIP, PINE COUNTY, MINNESOTA**

AN ORDINANCE REGARDING ZONING SOLAR ENERGY SYSTEMS

THE ROYALTON TOWNSHIP BOARD OF SUPERVISORS ORDAINS:

SECTION 1. GENERAL PROVISIONS:

- A. Purpose and Intent - Royalton Township finds that the development of solar energy systems should be balanced with the protection of the public health, safety and welfare of the public. The Township resolves that the following standards shall be adopted to ensure that solar energy systems and community/commercial solar energy systems (CCSES) gardens and farms can be constructed within Royalton Township while protecting public safety and the natural resources of the Township. Royalton Township finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts but result in limited adverse impact on nearby properties. As such, the Township supports the use of solar energy collection systems and the development of community/commercial solar energy systems/gardens and farms.
- B. Severability - The provisions of this Section shall be severable and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision of this section.
- C. Applicability - These regulations shall apply to all solar energy systems and community/commercial solar energy systems/gardens and farms on properties and structures under the jurisdiction of Royalton Township.

SECTION 2. DEFINITIONS:

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted with the same meaning as defined in the Royalton Township Zoning Ordinance. For the purpose of this ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

- A. Accessory Solar Energy System: Systems which are accessory to the principal use on a property and designed to supply energy solely for the principal use.
- B. Community/Commercial Solar Energy Systems/Solar Gardens (CCSES): Systems designed to supply energy for off-site users on the distribution grid or for export to the wholesale market via connection to the electric transmission grid.
- C. Solar Collector: A device, structure or a part of a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

D. Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

E. Solar Energy System (SES): An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal, or chemical means.

F. Solar Farm: A utility scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, where the principal purpose of land is to provide energy to off-site uses or wholesale sales of generated electricity.

SECTION 3. SOLAR ENERGY SYSTEMS ALLOWED BY DISTRICT:

District	Rooftop/Architectural	Ground Mount	CCSES(Solar Gardens)	CCSES (Solar Farms)
A-R (Agricultural-Residential)	Accessory Use building permit required	Accessory Use building permit required	Accessory or Principal Use with an Interim Use Permit required	Principal Use with an Interim Use Permit required
S (Shorelands)	Township accessory permit required; Pine County permits may apply	Township accessory permit required; Pine County permits may apply	Pine County permits may apply	Pine County permits may apply

SECTION 4. ROOFTOP OR OTHER ARCHITECTURALLY-INTEGRATED SOLAR ENERGY SYSTEMS:

A. The owner or contractor shall obtain an accessory building permit before installing a rooftop or other architecturally-integrated solar energy system. Permit application shall include sketch drawings of the proposed installation.

B. Commercial rooftop or other architecturally-integrated systems shall be placed on the roof to blend into the roof design. Permit application shall include sketch drawings of the proposed installation.

C. Ground equipment associated with rooftop energy systems shall adhere to the same setback requirements as equipment for ground mount solar energy systems. Permit application shall include sketch drawings of the proposed installation.

SECTION 5. ACCESSORY GROUND MOUNT SOLAR ENERGY SYSTEMS:

- A. The owner or contractor shall obtain an accessory building permit from the township before installing a ground-mount solar energy system as well as any state of Minnesota electrical permits and other permits as needed.
- B. Ground-mount systems do not count as an accessory structure for the purpose of meeting limits on the total square footage or number of accessory structures allowed in its respective district.
- C. No ground-mounted solar energy system shall cover or encompass more than two (2) percent of the lot or parcel acreage or two thousand (2,000) square feet, whichever is greater.
- D. Dimensional Standards for ground mount solar panels and all associated equipment.

Dimensional Standard	Distance (feet)	Height (feet)
Side Yard Setback	30	
Rear yard setback	30	
County (CSAH) Road*	75	
Township Road*	75	
City or Private Road or Public Way*	75	
Panel Height (at full tilt)		20

*Setbacks from roadways shall be measured from the edge of the right-of-way.

- E. Screening: All accessory ground-mount solar energy systems shall be screened from adjacent residential properties and rights-of-way by vegetation that provides year-round coverage. If existing screening in the form of vegetation that provides year-round coverage or site topography is such that it provides the required screening from adjacent residential properties and rights-of-way, the screening requirement may be waived or reduced at the discretion of the Royalton Town Board upon the recommendation of the Planning Commission.
 - 1. Vegetative screening shall consist of an offset double row of evergreen trees (or other tree, shrub, or bush that provides year-round coverage) that will be six (6) feet in height at installation and reach a minimum of twelve (12) feet at maturity.
 - 2. All vegetative screening shall be installed within one year of system commissioning. The permit costs for any and all fencing will be included in the cost of the original accessory permit cost.
- F. Fencing: Any fencing around the ground-mount solar energy systems shall consist of metal or wood and contain no barbed wire. If chain link fencing is used it shall be coated in black

vinyl to minimize the visual effect of the fence.

G. Royalton Township shall not be responsible for road dust or any airborne particles coming from the roadway and settling on equipment/components of the solar energy system.

**SECTION 6. COMMUNITY/COMMERCIAL SOLAR ENERGY SYSTEMS (CCSES)
(GARDENS AND FARMS):**

A. CCSES/Solar Gardens and Farms shall be located on parcels of land no less than twenty (20) acres in size and which are zoned Agricultural Residential (A-R).

B. An Interim Use Permit (IUP) shall be required.

C. An accessory building permit shall be required and shall be reviewed by Zoning Administrator or township building official.

D. Construction may only occur Monday through Saturday between the hours of 7:00 a.m. and 10:00 p.m.

E. Prohibited districts: The Township prohibits CCSES's within the following districts/areas:

1. Shorelands districts as designated by, and under the jurisdiction of, the Pine County Planning and Zoning Department.
2. Wetlands, to the extent prohibited by the Minnesota Wetland Conservation Act.
3. Federal Emergency Management Agency (FEMA) established floodplains.

F. Dimensional standards: All solar panels and their associated equipment such as metering pads, transformers, and batteries for energy storage shall meet the following standards:

Dimensional Standard	Distance (feet)	Height (feet)
Side Yard Setback	30	
Rear Yard Setback	30	
County(CSAH), Township, City or Private Road*	75	
Panel Height (At full tilt)		20

*Setbacks from roadways shall be measured from the edge of the right-of-way.

G. Screening: All Community/Commercial Solar Energy Systems (CCSES/solar gardens and farms) and their components such as transformers, metering pads, batteries for energy storage, and similar equipment shall be screened from adjacent residential properties and rights-of-way by vegetation that provides year-round coverage. If existing screening in the form of vegetation that provides year-

round coverage or site topography is such that it provides the required screening from adjacent residential properties and rights-of-way, the screening requirement may be waived or reduced at the discretion of the Royalton Town Board upon the recommendation of the Planning Commission.

1. Vegetative screening shall consist of an offset double row of evergreen trees (or other tree, shrub, or bush that provides year-round coverage) that will be six (6) feet in height at installation and reach a minimum of twelve (12) feet at maturity.

2. All vegetative screening shall be installed within one year of system commissioning. The permit costs for any and all fencing will be included in the cost of the original accessory permit cost.

H. Security Fencing: Security fencing shall consist of metal or wood and contain no barbed wire. If chain link fencing is used it shall be coated in black vinyl or galvanized coating to minimize the visual effect of the fence, unless dictated by the National Electrical Code (NEC).

I. Power and Communication Lines. All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on premises. The town board based on recommendation of the planning commission may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines. All overhead power and communication or transmission lines installed as a result of the proposed community/commercial solar energy systems (solar gardens and farms) shall also be buried underground.

J. Decommissioning Plan: The owner/operator shall submit a written decommissioning plan for ground-mounted CCSES's solar gardens and farms to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The written plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The owner/operator shall establish an escrow account in an amount of \$20,000.00 plus a 3% escalator for each year of the requested Interim Use Permit (IUP) to ensure proper decommissioning. The written plan shall be reviewed and approved by the town board upon recommendation of the planning commission.

SECTION 7. ADDITIONAL STANDARDS: In addition to the standards required above, the following standards shall apply to all Solar Energy Systems (SES).

A. Compliance with Building Code. All SES's shall require a building permit, shall be subject to the approval of the Township Building Official, and shall be consistent with the most recent State of Minnesota Building Code requirements.

B. Compliance with State Electric Code. All photovoltaic systems shall comply with the most recent Minnesota State Electric Code requirements.

C. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable most recent Minnesota State Plumbing Code requirements.

D. Compliance with Minnesota Energy Code. All SES's shall comply with HVAC-related requirements of the most recent Minnesota Energy Code.

E. Utility Notification. No grid-intertied photovoltaic system shall be installed until the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

F. Security and equipment buildings. Security and equipment buildings on the site of Community/Commercial Solar Energy Systems (CCSES) shall be permitted uses accessory to the solar farm.

SECTION 8. PENALTIES AND VIOLATIONS: Penalties for violations of this ordinance, including recovery of costs and assessment shall be governed by Section 20 of Royalton Township's Zoning Ordinance.

SECTION 9. SEVERABILITY: Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

SECTION 10 EFFECTIVE DATE: This Ordinance shall take effect and be in force upon its adoption by the Board of Supervisors.

SECTION 10. ADOPTION: The Town of Royalton Ordinance Regarding Zoning Solar Energy Systems is hereby adopted by the Royalton Township Board of Supervisors on this xxxx day of xxxxx, 20xx.

_____, Wayne Olson, Chair

_____, Marshall Pearson, Supervisor

_____, Jeff Schlaeger, Supervisor

Attest:

Duane P. Swanson, Clerk

Notice of Public Hearing Published: xxxxxxxxx

Public Hearing: xxxxxx

Adoption by Town Board: xxxxxxxx

Publication of Ordinance: xxxxxxxx

Filed with County Recorder: xxxxxxxx

Effective Date: xxxxxxxx

Drafted by Royalton Township Planning Commission
6052 Royalton Road
Braham, MN 55006-2734